

Assembly Bill No. 645

CHAPTER 688

An act to amend Section 25202 of, and to add Section 25205.5.1 to, the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 21, 1996. Filed
with Secretary of State September 23, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 645, Frusetta. Hazardous waste facilities: disposal and generator fees: permits.

(1) Existing law requires each person who disposes of hazardous waste to land to pay a fee and requires each generator of hazardous waste to pay the State Board of Equalization a generator fee for each generator site for each calendar year. Those fees are deposited in the Hazardous Waste Control Account in the General Fund, and the funds in the account are authorized to be expended, upon appropriation by the Legislature, for specified purposes, including for expenditure by the Department of Toxic Substances Control to administer a hazardous waste control program and the Carpenter-Presley-Tanner Hazardous Substance Account Act.

This bill would authorize the department to adopt regulations exempting victims of disaster from the hazardous waste disposal and generator fees if the hazardous waste is generated in a geographical area identified in a state of emergency proclamation by the Governor, the hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster, the hazardous waste is not routinely produced or managed, as specified, and the victim meets any other condition or limitation specified by the department.

(2) Existing law prohibits the operation of a hazardous waste facility unless the owner or operator holds a hazardous waste facilities permit or other grant of authorization from the department. The owner or operator of a hazardous waste facility who holds a hazardous waste facilities permit or a grant of interim status is required to comply with the conditions of the hazardous waste facilities permit or interim status document, and specified requirements and regulations. Existing law makes a declaration that certain amendments made to this provision at the 1989 Regular Session of the Legislature were declaratory of existing law.

This bill would delete that declaration of legislative intent.

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

SECTION 1. Section 25202 of the Health and Safety Code is amended to read:

25202. (a) The owner or operator of a hazardous waste facility who holds a hazardous waste facilities permit or a grant of interim status shall comply with the conditions of the hazardous waste facilities permit or interim status document, the requirements of this chapter, and with the regulations adopted by the department pursuant to this chapter, including regulations which become effective after the issuance of the permit or grant of interim status.

Notwithstanding any term or condition in a hazardous waste facilities permit or interim status document, the department may adopt or amend regulations which impose additional or more stringent requirements than those existing at the time the permit or interim status document was issued. The department may enforce both the permit or interim status document and additional or more stringent requirements against the owner or operator of a facility.

(b) The amendment of this section made by Chapter 1126 of the Statutes of 1991 does not constitute a change in, but is declaratory of, the existing law.

SEC. 2. Section 25205.5.1 is added to the Health and Safety Code, to read:

25205.5.1. Notwithstanding Sections 25174.1 and 25205.5, the department may adopt regulations exempting victims of disasters from the hazardous waste disposal fee imposed pursuant to Section 25174.1 and the generator fee imposed pursuant to Section 25205.5. The regulations may allow that exemption if all of the following apply:

(a) The hazardous waste is generated in a geographical area identified in a state of emergency proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire, flood, storm, earthquake, riot, or civil unrest.

(b) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster.

(c) The hazardous waste is not hazardous waste that is routinely produced as part of a manufacturing or commercial business or that is managed by a hazardous waste facility or a facility operated by a generator of hazardous waste who files a hazardous waste notification statement with the department pursuant to subdivision (a) of Section 25158.

(d) The victim meets any other condition or limitation on eligibility specified by the department.

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