

Introduced by Committee on Budget and Fiscal Review

January 8, 2021

An act relating to the Budget Act of 2021. An act to amend, repeal, and add Section 6103.10 of the Government Code, to amend Sections 25144.6, 25150.84, 25178.1, 25200, 25200.2, 25200.3, 25201.4.1, 25201.5, 25201.6, 25204.7, 25205, and 25205.21 of, to amend, renumber, and add Section 25110.3 of, to amend and repeal Sections 25174.1, 25174.2, 25174.6, 25174.7, 25205.3, 25205.4, 25205.12, 25205.14, 25205.15, and 25218.6 of, to amend, repeal, and add Sections 25160, 25173.6, 25174, 25175, 25205.2, 25205.5, 25205.5.1, 25205.6, 25205.16, 25205.22, 25207.12, 25250.24, and 25404.5 of, to add Sections 25174.01, 25174.02, 25174.8, 25187.3, 25200.05, 25200.25, 25200.27, 25205.2.1, 25205.5.01, 25205.6.1, 25246.1, 25246.2, and 25355.3 to, to add Article 2.1 (commencing with Section 25125) to Chapter 6.5 of Division 20 of, to repeal Sections 25135.1, 25135.2, 25135.3, 25135.4, 25135.5, 25135.6, 25135.7, 25135.7.5, 25135.8, 25135.9, 25174.11, 25205.9, and 25205.20 of, and to repeal and add Section 25135 of, the Health and Safety Code, and to amend Sections 43053, 43054, 43101, 43152, 43152.8, 43152.9, and 43160 of, to amend and repeal Sections 43051, 43151, 43152.12, and 43152.15 of, to amend, repeal, and add Sections 43002.3, 43012, 43152.6, and 43152.7 of, and to repeal Sections 43005.5, 43055, 43152.11, 43152.16, and 43153 of, the Revenue and Taxation Code, relating to hazardous waste, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 158, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2021. Hazardous waste.~~

(1) The hazardous waste control laws require the Department of Toxic Substances Control to regulate the handling and management of hazardous waste and hazardous materials. A violation of the hazardous waste control laws is a crime.

This bill would establish the Board of Environmental Safety in the department, consisting of 5 members, with 3 members appointed by the Governor subject to confirmation by the Senate, one member appointed by the Senate Committee on Rules, and one member appointed by the Speaker of the Assembly. The bill would require the board to perform certain activities, including setting of fees related to the handling of hazardous substances and hazardous waste, hearing appeals of the hazardous waste facility permitting decisions, and conducting a specified analysis. The bill would establish an office of the ombudsperson in the board to receive complaints and suggestions from the public, to evaluate complaints received, to report findings and make recommendations to the Director of Toxic Substances Control and the board, and to render assistance to the public. The bill would require the director and the chairperson of the board to, when requested, but no less than annually, appear before the appropriate policy committees in the Assembly and Senate to provide an update on the department's performance, as provided.

(2) Existing law requires a person who disposes of hazardous waste in this state to pay a disposal fee for the disposal of hazardous waste to land, based on the type of waste placed in the disposal site. Existing law imposes, except for certain specified exceptions, a manifest fee for each California Hazardous Waste Manifest form or electronic equivalent used by a person. Existing law authorizes the Department of Toxic Substances Control to impose an annual verification fee on certain generators, transporters, and facility operators that possess a valid identification number issued by the Department of Toxic Substances Control or by the United States Environmental Protection Agency.

This bill would make the provisions establishing the disposal fee, manifest fee, and verification fee inoperative on January 1, 2022, or July 1, 2022, as applicable.

(3) Existing law requires specified money to be deposited in the Hazardous Waste Control Account, including money from the disposal

fee, generator fee, facility fee, and manifest fee, from specified fees for the oversight of corrective action, and from the federal government pursuant to the federal Resource Conservation and Recovery Act of 1976. Existing law authorizes funds deposited in the account to be expended, upon appropriation by the Legislature, for specified purposes, including for the administration and implementation of the hazardous waste control laws, including, but not limited to, for programs regulating specific products, including, among others, metal-containing jewelry, lead wheel weights, and consumer products.

