

ASSEMBLY BILL

No. 2388

Introduced by Assembly Member Miller

February 19, 2010

An act to amend Section 25205.16 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2388, as introduced, Miller. Hazardous waste: identification number.

Existing law authorizes the Department of Toxic Substances Control to impose an annual verification fee upon certain hazardous waste generators, transporters, and facility operators and requires the department to establish an identification number certification system to verify the accuracy of information. Existing law provides for the suspension of an identification number of a generator, transporter, or facility operator who does not comply with certain requirements.

This bill would require the department, by July 1, 2011, to revise the identification number certification system to provide a method for an immediate reactivation of a suspended identification number of a hazardous waste generator.

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. The Legislature finds and declares all of the
2 following:

1 (a) It is the intent of the Legislature, in enacting this act, to
2 ensure that all hazardous waste is collected by a registered
3 hazardous waste transporter as expeditiously as possible in full
4 compliance with all of California's hazardous waste laws and
5 regulations.

6 (b) The Legislature recognizes that a large number of hazardous
7 waste generator identification numbers are suspended each year
8 due to the failure of the generator to recertify the generator's
9 information with the Department of Toxic Substances Control
10 Board.

11 (c) It is imperative that the Department of Toxic Substances
12 Control Board develop a reactivation process for generator
13 identification numbers as soon as possible to ensure that the
14 hazardous waste laws and regulations are fully complied with by
15 all generators.

16 SEC. 2. Section 25205.16 of the Health and Safety Code is
17 amended to read:

18 25205.16. (a) (1) The department may impose an annual
19 verification fee upon all generators, transporters, and facility
20 operators with 50 or more employees that possess a valid
21 identification number issued either by the department or by the
22 Environmental Protection Agency. The fee charged shall be one
23 hundred fifty dollars (\$150) for each generator, transporter, and
24 facility operator with 50 or more employees, but less than 75
25 employees; one hundred seventy-five dollars (\$175) for each
26 generator, transporter, and facility operator with 75 or more
27 employees, but less than 100 employees; two hundred dollars
28 (\$200) for each generator, transporter, and facility operator with
29 100 or more employees, but less than 250 employees; two hundred
30 twenty-five dollars (\$225) for each generator, transporter, and
31 facility operator with 250 or more employees, but less than 500
32 employees; two hundred fifty dollars (\$250) for each generator,
33 transporter, and facility operator with 500 or more employees.
34 However, no generator, transporter, or facility operator shall be
35 assessed fees pursuant to this section that exceed, in total, five
36 thousand dollars (\$5,000).

37 (2) The generator, transporter, or facility operator subject to the
38 fee shall submit payment of the fee within 30 days from the date
39 of receiving a notice of assessment from the department. The notice
40 shall be sent once during each fiscal year to each holder of a valid

identification number. The fee imposed by this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature. For purposes of this section, *“employee” the number of employees that are employed by a generator, transporter, or facility operator shall have the same meaning be calculated using the same method set forth in subdivision (e) of Section 25205.6.*

(b) The department shall establish an identification number certification system to biennially verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. However, if the number of identification numbers issued since the previous certification exceeds 20 percent of the active identification numbers, the department may implement an annual certification. Each entity issued an identification number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, State Board of Equalization identification number, SIC code, electronic mail address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization’s identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

(7) If the firm or organization is a generator, a statement of whether the generator produces RCRA hazardous waste or non-RCRA hazardous waste.

(8) An identification of any of the following hazardous waste activities in which the firm or organization is engaged:

(A) Generation.

(B) Transportation.

1 (C) Onsite treatment, storage, or disposal.

2 (9) The waste codes associated with the four largest hazardous
3 waste streams, by volume, of the firm or organization. The federal
4 waste code shall be verified for RCRA hazardous waste and the
5 California waste code shall be verified for non-RCRA hazardous
6 waste.

7 (c) ~~Any~~ Except as provided in subdivision (d), a generator,
8 transporter, and facility operator who fails to comply with this
9 section, or who fails to provide information required by the
10 department to verify the accuracy of hazardous waste activity data,
11 shall be subject to suspension of any and all identification numbers
12 assigned to the generator, transporter, or facility operator and to
13 any other authorized enforcement action.

14 (d) On or before July 1, 2011, the department shall revise the
15 identification number certification system established pursuant to
16 this section to provide a method for the immediate reactivation of
17 a suspended identification number of a hazardous waste generator
18 by means of allowing a hazardous waste transporter registered
19 pursuant to Section 25163 and the transporter employees to utilize
20 a wireless communication device to reactivate the suspended
21 identification number.