

**Senate Bill No. 812**

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Passed the Senate August 29, 2014

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*Secretary of the Senate*

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Passed the Assembly August 27, 2014

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 25178, 25187, 25187.2, 25200, 25360, and 25360.1 of, to add Sections 25200.21, 25200.22, 25205.5, and 25246.1 to, and to add and repeal Article 8.8 (commencing with Section 25199.20) of Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

## LEGISLATIVE COUNSEL'S DIGEST

SB 812, De León. Hazardous waste.

(1) Existing law requires facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law requires an owner or operator of a facility intending to renew the facility's permit to submit a complete Part A application for a permit renewal prior to the expiration of the permit. Existing law requires the owner or operator to submit a complete Part B application when requested by the department. Existing law requires the department to issue a permit if the facility meets specified requirements.

This bill would instead require the owner or operator of a facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. The bill would require the department to issue a final permit decision for an application for permit renewal within 36 months of the expiration of the facility's permit. The bill would provide that an application for permit renewal shall be deemed denied if a final permit decision has not been issued for the application within that time period.

(2) Existing law requires the department, in the case of a release of hazardous waste or constituents into the environment from a hazardous waste facility that is required to obtain a permit, to pursue available remedies, including the issuance of an order for corrective action, before using available legal remedies, except in specified circumstances.

This bill would repeal the above requirements and would instead require the department, under specified circumstances, to request an owner or operator of a hazardous waste facility to submit to the department for review and approval a written cost estimate to cover

activities associated with a corrective action based on available data, history of releases, and site activities, as specified. The bill would require the owner or operator to submit the corrective action cost estimate within 60 days of the department's request. The bill would require the owner or operator, within 90 days of the approval of the corrective action cost estimate, to fund the cost estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action.

(3) Existing law requires the department, on or before January 1 of each odd-numbered year, to post on its Internet Web site specified information.

This bill would add certain information that would need to be posted.

(4) Existing law authorizes the Department of Toxic Substances Control to issue an order under the hazardous waste control laws requiring that a violation be corrected and imposing a civil penalty to specified persons, including a person who has violated various provisions regulating hazardous waste or provisions concerning removal and remedial actions for hazardous substance releases. A person who is issued that order is required to pay for oversight of the removal or remedial action.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, authorizes the department to take or oversee removal and remedial actions related to the release of hazardous substances. Existing law authorizes the Attorney General to recover from the liable person, as defined, the costs incurred by the department or a California regional water quality control board in carrying out the act and requires that any monetary obligation owed to the department pursuant to the act or the hazardous waste control laws be subject to a specified rate of interest earned in the Surplus Money Investment Fund.

This bill would require a person to pay for oversight of any corrective action required of the person with respect to hazardous waste, and would authorize the recovery by the Attorney General of costs incurred with regard to carrying out or overseeing a removal action, a remedial action, or a corrective action under the act or under the hazardous waste control laws. The bill would require any monetary obligation owed to the department under the act or these laws to accrue interest at the same rate as the modified

adjusted rate per annum imposed for underpayments of sales and use taxes to the state.

(5) This bill would establish, until January 1, 2020, the DTSC Community Oversight Committee within the department and require the committee to make recommendations to the department to increase public participation in, and the transparency of, the department's decisionmaking, and to serve as a resource and liaison for communities and residents in communication with the department. The bill would require the department, by July 1, 2017, to develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The mission of the Department of Toxic Substances Control, as noted in its mission statement, is "to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention."

(2) In an effort to protect the public health and minimize environmental impacts, the state requires that each hazardous waste management facility that treats, stores, handles, or disposes of hazardous waste obtain a permit or other authorization from the department.

(3) Currently, the department regulates 117 facilities across the state that store, treat, or dispose of hazardous waste. Of these facilities, nearly a quarter are operating on permits whose original expiration dates have passed.

(4) One facility operated by Exide Technologies in Vernon, California has been allowed to operate on an interim permit for over 30 years, regardless of its repeated violations of environmental and public health standards.

(5) Unfortunately, many communities continue to suffer from toxic emissions and releases with limited protection from our current hazardous waste management regulatory system.

(6) The longstanding problems at the Exide Technologies facility are only the most recent examples of the system's failures.

(b) It is the intent of the Legislature to strengthen our hazardous waste management regulatory system to better protect vulnerable communities and residents from toxic pollution by improving the permitting system.