This bill, on January 1, 2022, would revise those provisions to require the generation and handling fee to be deposited in the account, as discussed in paragraph (4), and to authorize other money to be deposited in the account only if that money is for costs at sites that are not operated by authorized hazardous waste facilities, as provided. The bill would revise the purposes for which money may be expended from the account and would prohibit expenditure from the account for hazardous waste regulatory activities at sites operated by an authorized hazardous waste facility and for other specified programs regulating specific products under the hazardous waste control laws. The bill would additionally authorize expenditure from the account to the Department of Toxic Substances Control for costs incurred by the Board of Environmental Safety, as provided. The bill would make other conforming changes.

This bill, on July 1, 2022, would establish the Hazardous Waste Facilities Account in the Hazardous Waste Control Account, to be administered by the Director of Toxic Substances Control. The bill would require specified money for costs at sites operated by authorized hazardous waste facilities to be deposited in the Hazardous Waste Facilities Account, as provided. The bill would authorize expenditure from the Hazardous Waste Facilities Account, upon appropriation by the Legislature, for specified purposes relating to hazardous waste regulatory activities at sites operated by an authorized hazardous waste facility or related to the owner or operator of an authorized hazardous waste facility, as provided.

(4) Existing law requires a generator of hazardous waste who generated 5 or more tons of hazardous waste in the prior calendar year to pay a generator fee, pursuant to a tiered payment structure, based on a specified base rate. Existing law authorizes the California Department of Tax and Fee Administration to annually adjust the base rate to reflect the increase or decrease in the cost of living, as provided.

Existing law provides certain exemptions to the generator fee. Existing law requires the generator fee to be deposited in the Hazardous Waste Control Account. Existing law requires the California Department of Tax and Fee Administration, upon appropriation by the Legislature, to pay refunds to generators from surplus funds in the Hazardous Waste Control Account, as provided.

This bill, on January 1, 2022, would repeal the generator fee and would instead require a generator to pay to the California Department of Tax and Fee Administration a generation and handling fee of \$49.25 for each ton or fraction of a ton of hazardous waste generated, except as specified. The bill would require the Board of Environmental Safety to establish by regulation a schedule of rates for the generation and handling fee to be applicable commencing July 1, 2023, and would authorize the board to adjust that schedule no more frequently than annually, subject to specified requirements, but not to exceed a specified amount. The bill would require the generation and handling fee to be deposited in the Hazardous Waste Control Account. The bill would not extend certain generator fee exemptions to the generation and handling fee. The bill would repeal the provision requiring the California Department of Tax and Fee Administration to provide refunds to generators from surplus funds in the Hazardous Waste Control Account. Because the failure to pay the generation and handling fee would be a crime, the bill would impose a state-mandated local program.

(5) Existing law requires an operator of a hazardous waste facility to pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility. Existing law sets the amount of the facility fee in a flat amount for facilities with a postclosure permit or a standardized permit and sets the facility fee for all other facilities pursuant to a tiered payment structure, based on a specified base rate. Existing law requires the California Department of Tax and Fee Administration to annually adjust the base rate to reflect the increase or decrease in the cost of living, as provided. Existing law provides certain exemptions to the facility fee, including, among others, for household hazardous waste collection facilities and facilities operated by a local government agency. Existing law requires the facility fee to be deposited in the Hazardous Waste Control Account.

This bill, on July 1, 2022, would increase the base rate and revise the tiered payment structure for the facility fee, as provided. The bill would require the Board of Environmental Safety to establish by

regulation a schedule of rates for the facility fee to be applicable commencing July 1, 2023, and would authorize the board to adjust that schedule no more frequently than annually, subject to specified requirements, but not to exceed specified amounts. The bill would make those exemptions to the facility fees inoperative on July 1, 2022. The bill would require the facility fee to be deposited in the Hazardous Waste Facilities Account, instead of the Hazardous Waste Control Account.

