

AMENDED IN SENATE JULY 16, 1998

AMENDED IN SENATE JULY 6, 1998

AMENDED IN SENATE JUNE 22, 1998

AMENDED IN ASSEMBLY MAY 7, 1998

AMENDED IN ASSEMBLY MARCH 31, 1998

AMENDED IN ASSEMBLY MARCH 23, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2067

Introduced by Assembly Member Cunneen

February 18, 1998

An act to amend Sections 25160, 25179.5, 25205.15, 25250.1, 25250.4, and 25250.7 of, and to add Sections 25121.1, 25160.3, and 25200.19 to, the Health and Safety Code, ~~to add Article 2.3 (commencing with Section 12179) to Chapter 4 of Part 2 of Division 2 of,~~ and to add and repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, the Public Contract Code, and to amend Sections 48620 and 71061 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2067, as amended, Cunneen. Hazardous waste: state agency procurement.

(1) Existing law defines "recyclable material" and "recycled material" for purposes of the hazardous waste control laws. Existing law requires any person generating

hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest prior to the time the waste is transported or offered for transportation and to submit the manifest to the Department of Toxic Substances Control. Existing law requires the department to impose a fee for each manifest used by a generator but exempts from the fee imposed after June 30, 1998, manifests used solely for hazardous wastes that are recycled.

This bill would define “recycling” for purposes of the hazardous waste control laws, except the bill would define the term “recycling” for purposes of certain fees, taxes, and charges imposed to additionally include specified activities. The bill would allow a generator of hazardous waste and any facility operator who receives hazardous waste to submit an electronic report to the department in lieu of the manifest copy. The bill would impose a fee of \$3.50 upon each manifest form used for hazardous wastes derived from clean air solvents, as defined.

The bill would allow a hazardous waste facility that meets specified conditions to conduct bulk, packaged, or containerized unloading and loading operations, as defined, pursuant to specified criteria.

(2) The existing Hazardous Waste Treatment Act of 1995 prohibits any hazardous waste from being land disposed if that hazardous waste is restricted from land disposal pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA), except as specified. Existing law provides that the treatment standards adopted pursuant to the federal act are the minimum treatment standards for that waste and become effective upon its effective federal date.

This bill would instead provide that any land disposal restriction, including any treatment standard, notification requirement, or recordkeeping requirement that is adopted pursuant to RCRA will become effective on that date specified above and would provide that the federal land disposal restriction supersedes the corresponding land disposal restriction in the department’s regulations, except as specified.



(3) Existing law requires every generator of hazardous waste to pay an annual generator fee to the State Board of Equalization but exempts, from those fees, hazardous materials that are recycled and used onsite, and certain aqueous wastes. Existing law also imposes a fee upon the operators of certain hazardous waste facilities. The revenues from those fees are required to be deposited in the Hazardous Waste Control Account in the General Fund and the money in that account is available, upon appropriation by the Legislature, for expenditure by the department for hazardous waste management. Existing law also authorizes Certified Unified Program Agencies (CUPA) to adopt a single fee system to implement the unified program.

This bill would require the Bureau of State Audits to submit a report to the Legislature, by June 30, 1999, making recommendations for changes in the structure of those fees.

(4) Existing law defines “used oil” for purposes of the provisions regulating the handling of used oil and provides specified standards of purity for recycled oil, including a specified amount of total halogens. Existing law prohibits any person who generates, stores, or transfers used oil from intentionally contaminating used oil with other hazardous waste, except as specified. A violation of the laws regulating used oil is a crime.

This bill would revise the definition of “used oil” to include any oil that meets specified requirements as to the manner the recycled oil is produced from used oil. The bill would also define the term “contaminated petroleum product” for purposes of these provisions.

This bill would allow a used oil recycling facility to mix used oil with a contaminated petroleum product or with an oily waste, other than wastes listed as hazardous under specified federal law, under certain conditions. The bill would allow a generator or transporter to mix used oil with contaminated petroleum products, only as specified, thereby imposing a state-mandated local program by creating a new crime.

The bill would also correct erroneous references.

(5) Existing law declares that it is state policy to conserve and protect resources using recycled resources.



This bill would require all state agencies to purchase rerefined automotive lubricant, recycled antifreeze, recycled solvent, and recycled paint, as defined. The purchase of the listed materials would be required only when they are available, of a fitness and quality equal to their nonrecycled counterparts, as defined, and at the same or lower cost of the nonrecycled products. The bill would repeal these provisions January 1, 2001.

~~The bill would also require, fitness and quality being equal, that all state agencies purchase specified types of recycled products, whenever the recycled product is available at a cost no greater than the cost of nonrecycled products, including building and construction materials, outdoor furnishings, indoor furnishings, and landscaping materials, as described.~~

(6) 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:

1 SECTION 1. This act shall be known, and may be
2 cited, as the Hazardous Waste Recycling Enhancement
3 Act of 1998.

4 SEC. 2. Section 25121.1 is added to the Health and
5 Safety Code, to read:

6 25121.1. (a) "Recycling" means using, reusing, or
7 reclaiming a recyclable material.

8 (b) Notwithstanding subdivision (a), for purposes of
9 the fees, taxes, and charges imposed pursuant to Article
10 7 (commencing with Section 25170), "recycling" means
11 the collecting, transporting, storing, transferring,
12 handling, segregating, processing, using or reusing, or
13 reclaiming of recyclable material to produce recycled
14 material.



1 SEC. 3. Section 25160 of the Health and Safety Code
2 is amended to read:

3 25160. (a) For purposes of this chapter, “manifest”
4 means a shipping document originated and signed by a
5 generator of hazardous waste that contains all of the
6 information required by the department and that
7 complies with all applicable federal and state regulations.

8 (b) (1) Any person generating hazardous waste
9 which is transported, or submitted for transportation, for
10 offsite handling, treatment, storage, disposal, or any
11 combination thereof, shall complete a manifest prior to
12 the time the waste is transported or offered for
13 transportation, and shall designate on that manifest the
14 facility to which the waste is to be shipped for the
15 handling, treatment, storage, disposal, or combination
16 thereof. The manifest shall be completed, as required by
17 the department. The generator shall provide the
18 manifest to the person who will transport the hazardous
19 waste, who is the driver, if the hazardous waste will be
20 transported by vehicle, or the person designated by the
21 railroad corporation or vessel operator, if the hazardous
22 waste will be transported by rail or vessel. The generator
23 shall use the standard California Uniform Hazardous
24 Waste Manifest supplied by the department for all
25 shipments of hazardous waste for which a manifest is
26 required, except as provided in paragraph (2). A manifest
27 shall only be used for the purposes specified in this
28 chapter, including, but not limited to, identifying
29 materials that the person completing the manifest
30 reasonably believes are hazardous waste. Within 30 days
31 from the date of transport, or submission for transport, of
32 hazardous waste, each generator of that hazardous waste
33 shall submit to the department a legible copy of each
34 manifest used. The copy submitted to the department
35 shall contain the signatures of the generator and the
36 transporter. In lieu of submitting a copy of each manifest
37 used, a generator may submit an electronic report to the
38 department meeting the requirements of Section
39 25160.3.