SEC. 2. Section 25178 of the Health and Safety Code is amended to read:

25178. On or before January 1 of each odd-numbered year, the department shall post on its Internet Web site, at a minimum, all of the following:

(a) The status of the regulatory and program developments required pursuant to legislative mandates.

(b) The status of the hazardous waste facilities permit program that shall include all of the following information:

(1) Complete copies of the final hazardous waste facilities permit applications received.

(2) A searchable list and map of final hazardous waste facilities permits issued to date.

(3) A searchable list and map of final hazardous waste facilities permits yet to be issued.

(4) A complete description of the reasons why the final hazardous waste facilities permits yet to be issued have not been issued.

(5) A complete description of the findings supporting each final hazardous waste facility permit granted by the department, including the department's evaluation and findings of each of the criteria listed in Section 25200.21 and its regulations, as well as any other criteria used by the department to evaluate the permit application.

(c) The status of the hazardous waste facilities siting program.

(d) The status of the hazardous waste abandoned sites program.

(e) A searchable list and map of enforcement actions taken by the department pursuant to this chapter and any other actions relating to hazardous waste management. The list and map shall specify whether the violations have been corrected.

(f) Summary data for each permitted site regarding annual quantities and types of hazardous waste generated, transported, treated, stored, and disposed.

(g) Summary data on annual quantities and types of hazardous waste generated, transported, treated, stored, and disposed.

(h) Summary data regarding onsite and offsite disposition of hazardous waste.

(i) Research activity initiated by the department.

(j) Regulatory action by other agencies relating to hazardous waste management.

(k) A revised listing of recyclable materials showing any additions or deletions to the list prepared pursuant to Section 25175 that have occurred since the last report.

(l) Any other data considered pertinent by the department to hazardous waste management.

(m) The information specified in subdivision (c) of Section 25161, paragraph (4) of subdivision (a) of Section 25197.1, subdivision (c) of Section 25354, and Sections 25334.7 and 25356.5.

(n) A status report on the cleanup of the McColl Hazardous Waste Disposal Site in Orange County.

SEC. 3. Section 25187 of the Health and Safety Code is amended to read:

25187. (a) (1) The department or a unified program agency, in accordance with subdivision (l), may issue an order requiring that the violation be corrected and imposing an administrative penalty, for any violation of this chapter or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter, whenever the department or Unified Program Agency determines that a person has violated, is in violation of, or threatens, as defined in subdivision (e) of Section 13304 of the Water Code, to violate, this chapter or Chapter 6.8 (commencing with Section 25300), or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to this chapter or Chapter 6.8 (commencing with Section 25300).

(2) In an order proposing a penalty pursuant to this section, the department or Unified Program Agency shall take into consideration the nature, circumstances, extent, and gravity of the violation, the violator's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health or safety or the environment, the violator's ability to pay the proposed penalty, and the prophylactic effect that the imposition of the proposed penalty would have on both the violator and the regulated community as a whole.

(b) The department or a unified program agency, in accordance with subdivision (l), may issue an order requiring corrective action whenever the department or Unified Program Agency determines that there is or has been a release, as defined in Chapter 6.8 (commencing with Section 25300), of hazardous waste or constituents into the environment from a hazardous waste facility.

(1) The order shall include a requirement that the person take corrective action with respect to the release of hazardous waste or constituents, abate the effects thereof, and take any other necessary remedial action.

(2) If the order requires corrective action at a hazardous waste facility, the order shall require that corrective action be taken beyond the facility boundary, where necessary to protect human health or the environment.

(3) The order shall incorporate, as a condition of the order, any applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board, and shall be consistent with all applicable water quality control plans adopted pursuant to Section 13170 of the Water Code and Article 3 (commencing with Section 13240) of Chapter 4 of Division 7 of the Water Code and state policies for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7 of the Water Code existing at the time of the issuance of the order, to the extent that the department or Unified Program Agency determines that those plans and policies are not less stringent than this chapter and regulations adopted pursuant to this chapter. The order may include any more stringent requirement that the department or Unified Program Agency determines is necessary or appropriate to protect water quality.

(4) Persons who are subject to an order pursuant to this subdivision include present and prior owners, lessees, or operators of the property where the hazardous waste is located, present or past generators, storers, treaters, transporters, disposers, and handlers of hazardous waste, and persons who arrange, or have arranged, by contract or other agreement, to store, treat, transport, dispose of, or otherwise handle hazardous waste.

