

Assembly Bill No. 274

CHAPTER 457

An act to add and repeal Section 25269.9 of the Health and Safety Code, relating to hazardous substances.

[Approved by Governor October 2, 2015. Filed with
Secretary of State October 2, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 274, Committee on Environmental Safety and Toxic Materials. Oversight costs: uncollectible accounts.

Existing law requires the Department of Toxic Substances Control to comply with specified procedures when recovering oversight costs for corrective action taken pursuant to the hazardous waste control laws or for certain other actions taken pursuant to the Carpenter-Presley-Tanner Hazardous Substances Account Act. The department is required to take specified actions with regard to uncollectible accounts, including reviewing all current outstanding receivables and making an appropriate adjustment for estimated uncollectible amounts. The department is authorized, if warranted, to write off or write down those receivable amounts.

This bill, until January 1, 2019, would define the term "uncollectible account" and would authorize the department not to pursue an uncollectible account and to write off or write down that uncollectible account, as specified.

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

SECTION 1. Section 25269.9 is added to the Health and Safety Code, to read:

25269.9. (a) The Legislature finds and declares both of the following:

(1) The department should prioritize its cost recovery efforts to make the most efficient use of its resources available for that activity.

(2) Consistent with a determination by the department, it is not cost effective or practicable for the department to seek recovery of an uncollectible account, as defined in subdivision (b).

(b) For purposes of this section, "uncollectible account" means response action, corrective action, or oversight costs, including accrued interest, incurred by the department that meet all of the following conditions:

(1) The response action, corrective action, or oversight costs were incurred by the department on or after July 1, 1987, but not later than December 31, 2013, while overseeing or carrying out a response or corrective action

pursuant to Chapter 6.5 (commencing with Section 25100) or Chapter 6.8 (commencing with Section 25300).

(2) The response action, corrective action, or oversight costs are not more than five thousand dollars (\$5,000).

(3) The department will not incur further response action, corrective action, or oversight costs related to the site for which the costs were incurred.

(c) The department is not required to pursue an uncollectible account and may write off or write down that uncollectible account pursuant to Section 25269.8.

(d) The requirements of Chapter 3 (commencing with Section 13940) of Part 4 of Division 3 of Title 2 of the Government Code shall not apply to any action taken by the department pursuant to subdivision (c).

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.