

AMENDED IN ASSEMBLY MARCH 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 241**

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**Introduced by Assembly Member Cunneen**

January 28, 1999

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An act to amend Section 25160.1 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Cunneen. Hazardous waste codes.

Existing law required the Department of Toxic Substances Control to revise, on or before December 31, 1998, the hazardous waste code identification system established in specified regulations so as to meet certain requirements, including requiring hazardous wastes regulated under the federal Resources Conservation and Recovery Act of 1976 (RCRA) to be identified by the RCRA hazardous waste code section, requiring hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by the RCRA code, and requiring non-RCRA hazardous waste to be identified by an identification code system consistent with the RCRA hazardous waste code system.

This bill would delete the requirement that the revised code identification system require hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by a RCRA code, and would instead

prohibit the revised code system from requiring non-RCRA hazardous wastes to be identified by a RCRA hazardous waste code. The bill would also delete obsolete provisions regarding the procedures for the revision of those regulations.

*Existing law requires the department to allow for a reasonable transition period, not to exceed one year, for the public to comply with the revised hazardous waste code system.*

*This bill would increase the transition time, for compliance with the revised hazardous waste code system, to 3 years.*

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

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

1 SECTION 1. Section 25160.1 of the Health and Safety  
2 Code is amended to read:  
3 25160.1. (a) The department shall revise the  
4 hazardous waste code identification system established in  
5 Appendix XII of Chapter 11 (commencing with Section  
6 66261.1) of Division 4.5 of Title 22 of the California Code  
7 of Regulations. The revised hazardous waste code  
8 identification system shall meet the requirements of  
9 subdivision (b).  
10 (b) The revised hazardous waste code identification  
11 system adopted pursuant to subdivision (a) shall meet all  
12 of the following requirements:  
13 (1) RCRA hazardous wastes shall be identified by the  
14 same hazardous waste code identification designations  
15 that are given to those hazardous wastes by the RCRA  
16 hazardous waste code system adopted pursuant to the  
17 federal act.  
18 (2) Non-RCRA hazardous wastes shall be identified by  
19 hazardous waste code identification designations that are  
20 patterned after, and are consistent with, federal waste  
21 code identification designations and shall be based on the  
22 criteria that causes the waste to be regulated as a  
23 hazardous waste in this state. The identification code  
24 system shall not require the hazardous wastes subject to



1 this paragraph to be identified by a RCRA hazardous  
2 waste code identification.

3 (3) Notwithstanding the requirements of paragraphs  
4 (1) and (2), the department may propose and adopt  
5 additional modifications to the hazardous waste code  
6 identification system if the department determines that  
7 those additional modifications are necessary and essential  
8 to provide any one of the following:

9 (A) Significant benefit to the protection of human  
10 health or the environment.

11 (B) Significant benefit to compliance and  
12 enforcement activities.

13 (C) Significant additional assurance that hazardous  
14 wastes are properly managed.

15 (c) To facilitate implementation of the revised  
16 hazardous waste code identification system adopted  
17 pursuant to this section, the department shall do all of the  
18 following:

19 (1) Allow for a reasonable transition period, not to  
20 exceed ~~one year~~ *three years*, for the public to comply with  
21 the revised hazardous waste code identification system.

22 (2) Adopt a regulatory procedure for the amendment  
23 of existing permits, registrations, licenses, certifications,  
24 and other authorizations that have been issued by the  
25 department to allow the revised hazardous waste code  
26 identification system to be used by facilities with existing  
27 authorizations that refer to, or incorporate, the old  
28 hazardous waste code identification system, subject to  
29 both of the following limitations:

30 (A) The regulatory procedure will not change the  
31 type or amount of hazardous waste that persons are  
32 authorized to treat, store, transfer, dispose of, or  
33 otherwise handle in accordance with this chapter.

34 (B) The regulatory procedure will not require  
35 individual modification or amendments to individual  
36 facility permits, registrations, licenses, certifications, or  
37 other authorizations solely for the purpose of reflecting  
38 the revised hazardous waste code identification system.

39 (3) Conduct a public education, outreach, and  
40 notification program to ensure that users of the hazardous



1 waste code identification system are reasonably notified  
2 of and understand the changes made to the system  
3 pursuant to this section.

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