

HMC Legislation of Interest – Spring, 2023

<u>Bill number</u>	<u>summary</u>	<u>status</u>	<u>notes</u>
AB407 Chen	<p>Existing law authorizes the Department of Toxic Substances Control to regulate the disposal of hazardous waste, including used oil, and defines “used oil” for those purposes. Existing law excludes from regulation used oil that <del>meets</del> <i>has not been treated by the generator of the used oil, the generator claims the used oil is exempt from regulation by the department, and the used oil meets all of</i> specified criteria, including that the used oil is not subject to regulation as either hazardous waste or used oil under federal law.</p> <p><del>This bill would delete the criterion that the used oil not be subject to regulation as used oil under federal law.</del></p> <p><i>This bill would change that criterion to instead require the used oil to either not be subject to regulation as either hazardous waste or used oil under federal law or that the used oil not be subject to regulation as a hazardous waste under federal law and meets certain testing criteria.</i></p>	<p>Passed house. In Senate rules for assignment</p>	<p>Recent changes to used oil exemptions: AB 2928 (Chen, Chapter 440, Statutes of 2018) allowed a specified universe of used oil, generated by a "highly controlled generator" to not have to manage their used oil as a hazardous waste. Highly controlled generators are those that have their own fleet of vehicles, which they manage and maintain. However, generators of highly controlled used oil have encountered a hiccup when applying for this exemption. Since their oil would meet the definition of being regulated as used oil under federal law, they have been unable to use the exemption created in AB 2928. This bill: AB 407 fixes the issue generators of highly controlled used oil have encountered to allow for the use of the exemption created in AB 2928. Specifically, AB 407 deletes a condition that the used oil seeking exemption under current statute cannot be regulated as a used oil under federal law. However, the used oil would not be exempt from state regulation if it is regulated as a hazardous waste under federal law. This change, consistent with the CORE Act and AB 2928, could allow for more recycling options for used oil such as re-refining the oil back into oil.</p>
AB 777 Cervantes	<p>Language totally replaced by language related to only treating HW from Stringfellow at Stringfellow</p>		
AB 1115 Papan	<p>Existing law, the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989 (act), requires</p>	<p>3/29 Passed</p>	<p>Need for the bill: According to the author, "AB 1115 will extend the Underground Storage Tank Fund and</p>

	<p>an owner of an underground storage tank, as defined, for which a permit is required by law to pay storage fees for each gallon of petroleum placed in the tank. The act establishes the Underground Storage Tank Cleanup Fund (fund), and requires the storage fees, among other moneys, to be deposited into the fund. The act authorizes the State Water Resources Control Board to expend the moneys in the fund, upon appropriation by the Legislature, to pay for corrective action in response to an unauthorized release from an underground storage tank and for the cleanup and oversight of unauthorized releases at abandoned tank sites, among other specified purposes. The act requires that certain information be submitted to the state board, and other specified agencies, under penalty of perjury. The act provides for the repeal of certain of its provisions on January 1, 2026, but also provides that certain associated rights, obligations, and authorities that apply before the January 1, 2026, repeal date do not terminate upon repeal of the other provisions of the act.</p> <p>This bill would extend the deadline until 2035.</p>	<p>Asm EST and in Approp</p>	<p>continue to help owners and operators of petroleum USTs satisfy federal and state financial responsibility requirements. As self-insuring is massive burden on small operators, California is among many other states that provide a UST fund as an option for operators to meet their FR responsibility. Furthermore, as California transitions to green infrastructure and is burdened with an increasing amount of orphan tanks, we must ensure the resources are available to address this issue. AB 1115 is a commonsense measure that both assists small business owners and supports the state's goals for a cleaner California."</p> <p>UST Act: The UST Act created the USTCTF to help owners and operators of petroleum USTs satisfy federal and state financial responsibility requirements. A UST is defined by law (HSC § 25299.32) as "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground" (certain exceptions apply). The USTCTF is available to assist petroleum UST AB 1115 Page 2 owners and operators with the costs of cleaning up contaminated soil and groundwater caused by leakage from petroleum USTs.</p>
<p>AB 1238 Ward</p>	<p>Hazardous waste: solar panels. This bill would require the department to develop <del>alternate</del> <i>alternative</i> management standards for <del>recycling</del> <i>managing</i> photovoltaic <del>modules that would, to the extent possible, reduce the regulatory burden on managing certain resources used for</del></p>	<p>3/29 Passed Asm EST and in Approp</p>	<p>The state's current regulations <del>inhibit wide-spread</del> <i>could be improved to better balance the need for widespread</i> recycling of photovoltaic <del>modules</del> <i>modules and for protecting human health and the environment</i>. Specifically, the use of heat, chemicals, and water during the recycling</p>