(6) Existing law establishes the Toxic Substances Control Account in the General Fund and requires that specified funds be deposited in that account, including the charge imposed on organizations that use, generate, store, or conduct activities in this state related to hazardous materials, and penalties imposed pursuant to the hazardous waste control laws or the Carpenter-Presley-Tanner Hazardous Substance Account Act. Existing law authorizes the appropriation of funds from the Toxic Substances Control Account to the Department of Toxic Substances Control for specified purposes, including, among other things, site remediation and response costs. Existing law, known as the green chemistry program, requires the Department of Toxic Substances Control to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered as being chemicals of concern.

This bill would authorize the appropriation of funds from the Toxic Substances Control Account for the green chemistry program and for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties. The bill, on January 1, 2022, would additionally authorize the appropriation of funds from the Toxic Substances Control Account for certain programs under the hazardous waste control laws that regulate specific products, including, among others, metal-containing jewelry and lead wheel weights.

(7) Existing law requires the Department of Toxic Substances Control to provide the California Department of Tax and Fee Administration with a schedule of codes identifying the types of organizations that use, generate, store, or conduct activities in the state related to hazardous materials. Existing law requires each organization type identified in the schedule to pay an annual tax at a specified amount based on the number of employees at the organization, which is deposited in the Toxic Substances Control Account. Existing law requires the California Department of Tax and Fee Administration to annually adjust those

amounts to reflect the increase or decrease in the cost of living, as provided.

This bill would increase the amount of that tax and would require the schedule of rates for the tax on and after July 1, 2023, to be established by regulation by the Board of Environmental Safety no more frequently than annually, subject to specified requirements, but not to exceed specified amounts.

(8) Existing law requires the Department of Toxic Substances Control to prepare and adopt a state hazardous waste management plan with certain elements, to be reviewed annually and revised at least every 3 years. Existing law requires the state hazardous waste plan to be prepared in conjunction with, and to take into account, hazardous waste management plans adopted by counties and regional councils of governments.

This bill would repeal these provisions and instead require the Department of Toxic Substances Control, by March 1, 2023, and every 3 years thereafter, to prepare, and post on its internet website, a report that includes an analysis of available data related to hazardous waste that includes specified components. The bill would require the Department of Toxic Substances Control, by March 1, 2025, and every 3 years thereafter, to prepare a state hazardous waste management plan based on the report, to be presented to the Board of Environmental Safety for approval. The bill would require the state hazardous waste management plan to include a baseline of the amount and types of hazardous waste generated and disposed of in the state, among other components. The bill would authorize the department, with approval from the Department of Finance, to enter into necessary contracts to procure subject matter expertise or other technical assistance to implement these requirements.

(9) Existing law requires the Department of Toxic Substances Control to, among other things, issue hazardous waste facilities permits to facilities handling hazardous waste. Existing law mandates that any hazardous waste facilities permit issued by the department, including a standardized permit, shall be for a fixed term, which shall not exceed 10 years for any land disposal facility, storage facility, incinerator, or other treatment facility. Existing law requires an owner or operator of a hazardous waste facility intending to extend the term of a hazardous waste facilities permit to submit a complete Part A application for a hazardous waste facilities permit renewal and, at any time following submittal of the Part A application, a complete Part B application and

any other information requested by the department. Existing law provides that when a complete Part A application, and any other information requested by the department, has been submitted to the department prior to the end of the hazardous waste facilities permit's fixed term, the hazardous waste facilities permit is deemed extended until the department approves or denies the hazardous waste facilities permit renewal application and the owner or operator of the hazardous waste facility has exhausted all applicable rights of appeal.

This bill would mandate that a hazardous waste facilities permit, including a standardized permit, shall be for a fixed term, not to exceed 10 years, regardless of the type of hazardous waste facility. The bill would provide for the extension of an existing hazardous waste facilities permit or standardized permit if certain criteria are met, including, but not limited to, that the owner or operator of the hazardous waste facility submits a Part A and Part B application for renewal of the permit prior to the expiration of the permit and the Part A and Part B application is deemed complete, as provided. The bill would provide that, upon meeting these criteria, a hazardous waste facilities permit or standardized permit is deemed extended until the department approves the renewal application and a new permit is effective or the department denies the permit renewal application and all parties have exhausted all applicable rights of appeal.

