

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1776

Introduced by Assembly Member Obernolte

February 3, 2016

An act to amend Section 25113 ~~of~~ *of*, and to add Section 25150.88 to, 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 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. *A violation of the state's hazardous waste control laws is a crime.*

This bill would authorize the department to adopt regulations to establish an alternate standard for the management of sport shooting range hazardous waste. Since a violation of the regulations adopted by the department would be a crime, the bill would impose a state-mandated local program. Until the department adopts those regulations, the 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 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, 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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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.

1 (2) (A) To the extent that it would not jeopardize the state’s
2 administration of the state hazardous waste program pursuant to
3 the federal act, “disposal” does not include the onsite movement
4 of soil at an active outdoor sport shooting range if this movement
5 is done to facilitate the removal and recycling of spent ammunition
6 materials existing on the site as a result of the normal use of the
7 shooting range, the activities at the shooting range are consistent
8 with the United States Environmental Protection Agency’s “Best
9 Management Practices for Lead at Outdoor Shooting Ranges”
10 manual, and the residual soil is replaced within the area from which
11 it was originally removed.

12 ~~(3)~~

13 (B) By July 1, 2017, the department shall contact the United
14 States Environmental Protection Agency to ensure that the
15 exclusion described in paragraph (2) is consistent with the federal
16 act and does not jeopardize the ability of the state to administer
17 the state hazardous waste program in lieu of the federal program
18 pursuant to Section 3006 of the federal act (42 U.S.C. Sec. 6926).

19 ~~(4)~~

20 (C) For purposes of this section, “sport shooting range” has the
21 same meaning as in paragraph (2) of subdivision (a) of Section
22 3482.1 of the Civil Code.

23 (D) *This paragraph shall become inoperative when the*
24 *department adopts regulations pursuant to Section 25150.88.*

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

28 *SEC. 2. Section 25150.88 is added to the Health and Safety*
29 *Code, to read:*

30 *25150.88. (a) The department may adopt regulations to*
31 *establish an alternate standard for the management of sport*
32 *shooting range hazardous waste to facilitate the removal and*
33 *recycling of spent ammunition materials existing on the site as a*
34 *result of the normal use of the shooting range.*

35 *(b) For purposes of this section, “sport shooting range” has*
36 *the same meaning as in paragraph (2) of subdivision (a) of Section*
37 *3482.1 of the Civil Code.*

38 *SEC. 3. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

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