

ASSEMBLY BILL

No. 1190

Introduced by Assembly Member Bloom

February 22, 2013

An act to add Section 25163.4 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as introduced, Bloom. Hazardous waste: transportation.

(1) Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and be subject to transporter registration requirements. Existing law exempts from these requirements a person who is transporting certain types of hazardous waste and who meets other conditions under a consolidated manifest procedure. A violation of the hazardous waste control laws is a crime.

This bill would exempt from the hazardous waste manifesting requirements a public utility, local publicly owned utility, or municipal utility district with regard to certain hazardous waste that is collected and transported as specified, subject to notice requirements. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 25163.4 is added to the Health and Safety
2 Code, to read:
3 25163.4. (a) In addition to the consolidation site procedures
4 authorized by Section 25163.3, a public utility, local publicly
5 owned utility, or municipal utility district is exempt from the
6 requirements of Sections 25160 with regard to hazardous waste
7 that meets all of the following conditions:
8 (1) The hazardous waste is collected in the amounts and types
9 specified in subdivision (b) at a remote site.
10 (2) The hazardous waste is transported pursuant to subdivision
11 (c) to a consolidation site operated by the public utility, local
12 publicly owned utility, or municipal utility district.
13 (3) A notification with regard to that hazardous waste is
14 submitted pursuant to subdivision (d).
15 (b) The following amounts of hazardous waste may be
16 transported pursuant to this section in a single shipment in a vehicle
17 that meets all applicable vehicle safety requirements:
18 (1) Between 1,600 and 5,000 gallons of hazardous wastewater
19 from the dewatering of one or more utility vaults, or between 500
20 and 5,000 gallons of any other liquid hazardous waste.
21 (2) Between 2,500 and 10,000 pounds of the following
22 hazardous wastes:
23 (A) Asbestos-contaminated waste.
24 (B) Oil-contaminated waste.
25 (C) Soil and water contaminated with gasoline or diesel fuel.
26 (D) Solvents used for cleaning electrical and mechanical
27 equipment, including hydrocarbon and chlorinated solvents.
28 (E) Soil and rags contaminated with hydrocarbon or chlorinated
29 solvents.
30 (F) Corrosive liquids, including sulfuric acid, sodium hydroxide,
31 and other corrosive liquids.
32 (G) Sandblast grit contaminated with metals.
33 (H) Soil contaminated with metals.

1 (c) A public utility, local publicly owned utility, or municipal
2 utility district transporting a hazardous waste pursuant to this
3 section shall meet all of the following conditions:

4 (1) The hazardous waste is a non-RCRA hazardous waste, or
5 the hazardous waste or its transportation is otherwise exempt from,
6 or is not otherwise regulated pursuant to, the federal act.

7 (2) The utility or district complies with the conditions and
8 requirements for remote sites specified in Section 25121.3.

9 (3) The utility or district complies with the regulations adopted
10 by the department that pertain to personnel training requirements
11 for generators, with regard to all personnel handling the hazardous
12 waste during transportation from the remote site to the
13 consolidation site.

14 (4) The hazardous waste is transported by a transporter that is
15 registered pursuant to the requirements of Section 25163.

16 (5) The hazardous waste is not held at any interim location,
17 other than another remote site operated by the same generator, for
18 more than eight hours, unless that holding is required by other
19 provisions of law.

20 (6) A shipping paper containing all of the following information
21 accompanies the hazardous waste while in transport, except as
22 provided in subparagraph (7):

23 (A) A list of the hazardous wastes being transported.

24 (B) The type and number of containers being used to transport
25 each type of hazardous waste.

26 (C) The quantity, by weight or volume, of each type of
27 hazardous waste being transported.

28 (D) The physical state, such as solid, powder, liquid, semiliquid,
29 or gas, of each type of hazardous waste being transported.

30 (E) The location of the remote site where the hazardous waste
31 is initially collected.

32 (F) The location of any interim site where the hazardous waste
33 is held en route to the consolidation site.

34 (G) The name, address, and telephone number of the generator,
35 and, if different, the address and telephone number of the
36 consolidation site to which the hazardous waste is being
37 transported.

38 (H) The name and telephone number of an emergency response
39 contact, for use in the event of a spill or other release.

1 (I) The name of the individual who transports the hazardous
2 waste from the remote site to the consolidation site.

3 (J) The date that the generator first begins to actively manage
4 the hazardous waste at the remote site, the date that the shipment
5 leaves the remote site where the hazardous waste is initially
6 collected, and the date that the shipment arrives at the consolidation
7 site.

8 (7) A shipping paper is not required if the total quantity of the
9 shipment does not exceed 10 pounds of hazardous waste, except
10 that a shipping paper is required to transport any quantity of
11 extremely hazardous waste or acutely hazardous waste.

12 (8) All shipments comply with all applicable requirements of
13 the United States Department of Transportation for hazardous
14 materials shipments.

15 (d) A public utility, local publicly owned utility, or municipal
16 utility conducting operations pursuant to this section shall submit
17 a notification to the department and certified unified program
18 agency in the same manner as a generator is required to submit a
19 notification pursuant to subdivision (d) of Section 25110.10.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.