

## Senate Bill No. 651

### CHAPTER 301

An act to amend, repeal, and add Section 25198 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor August 2, 1995. Filed with  
Secretary of State August 3, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 651, Wright. Hazardous waste: testing: certified laboratories.

(1) Under existing law, the analysis of any material required by the hazardous waste control laws is to be performed by a laboratory certified by the State Department of Health Services pursuant to the provisions regulating environmental laboratories. A violation of the hazardous waste control laws is a crime.

This bill would, until January 1, 2001, exempt from those requirements analyses performed by a laboratory pursuant to the facility's waste analysis plan which is prepared in accordance with specified regulations, if the laboratory meets specified conditions. The bill would specify that this exemption does not exempt the analyses of waste for purposes of disposal from those certification requirements.

The bill would impose a state-mandated local program by redefining a 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.

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

SECTION 1. Section 25198 of the Health and Safety Code is amended to read:

25198. (a) For purposes of this section, "state department" means the State Department of Health Services.

(b) Except as provided in subdivision (c), the analysis of any material required by this chapter shall be performed by a laboratory certified by the state department pursuant to Chapter 7.5 (commencing with Section 1010) of Part 2 of Division 1, except that laboratories previously issued a certificate under this section shall be deemed certified until the time that certification under Chapter 7.5 (commencing with Section 1010) of Part 2 of Division 1 has been



either granted or denied, but not beyond the expiration date shown on the certificate previously issued under this section.

(c) The requirements of subdivision (b) shall not apply to analyses performed by a laboratory pursuant to the facility's waste analysis plan, which is prepared in accordance with the regulations adopted by the Department of Toxic Substances Control pursuant to this chapter, if both of the following conditions are met:

(1) The laboratory is owned or operated by the same person who owns or operates the facility at which the waste will be managed, and the facility is a hazardous waste treatment, storage, or disposal facility that is required to obtain a hazardous waste facilities permit pursuant to Article 9 (commencing with Section 25200).

(2) The analysis is conducted for any of the following purposes:

(A) To determine whether a facility will accept the hazardous waste for transfer, storage, or treatment, as described in paragraph (3) of subdivision (a) of Section 66264.13 of, and paragraph (3) of subdivision (a) of Section 66265.13 of, Title 22 of the California Code of Regulations, as those sections read on January 1, 1996.

(B) To ensure that the analysis used to determine whether a facility will accept the hazardous waste for transfer, storage, or treatment is accurate and up to date, as described in paragraph (4) of subdivision (a) of Section 66264.13 of, and paragraph (4) of subdivision (a) of Section 66265.13 of, Title 22 of the California Code of Regulations, as those sections read on January 1, 1996.

(C) To determine whether the hazardous waste received at the facility for transfer, storage, or treatment matches the identity of the hazardous waste designated on an accompanying manifest or shipping paper, as described in paragraph (5) of subdivision (a) of Section 66264.13 of, and paragraph (5) of subdivision (a) of Section 66265.13 of, the California Code of Regulations, as those sections read on January 1, 1996.

(d) An analysis performed in accordance with subdivision (c) is not an analysis performed for regulatory purposes within the meaning of paragraph (4) of subdivision (c) of Section 1010.

(e) The exemption provided by subdivision (c) does not exempt the analyses of waste for purposes of disposal from the requirements of subdivision (b) requiring certified laboratory analyses. The analyses described in subdivision (c) are not exempt from any other requirement of law, regulation, or guideline governing quality assurance and quality control.

(f) No person or public entity of the state shall contract with a laboratory for environmental analyses for which certification is required pursuant to this chapter, unless the laboratory holds a valid certificate from the state department.

(g) This section shall remain in effect until January 1, 2001, as and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 2001, deletes or extends that date.



SEC. 2. Section 25198 is added to the Health and Safety Code, to read:

25198. (a) For purposes of this section, “state department” means the State Department of Health Services.

(b) The analysis of any material required by this chapter shall be performed by a laboratory certified by the state department pursuant to Chapter 7.5 (commencing with Section 1010) of Part 2 of Division 1, except that laboratories previously issued a certificate under this section shall be deemed certified until the time that certification under Chapter 7.5 (commencing with Section 1010) of Part 2 of Division 1 has been either granted or denied, but not beyond the expiration date shown on the certificate previously issued under this section.

(c) No person or public entity of the state shall contract with a laboratory for environmental analyses for which certification is required pursuant to this chapter, unless the laboratory holds a valid certificate.

(d) This section shall become operative January 1, 2001.

SEC. 3. 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.

