

AMENDED IN SENATE JULY 1, 1997  
AMENDED IN ASSEMBLY MAY 13, 1997  
CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 708**

**Introduced by Assembly Member Ackerman**

February 26, 1997

An act to amend Section 25174.6 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 708, as amended, Ackerman. Hazardous waste management: fees.

Existing law requires each person who disposes of hazardous waste in this state to pay a fee for the disposal of hazardous waste to land, based on the type of waste placed in a disposal site, as prescribed, including a fee of \$7.50 per ton for non-RCRA hazardous waste generated in specified actions or in any other cleanup, removal, or remediation of a hazardous substance.

This bill would specify that the non-RCRA hazardous waste fee category includes any other cleanup, removal, or remediation of a hazardous substance *or non-RCRA hazardous waste*, whether required or voluntary.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



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

1 SECTION 1. Section 25174.6 of the Health and Safety  
2 Code is amended to read:

3 25174.6. (a) The fee provided pursuant to Section  
4 25174.1 shall be determined as a percentage of the base  
5 rate, as adjusted by the State Board of Equalization,  
6 pursuant to Section 25174.2, or as otherwise provided by  
7 this section. The procedure for determining these fees is  
8 as follows:

9 (1) The following fees shall be paid for each ton, or  
10 fraction thereof for up to the first 5,000 tons of the  
11 following hazardous wastes disposed of, or submitted for  
12 disposal, in the state at each specific offsite facility by each  
13 producer, or at each specific onsite facility, per month, if  
14 the hazardous wastes are not otherwise subject to the fee  
15 specified in paragraph (3) or (4) and are not otherwise  
16 exempt from the fees imposed pursuant to this article:

17 (A) For non-RCRA hazardous waste, excluding  
18 asbestos, generated in a remedial action, a removal  
19 action, or a corrective action taken pursuant to this  
20 chapter, Chapter 6.7 (commencing with Section 25280),  
21 Chapter 6.75 (commencing with Section 25299.10), or  
22 Chapter 6.8 (commencing with Section 25300), or  
23 generated in any other required or voluntary cleanup,  
24 removal, or remediation of a hazardous substance *or*  
25 *non-RCRA hazardous waste*, a fee of seven dollars and  
26 fifty cents (\$7.50) per ton.

27 (B) For all other non-RCRA hazardous waste, a fee of  
28 16.31 percent of the base rate for each ton.

29 (2) Thirteen percent of the base rate for each ton, or  
30 fraction thereof, shall be paid for up to the first 5,000 tons  
31 of hazardous waste disposed of, or submitted for disposal,  
32 in the state, at each specific offsite facility by each  
33 producer, or at each specific onsite facility, per month,  
34 which result from the extraction, beneficiation, and  
35 processing of ores and minerals, including phosphate rock  
36 and the overburden from the mining of uranium ore and  
37 which is not otherwise subject to the fee specified in  
38 paragraph (3) or (4).



1 (3) Two hundred percent of the base rate shall be paid  
2 for each ton, or fraction thereof, of extremely hazardous  
3 waste disposed of, or submitted for disposal, in the state.

4 (4) Two hundred percent of the base rate shall be paid  
5 for each ton, or fraction thereof, of restricted hazardous  
6 wastes listed in subdivision (b) of Section 25122.7  
7 disposed of, or submitted for disposal, in the state.

8 (5) Forty and four-tenths percent of the base rate shall  
9 be paid for each ton, or fraction thereof, of hazardous  
10 waste disposed of, or submitted for disposal, in the state,  
11 which is not otherwise subject to the fees specified in  
12 paragraph (1), (2), (3), (4), or (6).

13 (6) Five percent of the base rate shall be paid for each  
14 ton, or fraction thereof, of hazardous waste disposed of, or  
15 submitted for disposal, in the state, that is a solid  
16 hazardous waste residue resulting from incineration or  
17 dechlorination. No fees shall be imposed pursuant to this  
18 paragraph on a solid hazardous waste residue resulting  
19 from incineration or dechlorination which is disposed of,  
20 or submitted for disposal, outside of the state.

21 (7) Fifty percent of the fee that would otherwise be  
22 paid for each ton, or fraction thereof, of hazardous waste  
23 disposed of in the state, that is a solid hazardous waste  
24 residue resulting from treatment of a treatable waste by  
25 means of a designated treatment technology, as defined  
26 in Section 25179.2. No fees shall be imposed pursuant to  
27 this paragraph on a solid hazardous waste residue  
28 resulting from treatment of a treatable waste by means of  
29 a designated treatment technology that is not a hazardous  
30 waste or which is disposed of, or submitted for disposal,  
31 outside of the state.

32 (b) The amount of fees payable to the State Board of  
33 Equalization pursuant to this section shall be calculated  
34 using the total wet weight, measured in tons or fractions  
35 thereof, of the hazardous waste in the form in which the  
36 hazardous waste existed at the time of disposal,  
37 submission for disposal, or application to land using a land  
38 disposal method, as defined in Section 66260.10 of Title 22  
39 of the California Code of Regulations, if all of the  
40 following apply:



1 (1) The weight of any nonhazardous reagents or  
2 treatment additives added to the waste, after it has been  
3 submitted for disposal, for purposes of rendering the  
4 waste less hazardous, shall not be included in those  
5 calculations.

6 (2) Except as provided by paragraph (7) of  
7 subdivision (a), any RCRA hazardous waste received,  
8 treated, and disposed at the disposal facility shall be  
9 subject to a disposal fee pursuant to this section as if it  
10 were a non-RCRA hazardous waste, if the waste, due to  
11 treatment, is no longer a RCRA hazardous waste at the  
12 time of disposal.

13 (c) All fees imposed by this section shall be paid in  
14 accordance with Part 22 (commencing with Section  
15 43001) of Division 2 of the Revenue and Taxation Code.