This bill would require an owner or operator of a hazardous waste facility with a hazardous waste facilities permit or standardized permit that expires before January 1, 2025, seeking to renew the permit to submit a Part A and Part B application to the department at least 180 days before the end of the permit's fixed term. The bill would require the department to post on its internet website the estimated date for a permit decision, and issue a permit decision within three years of the effective date of these provisions or within three years after the end of the permit's fixed term, whichever is later. The bill would require an owner or operator of a hazardous waste facility with a hazardous waste facilities permit or standardized permit that expires on or after January 1, 2025, seeking to renew the permit to submit a Part A and Part B application at least two years before the end of the permit's fixed term. The bill would require the department to post on its internet website the estimated date for a permit decision, and issue a permit decision within one year after the end of the permit's fixed term.

This bill would require the department, within 90 days after receiving an application for a hazardous waste facilities permit, including a

standardized permit, to post on its internet website a timeline with the estimated dates of key milestones in the hazardous waste facilities permit application review process, as specified. The bill would require the department, in the event that it fails to make a timely hazardous waste facilities permit decision, to issue a public report that includes the reasons why the final hazardous waste facilities permit was not made on time and a proposed schedule for issuing the final hazardous waste facilities permit decision, among other information. The bill would require the department, after issuing the report, to request, among other things, that the board schedule a hearing for the department to present the report and a proposed schedule for issuing the final hazardous waste facilities permit decision.

(10) Existing law generally prohibits the Department of Toxic Substances Control from issuing or renewing a permit to operate a hazardous waste facility unless the owner or operator of the hazardous waste facility establishes and maintains financial assurances, as required. Existing law requires the department to adopt standards and regulations that, among other things, specify the financial assurances to be provided by an owner or operator of a hazardous waste facility, including those facilities required to obtain a permit under the federal Resource Conservation and Recovery Act.

This bill would prohibit the department from issuing or renewing a permit to operate a hazardous waste facility unless the owner or operator of the facility establishes and maintains financial assurances, as specified, including, but not limited to, financial assurances for the costs of corrective action, closure, and postclosure. The bill would require the department to review, at least every 5 years, the financial assurances required to operate a permitted hazardous waste facility and the cost estimates used to establish the amount of financial assurances required. The bill would require the department to notify the owner or operator if the department finds that the cost estimates forming the basis for the financial assurances for the facility are inadequate for any reason. The bill would require the owner or operator, in response, to provide to the department for review and approval an updated cost estimate and establish financial assurance mechanisms for the approved revised cost estimate amounts, as provided.

(11) Existing law requires the Department of Toxic Substances Control, and any permit issued by the department, to require corrective action for all releases of hazardous waste or hazardous waste constituents from a solid waste management unit or a hazardous waste

management unit at a facility engaged in hazardous waste management, as defined, regardless of when the release occurred. Existing law authorizes the department to issue an order or enter into an enforceable agreement requiring corrective action whenever it determines that there is or has been a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility or to address the threat of release or releases of hazardous substances into the environment.

This bill would require the department to request, and an owner or operator of a facility or a respondent or proponent required to conduct corrective action at a facility from which releases that necessitate corrective action have occurred to submit to the department for review and approval, as provided, a written cost estimate for corrective action if specified criteria are met. The bill would require the department to provide a written notice of deficiency if the department determines that the corrective action cost estimate is substantially incomplete or includes substantially unsatisfactory information. The bill would require the owner or operator or a respondent or proponent required to conduct corrective action under department oversight at a facility to submit a revised corrective action cost estimate to the department for review and approval, and to fund the corrective action cost estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action. The bill would specify the allowable financial assurance mechanisms, if required. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

This bill would require an owner or operator of a facility for which corrective action under department oversight is required to include a corrective action cost estimate in any corrective measures study submitted to the department pursuant to a specified order or agreement. The bill would require the owner or operator to demonstrate financial assurances as provided by specified existing law, but would authorize the department to approve an alternative financial assurance mechanism, as provided. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

This bill would require the department to ensure that a responsible party who is required to undertake corrective action obligations pursuant to a department determination demonstrates and maintains financial assurances, as specified. The bill would require the responsible party to demonstrate financial assurances as provided by specified

existing law, but would authorize the department to approve an alternative financial assurance mechanism, as provided. The bill would provide that the department's duties to implement these provisions are contingent upon an appropriation by the Legislature for these purposes.