(5) For purposes of this subdivision, “hazardous waste facility” includes the entire site that is under the control of an owner or operator engaged in the management of hazardous waste.

(c) Any order issued pursuant to this section shall be served by personal service or certified mail and shall inform the person so served of the right to a hearing. If the Unified Program Agency issues the order pursuant to this section, the order shall state whether the hearing procedure specified in paragraph (2) of subdivision (f) may be requested by the person receiving the order.

(d) Any person served with an order pursuant to this section who has been unable to resolve any violation or deficiency on an informal basis with the department or Unified Program Agency may, within 15 days after service of the order, request a hearing pursuant to subdivision (e) or (f) by filing with the department or Unified Program Agency a notice of defense. The notice shall be filed with the office that issued the order. A notice of defense shall be deemed filed within the 15-day period provided by this subdivision if it is postmarked within that 15-day period. If no notice of defense is filed within the time limits provided by this subdivision, the order shall become final.

(e) Any hearing requested on an order issued by the department shall be conducted within 90 days after receipt of the notice of defense by an administrative law judge of the Office of Administrative Hearings of the Department of General Services in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the authority granted to an agency by those provisions.

(f) Except as provided in subparagraph (B) of paragraph (2), a person requesting a hearing on an order issued by a unified program agency may select the hearing process specified in either paragraph (1) or (2) in the notice of defense filed with the Unified Program Agency pursuant to subdivision (d). Within 90 days of receipt of the notice of defense by the Unified Program Agency, the hearing shall be conducted using one of the following procedures:

(1) An administrative law judge of the Office of Administrative Hearings of the Department of General Services shall conduct the hearing in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) (A) A hearing officer designated by the Unified Program Agency shall conduct the hearing in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, and the Unified Program Agency shall

have all the authority granted to an agency by those provisions. When a hearing is conducted by a unified program agency pursuant to this paragraph, the Unified Program Agency shall, within 60 days of the hearing, issue a decision.

(B) A person requesting a hearing on an order issued by a unified program agency may select the hearing process specified in this paragraph in a notice of defense filed pursuant to subdivision (d) only if the Unified Program Agency has, as of the date the order is issued pursuant to subdivision (c), selected a designated hearing officer and established a program for conducting a hearing in accordance with this paragraph.

(g) The hearing decision issued pursuant to subdivision (f) shall be effective and final upon issuance. Copies of the decision shall be served by personal service or by certified mail upon the party served with the order and upon other persons who appeared at the hearing and requested a copy.

(h) Any provision of an order issued under this section, except the imposition of an administrative penalty, shall take effect upon issuance by the department or Unified Program Agency if the department or Unified Program Agency finds that the violation or violations of law associated with that provision may pose an imminent and substantial endangerment to the public health or safety or the environment, and a request for a hearing shall not stay the effect of that provision of the order pending a hearing decision. However, if the department or Unified Program Agency determines that any or all provisions of the order are so related that the public health or safety or the environment can be protected only by immediate compliance with the order as a whole, then the order as a whole, except the imposition of an administrative penalty, shall take effect upon issuance by the department or Unified Program Agency. A request for a hearing shall not stay the effect of the order as a whole pending a hearing decision.

(i) A decision issued pursuant to this section may be reviewed by the court pursuant to Section 11523 of the Government Code. In all proceedings pursuant to this section, the court shall uphold the decision of the department or Unified Program Agency if the decision is based upon substantial evidence in the whole record. The filing of a petition for writ of mandate shall not stay any action required pursuant to this chapter or the accrual of any penalties

assessed pursuant to this chapter. This subdivision does not prohibit the court from granting any appropriate relief within its jurisdiction.

(j) (1) All administrative penalties collected from actions brought by the department pursuant to this section shall be placed in a separate subaccount in the Toxic Substances Control Account and shall be available only for transfer to the Site Remediation Account or the Expedited Site Remediation Trust Fund and for expenditure by the department upon appropriation by the Legislature.

(2) The administrative penalties collected from an action brought by the department pursuant to Sections 25214.3, 25214.22.1, 25215.7, in accordance with this section, shall be deposited in the Toxic Substances Control Account, for expenditure by the department for implementation and enforcement activities, upon appropriation by the Legislature, pursuant to Section 25173.6.

(k) All administrative penalties collected from an action brought by a unified program agency pursuant to this section shall be paid to the Unified Program Agency that imposed the penalty, and shall be deposited into a special account that shall be expended to fund the activities of the Unified Program Agency in enforcing this chapter pursuant to Section 25180.