1 (2) Any person generating hazardous waste which is
2 transported, or submitted for transportation, for offsite
3 handling, treatment, storage, disposal, or any
4 combination thereof, outside of the state, shall complete,
5 whether or not the waste is determined to be hazardous
6 by the importing country or state, a standard California
7 Uniform Hazardous Waste Manifest, or the generator
8 shall complete, in its own form of manifest, the manifest
9 required by the receiving state and shall submit a copy of
10 that manifest to the department within 30 days from the
11 date of the transport, or submission for transport, of the
12 hazardous waste. In lieu of submitting a copy of each
13 manifest used, a generator may submit an electronic
14 report to the department meeting the requirements of
15 Section 25160.3.

16 (3) Within 30 days from the date of transport, or
17 submission for transport, of hazardous waste out of state,
18 each generator of that hazardous waste shall submit to the
19 department a legible copy of each manifest used. The
20 copy submitted to the department shall contain the
21 signatures of the generator, all transporters, excepting
22 intermediate rail transporters, and the out-of-state
23 facility operator. If within 35 days from the date of the
24 initial shipment, or for exports by water to foreign
25 countries, 60 days after the initial shipment, the generator
26 has not received a copy of the manifest signed by all
27 transporters and the facility operator, the generator shall
28 contact the owner or operator of the designated facility
29 to determine the status of the hazardous waste and to
30 request that the owner or operator immediately provide
31 a signed copy of the manifest to the generator. If within
32 45 days from the date of the initial shipment or, for
33 exports by water to foreign countries, 90 days from the
34 date of the initial shipment, the generator has not
35 received a copy of the signed manifest from the facility
36 owner or operator, the generator shall submit an
37 exception report to the department.

38 (4) For shipments of waste that do not require a
39 manifest pursuant to Title 40 of the Code of Federal
40 Regulations, the department, by regulation, may



1 establish manifest requirements that differ from the
2 requirements of this subdivision. The requirements for an
3 alternative form of manifest shall ensure that the
4 hazardous waste is transported by a registered hazardous
5 waste transporter, that the hazardous waste is tracked,
6 and that human health and safety and the environment
7 are protected.

8 (c) (1) The department shall determine the form and
9 manner in which a manifest shall be completed and the
10 information that the manifest shall contain. The
11 information requested on the manifest shall serve as the
12 data dictionary for purposes of the developing of an
13 electronic reporting format pursuant to Section 71062 of
14 the Public Resources Code. The form of each manifest
15 and the information requested on each manifest shall be
16 the same for all hazardous wastes, regardless of whether
17 the hazardous wastes are also regulated pursuant to the
18 federal act or by regulations adopted by the United States
19 Department of Transportation. However, the form of the
20 manifest and the information required shall be consistent
21 with federal regulations.

22 (2) Pursuant to federal regulations, the department
23 may require information on the manifest in addition to
24 the information required by federal regulations.

25 (d) (1) Any person who transports hazardous waste in
26 a vehicle shall have a manifest in his or her possession
27 while transporting the hazardous waste. The manifest
28 shall be shown upon demand to any representative of the
29 department, any officer of the California Highway Patrol,
30 any local health officer, or any local public officer
31 designated by the director. If the hazardous waste is
32 transported by rail or vessel, the railroad corporation or
33 vessel operator shall comply with Subchapter C
34 (commencing with Section 171.1) of Chapter 1 of Subtitle
35 B of Title 49 of the Code of Federal Regulations and shall
36 also enter on the shipping papers any information
37 concerning the hazardous waste which the department
38 may require.

39 (2) Any person who transports any waste, as defined
40 by Section 25124, and who is provided with a manifest for



1 that waste shall, while transporting that waste, comply
2 with all requirements of this chapter, and the regulations
3 adopted pursuant thereto, concerning the transportation
4 of hazardous waste.

5 (3) Any person who transports hazardous waste shall
6 transfer a copy of the manifest to the facility operator at
7 the time of delivery, or to the person who will
8 subsequently transport the hazardous waste in a vehicle.
9 Any person who transports hazardous waste and then
10 transfers custody of that hazardous waste to a person who
11 will subsequently transport that waste by rail or vessel
12 shall transfer a copy of the manifest to the person
13 designated by the railroad corporation or vessel operator,
14 as specified by Subchapter C (commencing with Section
15 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code
16 of Federal Regulations.

17 (4) Any person transporting hazardous waste by
18 motor vehicle, rail, or water shall certify to the
19 department, at the time of initial registration and at the
20 time of renewal of that registration pursuant to this
21 article, that the transporter is familiar with the
22 requirements of this section, the department regulations,
23 and federal laws and regulations governing the use of
24 manifests.

25 (e) (1) Any facility operator in the state who receives
26 hazardous waste for handling, treatment, storage,
27 disposal, or any combination thereof, which was
28 transported with a manifest pursuant to this section, shall
29 submit a copy of the manifest to the department within
30 30 days from the date of receipt of the hazardous waste.
31 The copy submitted to the department shall contain the
32 signatures of the generator, all transporters, excepting
33 intermediate rail transporters, and the facility operator.
34 In instances where the generator or transporter is not
35 required by the generator's state or federal law to sign the
36 manifest, the facility operator shall require the generator
37 and all transporters, excepting intermediate rail
38 transporters, to sign the manifest before accepting the
39 waste at any facility in this state. In lieu of submitting a
40 copy of each manifest used, a facility operator may submit



1 an electronic report to the department meeting the
2 requirements of Section 25160.3.

3 (2) Any treatment, storage, or disposal facility
4 receiving hazardous waste generated outside this state
5 may only accept the hazardous waste for treatment,
6 storage, disposal, or any combination thereof, if the
7 hazardous waste is accompanied by a completed standard
8 California Uniform Hazardous Waste Manifest.