(12) This bill would appropriate to the Department of Toxic Substances Control the total sum of \$822,400,000 from the General Fund and the Toxic Substances Control Account, with \$500,000,000 of that total amount appropriated from the General Fund for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for, among other things, the discovery, cleanup, and investigation of contaminated properties, a grant program to fund response actions at brownfield sites, and a job and development training program to promote public health and community engagement, promote equity and environmental justice, and support the local economy. The bill would transfer the remaining \$322,400,000 of that total amount as a loan from the General Fund to the Toxic Substances Control Account and would appropriate those funds from the account for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for activities, including job training activities, related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon. The bill would require funds recovered from potentially responsible parties for the former Exide Technologies facility to be used to repay those loans and would authorize forgiveness of the remaining loan balance under certain circumstances. The bill would require the Board of Environmental Safety to annually conduct an analysis of the expenditure of the appropriated General Fund moneys until the funds have been entirely liquidated.

(13) 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.

(14) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

(15) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2021.

Vote: majority^{2/3}. Appropriation: no-yes. Fiscal committee: no yes. State-mandated local program: no-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6103.10 of the Government Code is
2 amended to read:

3 6103.10. (a) Section 6103 does not apply to any fee or charges
4 required to be paid to the ~~State Director of Health Services Toxic~~
5 ~~Substances Control~~ or to the ~~State Board California Department~~
6 ~~of Equalization Tax and Fee Administration~~ pursuant to Chapter
7 6.5 (commencing with Section 25100) of, and Chapter 6.8
8 (commencing with Section 25300) of, Division 20 of the Health
9 and Safety Code, except as otherwise provided in paragraph (1)
10 of subdivision (a) of Section 25174.7, subdivision (b) of Section
11 25205.1, ~~subdivision (n) of or Section 25205.7, subdivision (d)~~
12 ~~25205.7 of Section 25205.8, the Health and subdivision (e) of~~
13 ~~Section 25205.9. Safety Code.~~

14 (b) This section shall remain in effect only until January 1, 2022,
15 and as of that date is repealed.

16 SEC. 2. Section 6103.10 is added to the Government Code, to
17 read:

18 6103.10. (a) Section 6103 does not apply to any fee or charges
19 required to be paid to the Director of Toxic Substances Control
20 or to the California Department of Tax and Fee Administration
21 pursuant to Chapter 6.5 (commencing with Section 25100) of, and
22 Chapter 6.8 (commencing with Section 25300) of, Division 20 of
23 the Health and Safety Code, except as otherwise provided in
24 subdivision (b) of Section 25205.1 of, and Section 25205.7 of, the
25 Health and Safety Code.

26 (b) This section shall become operative on January 1, 2022.

27 SEC. 3. Section 25110.3 of the Health and Safety Code is
28 amended and renumbered to read:

29 25110.3:

30 25110.4. "Buffer zone" means an area of land ~~which~~ that
31 surrounds a hazardous waste facility and on which certain land

1 uses and activities are restricted to protect the public health and
2 safety and the environment from existing or potential hazards
3 caused by the migration of hazardous waste.

