

ASSEMBLY BILL

No. 263

Introduced by Assembly Member Patterson

February 10, 2015

An act to amend Sections 25141 and 25150 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 263, as introduced, Patterson. Hazardous waste: regulations.

Existing law requires the Department of Toxic Substances Control to establish programs for and regulate hazardous waste source reduction. Existing law requires the department to prepare, adopt, and revise, when appropriate, a listing of the wastes that are determined to be hazardous, and a listing of the wastes that are determined to be extremely hazardous. Existing law requires the department to develop, and adopt by regulation, criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes. Existing law also requires the department to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, domestic livestock, wildlife, or the environment. Regulations adopted by the department pursuant to these provisions provide for a hazardous waste management system, which refers to the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, to reflect all updates to that publication, as specified.

This bill would require the department to update, by June 1, 2016, and periodically thereafter as appropriate, the above-described regulations relating to the use of "Test Methods for Evaluating Solid

Waste, Physical/Chemical Methods,” EPA Publication SW-846, as specified.

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 25141 of the Health and Safety Code is
2 amended to read:

3 25141. (a) The department shall develop and adopt by
4 regulation criteria and guidelines for the identification of hazardous
5 wastes and extremely hazardous wastes.

6 (b) The criteria and guidelines adopted by the department
7 pursuant to subdivision (a) shall identify waste or combinations
8 of waste, that may do either of the following, as hazardous waste
9 because of its quantity, concentration, or physical, chemical, or
10 infectious characteristics:

11 (1) Cause, or significantly contribute to an increase in mortality
12 or an increase in serious irreversible, or incapacitating reversible,
13 illness.

14 (2) Pose a substantial present or potential hazard to human
15 health or the environment, due to factors including, but not limited
16 to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative
17 properties, or persistence in the environment, when improperly
18 treated, stored, transported, or disposed of, or otherwise managed.

19 (c) Except as provided in Section 25141.5, any regulations
20 adopted pursuant to this section for the identification of hazardous
21 waste as it read on January 1, 1995, which are in effect on January
22 1, 1995, shall be deemed to comply with the intent of this section
23 as amended by this act during the 1995 portion of the 1995–96
24 Regular Session of the Legislature.

25 (d) *The department shall update by June 1, 2016, and*
26 *periodically thereafter as appropriate, its regulations relating to*
27 *the use of “Test Methods for Evaluating Solid Waste,*
28 *Physical/Chemical Methods,” EPA Publication SW-846, in the*
29 *criteria and guidelines developed pursuant to subdivision (a) to*
30 *reflect all updates to that publication adopted before and after the*
31 *enactment of the act that added this subdivision.*

32 SEC. 2. Section 25150 of the Health and Safety Code is
33 amended to read:

1 25150. (a) The department shall adopt, and revise when
2 appropriate, standards and regulations for the management of
3 hazardous wastes to protect against hazards to the public health,
4 to domestic livestock, to wildlife, or to the environment.

5 (b) The department and the local officers and agencies
6 authorized to enforce this chapter pursuant to subdivision (a) of
7 Section 25180 shall apply the standards and regulations adopted
8 pursuant to subdivision (a) to the management of hazardous waste.

9 (c) Except as provided in subdivision (d), the department may
10 limit the application of the standards and regulations adopted or
11 revised pursuant to subdivision (a) at facilities operating pursuant
12 to a hazardous waste facilities permit or other grant of authorization
13 issued by the department in any manner that the department
14 determines to be appropriate, including, but not limited to, requiring
15 these facilities to apply for, and receive, a permit modification
16 prior to the application of the standards and regulations.

17 (d) The department shall not adopt or revise standards and
18 regulations which result in the imposition of any requirement for
19 the management of a RCRA waste that is less stringent than a
20 corresponding requirement adopted by the Environmental
21 Protection Agency pursuant to the federal act.

22 (e) The department shall adopt, and revise when appropriate,
23 regulations for the recycling of hazardous waste to protect against
24 hazards to the public health, domestic livestock, wildlife, or to the
25 environment, and to encourage the best use of natural resources.

26 (f) Before the adoption of regulations, the department shall
27 notify all agencies of interested local governments, including, but
28 not limited to, certified unified program agencies, local governing
29 bodies, local planning agencies, local health authorities, local
30 building inspection departments, the Department of Pesticide
31 Regulation, the Department of the California Highway Patrol, the
32 Department of Fish and ~~Game~~ *Wildlife*, the Department of
33 Industrial Relations, the Division of ~~Industrial~~ *Occupational Safety*
34 *and Health*, the State Air Resources Board, the State Water
35 Resources Control Board, the State Fire Marshal, regional water
36 quality control boards, the State Building Standards Commission,
37 the Office of Environmental Health Hazard Assessment, and the
38 ~~California Integrated Waste Management Board~~. *Department of*
39 *Resources Recycling and Recovery*.

1 (g) *The department shall update by June 1, 2016, and*
2 *periodically thereafter as appropriate, its regulations relating to*
3 *the use of “Test Methods for Evaluating Solid Waste,*
4 *Physical/Chemical Methods,” EPA Publication SW-846, in the*
5 *standards and regulations adopted and revised pursuant to*
6 *subdivision (a) to reflect all updates to that publication adopted*
7 *before and after the enactment of the act that added this*
8 *subdivision.*