9 (3) A facility operator may accept hazardous waste
10 generated offsite that is not accompanied by a properly
11 completed and signed standard California Uniform
12 Hazardous Waste Manifest if the facility operator meets
13 both of the following conditions:

14 (A) The facility operator is authorized to accept the
15 hazardous waste pursuant to a hazardous waste facilities
16 permit or other grant of authorization from the
17 department.

18 (B) The facility operator is in compliance with the
19 regulations adopted by the department specifying the
20 conditions and procedures applicable to the receipt of
21 hazardous waste under these circumstances.

22 (4) This subdivision applies only to shipments of
23 hazardous waste for which a manifest is required
24 pursuant to this section and the regulations adopted
25 pursuant to this section.

26 (f) A generator, transporter, or facility operator may
27 comply with the requirements of Sections 66262.40,
28 66263.22, 66264.71, and 66265.71 of Title 22 of the
29 California Code of Regulations by storing manifest
30 information electronically. A generator, transporter, or
31 facility operator who stores manifest information
32 electronically shall use the standardized electronic
33 format and protocol for the exchange of electronic data
34 established by the Secretary for Environmental
35 Protection pursuant to Part 2 (commencing with Section
36 71050) of Division 34 of the Public Resources Code and
37 the stored information shall include all the information
38 required to be retained by the department, including all
39 signatures required by this section.



1 (g) The department shall make available for review,
2 by any interested party, information regarding the
3 department's progress in adopting revised regulations
4 relating to hazardous waste manifests, including specific
5 requirements for milk run operations set forth in Section
6 66263.42 of Title 22 of the California Code of Regulations.

7 (h) (1) The department shall make available for
8 review, by any interested party, the department's plans
9 for revising and enhancing its system for tracking
10 hazardous waste for the purposes of protecting human
11 health and the environment, enforcing laws, collecting
12 revenue, and generating necessary reports.

13 (2) On or before April 1, 1997, the department shall
14 make available for review, by any interested party,
15 information regarding the department's progress in
16 revising and enhancing its system for tracking hazardous
17 waste.

18 SEC. 4. Section 25160.3 is added to the Health and
19 Safety Code, to read:

20 25160.3. (a) Any person generating hazardous waste
21 that is transported or submitted for transportation, for
22 offsite handling, treatment, storage, disposal, or a
23 combination thereof, subject to the manifest
24 requirements of Section 25160, and any facility operator
25 in the state who receives hazardous waste for handling,
26 treatment, storage, disposal, or any combination thereof,
27 that was transported subject to the manifest
28 requirements of Section 25160, may submit an electronic
29 report to the department in lieu of the copy of the
30 manifests required by subdivision (b) or (e) of Section
31 25160. The electronic report shall contain the information
32 required by the department pursuant to subdivision (c)
33 of Section 25160, and shall be provided no more than five
34 business days after the end of the previous calendar
35 month, or, if submitted bimonthly, no more than 10
36 business days after the previous two calendar weeks. The
37 electronic report shall utilize the standardized electronic
38 format and protocol for the exchange of electronic data
39 established by the Secretary for Environmental



1 Protection pursuant to Part 2 (commencing with Section
2 71050) of Division 34 of the Public Resources Code.

3 (b) The signatures required by Section 25160 and
4 retained through the electronic reporting authorized by
5 this section shall conform with the electronic signature
6 techniques prescribed pursuant to Section 71066 of the
7 Public Resources Code. Notwithstanding any other
8 provision of law, printed representations of signatures
9 and other information submitted in an electronic report
10 pursuant to this section shall not be rendered
11 inadmissible in any civil or criminal action by the best
12 evidence rule and shall be deemed to meet the
13 requirements of Section 1507 of the Evidence Code.

14 SEC. 5. Section 25179.5 of the Health and Safety Code
15 is amended to read:

16 25179.5. (a) Notwithstanding any other provision of
17 law, except as provided in this article, any hazardous
18 waste restricted from land disposal by the federal act, or
19 by the Environmental Protection Agency pursuant to the
20 federal act, or by the department pursuant to Section
21 25179.6, is prohibited from land disposal in the state,
22 unless one of the following circumstances apply:

23 (1) The hazardous waste, or the producer of the
24 hazardous waste is granted a variance, extension,
25 exclusion, or exemption by the administrator of the
26 Environmental Protection Agency or by the department.

27 (2) The waste is treated in accordance with an
28 applicable treatment standard.

29 (3) The federal restriction is stayed or otherwise
30 conditioned by an appropriate court of law.

31 (4) It is a solid hazardous waste generated in the
32 cleanup or decontamination of any site contaminated
33 only by hazardous waste that has not been restricted or
34 prohibited by the federal act or prohibited by the
35 Environmental Protection Agency pursuant to the
36 federal act, and which does not meet the treatment
37 standards established by the department pursuant to
38 Section 25179.6, if the department or other federal, state,
39 or local agency with authority to approve the cleanup or
40 decontamination has approved the disposal of the waste.



1 (b) (1) Any treatment standard that is adopted or
2 amended by the Environmental Protection Agency
3 pursuant to subsection (m) of Section 6924 of the federal
4 act, for a hazardous waste prohibited from land disposal
5 pursuant to subdivision (a) and that is in effect, is the
6 treatment standard required to be met before the
7 hazardous waste may be disposed of, using land disposal,
8 in the state. Any land disposal restriction, including any
9 treatment standard, notification requirement, or
10 recordkeeping requirement that is adopted or amended
11 by the Environmental Protection Agency shall become
12 effective in the state upon the effective date of that
13 adoption or amendment, as specified in the final rule
14 published in the Federal Register, and shall, as of that
15 date, supersede any corresponding land disposal
16 restriction specified in the department's regulations,
17 unless one or more of the following conditions exist:

18 (A) A more stringent statutory requirement is
19 applicable.

20 (B) A land disposal restriction previously adopted by
21 the department expressly states, in that regulation, that
22 the land disposal restriction is intended to supersede any
23 less stringent land disposal restrictions which may be
24 subsequently adopted by the Environmental Protection
25 agency.

26 (C) The department subsequently adopts a more
27 stringent land disposal restriction pursuant to subdivision
28 (c) of Section 25179.6.

29 (2) Except as provided in Section 25179.6, any
30 extension, variance, or exemption from the treatment
31 standard granted by the Administrator of the
32 Environmental Protection Agency shall also apply in this
33 state.

34 (c) Subdivision (b) applies only to hazardous waste
35 land disposal restrictions, standards, or criteria enforced
36 by the department and does not limit or affect the
37 standards adopted by any other local, state, or federal
38 agency.