(l) The authority granted under this section to a unified program agency is limited to both of the following:

(1) The issuance of orders to impose penalties and to correct violations of the requirements of this chapter and its implementing regulations, only when the violations are violations of requirements applicable to hazardous waste generators and persons operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption, when the violations occur at a unified program facility within the jurisdiction of the CUPA.

(2) The issuance of orders to require corrective action when there has been a release of hazardous waste or constituents only when the Unified Program Agency is authorized to do so pursuant to Section 25404.1.

(m) The CUPA shall annually submit a summary report to the department on the status of orders issued by the unified program agencies under this section and Section 25187.1.

(n) The CUPA shall consult with the district attorney for the county on the development of policies to be followed in exercising the authority delegated pursuant to this section and Section

25187.1, as they relate to the authority of unified program agencies to issue orders.

(o) The CUPA shall arrange to have appropriate legal representation in administrative hearings that are conducted by an administrative law judge of the Office of Administrative Hearings of the Department of General Services, and when a decision issued pursuant to this section is appealed to the superior court.

(p) The department may adopt regulations to implement this section and paragraph (2) of subdivision (a) of Section 25187.1 as they relate to the authority of unified program agencies to issue orders. The regulations shall include, but not be limited to, all of the following requirements:

(1) Provisions to ensure coordinated and consistent application of this section and Section 25187.1 when both the department and the Unified Program Agency have or will be issuing orders under one or both of these sections at the same facility.

(2) Provisions to ensure that the enforcement authority granted to the unified program agencies will be exercised consistently throughout the state.

(3) Minimum training requirements for staff of the Unified Program Agency relative to this section and Section 25187.1.

(4) Procedures to be followed by the department to rescind the authority granted to a unified program agency under this section and Section 25187.1, if the department finds that the Unified Program Agency is not exercising that authority in a manner consistent with this chapter and Chapter 6.11 (commencing with Section 25404) and the regulations adopted pursuant thereto.

(q) Except for an enforcement action taken pursuant to this chapter or Chapter 6.8 (commencing with Section 25300), this section does not otherwise affect the authority of a local agency to take any action under any other provision of law.

SEC. 4. Section 25187.2 of the Health and Safety Code is amended to read:

25187.2. If a person is required to take corrective action with respect to hazardous waste, that person shall pay for oversight of the corrective action. This section does not prohibit the department or unified program agency from assessing any other penalty or recovering any costs for oversight of a removal or remedial action, pursuant to any other provision. Nothing in this section limits the due process requirements of Section 25187.

SEC. 5. Article 8.8 (commencing with Section 25199.20) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 8.8. DTSC Community Oversight Committee

25199.20. (a) There is hereby established in the department, the DTSC Community Oversight Committee composed of 13 members representing California residents affected by hazardous waste. The committee members shall not include representatives from the department or an entity regulated by the department pursuant to this chapter.

(b) Members of the committees shall be appointed as follows:

(1) Five members appointed by the Secretary for Environmental Protection.

(2) Four members appointed by the Senate Committee on Rules.

(3) Four members appointed by the Speaker of the Assembly.

(c) Each member of the committee shall serve at the pleasure of his or her appointing authority.

(d) Beginning March 1, 2015, the committee shall meet at least three times during that year, then quarterly beginning in the 2016 calendar year.

(e) The committee shall do both of the following:

(1) Make recommendations for changes in policies, procedures, and standards of the department to increase public participation in, and the transparency of, the department's decisionmaking, including providing input to the director on ways to improve the department's permitting of hazardous waste facilities and enforcement actions, particularly with regards to public participation and in communities identified pursuant to Section 39711 that are burdened by multiple sources of pollution.

(2) Serve as a resource and liaison for communities and residents in communication with the department, including reviewing the department's current efforts and providing input to the director on ways to improve the department's outreach to, and communication with, communities and stakeholders, to increase public participation in, and the transparency of, the department's permitting process.

(f) The department shall provide the committee with appropriate per diem compensation consistent with Section 19822.5 of the Government Code.

25199.21. This article shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 6. Section 25200 of the Health and Safety Code is amended to read:

25200. (a) The department shall issue hazardous waste facilities permits to use and operate one or more hazardous waste management units at a facility that in the judgment of the department meet the building standards published in the State Building Standards Code relating to hazardous waste facilities and the other standards and requirements adopted pursuant to this chapter. The department shall impose conditions on each hazardous waste facilities permit specifying the types of hazardous wastes that may be accepted for transfer, storage, treatment, or disposal. The department may impose any other conditions on a hazardous waste facilities permit that are consistent with the intent of this chapter.