4 *SEC. 4. Section 25110.3 is added to the Health and Safety*
5 *Code, to read:*

6 *25110.3. "Board" means the Board of Environmental Safety*
7 *established pursuant to Section 25125.*

8 *SEC. 5. Article 2.1 (commencing with Section 25125) is added*
9 *to Chapter 6.5 of Division 20 of the Health and Safety Code, to*
10 *read:*

11
12 *Article 2.1. Board of Environmental Safety*

13
14 *25125. (a) The Board of Environmental Safety is hereby*
15 *established in the department consisting of five voting members*
16 *as follows:*

17 *(1) Three members shall be appointed by the Governor subject*
18 *to confirmation by the Senate.*

19 *(2) One member shall be appointed by the Senate Committee*
20 *on Rules.*

21 *(3) One member shall be appointed by the Speaker of the*
22 *Assembly.*

23 *(b) The members of the board shall be appointed on the basis*
24 *of their demonstrated interest in the fields of hazardous waste*
25 *management, site remediation, or pollution prevention and*
26 *reduction, shall possess understanding of the needs of the general*
27 *public in connection with the risks posed by hazardous materials*
28 *and the management of hazardous waste, and shall possess*
29 *experience in at least one of the following:*

30 *(1) Environmental law.*

31 *(2) Environmental science, including toxicology, chemistry,*
32 *geology, industrial hygiene, or engineering.*

33 *(3) Public health.*

34 *(4) Cumulative impact assessment and management.*

35 *(5) Regulatory permitting.*

36 *(c) No more than two members of the board may represent a*
37 *single category of qualification described in paragraphs (1) to*
38 *(5), inclusive, of subdivision (b) at any one time.*

39 *(d) The board members shall represent the general public*
40 *interest and act to protect public health and reduce risks of toxic*

1 *exposure with a particular focus on disproportionately burdened*
2 *and vulnerable communities.*

3 *(e) (1) Three board members constitute a quorum for the*
4 *transaction of business of the board.*

5 *(2) An affirmative vote of a majority of board members present*
6 *at a meeting of the board shall be required for the board to take*
7 *any action or pass any motion.*

8 *(f) (1) Except as provided in paragraph (2), a board member*
9 *shall be appointed for a term of four years. A vacancy in the board*
10 *shall be immediately filled by the appointing authority for the*
11 *unexpired portion of the term in which the vacancy occurs.*

12 *(2) The terms of the board members shall be staggered. One of*
13 *the initial members appointed by the Governor and the initial*
14 *member appointed by the Speaker of the Assembly shall serve a*
15 *two-year term and the remaining three initial members shall serve*
16 *a four-year term. The chairperson of the board, appointed by the*
17 *Governor pursuant to subdivision (m), shall serve a four-year*
18 *term. The Governor shall determine which of the initial members*
19 *appointed by the Governor shall serve a two-year term and which*
20 *shall serve a four-year term.*

21 *(g) (1) A board member appointed by the Governor may be*
22 *removed by the Governor for neglect of duty, misconduct, or*
23 *malfeasance in office. Before removal from office, a member shall*
24 *be provided with a written statement of the charges and an*
25 *opportunity to be heard.*

26 *(2) A board member appointed by the Governor or the*
27 *Legislature may be removed after trial for knowingly violating*
28 *this section based on a complaint filed in a county superior court*
29 *by the Attorney General alleging that the board member knowingly*
30 *violated this section and asking that the board member be removed*
31 *from the board. Further proceedings shall be in accordance as*
32 *near as may be with rules governing civil actions.*

33 *(3) A board member shall not miss three consecutive meetings*
34 *as unexcused absences. Missing three consecutive meetings as*
35 *unexcused absences shall constitute grounds for removal under*
36 *paragraph (1) or (2).*

37 *(h) A board member shall not make, participate in making, or*
38 *in any way attempt to use the board member's official position to*
39 *influence a board decision in which the board member knows or*

1 *has reason to know they have a financial interest within the*
2 *meaning of Section 87103 of the Government Code.*

3 *(i) The board shall conduct its business, including adjourning*
4 *to, or meeting solely in, closed session, pursuant to the*
5 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
6 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
7 *the Government Code).*

8 *(j) (1) The board shall adopt rules for the conduct of its affairs.*

9 *(2) The rules for conduct adopted by the board shall require,*
10 *at a minimum, that a board member adhere to all of the following*
11 *principles:*

12 *(A) A board member shall faithfully discharge the duties,*
13 *responsibilities, and quasi-judicial actions of the board.*

14 *(B) A board member shall conduct their affairs in the public's*
15 *best interest, following principles of fundamental fairness and due*
16 *process of law.*