39 (d) Any hazardous waste or treated hazardous waste
40 that meets all applicable treatment standards pursuant to



1 this section may be disposed of to land at a hazardous
2 waste disposal facility that has been issued a hazardous
3 waste facilities permit allowing that disposal, if the
4 disposal is conducted in compliance with this chapter, the
5 applicable regulations adopted by the department, and
6 the requirements of the permit issued by the department.

7 SEC. 6. Section 25200.19 is added to the Health and
8 Safety Code, to read:

9 25200.19. (a) A hazardous waste facility that has
10 obtained a hazardous waste facilities permit to receive
11 hazardous wastes from offsite locations may conduct bulk,
12 packaged, or containerized hazardous waste unloading
13 operations in accordance with the requirements of this
14 section, except to the extent that the facility is subject to
15 conditions and limitations in the permit concerning the
16 receipt and unloading of hazardous wastes from offsite
17 locations.

18 (b) A hazardous waste facility that has a hazardous
19 waste facilities permit may conduct bulk, packaged, or
20 containerized hazardous waste loading operations in
21 accordance with the requirements of this section, except
22 to the extent that the facility is subject to conditions and
23 limitations in the permit concerning the shipment and
24 loading for shipment of hazardous wastes to offsite
25 locations.

26 (c) Unloading and loading operations subject to
27 subdivisions (a) and (b) shall be conducted in accordance
28 with all of the following requirements, unless otherwise
29 specified in the hazardous waste facilities permit:

30 (1) As part of a loading or unloading operation
31 conducted within the boundary of a hazardous waste
32 facility, the hazardous waste shall not be held longer than
33 10 days outside of an authorized unit at the facility. The
34 hazardous waste shall be moved directly between the
35 authorized unit and the transport vehicle and shall not be
36 held for any time off the transport vehicle outside of the
37 authorized unit, except for that incidental period of time
38 that is necessary to safely and effectively move the waste
39 from the transport vehicle to the authorized unit or from
40 the authorized unit to the transport vehicle.



1 (2) All loading and unloading operations shall be
2 conducted within the boundary of the hazardous waste
3 facility.

4 (3) There shall be adequate capacity within an
5 authorized unit at the hazardous waste facility for all
6 hazardous waste being loaded or unloaded in accordance
7 with this section. Hazardous waste may not be held on any
8 transport vehicle which, if unloaded, would exceed the
9 permitted capacity of the originating or receiving unit at
10 the hazardous waste facility, unless the waste is held on
11 the transport vehicle as part of an authorized transfer
12 operation.

13 (4) The loading or unloading of bulk hazardous waste
14 shall be conducted within secondary containment within
15 the hazardous waste facility, unless otherwise approved
16 by the department. Any secondary containment required
17 pursuant to this section shall meet the requirements of
18 any regulations adopted by the department for bulk
19 transfers.

20 (d) For purposes of this section, the following
21 definitions apply:

22 (1) "Loading" means activities associated with
23 removing packaged or containerized hazardous waste
24 from an authorized unit or removing bulk hazardous
25 waste from an authorized container, tank, or unit within
26 a permitted hazardous waste facility, placing it on a
27 transport vehicle within the facility, and shipping the
28 waste offsite to another location in accordance with this
29 chapter.

30 (2) "Transport vehicle" means a device, including a
31 trailer, to propel, move or draw hazardous wastes by air,
32 rail, highway, or water that is operated pursuant to the
33 requirements of this chapter.

34 (3) "Unloading" means activities associated with the
35 receipt of bulk, packaged, or containerized hazardous
36 waste at a permitted hazardous waste facility from an
37 offsite location, by means of a transport vehicle, and
38 placing that packaged or containerized hazardous waste
39 into an authorized unit or placing that bulk hazardous



1 waste into an authorized container, tank, or unit within
2 the facility in accordance with this chapter.

3 ~~(d)~~

4 (e) The requirements of this section do not apply to
5 hazardous waste being held or transferred pursuant to
6 subparagraph (B) of paragraph (6) of subdivision (b) of
7 Section 25123.3.

8 SEC. 7. Section 25205.15 of the Health and Safety
9 Code is amended to read:

10 25205.15. (a) Except for the first four manifests used
11 in a calendar year by a business with less than 100
12 employees, and except as provided in subdivision (b), the
13 department shall impose a fee of twelve dollars (\$12) for
14 each California Uniform Hazardous Waste Manifest form
15 used on or before June 30, 1998, by any person in the
16 following manner:

17 (1) The Governor may order the department to
18 refund three-quarters of the amount of manifest fees paid
19 on manifests used during the 1991 calendar year.

20 (2) On and after the 1992 calendar year, for all
21 manifests used on or before June 30, 1998, the manifest fee
22 shall be assessed on all manifests used in the calendar year
23 ending prior to the start of the fiscal year in which the
24 billing occurs.

25 (b) The manifest fee for any manifest that is used on
26 or before June 30, 1998, solely for wastes that are to be
27 recycled is six dollars (\$6) and the total amount of
28 manifest fees paid in a calendar year for these manifests
29 shall not exceed five thousand dollars (\$5,000) for each
30 hazardous waste identification number issued either by
31 the department or the Environmental Protection
32 Agency.

33 (c) Except as provided in paragraphs (3) and (4), on
34 and after June 30, 1998, in addition to any fees to cover
35 printing and distribution costs, the department shall
36 impose a manifest fee of seven dollars and fifty cents
37 (\$7.50) for each California Hazardous Waste Manifest
38 form used after June 30, 1998, by any person, in the
39 following manner:



1 (1) Except as provided in paragraph (2), on and after
2 July 1, 1998, the department shall bill generators for each
3 California Uniform Hazardous Waste Manifest form,
4 manifest number, or electronic equivalent used after
5 June 30, 1998. The billing frequency specified by the
6 department may range from monthly to quarterly, with
7 the payment by the generator required within 30 days
8 from the date of receipt of the billing, and shall be
9 determined based on consultation with the regulated
10 community. In preparing the bills, the department shall
11 distinguish between manifests used solely for recycled
12 hazardous wastes and those used for nonrecycled
13 hazardous wastes.

14 (2) On July 1, 2000, the department shall determine if
15 revenues from the manifest fee as collected pursuant to
16 paragraph (1) will equal or exceed one million seven
17 hundred thousand dollars (\$1,700,000) for the 1999–2000
18 fiscal year. If the department determines that the
19 manifest fee revenues will not equal or exceed one
20 million seven hundred thousand dollars (\$1,700,000) for
21 the 1999–2000 fiscal year, the manifest fee shall instead,
22 commencing July 1, 2000, be collected at the time of
23 original sale of the manifest or distribution of manifest
24 numbers or electronic equivalent to users by the
25 department for all manifests that will be used after June
26 30, 1998.

