

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1942**

---

---

**Introduced by Assembly Member Lowenthal**

February 11, 2004

---

---

An act to amend Sections 25200 and 25200.15 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1942, as amended, Lowenthal. Hazardous waste facilities permits.

(1) Existing law requires hazardous waste facilities to operate under hazardous waste facilities permits issued by the Department of Toxic Substances Control. Existing law requires the department to issue a hazardous waste facilities permit for a fixed term, which is prohibited from exceeding 10 years for any land disposal facility, storage facility, incinerator, or other treatment facility.

This bill would provide that the owner or operator of a hazardous waste facility is not required to submit an application for a permit renewal until requested to do so by the department. The bill would deem the hazardous waste facilities permit extended if the department does not initiate the review of the permit before the end of the permit's fixed term, as specified.

(2) Existing law allows the owner or operator of a permitted hazardous waste facility to change facility structures or equipment without modifying the facility's hazardous waste facilities permit, if the change to the structure or equipment is not within a permitted unit, or if the structure or equipment is not actively related to the treatment,



storage, or disposal of hazardous waste, or the secondary containment of those hazardous wastes, as specified.

This bill would authorize the owner or operator of a permitted facility to change the facility structures or equipment as a Class 1 ~~permit~~ *permit* modification, pursuant to the regulations adopted by the department, if *the department determines that* the change to the structure or equipment is ~~required~~ *necessary* to comply with requirements *or the request* of a state or federal agency or an air quality management or air pollution control district ~~or~~ *and* if the change will ~~significantly~~ decrease risks to human health and safety or the environment related to the management of the hazardous wastes in the structure or equipment.

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 25200 of the Health and Safety Code is  
 2 amended to read:  
 3 25200. (a) The department shall issue hazardous waste  
 4 facilities permits to use and operate one or more hazardous waste  
 5 management units at a facility that, in the judgment of the  
 6 department, meet the building standards published in the State  
 7 Building Standards Code relating to hazardous waste facilities and  
 8 the other standards and requirements adopted pursuant to this  
 9 chapter. The department shall impose conditions on each  
 10 hazardous waste facilities permit specifying the types of hazardous  
 11 wastes that may be accepted for transfer, storage, treatment, or  
 12 disposal. The department may impose any other conditions on a  
 13 hazardous waste facilities permit that are consistent with the intent  
 14 of this chapter.  
 15 (b) The department may impose, as a condition of a hazardous  
 16 waste facilities permit, a requirement that the owner or operator of  
 17 a hazardous waste facility that receives hazardous waste from  
 18 more than one producer comply with any order of the director that  
 19 prohibits the facility operator from refusing to accept a hazardous  
 20 waste based on geographical origin that is authorized to be  
 21 accepted and may be accepted by the facility without extraordinary  
 22 hazard.



1 (c) (1) (A) Except as provided in subparagraph (B), the  
2 department shall issue a hazardous waste facilities permit for a  
3 fixed term, which shall not exceed 10 years for any land disposal  
4 facility, storage facility, incinerator, or other treatment facility.

5 (B) Notwithstanding any other provision of law, the owner or  
6 operator of a hazardous waste facility is not required to submit an  
7 application for the renewal of a hazardous waste facilities permit  
8 until requested to do so by the department. If the department does  
9 not initiate the review of a hazardous waste facilities permit before  
10 the end of that permit's fixed term by specifically requesting a  
11 permit renewal application, that hazardous waste facilities permit  
12 is deemed extended until the date when the department specifically  
13 requests a renewal application and the department approves the  
14 permit renewal or the department denies the permit renewal and  
15 the facility owner and operator has exhausted all applicable rights  
16 of appeal.

17 (2) The department shall review each hazardous waste  
18 facilities permit for a land disposal facility five years after the date  
19 of issuance or reissuance, and shall modify the permit, as  
20 necessary, to assure that the facility continues to comply with the  
21 currently applicable requirements of this chapter and the  
22 regulations adopted pursuant to this chapter.

