

AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 882

Introduced by Assembly Member Wayne

February 27, 1997

An act to amend Sections ~~25159.7, 25159.8, and 25159.9~~ Section 25124 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 882, as amended, Wayne. Hazardous waste: *definition*.

Existing law ~~authorizes the Department of Toxic Substances Control to carry out all hazardous waste management responsibilities imposed or authorized by the federal Resource Conservation and Recovery Act of 1976 and by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, including any regulations adopted pursuant to those acts. Existing law also specifies procedures for the sharing of information with the Environmental Protection Agency~~ *defines the term "waste" for purposes of the hazardous waste control laws and excludes from the definition of "waste" a discarded material that is an intermediate manufacturing process stream, as defined.*

This bill would make ~~technical and conforming changes in those provisions~~ *clarifying changes in that definition of waste and would additionally exclude, from the definition, to the extent consistent with the federal Resource Conservation and Recovery Act of 1976, a material while being used in a*

manufacturing process unit or an associated manufacturing unit, as specified.

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

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

- 1 SECTION 1. ~~Section 25159.7 of the Health and Safety~~
 2 SECTION 1. Section 25124 of the Health and Safety
 3 Code is amended to read:
 4 25124. (a) ~~Except as provided in subdivision (f),~~
 5 ~~“waste”~~ “Waste” means any solid, liquid, semisolid, or
 6 contained gaseous discarded material that is not excluded
 7 by this chapter or by regulations adopted pursuant to this
 8 chapter.
 9 (b) ~~A~~ For purposes of subdivision (a), a discarded
 10 material is any material ~~which~~ that is any of the following:
 11 (1) Relinquished, ~~as specified in subdivision (e).~~
 12 (2) ~~Recycled, as specified in subdivision (d).~~
 13 (3) ~~Meets the requirements of subdivision (e).~~
 14 (4) ~~Considered inherently wastelike, as specified in~~
 15 ~~the regulations adopted by the department.~~
 16 (e) ~~A material is a discarded material if it is~~
 17 ~~relinquished~~ by being any of the following:
 18 (1)
 19 (A) Disposed of.
 20 (2)
 21 (B) Burned or incinerated.
 22 (3)
 23 (C) Accumulated, stored, or treated, but not recycled,
 24 before, or in lieu of, being relinquished by being disposed
 25 of, burned, or incinerated.
 26 (d) ~~A material is a discarded material if it is recycled~~
 27 (2) Recycled, or accumulated, stored, or treated
 28 before recycling, except as provided in Section 25143.2.
 29 (e) ~~A material is a discarded material if it poses~~
 30 (3) Poses a threat to public health or the environment
 31 and meets either, or both, of the following conditions:
 32 (1)



1 (A) It is mislabeled or not adequately labeled, unless
2 the material is correctly labeled or adequately labeled
3 within 10 days after the material is discovered to be
4 mislabeled or inadequately labeled.

5 ~~(2)~~

6 (B) It is packaged in deteriorated or damaged
7 containers, unless the material is contained in sound or
8 undamaged containers within 96 hours after the
9 containers are discovered to be deteriorated or damaged.

10 ~~(f) Notwithstanding subdivision (a), a~~

11 ~~(4) Considered inherently wastelike, as specified in~~
12 ~~regulations adopted by the department.~~

13 (c) A material is not a discarded material if it is ~~an~~
14 *either of the following:*

15 (1) *An intermediate manufacturing process stream.*

16 (2) (A) *To the extent consistent with the federal act,*
17 *a material while being used in a manufacturing process*
18 *unit or an associated manufacturing unit that is not a*
19 *waste treatment unit, until it exits the unit in which it was*
20 *used, unless the unit is a surface impoundment, or unless*
21 *the material is hazardous and remains in the unit more*
22 *than 90 days after the unit ceases to be operated for*
23 *manufacturing.*

24 (B) *Subparagraph (A) does not apply to material that*
25 *is a hazardous waste prior to being introduced into the*
26 *manufacturing process unit.*

27 ~~Code is amended to read:~~

28 ~~25159.7. The department may carry out all hazardous~~
29 ~~waste management responsibilities imposed or~~
30 ~~authorized by the federal act, and by the Comprehensive~~
31 ~~Environmental Response, Compensation, and Liability~~
32 ~~Act of 1980 (42 U.S.C. Sec. 9601 and following), and by any~~
33 ~~subsequent amendments of those federal acts, and any~~
34 ~~regulations adopted pursuant to those federal acts.~~

35 ~~SEC. 2. Section 25159.8 of the Health and Safety Code~~
36 ~~is amended to read:~~

37 ~~25159.8. Nothing in this chapter shall be construed as~~
38 ~~prohibiting the furnishing of trade secret information to~~
39 ~~the Environmental Protection Agency to the extent~~
40 ~~required by law to obtain and maintain interim and final~~



1 ~~authorization to implement the state hazardous waste~~
2 ~~program in lieu of the federal program under the federal~~
3 ~~act. If the department has received a written claim that~~
4 ~~particular information furnished to the Environmental~~
5 ~~Protection Agency is trade secret information, the~~
6 ~~department shall so inform the Environmental~~
7 ~~Protection Agency.~~

8 SEC. 3. ~~Section 25159.9 of the Health and Safety Code~~
9 ~~is amended to read:~~

10 ~~25159.9. Notwithstanding any other provision of law,~~
11 ~~the department may make available to the~~
12 ~~Environmental Protection Agency or any other federal~~
13 ~~agency any and all information necessary to be furnished~~
14 ~~to those agencies to comply with the federal act and~~
15 ~~obtain and maintain authorization to administer the state~~
16 ~~hazardous waste program in lieu of the federal program.~~
17 ~~The sharing of information between the department and~~
18 ~~a federal agency pursuant to this section shall not~~
19 ~~constitute a waiver by the department or any affected~~
20 ~~person of any privilege or confidentiality of the~~
21 ~~information provided by law.~~

