

**Introduced by Senator De León**

February 22, 2013

---

An act to amend Section 25199.6 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as introduced, De León. Hazardous waste: facilities permitting.

Existing law requires hazardous waste facilities to operate under hazardous waste facilities permits or grants of authorization issued by the Department of Toxic Substances Control. Existing law establishes procedures for a land use decision by a local agency concerning a hazardous waste facility project, as defined. The department is required to review for completeness each application for a hazardous waste facilities permit and to notify the applicant within 30 days of receipt whether the application is complete.

This bill would increase to 60 days the time in which the department is required to make that notification to an applicant.

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 25199.6 of the Health and Safety Code
- 2 is amended to read:
- 3 25199.6. (a) Section 65943 of the Government Code does not
- 4 apply to the department's review of applications for a hazardous
- 5 waste facilities permit. The department shall review for
- 6 completeness each application for a hazardous waste facilities

1 permit and notify the applicant in writing whether the application  
2 is complete within ~~30~~ 60 days from the date of receipt. If the  
3 application is incomplete, the department shall require the applicant  
4 to provide the information necessary to make the application  
5 complete. An application is not deemed to be complete until the  
6 department notifies the applicant that the application is complete.  
7 After an application is determined to be complete, the department  
8 may request additional information only when necessary to clarify,  
9 modify, or supplement previously submitted material.

10 (b) Notwithstanding Section 65952 of the Government Code,  
11 any public agency that is a responsible agency for a hazardous  
12 waste facility project that is a land disposal facility shall approve  
13 or disapprove the project within one of the following periods of  
14 time, whichever is longer:

15 (1) Within one year from the date on which the lead agency  
16 approved or disapproved the project.

17 (2) Within one year from the date on which the completed  
18 application for the project has been received, and accepted as  
19 complete, by that responsible agency.

20 (c) Notwithstanding Section 65952 of the Government Code  
21 and Section 25199.2, any public agency that is a responsible agency  
22 for a hazardous waste facility project that is not a land disposal  
23 facility shall approve or disapprove the project within one of the  
24 following periods of time, whichever is longer:

25 (1) Within 180 days from the date on which the lead agency  
26 approved or disapproved the project.

27 (2) Within 180 days from the date on which the completed  
28 application for the project has been received, and accepted as  
29 complete, by that responsible agency.

30 (d) Subdivision (b) of Section 65956 of the Government Code  
31 does not apply to the failure of a lead agency or responsible agency  
32 to approve or disapprove a permit for a hazardous waste facility  
33 project within the time limits established by Sections 65950 and  
34 65952 of the Government Code and subdivisions (b) and (c) of  
35 this section. If a lead agency or a responsible agency fails to act  
36 within those time limits, the applicant may file an action pursuant  
37 to Section 1085 of the Code of Civil Procedure to compel the

- 1 agency to approve or disapprove the permit for the project within
- 2 a reasonable time, as the court may determine.

O