

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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

1 identification number. The fee imposed by this section shall be
2 deposited in the Hazardous Waste Control Account and be
3 available for expenditure, upon appropriation by the Legislature.
4 For purposes of this section, the number of employees that are
5 employed by a generator, transporter, or facility operator shall be
6 calculated using the same method set forth in subdivision (e) of
7 Section 25205.6.

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

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

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

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

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

30 (5) The site location address or description associated with the
31 firm or organization's identification number provided in paragraph
32 (4).

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

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

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

39 (A) Generation.

40 (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 ~~(e) Except as provided in subdivision (d), a generator,~~
- 8 *(c) A generator* transporter, and facility operator who fails to
- 9 comply with this section, or who fails to provide information
- 10 required by the department to verify the accuracy of hazardous
- 11 waste activity data, shall be subject to suspension of any and all
- 12 identification numbers assigned to the generator, transporter, or
- 13 facility operator and to 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 *by means of* a wireless communication device to reactivate the
- 21 suspended identification number.