17 *(C) A board member shall conduct their affairs in an open,*
18 *objective, and impartial manner; free of undue influence and the*
19 *abuse of power and authority.*

20 *(D) A board member shall understand that the programs*
21 *implemented by the department require public awareness,*
22 *understanding, and support of, and participation and confidence*
23 *in, the board and its practices and procedures.*

24 *(E) A board member shall preserve the public's welfare and*
25 *the integrity of the board, and act to maintain the public's trust in*
26 *the board and the implementation of its regulations and policies.*

27 *(F) A board member shall not conduct themselves in a manner*
28 *that reflects discredit upon state laws, policies, or regulations, or*
29 *principles of the board.*

30 *(3) The rules adopted pursuant to this subdivision are exempt*
31 *from the requirements of Chapter 3.5 (commencing with Section*
32 *11340) of Part 1 of Division 3 of Title 2 of the Government Code.*

33 *(k) The board shall conduct administrative adjudications,*
34 *including, but not limited to, permit appeals pursuant to paragraph*
35 *(2) of subdivision (b) of Section 25125.2, in accordance with the*
36 *Administrative Procedure Act (Chapter 3.5 (commencing with*
37 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
38 *Code), including the prohibition against ex parte communications.*

39 *(l) (1) The Attorney General shall represent the board in*
40 *litigation concerning the affairs of the board unless the Attorney*

1 *General represents another state agency that is a party to the*
2 *action, in which case, the Attorney General may represent the*
3 *board with the written consent of the board and the other state*
4 *agency.*

5 *(2) If the Attorney General is not representing the board, the*
6 *board may contract for the service of outside counsel to represent*
7 *the board or in-house counsel of the board may represent the*
8 *board, subject to Section 11040 of the Government Code.*

9 *(m) The chairperson of the board, who is appointed by the*
10 *Governor, shall serve full time and shall receive the salary*
11 *provided for in Section 11553 of the Government Code. All other*
12 *members of the board shall serve half time and shall receive*
13 *one-half of the salary provided for in Section 11553.5 of the*
14 *Government Code.*

15 *(n) (1) Members of the board, or representatives authorized*
16 *by the board to do so, may hold, attend, or otherwise participate*
17 *in conferences or hearings, official or unofficial, within or out of*
18 *the state, with interested persons, agencies, or officers, of this or*
19 *any other state, or with Congress, congressional committees, or*
20 *officers of the federal government, concerning any matter within*
21 *the scope of the power and duties of the board.*

22 *(2) This subdivision does not create an exception to the*
23 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
24 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
25 *the Government Code).*

26 *(o) Due to the unique nature of permitting federal facilities, the*
27 *chairperson of the board shall designate one board member to*
28 *serve as the liaison between the board and the United States*
29 *Department of Defense.*

30 *25125.2. (a) Beginning January 1, 2022, the board shall*
31 *conduct no fewer than six public meetings per year, at least three*
32 *of which shall be held outside the greater Sacramento area. For*
33 *those meetings held outside the greater Sacramento area, the board*
34 *shall meet in different geographic areas within the state to facilitate*
35 *the participation by the businesses and sites regulated by the*
36 *department, as well as members of the communities impacted by*
37 *the businesses and sites regulated by the department.*

38 *(b) The board shall do all of the following:*

39 *(1) Set fees pursuant to Sections 25205.2.1, 25205.5.01, and*
40 *25205.6.1.*

1 (2) *Hear and decide appeals of hazardous waste facility permit*
2 *decisions.*

3 (3) *Provide opportunities for public hearings on individual*
4 *permitted or remediation sites.*

5 (4) *Review and consider for approval the director's annual*
6 *priorities for each program under the department and, after*
7 *consulting with the director, adopt clear performance metrics for*
8 *the department and each of the department's programs. The*
9 *board's responsibilities under this paragraph shall be conducted*
10 *at a public hearing. The director shall provide annual updates on*
11 *progress toward meeting the priorities and performance metrics.*