27 (3) The manifest fee shall not be collected on the use
28 of California Hazardous Waste Recycling Manifests that
29 are used solely for hazardous wastes that are recycled.

30 (4) On and after January 1, 1999, the manifest fee for
31 each California Uniform Hazardous Waste Manifest form
32 used after December 31, 1998, solely for hazardous waste
33 derived from clean air solvents, shall be three dollars and
34 fifty cents (\$3.50). This fee is in addition to any fees
35 charged to cover printing and distribution costs.

36 (5) The department shall implement a system for the
37 use of manifests that distinguishes among recycling
38 manifests used solely for hazardous wastes that are to be
39 recycled, manifests used solely to transport hazardous
40 waste derived from clean air solvents, and general



1 manifests that may be used for transporting waste for any
2 purpose.

3 (6) If a person uses a recycling or clean air solvent
4 manifest that is designated for recycled or clean air
5 solvent hazardous wastes for other types of hazardous
6 waste, the person shall pay the seven dollars and fifty cent
7 (\$7.50) manifest fee and an additional error correction
8 fee of twenty dollars (\$20) per manifest, as required
9 pursuant to Section 25160.5. However, the department
10 shall provide the manifest user with a reasonable
11 opportunity to notify the department of any incorrect use
12 of the recycling or clean air solvent manifest and provide
13 the department with the appropriate manifest fee
14 payment without additional fines, penalties, or payment
15 of the error correction fee.

16 (7) The department may adopt regulations to
17 implement and administer the manifest fee system
18 imposed pursuant to this subdivision.

19 (d) (1) The department shall expend the sum of one
20 million dollars (\$1,000,000) from the manifest fees
21 deposited in the Hazardous Waste Control Account, upon
22 appropriation by the Legislature in the annual Budget
23 Act, to cover the one-time costs of implementing changes
24 to the hazardous waste manifest tracking system during
25 the 1998–99 fiscal year.

26 (2) On and after July 1, 1999, commencing with the
27 1999–2000 fiscal year and annually thereafter, the
28 department shall expend, upon appropriation by the
29 Legislature in the annual Budget Act, not less than one
30 million fifty thousand dollars (\$1,050,000) from the
31 manifest fees, deposited in the Hazardous Waste Control
32 Account, to establish a program to encourage hazardous
33 waste generators to implement pollution prevention
34 measures. The program shall be administered pursuant to
35 administrative and expenditure criteria to be established
36 by the Legislature.

37 (e) The manifest fees shall be deposited in the
38 Hazardous Waste Control Account and be available for
39 expenditure, upon appropriation by the Legislature.

1 (f) For the purposes of this section, “clean air solvent”
2 means a solvent, including aqueous solutions, that are
3 required or approved for use by regulations adopted by
4 the State Air Resources Board, an air pollution control
5 district, or an air quality management district, to meet air
6 emission standards adopted by that board or district and,
7 pursuant to those regulations, is required to be used
8 instead of another solvent that was used and recycled
9 prior to the adoption of those regulations.

10 SEC. 8. Section 25250.1 of the Health and Safety Code
11 is amended to read:

12 25250.1. (a) As used in this article, the following
13 terms have the following meaning:

14 (1) (A) “Used oil” means any oil that has been refined
15 from crude oil, or any synthetic oil, that has been used,
16 and, as a result of use or as a consequence of extended
17 storage, or spillage, has been contaminated with physical
18 or chemical impurities. Examples of used oil are spent
19 lubricating fluids that have been removed from an engine
20 crankcase, transmission, gearbox, or differential of an
21 automobile, bus, truck, vessel, plane, heavy equipment,
22 or machinery powered by an internal combustion engine;
23 industrial oils, including compressor, turbine, and
24 bearing oil; hydraulic oil; metal-working oil; refrigeration
25 oil; and railroad drainings.

26 (B) “Used oil” does not include any of the following:

27 (i) Oil that has a flashpoint below 100 degrees
28 Fahrenheit or that has been mixed with hazardous waste,
29 other than minimal amounts of vehicle fuel.

30 (ii) (I) Wastewater, the discharge of which is subject
31 to regulation under either Section 307(b) (33 ~~U.S.C.A.~~
32 ~~U.S.C. Sec. 1317(b)~~) or 402 (33 ~~U.S.C.A.~~ ~~U.S.C. Sec. 1342~~)
33 of the federal Clean Water Act (33 ~~U.S.C.A.~~ ~~U.S.C. Sec.~~
34 1251 et seq.), including wastewaters at facilities that have
35 eliminated the discharge of wastewater, contaminated
36 with de minimis quantities of used oil.

37 (II) For purposes of this clause, “de minimis quantities
38 of used oil” are small spills, leaks, or drippings from
39 pumps, machinery, pipes, and other similar equipment
40 during normal operations, or small amounts of oil lost to



1 the wastewater treatment system during washing or
2 draining operations.

3 (III) This exception does not apply if the used oil is
4 discarded as a result of abnormal manufacturing
5 operations resulting in substantial leaks, spills, or other
6 releases or to used oil recovered from wastewaters.

7 (iii) Used oil ~~rerefining~~ *re-refining* distillation bottoms
8 that are used as feedstock to manufacture asphalt
9 products.

10 (iv) Oil that contains polychlorinated biphenyls
11 (PCBs) at a concentration of 5 ppm or greater.

12 (v) (I) Oil containing more than 1000 ppm total
13 halogens, which shall be presumed to be a hazardous
14 waste because it has been mixed with halogenated
15 hazardous waste listed in Subpart D (commencing with
16 Section 261.30) of Part 261 of Title 40 of the Code of
17 Federal Regulations.

18 (II) A person may rebut the presumption specified in
19 subclause (I) by demonstrating that the used oil does not
20 contain hazardous waste, including, but not limited to, in
21 the manner specified in subclause (III).

22 (III) The presumption specified in subclause (I) is
23 rebutted if it is demonstrated that the used oil that is the
24 source of total halogens at a concentration of more than
25 1000 ppm is solely either household waste, as defined in
26 Section 261.4(b)(1) of Title 40 of the Code of Federal
27 Regulations, or is collected from conditionally exempt
28 small quantity generators, as defined in Section 261.5 of
29 Title 40 of the Code of Federal Regulations. Nothing in
30 this subclause authorizes any person to violate the
31 prohibition specified in Section 25250.7.

