AMENDED IN SENATE JUNE 5, 1995

AMENDED IN ASSEMBLY APRIL 6, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL No. 1822

Introduced by Assembly Member Richter

February 24, 1995

An act to add Section 25143.4 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1822, as amended, Richter. Hazardous waste: kraft pulping liquors.

(1) 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 of Toxic Substances Control. A violation of the laws regulating hazardous waste is a crime.

This bill would ~~make a statement of legislative intent and would~~ require the department to adopt regulations which authorize the reuse of pulping liquors that are reclaimed in a pulping liquor recovery furnace and which are consistent with specified federal regulations. The bill would provide that, until the department adopts those regulations, those federal regulations would be deemed to be the regulations of the department. The bill would allow organic materials that are derived from wood processed at kraft pulping mills to be burned as a fuel by the mill which produced the materials,

without the obtaining of a hazardous waste facilities permit or other grant of authorization from the department, *consistent with the federal Resource Conservation and Recovery Act of 1976, as amended,* if specified requirements are met, thereby imposing a state-mandated local program by creating a new crime.

(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:

~~SECTION 1. The Legislature hereby finds and declares that the regulation of the reclamation and reuse of pulping liquors should be equivalent to that of the Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.). The Legislature further finds that certain wood-derived organic materials with high heating values that are produced during the kraft pulping mill process may be safely used onsite as fuels under conditions that do not present a threat to human health and safety or the environment. The onsite use of these materials as fuels promotes energy conservation and eliminates the need to handle and transport those flammable materials.~~

~~SEC. 2.~~

SECTION 1. Section 25143.4 is added to the Health and Safety Code, to read:

25143.4. (a) The department shall adopt regulations pursuant to this section, which authorize the reuse of pulping liquors that are reclaimed in a pulping liquor recovery furnace, *and* which are equivalent to the regulations in Section 261.4 (a)(6) of Title 40 of the Code of Federal Regulations.

Until the department adopts these regulations, the regulations adopted by the Environmental Protection Agency regarding pulping liquors that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, as set forth in Section 261.4 (a)(6) of Title 40 of the Code of Federal Regulations, shall be deemed to be the regulations of the department.

(b) ~~Notwithstanding~~ *To the extent consistent with the federal act, and notwithstanding* any other provision of law, organic materials, including, but not limited to, crude sulfate turpentine and methanol, that are derived from wood processed at kraft pulping mills to produce wood pulp, may be burned as a fuel by the mill which produced the materials, without obtaining a hazardous waste facilities permit or other grant of authorization from the department, if all of the following requirements are met:

(1) The materials exhibit only the characteristics listed in Section 66261.21 of, and paragraph (6) of subdivision (a) of Section 66261.24 of, Title 22 of the California Code of Regulations.

(2) The materials have heating values comparable to that of commercially available fuels.

(3) The materials are not contaminated or mixed with hazardous constituents from other processes.

(4) The combustion of the materials is regulated by an air pollution control district or air quality management district.

~~SEC. 3.~~

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

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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