

Introduced by Senator O'Connell

February 24, 2000

An act to amend Section 25143.10 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1924, as introduced, O'Connell. Hazardous waste recycling: report.

(1) Existing law subjects recyclable materials to the requirements of the hazardous waste control laws unless the Department of Toxic Substances Control issues a variance or unless the material meets specified requirements. Existing law requires any person who recycles more than 100 kilograms per month of recyclable material under a claim that the material qualifies for exclusion or exemption pursuant to the recyclable materials provisions to provide specified information to certain local officers or agencies, once every 2 years. Existing law requires that if a person who recycles such a recyclable material is not the same person who generated the recyclable material, the person who recycles the material is required to provide a copy of that information to the generator of the recyclable material once every 2 years. A violation of the hazardous waste control laws is a crime.

This bill would instead require a person who recycles a recyclable material and who is not the same person who generated the recyclable material to provide a copy of that information to the generator once every year. Since a violation of this requirement would be a crime pursuant to

other provisions, the bill would impose a state-mandated local program.

(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.

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. Section 25143.10 of the Health and
2 Safety Code is amended to read:

3 25143.10. (a) Except as provided in subdivisions (e)
4 and (f), any person who recycles more than 100 kilograms
5 per month of recyclable material under a claim that the
6 material qualifies for exclusion or exemption pursuant to
7 Section 25143.2 shall, on or before July 1, 1992, and every
8 two years thereafter, provide to the local officer or
9 agency authorized to enforce this section pursuant to
10 subdivision (a) of Section 25180, all of the following
11 information, using the format established pursuant to
12 subdivision (d), in writing:

13 (1) The name, site address, mailing address, and
14 telephone number of the owner or operator of any facility
15 that recycles the material.

16 (2) The name and address of the generator of the
17 recyclable material.

18 (3) Documentation that the requirements of any
19 exemptions or exclusions pursuant to Section 25143.2 are
20 met, including, but not limited to, all of the following:

21 (A) Where a person who recycles the material is not
22 the same person who generated the recyclable material,
23 documentation that there is a known market for
24 disposition of the recyclable material and any products
25 manufactured from the recyclable material.

26 (B) Where the basis for the exclusion is that the
27 recyclable material is used or reused to make a product



1 or as a safe and effective substitute for a commercial
2 product, a general description of the material and
3 products, identification of the constituents or group of
4 constituents, and their approximate concentrations, that
5 would render the material or product hazardous under
6 the regulations adopted pursuant to Sections 25140 and
7 25141, if it were a waste, and the means by which the
8 material is beneficially used.

9 (b) Except as provided in Section 25404.5, the
10 governing body of a city or county may adopt an
11 ordinance or resolution pursuant to Section 101325 to pay
12 for the actual expenses of the activities carried out by
13 local officers or agencies pursuant to subdivision (a).

14 (c) If a person who recycles material under a claim
15 that the material qualifies for exclusion or exemption
16 pursuant to Section 25143.2 is not the same person who
17 generated the recyclable material, the person who
18 recycles the material shall, on or before July 1, ~~1992~~ 2001,
19 and every ~~two years~~ year thereafter, provide a copy of the
20 information required to be submitted pursuant to
21 subdivision (a) to the generator of the recyclable
22 material.

23 (d) The person providing the information required by
24 subdivision (a) shall use a format developed by the
25 California Conference of Directors of Environmental
26 Health in consultation with the department. The
27 department shall distribute the format to local officers
28 and agencies authorized to enforce this section pursuant
29 to subdivision (a) of Section 25180.

30 (e) A recyclable material generated in a product or
31 raw material storage tank, a product or raw material
32 transport vehicle or vessel, a product or raw material
33 pipeline, or in a manufacturing process unit or an
34 associated nonwaste treatment manufacturing unit is not
35 subject to the requirements of this section, until the
36 recyclable material exits the unit in which it was
37 generated, unless the unit is a surface impoundment, or
38 unless the material remains in the unit for more than 90
39 days after the unit ceases to be operated for



1 manufacturing, storage, or transportation of the product
2 or raw material.

3 (f) A local officer or agency authorized to enforce this
4 section pursuant to subdivision (a) of Section 25180 may
5 exempt from subdivision (a) any person who operates
6 antifreeze recycling units or solvent distillation units,
7 where the recycled material is returned to productive use
8 at the site of generation, or may require less information
9 than that required under subdivision (a) from the person.

10 SEC. 2. No reimbursement is required by this act
11 pursuant to Section 6 of Article XIII B of the California
12 Constitution because the only costs that may be incurred
13 by a local agency or school district will be incurred
14 because this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition
18 of a crime within the meaning of Section 6 of Article
19 XIII B of the California Constitution.