32 (2) “Board” means the California Integrated Waste
33 Management Board.

34 (3) (A) “Recycled oil” means any oil that meets all of
35 the following requirements:

36 (i) Is produced either solely from used oil, or is
37 produced solely from used oil that has been mixed with
38 one or more contaminated petroleum products or oily
39 wastes, other than wastes listed as hazardous under the
40 federal act, provided that if the resultant mixture is



1 subject to regulation as a hazardous waste under
2 paragraph (2) of subsection (b) of Section 279.10 of Title
3 40 of the Code of Federal Regulations, the mixture is
4 managed as a hazardous waste in accordance with all
5 applicable hazardous waste regulations, and the recycled
6 oil produced from the mixture is not subject to regulation
7 as a hazardous waste under paragraph (2) of subsection
8 (b) of Section 279.10 of Title 40 of the Code of Federal
9 Regulations. If the oily wastes with which the used oil is
10 mixed were recovered from a unit treating hazardous
11 wastes that are not oily wastes, these recovered oily
12 wastes are not excluded from being considered *as* oily
13 wastes for purposes of this section or Section 25250.7.

14 (ii) The recycled oil meets one of the following
15 requirements:

16 (I) The recycled oil is produced by a generator
17 lawfully recycling its oil.

18 (II) The recycled oil is produced at a used oil recycling
19 facility that is authorized to operate pursuant to Section
20 25200 or 25200.5 solely by means of one or more processes
21 specifically authorized by the department, ~~or, if the used~~
22 ~~oil recycling facility is located in another state, by the~~
23 ~~agency authorized to implement the federal act in that~~
24 ~~state.~~ The department may not authorize a used oil
25 recycling facility to use a process in which used oil is
26 mixed with one or more contaminated petroleum
27 products or oily wastes unless the department determines
28 that the process to be authorized for mixing used oil with
29 those products or wastes will not substantially contribute
30 to the achievement of compliance with the specifications
31 of subparagraph (B).

32 *(III) The recycled oil is produced in another state, and*
33 *the used oil recycling facility where the recycled oil is*
34 *produced, and the process by which the recycled oil is*
35 *produced, are authorized by the agency authorized to*
36 *implement the federal act in that state.*

37 (iii) Has been prepared for reuse and it achieves
38 minimum standards of purity, in liquid form, as
39 established by the department.



1 (B) The following standards of purity are in effect for
2 recycled oil unless the department, by regulation,
3 establishes more stringent standards, and are the only
4 allowed exceptions to the criteria adopted pursuant to
5 Section 25141:

6 (i) Flashpoint: minimum standards set by the
7 American Society for Testing and Materials for the
8 recycled products. However, recycled oil to be burned
9 for energy recovery shall have a minimum flashpoint of
10 100 degrees Fahrenheit.

11 (ii) Total lead: 50 mg/kg or less.

12 (iii) Total arsenic: 5 mg/kg or less.

13 (iv) Total chromium: 10 mg/kg or less.

14 (v) Total cadmium: 2 mg/kg or less.

15 (vi) Total halogens: 3000 mg/kg or less. However,
16 recycled oil shall be demonstrated by testing to contain
17 not more than 1000 mg/kg total halogens listed in
18 Appendix VIII of Part 261 (commencing with Section
19 261.1) of Title 40 of the Code of Federal Regulations.

20 (vii) Total polychlorinated biphenyls (PCBs): 2
21 mg/kg or less.

22 (C) Compliance with the specifications of
23 subparagraph (B) or with the requirements of clauses
24 (iv) and (v) of subparagraph (B) of paragraph (1) shall
25 not be met by blending or diluting used oil with crude or
26 virgin oil, or with a contaminated petroleum product;
27 ~~except as authorized by or oily waste, except as provided~~
28 ~~in subclause II of clause (ii) of subparagraph (A) of~~
29 ~~paragraph (3) of subdivision (a),~~ and shall be determined
30 in accordance with the procedures for identification and
31 listing of hazardous waste adopted in regulations by the
32 department. Persons authorized by the department to
33 recycle oil shall maintain records of volumes and
34 characteristics of incoming used oil and outgoing
35 recycled oil and documentation concerning the recycling
36 technology utilized to demonstrate to the satisfaction of
37 the department or other enforcement agencies that the
38 recycling has been achieved in compliance with this
39 subdivision.



1 (D) This paragraph does not apply to oil that is to be
2 disposed of or used in a manner constituting disposal.

3 (4) “Used oil recycling facility” means a facility that
4 reprocesses or ~~re-refines~~ *re-refines* used oil.

5 (5) “Used oil storage facility” means a storage facility,
6 as defined in subdivision (b) of Section 25123.3, which
7 stores used oil.

8 (6) “Used oil transfer facility” means a transfer facility,
9 as defined in subdivision (a) of Section 25123.3, that either
10 stores used oil for periods greater than six days, or greater
11 than 10 days for transfer facilities in areas zoned industrial
12 by the local planning agency, or that transfers used oil
13 from one container to another.

14 (7) (A) For purposes of this section and Section
15 25250.7 only, “contaminated petroleum product” means
16 a product that meets all of the following conditions:

17 (i) It is a hydrocarbon product whose original
18 intended purpose was to be used as a fuel, lubricant, or
19 solvent.

20 (ii) It has not been used for its original intended
21 purpose.

22 (iii) It is not listed in Subpart D of Part 261
23 (commencing with Section 261.1) of Chapter 1 of Title 40
24 of the Code of Federal Regulations.

25 (iv) It has not been mixed with a hazardous waste
26 other than another contaminated petroleum product or
27 an oily waste.

28 (B) Nothing in this section or Section 25250.7 shall be
29 construed to affect the exemptions in Section 25250.3, or
30 to subject contaminated petroleum products that are not
31 hazardous waste to any requirements of this chapter.

32 (b) (1) Unless otherwise specified, used oil that meets
33 all of the following conditions is not subject to regulation
34 by the department:

35 (A) The used oil meets the standards set forth in
36 subparagraph (B) of paragraph (3) of subdivision (a).

37 (B) The used oil is not hazardous pursuant to the
38 criteria adopted pursuant to Section 25141 for
39 constituents other than those listed in paragraph (3) of
40 subdivision (a).



1 (C) The used oil is not mixed with any waste listed as
2 a hazardous waste in Part 261 (commencing with Section
3 261.1) of Chapter 1 of Title 40 of the Code of Federal
4 Regulations.