(b) The department may impose, as a condition of a hazardous waste facilities permit, a requirement that the owner or operator of a hazardous waste facility that receives hazardous waste from more than one producer comply with any order of the director that prohibits the facility operator from refusing to accept a hazardous waste based on geographical origin that is authorized to be accepted and may be accepted by the facility without extraordinary hazard.

(c) (1) (A) A hazardous waste facilities permit issued by the department shall be for a fixed term, which shall not exceed 10 years for any land disposal facility, storage facility, incinerator, or other treatment facility.

(B) The owner or operator of a facility intending to extend the term of the facility's permit shall submit complete Part A and Part B applications for a permit renewal at least two years prior to the expiration date of the permit. Any other relevant information shall be submitted as and when requested by the department.

(C) To the extent not inconsistent with the federal act, for an owner or operator in compliance with subparagraph (B), the permit is deemed extended until the renewal application is approved or denied and all applicable rights of appeal have been exhausted.

(D) (i) The department shall issue a final permit decision for permit renewal for a facility within 36 months following the

expiration of the permit's fixed term. An application for permit renewal is deemed denied if a final permit decision has not been issued within 36 months following the expiration of the permit's fixed term.

(ii) Notwithstanding clause (i), for a facility with a permit that expired on or before January 1, 2015, and for which an application for permit renewal had been submitted before January 1, 2015, the department shall issue a final permit decision for the application on or before January 1, 2018. An application for permit renewal is deemed denied if a final permit decision has not been issued on or before January 1, 2018.

(iii) This subparagraph does not apply to applications for postclosure permits.

(E) This section does not limit or restrict the department's authority to impose any additional or different conditions on an extended permit that are necessary to protect human health and the environment.

(F) In adopting new conditions for an extended permit, the department shall follow the applicable permit modification procedures specified in this chapter and the regulations adopted pursuant to this chapter.

(G) When prioritizing pending renewal applications for processing and in determining the need for any new conditions on an extended permit, the department shall consider any input received from the public.

(2) The department shall review each hazardous waste facilities permit for a land disposal facility five years after the date of issuance or reissuance, and shall modify the permit, as necessary, to ensure that the facility continues to comply with the currently applicable requirements of this chapter and the regulations adopted pursuant to this chapter.

(3) This subdivision does not prohibit the department from reviewing, modifying, or revoking a permit at any time during its term.

(d) (1) When reviewing an application for a permit renewal, the department shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations.

(2) Each permit issued or renewed under this section shall contain the terms and conditions that the department determines necessary to protect human health and the environment.

(e) A permit issued pursuant to the federal act by the Environmental Protection Agency in the state for which no state hazardous waste facilities permit has been issued shall be deemed to be a state permit enforceable by the department until a state permit is issued. In addition to complying with the terms and conditions specified in a federal permit deemed to be a state permit pursuant to this section, an owner or operator who holds that permit shall comply with the requirements of this chapter and the regulations adopted by the department to implement this chapter.

SEC. 7. Section 25200.21 is added to the Health and Safety Code, to read:

25200.21. On or before January 1, 2017, the department shall adopt regulations establishing additional criteria that the department shall use to determine whether to issue a new permit or a renewal of a permit pursuant to this article. These criteria shall include, but are not limited to, all of the following:

(a) Number and types of past violations that will result in a denial.

(b) The vulnerability of, and existing health risks to, nearby populations. Vulnerability shall be assessed using the CalEnviroScreen tool, local and regional health risk assessments, the region's federal Clean Air Act attainment status, and other indicators of community vulnerability, cumulative impact, and potential risks to health and well-being.

(c) Minimum setback distances from sensitive receptors, such as schools, childcare facilities, residences, hospitals, elder care facilities, and other sensitive locations.

(d) Evidence of financial responsibility, qualifications of ownership, and continuity of ownership and operation.

(e) Provision of financial assurances pursuant to Section 25200.1.

(f) Training of personnel in the safety culture and plans, emergency plans, and maintenance of operations.

SEC. 8. Section 25200.22 is added to the Health and Safety Code, to read:

25200.22. The department shall provide a public notice and comment period before the preparation and adoption of a draft

permit. The department shall consider and respond to all public comments received before preparing a draft permit.

