

AMENDED IN SENATE JANUARY 17, 2014

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 712

Introduced by Senator Lara

February 22, 2013

An act to add ~~Section~~ *Sections 25186.2.5 and 25200.7.5* to the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 712, as amended, Lara. Hazardous waste facility: permitting: interim status.

Existing law requires the facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law authorizes a hazardous waste facility in existence on a specified date or on the effective date of any statute or regulation that subjects the facility to the hazardous waste permitting requirements to continue to operate under a grant of interim status pending the review and decision of the department on the permit application.

This bill would require the department, on or before ~~July 1, 2015, December 31, 2015~~, to take final action on an application for a hazardous waste facilities permit that is submitted by a facility operating under a grant of interim status on or before January 1, 1986, by either issuing a final permit or a final denial of the application. The bill would terminate the grant of interim status for such a facility on ~~July 1, 2015, December 31, 2015~~, or on the date on which the department takes final action on the application, whichever is earlier. For other facilities granted interim status, the bill would terminate that status, as specified.

Existing law authorizes the department to temporarily suspend a permit, registration, or certificate before a hearing if the department

determines that the action is necessary to prevent or mitigate an imminent and substantial danger to the public health and the environment.

This bill would authorize the temporary suspension of a facility operating under an expired permit that has been extended because of a pending renewal application or under an interim status if the department determines that the action is necessary to prevent or mitigate a risk to the public health and the environment.

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. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) California’s public health and environmental protection
4 programs, policies, and activities should be conducted in a manner
5 that promotes equity and affords fair treatment, accessibility, and
6 protection for all residents, regardless of race, age, culture, income,
7 or geographic location.
- 8 (2) California needs to provide the greatest level of attention
9 and protection to those communities that are at the greatest risk
10 from those impacts.
- 11 (3) It is the mission of the California Department of Toxic
12 Substances Control to protect Californians and the environment
13 of California from harmful effects of toxic substances.
- 14 (4) The department ensures that hazardous waste facilities
15 comply with public health and safety requirements through
16 ~~regulations~~, *regulations* and permitting and inspection programs.
- 17 (5) Central to the regulation of hazardous waste facilities is
18 ensuring that entities that operate these facilities comply with
19 applicable laws and regulations, that facilities are operating under
20 proper permits, and that entities that frequently fail to comply with
21 applicable laws and regulations and pose a risk to public health
22 and safety are not given new or renewed hazardous waste facilities
23 permits.
- 24 (6) For a full permit, ~~the a~~ facility should submit an ~~application~~
25 *application*, which is subject to a detailed technical review by the
26 department, a 45-day public comment period, *and* a public hearing,
27 *and should* comply with the California Environmental Quality Act

1 (Division 13 (commencing with Section 21000) of the Public
2 Resources Code). Full permits should be renewed every 10 years,
3 and permitted facilities are subject to regular inspection by the
4 department.

5 (7) One facility has been operating under an interim status permit
6 since 1985 and has repeatedly been found to have polluted the
7 surrounding environment and community with dangerously high
8 levels of lead and arsenic.

9 (8) Lead and arsenic are known carcinogens that increase the
10 risk of skin, lung, and lymphatic cancer, and can cause
11 developmental harm, damage to the nervous system, and damage
12 reproductive health.

13 (b) It is the intent of the Legislature to identify, protect, and
14 defend overburdened communities that suffer from asthma, cancers,
15 and other illnesses born from heavy industrial pollution and to
16 ensure increased public participation from affected communities
17 in the governmental decisionmaking process.

18 *SEC. 2. Section 25186.2.5 is added to the Public Resources*
19 *Code, to read:*

20 *25186.2.5. The department may temporarily suspend the*
21 *operation of a facility operating under an expired permit that has*
22 *been extended pursuant to subparagraph (B) of paragraph (1) of*
23 *subdivision (c) of Section 25200 or an interim status pursuant to*
24 *Section 25200.5 prior to a hearing if the department determines*
25 *that the action is necessary to prevent or mitigate a risk to the*
26 *public health or safety or the environment. The department shall*
27 *notify the owner and operator of the facility of the temporary*
28 *suspension and the effective date of the temporary suspension and*
29 *at the same time shall serve the person with an accusation. Upon*
30 *receipt by the department of a notice of defense to the accusation*
31 *from the owner or operator of the facility, the department shall,*
32 *within 15 days, set the matter for a hearing, which shall be held*
33 *as soon as possible, but not later than 30 days after receipt of the*
34 *notice. The temporary suspension shall remain in effect until the*
35 *hearing is completed and the department has made a final*
36 *determination on the merits, which shall be made within 60 days*
37 *after the completion of the hearing. If the determination is not*
38 *transmitted within this period, the temporary suspension shall be*
39 *of no further effect.*

1 ~~SEC. 2.~~

2 SEC. 3. Section 25200.7.5 is added to the Health and Safety
3 Code, to read:

4 25200.7.5. (a) On or before ~~July 1, 2015~~, *December 31, 2015*,
5 the department shall take final action on an application for a
6 hazardous waste facilities permit submitted to the department by
7 a facility operating under a grant of interim status pursuant to
8 Section 25200.5 on or before January 1, 1986, by either issuing a
9 final permit pursuant to the application or a final denial of
10 application.

11 (b) Interim status granted pursuant to Section 25200.5 for a
12 facility described in subdivision (a) shall terminate on ~~July 1, 2015~~,
13 *December 31, 2015*, or on the date on which the department takes
14 final action on the application for a hazardous waste facilities
15 permit, whichever is earlier.

16 (c) Except as ~~proved~~ *provided* in subdivision (b), interim status
17 granted for a facility before January 1, 2015, shall terminate on
18 January 1, 2020, or on the date on which the department takes final
19 action on the application for a hazardous waste facilities permit,
20 whichever is earlier.

21 (d) Interim status granted for a facility on or after January 1,
22 2015, shall terminate five years from the date on which the interim
23 status is granted or on the date on which the department takes final
24 action on the application for a hazardous waste facilities permit,
25 whichever is earlier.