5 (2) Used oil recycling facilities that are the first to
6 claim that the used oil meets the requirements specified
7 in paragraph (1) shall maintain an operating log and
8 copies of certification forms as specified in Section
9 25250.19. Any person who generates used oil, and who
10 claims that the used oil is exempt from regulation
11 pursuant to this subdivision, shall notify the department,
12 in writing, of that claim and shall comply with the testing
13 and recordkeeping requirements of Section 25250.19
14 prior to its reuse. In any action to enforce this article, the
15 burden is on the generator or recycling facility,
16 whichever first claimed that the used oil meets the
17 standards and criteria, and on the transporter or the user
18 of the used oil, whichever has possession, to prove that the
19 oil meets those standards and criteria.

20 SEC. 9. Section 25250.4 of the Health and Safety Code
21 is amended to read:

22 25250.4. Used oil shall be managed as a hazardous
23 waste in accordance with the requirements of this
24 chapter until it has been shown to meet the requirements
25 of subdivision (b) of Section 25250.1 or is excluded from
26 regulation as a hazardous waste pursuant to Section
27 25143.2.

28 SEC. 10. Section 25250.7 of the Health and Safety
29 Code is amended to read:

30 25250.7. (a) Except as provided in subdivision (b) or
31 (c), no person who generates, stores, or transfers used oil
32 shall intentionally contaminate used oil with other
33 hazardous waste, ~~or with a contaminated petroleum~~
34 ~~product~~ other than minimal amounts of vehicle fuel.

35 (b) A used oil recycling facility may mix used oil with
36 a contaminated petroleum product or with an oily waste
37 other than wastes listed as hazardous under the federal
38 act, if both of the following conditions apply:

39 (1) If the resultant mixture is subject to regulation as
40 a hazardous waste under paragraph (2) of subsection (b)



1 of Section 279.10 of Title 40 of the Code of Federal
2 Regulations, it is managed as a hazardous waste in
3 accordance with all applicable hazardous waste
4 regulations.

5 (2) The resultant mixture is used to produce recycled
6 oil, as defined in paragraph (3) of subdivision (a) of
7 Section 25250.1, at a used oil recycling facility solely by
8 means of a process that has been specifically authorized
9 by the department.

10 (c) A generator or transporter may mix used oil with
11 one or more contaminated petroleum products if the
12 mixture is managed in accordance with Section 25143.2 or
13 if all of the following conditions apply:

14 (1) If the resultant mixture is subject to regulation as
15 a hazardous waste under paragraph (2) of subsection (b)
16 of Section 279.10 of Title 40 of the Code of Federal
17 Regulations, it is managed as a hazardous waste in
18 accordance with all applicable hazardous waste
19 regulations.

20 (2) ~~The (A) Except as provided in subparagraph (B),~~
21 *the* resultant mixture is transported to a used oil recycling
22 facility that issues a statement, in writing, to the generator
23 or transporter that the mixture will be used to produce
24 recycled oil, as defined in paragraph (3) of subdivision
25 (a) of Section 25250.1, at a facility authorized to operate
26 pursuant to Section 25200 or 25200.5 solely by means of a
27 process that has been specifically authorized by the
28 department, ~~or, if the used oil recycling facility is located~~
29 ~~in another state.~~

30 *(B) If the resultant mixture is transported to a used oil*
31 *recycling facility located in another state, that facility is*
32 *authorized* by the agency authorized to implement the
33 federal act in that state.

34 (3) The mixing is not conducted in a manner which
35 violates subparagraph (C) of paragraph (3) of
36 subdivision (a) of Section 25250.1.

37 (4) The transporter tests the halogen content of the
38 used oil to demonstrate compliance with clause (vi) of
39 subparagraph (B) of paragraph (3) of subdivision (a) of



1 Section 25250.1 before mixing the used oil with the
2 contaminated petroleum product.

3 SEC. 11. Article 2.1 (commencing with Section
4 12170) is added to Chapter 4 of Part 2 of Division 2 of the
5 Public Contract Code, to read:

6

7 Article 2.1. Recycled Fluid, Paint, and Solvent

8

9 12170. (a) Fitness and quality being equal, all state
10 agencies shall purchase the following recycled products,
11 instead of nonrecycled products, whenever the recycled
12 products are available at the same cost, or at a lower cost,
13 than the total costs of the nonrecycled products:

14 (1) Rerefined automotive lubricants, including, but
15 not limited to, rerefined motor oil, crankcase oil, engine
16 oil, transmission fluid, and power steering fluid, for all
17 state vehicles, including, but not limited to, all fleet cars,
18 trucks, and buses.

19 (2) Recycled antifreeze fluid.

20 (3) Recycled solvent.

21 (4) Recycled paint.

22 ~~(5) Rerefined marine diesel fuel.~~

23 (b) For the purposes of this section, the following
24 definitions shall apply:

25 (1) "Available" means providing comparable delivery
26 services and packaging specifications as the agency
27 requires from all suppliers of that product. The agency
28 shall not establish specifications that unnecessarily
29 prevent the use of recycled products.

30 (2) "Fitness and quality" means all specifications
31 required of the product for its specific use, including
32 those required of a manufacturer's warranty, are met.
33 Procuring agencies may set special standards for motor oil
34 used in engines that operate under extreme conditions,
35 including law enforcement vehicles that run at excessive
36 speeds or for long periods of operation.

37 (3) "Recycled antifreeze fluid" and "recycled
38 solvents" means having a recycled content of at least 70
39 percent recycled materials.



1 (4) (A) “Recycled paint” means having a recycled
 2 content consisting of at least 50 percent postconsumer
 3 paint. Preconsumer or secondary paint does not qualify
 4 as “recycled paint” pursuant to this subparagraph.

5 (5) “Rerefined motor oil” means having a base oil
 6 content consisting of at least 70 percent rerefined oil.

7 (B) If paint containing 50 percent postconsumer
 8 content is unavailable, a state agency may substitute paint
 9 with the maximum amount of postconsumer content, but
 10 not less than 10 percent postconsumer content.

11 12171. This article shall remain in effect only until
 12 January 1, 2001, and as of that date is repealed, unless a
 13 later enacted statute that is enacted before January 1,
 14 2001, deletes or extends that date.

