

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 21, 2015

**SENATE BILL**

**No. 654**

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**Introduced by Senator De León**

February 27, 2015

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An act to amend Section 25200 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, De León. Hazardous waste: facilities permitting.

(1) Existing law, as part of the hazardous waste control law, requires facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law requires an owner or operator of a facility intending to renew the facility's permit to submit a complete Part A application for a permit renewal prior to the expiration of the permit. Existing law requires the owner or operator to submit a complete Part B application when requested by the department. Existing law requires the department to issue a permit if the facility meets specified requirements. A violation of the hazardous waste control law is a crime.

This bill would instead require the owner or operator of a facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. ~~The bill would require the department to issue a final permit decision for an application for permit renewal within 36 months of the expiration of the facility's permit. The bill would provide that a facility that has not been issued a final permit within 36 months following the expiration of the permit's fixed term shall be deemed in violation of the hazardous waste control law. Since that, when a complete renewal application has been submitted~~

before the end of a permit’s fixed term, the permit shall be deemed extended for a period not to exceed 36 months until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal. The bill would specify alternative timelines and rules relating to renewal for permits that expire before January 1, 2019. Because a violation of the hazardous waste control law is these requirements would be a crime, the bill would impose a state-mandated local program.

(2) 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: yes.

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

1 SECTION 1. Section 25200 of the Health and Safety Code is  
2 amended to read:

3 25200. (a) The department shall issue hazardous waste  
4 facilities permits to use and operate one or more hazardous waste  
5 management units at a facility that in the judgment of the  
6 department meet the building standards published in the State  
7 Building Standards Code relating to hazardous waste facilities and  
8 the other standards and requirements adopted pursuant to this  
9 chapter. The department shall impose conditions on each hazardous  
10 waste facilities permit specifying the types of hazardous wastes  
11 that may be accepted for transfer, storage, treatment, or disposal.  
12 The department may impose any other conditions on a hazardous  
13 waste facilities permit that are consistent with the intent of this  
14 chapter.

15 (b) The department may impose, as a condition of a hazardous  
16 waste facilities permit, a requirement that the owner or operator  
17 of a hazardous waste facility that receives hazardous waste from  
18 more than one producer comply with any order of the director that  
19 prohibits the facility operator from refusing to accept a hazardous  
20 waste based on geographical origin that is authorized to be accepted  
21 and may be accepted by the facility without extraordinary hazard.

1 (c) (1) (A) A hazardous waste facilities permit issued by the  
2 department shall be for a fixed term, which shall not exceed 10  
3 years for any land disposal facility, storage facility, incinerator,  
4 or other treatment facility.

5 (B) (i) The owner or operator of a facility intending to extend  
6 the term of the facility's permit shall submit complete Part A and  
7 Part B applications for a permit renewal at least two years prior to  
8 the expiration date of the permit. Any other relevant information  
9 shall be submitted as and when requested by the department.

10 (ii) *Notwithstanding clause (i), the owner or operator of a*  
11 *facility intending to extend the term of a permit that expires before*  
12 *January 1, 2018, shall submit complete Part A and Part B*  
13 *applications for a permit renewal before January 1, 2018.*

14 (C) (i) To the extent not inconsistent with the federal act, ~~for~~  
15 ~~an owner or operator in compliance with subparagraph (B), when~~  
16 ~~an owner or operator satisfies clause (ii) of subparagraph (B), or~~  
17 ~~a complete renewal application, and any other requested~~  
18 ~~information, has been submitted before the end of a permit's fixed~~  
19 ~~term, the permit shall be deemed extended until the renewal~~  
20 ~~application is approved or denied and the owner or operator has~~  
21 ~~exhausted all applicable rights of appeal have been exhausted.~~  
22 ~~appeal, except that this extension shall not exceed 36 months.~~

23 ~~(D) The department shall issue a final permit decision for permit~~  
24 ~~renewal for a facility within 36 months following the expiration~~  
25 ~~of the permit's fixed term. A facility that has not been issued a~~  
26 ~~final permit within 36 months following the expiration of the~~  
27 ~~permit's fixed term shall be deemed in violation of this chapter.~~

28 (ii) *Notwithstanding clause (i), for a facility with a permit that*  
29 *expires before January 1, 2016, and for which an application for*  
30 *a permit renewal has been submitted before January 1, 2016, the*  
31 *permit shall be deemed extended until the renewal application is*  
32 *approved or denied and the owner or operator has exhausted all*  
33 *applicable rights of appeal, except that this extension shall not*  
34 *extend beyond December 31, 2018.*

35 (E)

36 (D) This section does not limit or restrict the department's  
37 authority to impose any additional or different conditions on an  
38 extended permit that are necessary to protect human health and  
39 the environment.

40 (F)

1 (E) In adopting new conditions for an extended permit, the  
2 department shall follow the applicable permit modification  
3 procedures specified in this chapter and the regulations adopted  
4 pursuant to this chapter.

5 (~~G~~)

6 (F) When prioritizing pending renewal applications for  
7 processing and in determining the need for any new conditions on  
8 an extended permit, the department shall consider any input  
9 received from the public.

10 (2) The department shall review each hazardous waste facilities  
11 permit for a land disposal facility five years after the date of  
12 issuance or reissuance, and shall modify the permit, as necessary,  
13 to ensure that the facility continues to comply with the currently  
14 applicable requirements of this chapter and the regulations adopted  
15 pursuant to this chapter.

16 (3) This subdivision does not prohibit the department from  
17 reviewing, modifying, or revoking a permit at any time during its  
18 term.

19 (d) (1) When reviewing an application for a permit renewal,  
20 the department shall consider improvements in the state of control  
21 and measurement technology as well as changes in applicable  
22 regulations.

23 (2) Each permit issued or renewed under this section shall  
24 contain the terms and conditions that the department determines  
25 necessary to protect human health and the environment.

26 (e) A permit issued pursuant to the federal act by the  
27 Environmental Protection Agency in the state for which no state  
28 hazardous waste facilities permit has been issued shall be deemed  
29 to be a state permit enforceable by the department until a state  
30 permit is issued. In addition to complying with the terms and  
31 conditions specified in a federal permit deemed to be a state permit  
32 pursuant to this section, an owner or operator who holds that permit  
33 shall comply with the requirements of this chapter and the  
34 regulations adopted by the department to implement this chapter.

35 SEC. 2. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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