

AMENDED IN SENATE MAY 5, 2015  
AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 673**

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**Introduced by Senator Lara**

February 27, 2015

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An act to amend Section 25187.2 of, to add Sections 25200.21 and 25200.23 to, and to add and repeal Article 8.8 (commencing with Section 25199.20) of Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 673, as amended, Lara. Hazardous waste.

(1) The Hazardous Waste Control Law, among other things, authorizes the Department of Toxic Substances Control to regulate the generation and disposal of hazardous waste.

This bill would establish, until January 1, 2021, the DTSC-Community Oversight *California Communities* Committee within the department and require the committee to make recommendations to the department to increase public participation in, and the transparency of, the department's decisionmaking, and to serve as a resource and liaison for communities and residents in communication with the department. *decisionmaking*. The bill would require the department, by July 1, 2018, to adopt additional criteria, as specified, for use in determining whether to issue a new hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, and to develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program.

(2) Existing law authorizes the Department of Toxic Substances Control to issue an order under the hazardous waste control laws requiring that a violation be corrected and imposing a civil penalty to specified persons, including a person who has violated various provisions regulating hazardous waste or provisions concerning removal and remedial actions for hazardous substance releases. A person who is issued that order is required to pay for oversight of the removal or remedial action. The existing Carpenter-Presley-Tanner Hazardous Substance Account Act, authorizes the department to take or oversee removal and remedial actions related to the release of hazardous substances.

This bill would require a person to pay for oversight of any corrective action required of the person with respect to hazardous waste.

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 25187.2 of the Health and Safety Code  
2 is amended to read:

3 25187.2. If a person is required to take corrective action with  
4 respect to hazardous waste, that person shall pay for oversight of  
5 the corrective action. This section does not prohibit the department  
6 or unified program agency from assessing any other penalty or  
7 recovering any costs for oversight of a removal or remedial action,  
8 pursuant to any other provision. Nothing in this section limits the  
9 due process requirements of Section 25187.

10 SEC. 2. Article 8.8 (commencing with Section 25199.20) is  
11 added to Chapter 6.5 of Division 20 of the Health and Safety Code,  
12 to read:

13  
14 Article 8.8. ~~DTSC-Community Oversight California~~  
15 *Communities* Committee  
16

17 25199.20. (a) There is hereby established in the department,  
18 the ~~DTSC-Community Oversight California~~ *Communities*  
19 Committee composed of 13 members representing California  
20 residents affected by hazardous waste. The committee members  
21 shall not include representatives from the department or an entity  
22 regulated by the department pursuant to this chapter.

1 (b) Members of the committees shall be appointed as follows:

2 (1) Five members appointed by the Secretary for Environmental  
3 ~~Protection.~~ *Protection, including a designated chair of the*  
4 *committee.*

5 (2) Four members appointed by the Senate Committee on Rules.

6 (3) Four members appointed by the Speaker of the Assembly.

7 (c) Each member of the committee shall serve at the pleasure  
8 of his or her appointing authority.

9 (d) Beginning March 1, 2016, the committee shall meet *with*  
10 *the Secretary for Environmental Protection or his or her*  
11 *representative, the director, and department staff* at least three  
12 times during that year, then quarterly beginning in the 2017  
13 calendar year ~~year~~ *on a schedule as agreed upon by the committee*  
14 *and the director.*

15 (e) The committee shall do both of the following:

16 (1) *Provide information on the concerns of individual*  
17 *communities impacted by the department's hazardous waste*  
18 *permitting, enforcement, or remediation activities, and provide*  
19 *input on outreach activities to increase public participation in*  
20 *those communities.*

21 ~~(1)~~

22 (2) Make recommendations for changes in policies, procedures,  
23 and standards of the department to increase public participation  
24 in, and the transparency of, the department's decisionmaking,  
25 including providing input to the director on ways to improve the  
26 department's permitting of hazardous waste facilities and  
27 enforcement *and remedial* actions, particularly with regard to  
28 public participation and in communities identified pursuant to  
29 Section 39711 that are burdened by multiple sources of pollution.