SEC. 9. Section 25205.5 is added to the Health and Safety Code, to read:

25205.5. On or before July 1, 2017, the department shall develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program, including strengthening environmental justice safeguards, and enhancing enforcement of public health protections, and public participation and outreach activities. In accomplishing these reforms, the department shall do all of the following:

(a) Establish transparent standards and procedures for permitting decisions, including those that are applicable to permit revocation and denial.

(b) Establish terms and conditions on permits to better protect public health and the environment, including in imminent and substantial endangerment situations.

(c) Employ consistent procedures for reviewing permit applications, integrating public input into those procedures, and making timely permit decisions.

(d) Enhance public involvement using procedures that provide for early identification and integration of public concerns into permitting decisions, including concerns of communities identified pursuant to Section 39711.

SEC. 10. Section 25246.1 is added to the Health and Safety Code, to read:

25246.1. (a) After the department has identified a release or releases of a hazardous waste or a hazardous waste constituent into the environment from a hazardous waste facility or when the department determines that corrective action is necessary, the department shall request an owner or operator of a hazardous waste facility to submit to the department for review and approval a written cost estimate to cover activities associated with corrective action based on available data, history of releases, and site activities.

(b) The corrective action cost estimate shall be based on, and be no less stringent than, the ASTM International (ASTM) Standard E2150-13.

(c) (1) The owner or operator of a hazardous waste facility shall submit the corrective action cost estimate to the department within 60 days from the department's request.

(2) If the department determines the corrective action cost estimate is substantially incomplete or includes substantially unsatisfactory information, the department shall provide a notice of deficiency to the owner or operator of the facility within 60 days of receipt of the corrective action cost estimate.

(3) The owner or operator of the facility shall submit a revised corrective action cost estimate based on the information provided in the notice of deficiency within 30 days.

(4) The department shall approve or deny the revised corrective action cost estimate within 30 days.

(5) If the corrective action cost estimate does not address the information provided in the notice of deficiency, as determined by the department, the department shall deny the revised corrective action cost estimate and shall, within 60 days, develop its own corrective action cost estimate that will be the approved estimate for the facility.

(d) The owner or operator of a facility, within 90 days of the approval of a corrective action cost estimate, shall fund the approved corrective action cost estimate or shall enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action.

(e) If the department determines that the timing or content of a submission of a cost estimate and financial assurance documents are not consistent with the degree and duration of risk posed by the release or releases to be addressed by the corrective action activities, the department shall adjust the level of financial assurance or timing of document submission required by this section as may be necessary to protect human health and the environment.

(f) If the owner or operator of a hazardous waste facility is required to submit a financial assurance mechanism for corrective action, the financial assurance shall be in the form of a trust fund, surety bond, letter of credit, insurance, or any other mechanism authorized under the federal act and the regulations adopted by the department for financial assurance mechanisms.

(g) The department may adopt, and revise, when appropriate, standards and regulations to implement this section. Additionally,

the department may adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to implement this section. The adoption of these regulations shall be declared an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code.

SEC. 11. Section 25360 of the Health and Safety Code is amended to read:

25360. (a) Any costs incurred by the department or regional board in carrying out or overseeing a removal action, a remedial action, or a corrective action under this chapter or Chapter 6.5 (commencing with Section 25100) shall be recoverable pursuant to state or federal law by the Attorney General, upon the request of the department or regional board, from the liable person or persons. The amount of any response action costs that may be recovered pursuant to this section shall include interest on any amount paid.

(b) A person who is liable for costs incurred at a site shall have the liability reduced by any reimbursements that were paid by that person for that site pursuant to Section 25343.

(c) The amount of cost determined pursuant to this section shall be recoverable at the discretion of the department, either in a separate action or by way of intervention as of right in an action for contribution or indemnity. Nothing in this section deprives a party of any defense that the party may have.

(d) Money recovered by the Attorney General pursuant to this section shall be deposited in the state account.

SEC. 12. Section 25360.1 of the Health and Safety Code is amended to read:

25360.1. Any monetary obligation to the department pursuant to Chapter 6.5 (commencing with Section 25100) or this chapter shall accrue interest at the same rate as the modified adjusted rate per annum established pursuant to Section 6591.5 of the Revenue and Taxation Code, except the department may waive the interest if the obligation is satisfied within 60 days from the date of invoice.



























Approved \_\_\_\_\_, 2014

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*Governor*