

ASSEMBLY BILL

No. 2205

Introduced by Assembly Member V. Manuel Pérez

February 23, 2012

An act to amend Section 25143.1 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2205, as introduced, V. Manuel Pérez. Hazardous materials: geothermal waste.

Existing law exempts from the requirements of the Hazardous Waste Control Law geothermal waste generated from the exploration, development, or production of geothermal energy and that does not result from drilling for geothermal resources meeting specified criteria.

This bill would additionally exempt from the requirements of the Hazardous Waste Control Law geothermal waste that is contained, and continues to be contained, within a piping system, nonearthen trench, or descaling area, or within related equipment in connection with the beneficial extraction of commercial substances from the geothermal waste.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25143.1 of the Health and Safety Code
- 2 is amended to read:
- 3 25143.1. (a) ~~Any~~A geothermal waste resulting from drilling
- 4 for geothermal resources is exempt from the requirements of this

1 chapter because the disposal of these geothermal wastes is regulated
2 by the California regional water quality control boards.

3 (b) (1) Wastes from the extraction, beneficiation, and processing
4 of ores and minerals that are not subject to regulation under the
5 federal act are exempt from the requirements of this chapter, except
6 the requirements of Article 9.5 (commencing with Section 25208),
7 as provided in paragraph (2).

8 (2) The wastes subject to this subdivision are subject to Article
9 9.5 (commencing with Section 25208) and Chapter 6.8
10 (commencing with Section 25300) if the wastes would otherwise
11 be classified as hazardous wastes pursuant to Section 25117 and
12 the regulations adopted pursuant to Section 25141.

13 (3) For purposes of this subdivision, the following definitions
14 shall apply:

15 (A) “Wastes from the extraction, beneficiation, and processing
16 of ores and minerals” means any of the following:

17 (i) Soil, waste rock, overburden, and ~~any~~ other solid, semisolid,
18 or liquid natural materials that are removed, unearthed, or otherwise
19 displaced as a result of excavating or recovering an ore or a
20 mineral.

21 (ii) Residuals of ores or minerals after those ores or minerals
22 have been removed, unearthed, or otherwise displaced from their
23 natural sites and physically or chemically treated or otherwise
24 managed in order to separate or concentrate the commercial product
25 present in the ore or mineral, or processed to produce a final
26 marketable product.

27 (B) “Minerals” has the same meaning as defined in Section
28 2005 of the Public Resources Code.

29 (c) (1) Except as provided in paragraphs (3) and (4), geothermal
30 waste, excluding filter cake, that is generated from the exploration,
31 development, or production of geothermal energy and that does
32 not result from drilling for geothermal resources, is exempt from
33 the requirements of this chapter, if the geothermal waste meets
34 either *any* of the following requirements:

35 (A) The geothermal waste is contained within a piping system,
36 nonearthen trench, or descaling area, or within related equipment,
37 that is associated with the geothermal plant where the waste was
38 generated.

1 (B) The geothermal waste is within the physical boundaries of
2 a lined surface impoundment associated with the geothermal plant
3 where the waste was generated.

4 (C) *The geothermal waste is contained, and continues to be*
5 *contained, within a piping system, nonearthen trench, descaling*
6 *area, or other related equipment used in connection with the*
7 *beneficial extraction of commercial substances from the geothermal*
8 *waste.*

9 (2) If geothermal waste that is exempt pursuant to
10 subparagraph (B) of paragraph (1) is relocated to an elevated
11 location inside a lined surface impoundment for dewatering, that
12 waste shall be removed from the surface impoundment within 30
13 days of the relocation and while the waste still contains sufficient
14 moisture to prevent wind dispersion, except for residuals that are
15 impractical to remove. The geothermal waste shall be deemed to
16 be generated at the time of removal and shall be properly managed
17 as hazardous waste pursuant to the requirements of this chapter.

18 (3) ~~Any~~A geothermal waste that is exempt pursuant to this
19 subdivision ceases to be exempt from the requirements of this
20 chapter, and shall be deemed to have been generated, when any
21 of the following occur:

22 (A) It is no longer contained in one or more of the following,
23 as described in ~~subparagraph (A) or (B)~~ of paragraph (1):

- 24 (i) A piping system.
- 25 (ii) Nonearthen trench.
- 26 (iii) Descaling area.
- 27 (iv) Related equipment.
- 28 (v) Lined surface impoundment.

29 (B) It is left in a geothermal piping system, a related piping
30 system, a nonearthen trench, a descaling area, or another piece of
31 related equipment 18 months after the date the geothermal power
32 plant last produced power, unless prior to that date the operator
33 submits a written notification, as described in paragraph (4) to the
34 department, and the department acknowledges the notification in
35 writing.

36 (C) It is left in a lined surface impoundment and at any time
37 poses an imminent potential threat to areas outside the surface
38 impoundment due to windblown fugitive dusts.

39 (D) It remains in a unit no longer actively regulated by the
40 regional water quality control board.

1 (E) It is left in a lined surface impoundment 18 months after
2 the date the surface impoundment has last received waste, unless
3 prior to that date the operator submits a written notification as
4 described in paragraph (4) to the department, and the department
5 acknowledges the notification in writing.
6 (4) The notification that is required to be submitted by an
7 operator pursuant to subparagraphs (B) and (E) of paragraph (3)
8 shall contain all of the following information:
9 (A) The name and address of the operator, and the address and
10 physical location of the plant or surface impoundment in which
11 the waste will be stored.
12 (B) Estimated dates on which the units will resume operation.
13 (C) A description of how the waste will be stored and managed,
14 demonstrating to the department that the waste will not pose a
15 significant hazard to human health and safety or the environment.
16 (5) This subdivision does not exempt hazardous waste that is
17 either not directly associated with geothermal energy exploration,
18 development, and production, or that is not exempted from the
19 federal act pursuant to paragraph (5) of subdivision (b) of Section
20 261.4 of Title 40 of the Code of Federal Regulations, or both.
21 Hazardous waste that is not exempted pursuant to this subdivision
22 includes, but is not limited to, used oil generated from vehicles or
23 the lubrication of machinery.