

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1776**

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**Introduced by Assembly Member Obernolte**

February 3, 2016

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An act to amend Section 25113 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1776, as amended, Obernolte. Hazardous waste: disposal: exemption.

*Existing law provides for the regulation of hazardous waste by the Department of Toxic Substances Control and makes a declaration of legislative intent regarding that regulation and maintaining authorization to administer a state program pursuant to the federal Resource Conservation and Recovery Act of 1976.*

Existing law prohibits the management of hazardous waste except in accordance with the hazardous waste control laws and prohibits the disposal of hazardous waste except at a disposal site or at a facility of an owner or operator who holds a valid hazardous waste facilities permit or other grant of authorization from the ~~Department of Toxic Substances Control~~ department to use and operate the site or facility. Existing law defines the term “disposal” for purposes of the hazardous waste control laws as including the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on any land.

*This bill would ~~exclude~~, bill, to the extent that it would not jeopardize state administration of the state hazardous waste program, would exclude from the definition of the term “disposal” under those ~~laws~~, laws the onsite movement of soil at an active outdoor sport shooting*

range, as defined, if this movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the shooting ~~range~~ *range, the activities at the shooting range are consistent with a specified manual produced by the United States Environmental Protection Agency, and the residual soil is replaced within the area from which it was originally removed. The bill would require the department to contact the United States Environmental Protection Agency to ensure that this exclusion is consistent with the federal Resource Conservation and Recovery Act and does not jeopardize the ability of the state to administer the state hazardous waste program in lieu of the federal program.*

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 25113 of the Health and Safety Code is  
 2 amended to read:  
 3 25113. (a) (1) “Disposal” means either of the following:  
 4 (A) The discharge, deposit, injection, dumping, spilling, leaking,  
 5 or placing of any waste so that the waste or any constituent of the  
 6 waste is or may be emitted into the air or discharged into or on  
 7 any land or waters, including groundwaters, or may otherwise  
 8 enter the environment.  
 9 (B) The abandonment of any waste.  
 10 (2) ~~“Disposal”~~ *To the extent that it would not jeopardize the*  
 11 *state’s administration of the state hazardous waste program*  
 12 *pursuant to the federal act, “disposal” does not include the onsite*  
 13 *movement of soil at an active outdoor sport shooting range if this*  
 14 *movement is done to facilitate the removal and recycling of spent*  
 15 *ammunition materials existing on the site as a result of the normal*  
 16 *use of the shooting ~~range~~ range, the activities at the shooting range*  
 17 *are consistent with the United States Environmental Protection*  
 18 *Agency’s “Best Management Practices for Lead at Outdoor*  
 19 *Shooting Ranges” manual, and the residual soil is replaced within*  
 20 *the area from which it was originally removed.*  
 21 (3) *By July 1, 2017, the department shall contact the United*  
 22 *States Environmental Protection Agency to ensure that the*  
 23 *exclusion described in paragraph (2) is consistent with the federal*  
 24 *act and does not jeopardize the ability of the state to administer*

1 *the state hazardous waste program in lieu of the federal program*  
2 *pursuant to Section 3006 of the federal act (42 U.S.C. Sec. 6926).*

3 ~~(3)~~

4 (4) For purposes of this section, “sport shooting range” has the  
5 same meaning as in paragraph (2) of subdivision (a) of Section  
6 3482.1 of the Civil Code.

7 (b) The amendment of this section by Section 2 of Chapter 1436  
8 of the Statutes of 1989 does not constitute a change in, but is  
9 declaratory of, the existing law.

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