15 ~~SEC. 12. Article 2.3 (commencing with Section~~
 16 ~~12179) is added to Chapter 4 of Part 2 of Division 2 of the~~
 17 ~~Public Contract Code, to read:~~

18

19 ~~Article 2.3. Recycled Building Materials~~

20

21 ~~12179. (a) Fitness and quality being equal, all state~~
 22 ~~agencies shall purchase the following types of recycled~~
 23 ~~products whenever the recycled product is available at a~~
 24 ~~cost not greater than the cost of nonrecycled products:~~

25 ~~(1) Building and construction materials, including, but~~
 26 ~~not limited to, plastic, lumber, concrete and asphalt~~
 27 ~~pavement, insulation, and roofing materials, including~~
 28 ~~roofing materials containing fly ash.~~

29 ~~(2) Outdoor furnishings, including, but not limited to,~~
 30 ~~picnic tables, benches, garbage and recycling~~
 31 ~~receptacles, signposts, parking stops, and playground~~
 32 ~~equipment.~~

33 ~~(3) Indoor furnishings, including, but not limited to,~~
 34 ~~flooring, carpeting, ceiling tile, and interior wall systems.~~

35 ~~(4) Landscaping materials, including, but not limited~~
 36 ~~to, compost, mulch, and soil amendment.~~

37 ~~(b) For the purposes of this section, the following~~
 38 ~~terms have the following meaning:~~

39 ~~(1) “Available” means providing comparable delivery~~
 40 ~~services and packaging specifications as the agency~~



1 ~~requires from all suppliers of that product. A state agency~~
2 ~~shall not establish specifications that unnecessarily~~
3 ~~prevent the use of recycled products.~~

4 (2) ~~“Fitness and quality” means all specifications~~
5 ~~required of the product for its specific use, including~~
6 ~~those required of a manufacturer’s warranty, are met.~~

7 ~~SEC. 13.~~

8 *SEC. 12.* Section 48620 of the Public Resources Code
9 is amended to read:

10 48620. “Recycled oil” means recycled oil, as defined
11 in ~~paragraph (3) of subdivision (a) of~~ Section 25250.1 of
12 the Health and Safety Code.

13 ~~SEC. 14.~~

14 *SEC. 13.* Section 71061 of the Public Resources Code
15 is amended to read:

16 71061. The secretary shall establish a standardized
17 electronic format and protocol for the exchange of
18 electronic data for the purpose of meeting environmental
19 data reporting or other usage requirements that are
20 ~~imposed in the course of granting permits or other~~
21 ~~authorizations to operate~~ *imposed* pursuant to all of the
22 following laws and regulations adopted pursuant to those
23 laws:

24 (a) Chapter 6.5 (commencing with Section 25100),
25 including, but not limited to, Article 6 (commencing with
26 Section 25160), Chapter 6.7 (commencing with Section
27 25280), and Chapter 6.95 (commencing with Section
28 25500) of Division 20 of the Health and Safety Code.

29 (b) Article 1 (commencing with Section 42300) of
30 Chapter 4 of Part 4 of Division 26 of the Health and Safety
31 Code.

32 (c) Division 7 (commencing with Section 13000) of
33 the Water Code.

34 (d) The Solid Waste Disposal Act (42 U.S.C. Sec. 6901
35 et seq.).

36 (e) The Emergency Planning and Community
37 Right-to-Know Act (42 U.S.C. Sec. 11001 et seq.).

38 (f) Any other law relating to environmental
39 protection, including, but not limited to, hazardous



1 waste, substances, and materials, as determined by the
2 secretary.

3 ~~SEC. 15.~~

4 *SEC. 14.* (a) On or before June 30, 1999, the Bureau
5 of State Audits, as established by Section 8543 of the
6 Government Code, in consultation with, and with the
7 cooperation of, the Department of Toxic Substances
8 Control, the California Certified Unified Program
9 Agency (CUPA) Forum, and the State Board of
10 Equalization, shall evaluate the current generator fee
11 structure prescribed in Section 25205.5 of the Health and
12 Safety Code and the hazardous waste fees charged by
13 Certified Unified Program Agencies pursuant to Section
14 25404.5 of the Health and Safety Code and shall prepare
15 a report to the Legislature recommending appropriate
16 changes to that structure in order to accomplish the
17 following objectives:

18 (1) Facilitate and encourage waste reduction and
19 recycling, including both onsite and offsite recycling, and
20 discourage the uncontrolled release and dispersion of
21 hazardous wastes into the environment.

22 (2) Provide a fair and equitable basis to credit or
23 reduce generator fees based on the payment of fees to
24 other state and local agencies that are authorized to
25 perform hazardous waste generator regulatory functions
26 in lieu of the department. As part of the evaluation and
27 report, the Bureau of State Audits shall do all of the
28 following:

29 (A) Analyze the generator fees charged pursuant to
30 Section 25205.5 of the Health and Safety Code to
31 determine what services and benefits the department
32 provides to generators for that fee and what other
33 activities, if any, are supported by that fee.

34 (B) Analyze the hazardous waste fees charged
35 pursuant to Section 25404.5 of the Health and Safety Code
36 to determine what services and benefits the Certified
37 Unified Program Agencies provide to generators for
38 those fees, on a fee-for-service basis, and what other
39 activities, if any, are supported by these fees.



1 (C) Determine if generators are being charged for
2 duplicative or similar services and benefits by any of these
3 fees.

4 (D) Evaluate and recommend where economies and
5 equity can be achieved in the provision of services and
6 benefits to generators and the total amount of fees
7 charged to generators.

8 (3) Develop a simple generator fee structure
9 providing a reasonable, equitable, and appropriate
10 allocation of fees for services and benefits provided by the
11 department and CUPAs or any other entity supported by
12 these fees.

13 (4) Provide sufficient revenues to support the
14 department's regulatory programs which rely on the
15 hazardous waste generator fees for funding while
16 minimizing the financial impact on the state's industries.
17 If the Bureau of State Audits' recommendations would
18 result in generator fee revenues being reduced to less
19 than 45 percent of the annual total revenues deposited in
20 the Hazardous Waste Control Account in the General
21 Fund, then the bureau shall also recommend an
22 alternative funding source or sources to compensate for
23 the revenue reduction.

24 (5) Maximize the collection of generator fee revenues
25 which are due and payable to the state.

26 (b) For purposes of accomplishing the objective
27 specified in paragraph (5) of subdivision (a), the Bureau
28 of State Audits, in consultation with and with the
29 cooperation of the Department of Toxic Substances
30 Control, the California CUPA Forum, and the State Board
31 of Equalization, shall evaluate the generator fees that are
32 due and payable to the state, as compared to actual
33 generator fee revenues collected, and the reasons for any
34 underpayment of generator fees which are due and
35 payable, and shall include in the generator fee structure
36 report required by the section recommendations to
37 simplify the generator fee system and maximize the
38 payment and collection of these fees.

39 ~~SEC. 16.~~



1 *SEC. 15.* No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

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