30 ~~(2) Serve as a resource and liaison for communities and residents~~  
31 ~~in communication with the department, including reviewing the~~  
32 ~~department's current efforts and providing input to the director on~~  
33 ~~ways to improve the department's outreach to, and communication~~  
34 ~~with, communities and stakeholders, to increase public participation~~  
35 ~~in, and the transparency of, the department's permitting process.~~

36 (f) *The committee shall, 30 days prior to each meeting, provide*  
37 *the director with an agenda outlining the topics to be discussed*  
38 *at the meeting.*

39 (g) *Upon receipt of the agenda, the department shall post the*  
40 *agenda on its Internet Web site.*

1 (h) *The department shall provide appropriate meeting space*  
 2 *for meetings of the committee.*

3 (i) *Meetings of the committee shall be open to the public and*  
 4 *are subject to the Bagley-Keene Open Meeting Act (Article 9*  
 5 *(commencing with Section 11120) of Chapter 1 of Part 1 of*  
 6 *Division 3 of Title 2 of the Government Code).*

7 ~~(f)~~

8 (j) The department shall provide the committee with appropriate  
 9 per diem compensation consistent with Section 19822.5 of the  
 10 Government Code.

11 25199.21. This article shall remain in effect only until January  
 12 1, 2021, and as of that date is repealed, unless a later enacted  
 13 statute, that is enacted before January 1, 2021, deletes or extends  
 14 that date.

15 SEC. 3. Section 25200.21 is added to the Health and Safety  
 16 Code, to read:

17 25200.21. On or before January 1, 2018, the department shall  
 18 adopt regulations establishing additional criteria that the department  
 19 shall use to determine whether to issue a new permit or a renewal  
 20 of a permit pursuant to this article. These criteria shall include, but  
 21 are not limited to, all of the following:

22 (a) Number and types of past violations that will result in a  
 23 denial.

24 (b) The vulnerability of, and existing health risks to, nearby  
 25 populations. Vulnerability shall be assessed using the  
 26 CalEnviroScreen tool, local and regional health risk assessments,  
 27 the region’s federal Clean Air Act attainment status, and other  
 28 indicators of community vulnerability, cumulative impact, and  
 29 potential risks to health and well-being.

30 (c) Minimum setback distances from sensitive receptors, such  
 31 as schools, child care facilities, residences, hospitals, elder care  
 32 facilities, and other sensitive locations.

33 (d) Evidence of financial responsibility, qualifications of  
 34 ownership, and continuity of ownership and operation.

35 (e) Provision of financial assurances pursuant to Section  
 36 25200.1.

37 (f) Training of personnel in the safety culture and plans,  
 38 emergency plans, and maintenance of operations.

39 SEC. 4. Section 25200.23 is added to the Health and Safety  
 40 Code, to read:

1 25200.23. On or before July 1, 2018, the department shall  
2 develop and implement programmatic reforms designed to improve  
3 the protectiveness, timeliness, legal defensibility, and enforceability  
4 of the department’s permitting program, including strengthening  
5 environmental justice safeguards, enhancing enforcement of public  
6 health protections, and increasing public participation and outreach  
7 activities. In accomplishing these reforms, the department shall  
8 do all of the following:

9 (a) Establish transparent standards and procedures for permitting  
10 decisions, including those that are applicable to permit revocation  
11 and denial.

12 (b) Establish terms and conditions on permits to better protect  
13 public health and the environment, including in imminent and  
14 substantial endangerment situations.

15 (c) Employ consistent procedures for reviewing permit  
16 applications, integrating public input into those procedures, and  
17 making timely permit decisions.

18 (d) Enhance public involvement using procedures that provide  
19 for early identification and integration of public concerns into  
20 permitting decisions, including concerns of communities identified  
21 pursuant to Section 39711.

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