	<p><del>recycling the modules while not compromising worker safety or environmental protection. modules.</del></p> <p><i>The bill would specify parameters for the standards, including, but not limited to, that they promote the safe collection, reuse, and recycling of photovoltaic modules. The bill would require the department to hold at least one public workshop to discuss concepts for the standards with stakeholders before submitting an initial statement of reasons to the Office of Administrative Law.</i> Because a violation of regulations adopted by the department under these provisions would be a crime, this bill would impose a state-mandated local program.</p>		<p>process are currently exempted from the universal waste regulations, <del>and</del> <i>and</i>, therefore, are required to be compliant with more stringent hazardous waste regulations.</p> <p>The alternative management standards developed would <i>Allow a person, when following the standards, to collect, reuse, or recycle photovoltaic modules without a hazardous waste permit.</i></p> <p><i>Meant to work in tandem with AB 2 that requires manufacturers of solar PV modules to develop and implement an end-of-life management plan for solar PV modules.</i></p>
<p>SB 642 Cortese</p>	<p>Hazmat enforcement - This bill would authorize the county counsel to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials. The bill would specify that county counsel, at the request of the department or a unified program agency, is authorized to bring a civil action in the name of the people of the State of California to enforce laws and regulations governing the generation, transportation, and disposal of hazardous materials.</p>	<p>Passed EQ Hearing in Jud 4/11</p>	<p>The bill is co-sponsored by the County of Santa Clara, the Rural County Representatives of California, and the California State Association of Counties. They assert: 1 Health &amp; Saf. Code § 25100 et seq. SB 642 (Cortese) Page 4 of 8 This bill will provide county counsels with complete civil enforcement authority over hazardous waste violations, as originally intended by the Legislature. Health and Safety Code section 25182 provides that “[e]very civil action brought under [the Hazardous Waste Control Act] at the request of the [Department of Toxic Substances Control] or a unified program agency shall be brought by the city attorney, the county attorney, the district attorney, or the Attorney General in the name of the people of the State of California . . .” The legislative history of this provision specifically mentions the intent to authorize county counsels to prosecute hazardous waste</p>

			regulatory laws to help ensure adequate enforcement and eliminate unfair competitive advantages enjoyed by noncompliant businesses.
AB 909 Hoover	<p>Solid Waste Disposal and Codisposal Site Cleanup Program - This bill <del>would require</del> <i>would authorize</i> the department, <i>beginning July 1, 2024, and</i> upon appropriation by the Legislature, <del>to initiate a program</del> to collect and properly manage illegally disposed hazardous waste and household hazardous waste, as defined, regardless of whether they were codisposed with nonhazardous solid waste. <i>The bill would require the department to annually seek up to \$500,000 from the Department of Toxic Substances Control in reimbursement for grants awarded and program costs incurred. The bill would also prohibit the department from expending funds from the Integrated Waste Management Fund for purposes of this program in excess of the amount reimbursed by the Department of Toxic Substances Control.</i></p>		<p>Author's statement: This is an important measure that will aid local governments and private landowners in cleaning up their communities and ensuring that hazardous waste is properly disposed of. Specifically, it will expand CalRecycle's existing Solid Waste Disposal Cleanup Program to help fund proper disposal of illegally dumped hazardous waste and household hazardous waste, including batteries, cleaners, electronic wastes, paints, pesticides, used oil, etc. By providing local governments with proper reimbursement of hazardous waste, this measure will further protect public health and safety in the environment.</p>
AB 1716 EST comm	<p>Hazardous wastes and materials programs –</p> <p>This bill would revise the requirements for the exclusion of a recyclable material from classification by the department as a waste by requiring, among other things, that (A) the material be held in a container, tank, containment building, waste pile, or on a drip pad that meets the requirements of the department's interim status regulations applicable to containers, tanks, containment buildings, waste piles, or drip pads that store hazardous waste, (B) a container or tank in which the material is held be labeled, marked,</p>	In EST, hearing on April 18	

and placarded in accordance with the department's hazardous waste labeling, marking, and placarding requirements applicable to generators, as provided, and (C) the required labeling or marking be posted on signage at the location where the material is stored if labeling or marking the container or tank is not practicable.

This bill would specify that a person who violates the ~~uniform~~ *unified* program laws shall be liable for a civil or administrative penalty of not more than \$5,000 for each day on which the violation continues. The bill would authorize a unified program agency, in addition to suspending or revoking a permit or permit element, to withhold a permit or permit element if a unified program facility fails to pay a permit fee or a fine or penalty in accordance with specified procedures, or fails to comply with an administrative order issued by a unified program agency. The bill would additionally require a unified program facility that does not have a valid permit to immediately discontinue operating that facility or function of the facility to which the permit element applies until the unified program agency issues, reinstates, or reissues the permit.

