

**ASSEMBLY BILL**

**No. 640**

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**Introduced by Assembly Member Dahle**

February 24, 2015

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An act to amend Section 25218.1 of the Health and Safety Code, relating to household hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 640, as introduced, Dahle. Household hazardous waste.

Existing law authorizes public agencies to operate household hazardous waste collection facilities, as defined, and specifies conditions for the transportation of household hazardous waste.

This bill would make nonsubstantive changes to the definitions pertaining to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 25218.1 of the Health and Safety Code  
2 is amended to read:  
3 25218.1. For purposes of this article, the following terms have  
4 the following meanings:  
5 (a) “Conditionally exempt small quantity generator” or  
6 “CESQG” means a business concern that meets the criteria  
7 specified in Section 261.5 of Title 40 of the Code of Federal  
8 Regulations.  
9 (b) “Curbside household hazardous waste collection program”  
10 means a collection service authorized by a public agency that is

1 operated in accordance with Section 25163 and subdivision (d) of  
2 Section 25218.5 and that collects one or more of the following  
3 types of household hazardous waste:

- 4 (1) Latex paint.
- 5 (2) Used oil.
- 6 (3) Used oil filters.
- 7 (4) Household hazardous waste that is designated as a universal  
8 waste pursuant to this chapter or the regulations adopted by the  
9 department.

10 (c) “Door-to-door household hazardous waste collection  
11 program” or “household hazardous waste residential pickup  
12 service” means a household hazardous waste service that meets  
13 all of the following requirements:

14 (1) The program or service is operated by a public agency or  
15 its contractor.

16 (2) The program or service is operated in accordance with  
17 subdivision (e) of Section 25218.5.

18 (3) (A) The program or service collects household hazardous  
19 waste from individual residences and transports that waste in an  
20 inspected and certified hazardous waste transport vehicle operated  
21 by a registered hazardous waste ~~transporter~~, *transporter* to either  
22 of the following:

23 (i) An authorized household hazardous waste collection facility.

24 (ii) A hazardous waste facility, as defined in Section 66260.10  
25 of Title 22 of the California Code of Regulations.

26 (B) Clause (ii) of subparagraph (A) shall become inoperative  
27 on and after January 1, 2020.

28 (d) “Household” means a single detached residence or a single  
29 unit of a multiple residence unit and all appurtenant structures.

30 (e) “Household hazardous waste” means hazardous waste  
31 generated incidental to owning or maintaining a place of residence.  
32 Household hazardous waste does not include waste generated in  
33 the course of operating a business concern at a residence.

34 (f) “Household hazardous waste collection facility” means a  
35 facility operated by a public agency, or its contractor, for the  
36 purpose of collecting, handling, treating, storing, recycling, or  
37 disposing of household hazardous waste, and its operation may  
38 include accepting hazardous waste from conditionally exempt  
39 small quantity generators if that acceptance is authorized pursuant  
40 to Section 25218.3. Household hazardous waste collection facilities

1 include permanent household hazardous waste collection facilities,  
2 as defined in subdivision (h), temporary household hazardous  
3 waste collection facilities, as defined in subdivision (p),  
4 recycle-only household hazardous waste collection facilities, as  
5 defined in subdivision (n), curbside household hazardous waste  
6 collection programs, as defined in subdivision (b), door-to-door  
7 household hazardous waste collection ~~program~~ *programs* or  
8 household hazardous waste residential pickup ~~service~~ *services*, as  
9 defined in subdivision (c), and mobile household hazardous waste  
10 collection facilities, as defined in subdivision (g).

11 (g) “Mobile household hazardous waste collection facility”  
12 means a portable structure within which a household hazardous  
13 waste collection facility is operated and that meets all of the  
14 following conditions:

15 (1) The facility is operated not more than four times in any one  
16 calendar year at the same location.

17 (2) The facility is operated not more than three consecutive  
18 weeks within a two-month period at the same location.

19 (3) Upon ~~the~~ termination of operations, all equipment, materials,  
20 and waste are removed from the site within 144 hours.

21 (h) “Permanent household hazardous waste collection facility”  
22 means a permanent or semipermanent structure at a fixed location  
23 that meets both of the following conditions:

24 (1) The facility is operated at the same location on a continuous,  
25 regular schedule.

26 (2) The hazardous waste stored at the facility is removed within  
27 one year after collection.

28 (i) “Public agency” means a state or federal agency, county,  
29 city, or district.

30 (j) “Quality assurance plan” means a written protocol prepared  
31 by a public agency that is designed to ensure that reusable  
32 household hazardous products or materials, as defined in  
33 subdivision (o), that are collected by a household hazardous waste  
34 collection program are evaluated to verify that product containers,  
35 contents, and labels are as they originated from the products’  
36 manufacturers. The public agency or a person authorized by the  
37 public agency, as defined in subdivision (k), shall design the  
38 protocol to ensure, using its best efforts with the resources  
39 generally available to the public agency, or the person authorized  
40 by the public agency, that products selected for distribution are

1 appropriately labeled, uncontaminated, and appear to be as they  
2 originated from the product manufacturers. A quality assurance  
3 plan shall identify specific procedures for evaluating each container  
4 placed in a recycling or exchange program. The quality assurance  
5 plan shall also identify those products that shall not be accepted  
6 for distribution in a recycling or exchange program. Unacceptable  
7 products may include, but are not limited to, banned or unregistered  
8 agricultural waste, as defined in subdivision (a) of Section 25207.1,  
9 and products containing polychlorinated biphenyls (PCB), asbestos,  
10 or dioxin.

11 (k) “Person authorized by the public agency” means an  
12 employee of a public agency or a person from whom services are  
13 contracted by the public agency.

14 (l) “Recipient” means a person who accepts a reusable household  
15 hazardous product or material at a household hazardous waste  
16 collection facility operating pursuant to this article.

17 (m) “Recyclable household hazardous waste material” means  
18 any of the following:

19 (1) Latex paint.

20 (2) Used oil.

21 (3) Used oil filters.

22 (4) Antifreeze.

23 (5) Spent lead-acid batteries.

24 (6) Household hazardous waste that is designated as a universal  
25 waste pursuant to this chapter or the regulations adopted by the  
26 department, except a universal waste for which the department  
27 determines, by regulation, that there is no readily available  
28 authorized recycling facility capable of accepting and recycling  
29 that waste.

30 (n) “Recycle-only household hazardous waste collection facility”  
31 means a household hazardous waste collection facility that is  
32 operated in accordance with Section 25218.8 and accepts for  
33 recycling only recyclable household hazardous waste materials.

34 (o) “Reusable household hazardous product or material” means  
35 a container of household hazardous product, or a container of  
36 hazardous material generated by a conditionally exempt small  
37 quantity generator, that has been received by a household hazardous  
38 waste collection facility operating pursuant to this article and that  
39 is offered for distribution in a materials exchange program to a

1 recipient, as defined in subdivision (l), in accordance with a quality  
2 assurance plan, as defined in subdivision (j).

3 (p) “Temporary household hazardous waste collection facility”  
4 means a household hazardous waste collection facility that meets  
5 both of the following conditions:

6 (1) The facility is operated not more than once for a period of  
7 not more than two days in any one month at the same location.

8 (2) Upon termination of operations, all equipment, materials,  
9 and waste are removed from the site within 144 hours.

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