23 (3) This subdivision does not prohibit the department from  
24 reviewing and modifying a permit at any time during its term.  
25 When reviewing any application for a permit renewal, the  
26 department shall consider improvements in the state of control and  
27 measurement technology as well as changes in applicable  
28 regulations.

29 (4) Each permit issued under this section shall contain the terms  
30 and conditions that the department determines necessary to protect  
31 human health and the environment.

32 (d) Any permit issued pursuant to the federal act by the  
33 Environmental Protection Agency in the state for which no state  
34 hazardous waste facilities permit has been issued shall be deemed  
35 to be a state permit enforceable by the department until a state  
36 permit is issued. In addition to complying with the terms and  
37 conditions specified in a federal permit deemed to be a state permit  
38 pursuant to this section, an owner or operator who holds that  
39 permit shall comply with the requirements of this chapter and the  
40 regulations adopted by the department to implement this chapter.



1 SEC. 2. Section 25200.15 of the Health and Safety Code is  
 2 amended to read:

3 25200.15. (a) The owner or operator of a facility that has a  
 4 hazardous waste facilities permit issued pursuant to Section 25200  
 5 may change facility structures or equipment without modifying  
 6 the facility’s hazardous waste facilities permit, if any of the  
 7 following apply:

8 (1) The change to the structure or equipment is not within a  
 9 permitted unit.

10 (2) Both of the following apply to the change to the structures  
 11 or equipment:

12 (A) The change to the structure or equipment is within the  
 13 boundary of a permitted unit, and the structure or equipment is  
 14 certified by the owner or operator not to be actively related to the  
 15 treatment, storage, or disposal of hazardous waste, or the  
 16 secondary containment of those hazardous wastes.

17 (B) The department, within 30 days from the date of receipt of  
 18 notice from the owner or operator, does not determine any of the  
 19 following:

20 (i) The change is related to the treatment, storage, or disposal  
 21 of hazardous waste or the secondary containment of those  
 22 hazardous wastes.

23 (ii) The change may otherwise significantly increase risks to  
 24 human health and safety or the environment related to the  
 25 management of the hazardous wastes.

26 (iii) The regulations adopted pursuant to the federal act require  
 27 a permit modification for the change.

28 (b) (1) The owner or operator of a facility that has a hazardous  
 29 waste facilities permit issued pursuant to Section 25200 or  
 30 25201.6 may change the facility structure or equipment as a Class  
 31 ~~1 permit~~ *1\* permit* modification, pursuant to the regulations  
 32 adopted by the ~~department, if either of the following applies:~~  
 33 *department, if the department determines that both of the*  
 34 *following apply:*

35 (A) The change to the structure or equipment is ~~required to~~  
 36 ~~comply with requirements~~ *necessary to comply with requirements*  
 37 *or the request* of a state or federal agency or an air quality  
 38 management or air pollution control district.

39 (B) The change to the structure or equipment will ~~significantly~~  
 40 decrease risks to human health and safety or the environment



1 related to the management of the hazardous wastes in the structure  
2 or equipment.

3 (2) A change to a facility structure or equipment that is  
4 authorized by this subdivision may not result in an increase in the  
5 permitted capacity of a hazardous waste management unit affected  
6 by the change.

7 (3) For purposes of this section, a “Class 1 ~~permit~~ *1\* permit*  
8 modification” means a change to a facility structure or equipment  
9 that is classified as a Class 1 ~~modification~~ *1\* modification*  
10 pursuant to Chapter 20 (commencing with Section 66270.10) of  
11 Division 4.5 of *Title 22* of the California Code of Regulations.

12 (c) Any determination made pursuant to this section, including,  
13 but not limited to, any determination by the department regarding  
14 the classification of a permit modification, may be appealed by the  
15 owner or operator in the manner provided for appeal of a permit  
16 determination pursuant to the regulations adopted by the  
17 department.

18 \_\_\_\_\_

19 CORRECTIONS

20 **Digest — Page 2.**

21 **Text — Pages 3,5.**

22 \_\_\_\_\_

23