This bill would authorize, instead of require, a ~~uniform~~ *unified* program agency to make a determination as to whether there is a ~~likelihood, rather than significant likelihood,~~ *significant*

	<p><i>likelihood</i> that the use of a regulated substance by a stationary source may pose a regulated substances <i>accident</i> risk. The bill would require, if a <del>uniform</del> <i>unified</i> program agency determines that there is a <i>significant</i> likelihood of a regulated substances accident risk and reclassifies a covered process to a higher program level, a stationary source to comply with the requirements applicable to the higher level program within 12 months of reclassification. The bill would, if the unified program agency determines that there is not a <i>significant</i> likelihood of a regulated substances accident risk, authorize the unified program to exempt a stationary source from certain requirements. The bill would authorize a unified program agency to revoke the exemption, as provided, and would require, in that event, a unified program facility to comply with specified requirements. This bill would instead require a stationary source to submit a risk management plan to the unified program agency before the date on which the regulated substance is first present in a process above a listed threshold quantity.</p> <p>This bill would add to the list of hazardous materials exempt from the business plan requirement <i>oil-filled electrical distribution equipment that is not part of a utility facility</i> and a liquid or gaseous fuel in fuel tanks on vehicles or motorized equipment if the fuel tank is integral to the operation of the vehicle or</p>		
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	<p>motorized equipment. The bill would also revise the content requirements for business plans by requiring some of the elements of a business plan to be included on the site map only if they are present on the site.</p> <p>Existing law defines, for purposes of laws related to the underground storage of hazardous substances, an “emergency generator tank system” as an underground storage tank system that provides power supply in the event of a commercial power failure, stores diesel fuel or kerosene, and is used solely in connection with an emergency system, legally required standby system, or optional standby system, as defined.</p> <p>This bill would recast the defined term as “emergency tank system,” redefine the term to mean an underground storage tank system that stores diesel fuel or kerosene solely for use by one or more stationary emergency devices, and add to the emergency devices already covered certain fire suppression systems and steam generation pressure tanks.</p>		
<p><b>SB 740</b> <b>Cortese</b></p>	<p>Hazardous materials management: stationary sources: skilled and trained workforce –</p> <p>This bill would extend that workforce requirement (of RMP) to contracts awarded, extended, or renewed on or after January 1, 2024, by an owner or operator of a stationary source that is engaged in manufacturing</p>	<p><b>4/11 – ref to comm on EQ</b></p>	

	<p>hydrogen, biofuels, <del>lithium batteries</del>, or certain specified chemicals ( ammonia, chlorine, hydrogen fluoride, sulfur dioxide, or hydrogen chloride). <del>in mining or beneficiating lithium</del>, or in capturing, sequestering, or using carbon dioxide in specified conditions.</p> <p><i>Existing law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards within the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. Existing law requires apprentice training needs in the building and construction trades to be deemed to justify a new apprentice program only if one or more specified conditions are met, including, but not limited to, there being sufficient capacity for apprentices in a geographic area.</i></p> <p><i>This bill would require an above-described stationary source to be considered when determining whether an existing apprenticeship program has sufficient capacity for apprentices in a geographic area.</i></p>		
<p>AB 727 Weber</p>	<p>Commencing January 1, 2025, a person or entity shall not manufacture, sell, deliver, distribute, hold, or offer for sale in commerce <i>in this state</i> a cleaning product containing any of the following:</p> <p>(a) Intentionally added PFAS.</p> <p><del>(b) PFAS in a product or product component at or above any of the following:</del></p> <p><del>(1) 25 parts per billion of any individual PFAS, not including polymeric PFAS, as measured by targeted PFAS analysis.</del></p>	<p>4/11 – amended in EST</p>	



	<p><del>(2)250 parts per billion of any of the following:</del></p> <p><del>(A)The sum of PFAS, as measured by targeted PFAS analysis.</del></p> <p><del>(B)The sum of PFAS, as measured by targeted PFAS analysis, with prior degradation of precursors.</del></p> <p><del>(C)The sum of PFAS, as measured by targeted PFAS analysis, after degradation.</del></p> <p><del>(3)50 parts per million of all PFAS combined, including polymeric PFAS, as measured in total organic fluorine.</del></p> <p><i>(b) PFAS in a product or product component at or above the following thresholds:</i></p> <p><i>(1) Commencing January 1, 2025, 50 parts per million.</i></p> <p><i>(2) Commencing January 1, 2027, 25 parts per million.</i></p>		