

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JUNE 6, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2205

Introduced by Assembly Member V. Manuel Pérez
(Coauthor: Senator Corbett)

February 23, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2205, as amended, V. Manuel Pérez. Hazardous waste: ores and minerals: geothermal waste.

Existing law exempts from certain requirements of the Hazardous Waste Control Law wastes from the extraction, beneficiation, or processing of ores and minerals, as defined, that are not subject to regulation under the federal Resource Conservation and Recovery Act of 1976 (~~RCRA~~).

This bill would revise the definition of wastes from the extraction, beneficiation, or processing of ores and minerals to additionally include geothermal waste that are spent brine solutions used to produce geothermal energy meeting specified requirements.

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) Geothermal waste resulting from drilling for
4 geothermal resources is exempt from the requirements of this
5 chapter because the disposal of these geothermal wastes is regulated
6 by the California regional water quality control boards.
7 (b) (1) Wastes from the extraction, beneficiation, and processing
8 of ores and minerals that are not subject to regulation under the
9 federal act are exempt from the requirements of this chapter, except
10 the requirements of Article 9.5 (commencing with Section 25208),
11 as provided in paragraph (2).
12 (2) The wastes subject to this subdivision are subject to Article
13 9.5 (commencing with Section 25208) and Chapter 6.8
14 (commencing with Section 25300) if the wastes would otherwise
15 be classified as hazardous wastes pursuant to Section 25117 and
16 the regulations adopted pursuant to Section 25141.
17 (3) For purposes of this subdivision, the following definitions
18 shall apply:
19 (A) “Wastes from the extraction, beneficiation, and processing
20 of ores and minerals” means any of the following:
21 (i) Soil, waste rock, overburden, and other solid, semisolid, or
22 liquid natural materials that are removed, unearthed, or otherwise
23 displaced as a result of excavating or recovering an ore or a
24 mineral.
25 (ii) Residuals of ores or minerals after those ores or minerals
26 have been removed, unearthed, or otherwise displaced from their
27 natural sites and physically or chemically treated or otherwise
28 managed in order to separate or concentrate the commercial product
29 present in the ore or mineral, or processed to produce a final
30 marketable product.
31 (iii) Spent brine solutions that are used to produce geothermal
32 energy and that are transferred, via a closed piping system, to an
33 adjacent facility for reclamation, beneficiation, or processing to
34 recover minerals or other commercial substances, if the spent brine
35 solutions, and any liquid residuals derived from the solutions,
36 satisfy all of the following conditions:

1 (I) ~~Managed~~ *Are managed* in accordance with the standards set
2 forth in Section 261.4(a)(17)(i) to (iii), inclusive, of Title 40 of the
3 Code of Federal Regulations.

4 (II) ~~Returned~~ *Are returned* after processing, via closed piping,
5 and subsequently managed in accordance with the exemption
6 provided in subdivision (c).

7 (III) Are not a solid or semisolid hazardous residuals. This
8 subclause applies to materials that include, but are not limited to,
9 filter cakes that are not covered by the exemption provided in
10 subdivision (c).

11 (B) “Minerals” has the same meaning as defined in Section
12 2005 of the Public Resources Code.

13 (c) (1) Except as provided in paragraphs (3) and (4), geothermal
14 waste, excluding filter cake, that is generated from the exploration,
15 development, or production of geothermal energy and that does
16 not result from drilling for geothermal resources, is exempt from
17 the requirements of this chapter, if the geothermal waste meets
18 either of the following requirements:

19 (A) The geothermal waste is contained within a piping system,
20 nonearthen trench, or descaling area, or within related equipment,
21 that is associated with the geothermal plant where the waste was
22 generated.

23 (B) The geothermal waste is within the physical boundaries of
24 a lined surface impoundment associated with the geothermal plant
25 where the waste was generated.

26 (2) If geothermal waste that is exempted pursuant to
27 subparagraph (B) of paragraph (1) is relocated to an elevated
28 location inside a lined surface impoundment for dewatering, that
29 waste shall be removed from the surface impoundment within 30
30 days of the relocation and while the waste still contains sufficient
31 moisture to prevent wind dispersion, except for residuals that are
32 impractical to remove. The geothermal waste shall be deemed to
33 be generated at the time of removal and shall be properly managed
34 as hazardous waste pursuant to the requirements of this chapter.

35 (3) A geothermal waste that is exempt pursuant to this
36 subdivision ceases to be exempt from the requirements of this
37 chapter, and shall be deemed to have been generated, when any
38 of the following occur:

39 (A) It is no longer contained in one or more of the following,
40 as described in paragraph (1):

- 1 (i) A piping system.
- 2 (ii) Nonearthen trench.
- 3 (iii) Descaling area.
- 4 (iv) Related equipment.

5 (v) Lined surface impoundment.

6 (B) It is left in a geothermal piping system, a related piping
7 system, a nonearthen trench, a descaling area, or another piece of
8 related equipment 18 months after the date the geothermal power
9 plant last produced power, unless prior to that date the operator
10 submits a written notification, as described in paragraph (4) to the
11 department, and the department acknowledges the notification in
12 writing.

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

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

18 (E) It is left in a lined surface impoundment 18 months after
19 the date the surface impoundment has last received waste, unless
20 prior to that date the operator submits a written notification as
21 described in paragraph (4) to the department, and the department
22 acknowledges the notification in writing.

23 (4) The notification that is required to be submitted by an
24 operator pursuant to subparagraphs (B) and (E) of paragraph (3)
25 shall contain all of the following information:

26 (A) The name and address of the operator, and the address and
27 physical location of the plant or surface impoundment in which
28 the waste will be stored.

29 (B) Estimated dates on which the units will resume operation.

30 (C) A description of how the waste will be stored and managed,
31 demonstrating to the department that the waste will not pose a
32 significant hazard to human health and safety or the environment.

33 (5) This subdivision does not exempt hazardous waste that is
34 either not directly associated with geothermal energy exploration,
35 development, and production, or that is not exempted from the
36 federal act pursuant to paragraph (5) of subdivision (b) of Section
37 261.4 of Title 40 of the Code of Federal Regulations, or both.
38 Hazardous waste that is not exempted pursuant to this subdivision

- 1 includes, but is not limited to, used oil generated from vehicles or
- 2 the lubrication of machinery.

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