12 (5) *Conduct an analysis of the fee structure supporting the*
13 *department's activities funded by the Hazardous Waste Control*
14 *Account, the Hazardous Waste Facilities Account, and the Toxic*
15 *Substances Control Account and, to the extent necessary, develop*
16 *recommendations for funding the department's activities that*
17 *accomplish all of the following:*

18 (A) *Provides for protection for public health and safety and the*
19 *environment.*

20 (B) *Provides adequate funding to ensure the timely remediation*
21 *of contaminated sites, including the remediation of orphan sites.*

22 (C) *Provides adequate funding for the enforcement of this*
23 *chapter and Chapter 6.8 (commencing with Section 25300).*

24 (D) *Provides adequate funding for the programs and regulatory*
25 *efforts that protect consumers from potentially harmful chemicals*
26 *in products or workplaces.*

27 (E) *Provides for a reasonable distribution of costs among the*
28 *businesses that contribute to the need for management of hazardous*
29 *waste in the state.*

30 (F) *Provides a level of funding that will enable the department*
31 *and the board to implement and carry out their duties and*
32 *responsibilities, including the department's performance metrics*
33 *approved by the board pursuant to this section.*

34 (G) *Considers increasing fee rates, decreasing fee rates,*
35 *consolidating fees, eliminating fees, or creating new fees, as*
36 *appropriate, as well as the option to identify any other funding*
37 *sources that may be appropriate for use by the department in*
38 *performing its duties and responsibilities. The board may consider*
39 *where tiered rates may be appropriate to align the department's*

1 regulatory costs with different volumes or types of hazardous
2 waste.

3 (H) Considers the creation of graduated fee rates that could be
4 used to encourage or discourage waste generation or specific
5 higher risk or hazard waste management activities.

6 (I) Considers additional funding amounts that may be needed
7 for the department to implement the responsibilities identified in
8 Article 11.8 (commencing with Section 25244) and Article 11.9
9 (commencing with Section 25244.12), in whole or in part.

10 (J) Considers additional funding amounts that may be needed
11 for the department to implement programs that further support
12 the collection and appropriate management of hazardous wastes
13 that may pose a higher risk of being illegally disposed.

14 (6) Conduct an analysis of the department's programs, the
15 relationship between those programs and related programs in
16 other regulatory agencies, including, but not limited to, the State
17 Water Resources Control Board, the California regional water
18 quality control boards, and the Department of Resources Recycling
19 and Recovery, and, to the extent necessary, develop
20 recommendations to improve coordination between programs, and
21 to reduce or eliminate duplication or overlap.

22 (7) Develop, in consultation with the director and with
23 consideration of available resources, a multiyear schedule for the
24 discussion of long-term goals for the following departmental
25 activities:

26 (A) The department's processing of hazardous waste facility
27 permits and proposals to improve the efficiency of the permitting
28 process, the relationship between the efficiency of the process and
29 the time needed to review permit applications and reach permit
30 decisions, and the amount of reimbursement required of permit
31 applicants in the course of the permitting process.

32 (B) The department's duties and responsibilities in law and
33 proposals to improve the department's ability to meet those duties
34 and responsibilities.

35 (C) The site mitigation program and proposals for the
36 prioritization of the cleanup of contaminated properties.

37 (D) The department's implementation of its enforcement
38 activities.

39 25125.3. The board may form advisory subcommittees of its
40 membership to work on any topic within the board's jurisdiction,

1 *including, but not limited to, environmental justice and fee*
2 *structure. Subcommittees formed pursuant to this section are*
3 *authorized to do both of the following:*

4 *(a) Seek information and feedback from any stakeholder or*
5 *constituencies subject to the authorities implemented by the*
6 *department or impacted by the department's implementation of*
7 *its authorities.*

8 *(b) Present recommendations of the subcommittee to the full*
9 *board for its consideration and action. The full board is not*
10 *required to act on any recommendation presented by a*
11 *subcommittee of the board.*

12 *25125.4. (a) The board shall have the authority to adopt,*
13 *amend, or repeal, in accordance with the Administrative Procedure*
14 *Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of*
15 *Division 3 of Title 2 of the Government Code), regulations as may*
16 *be necessary to enable it to carry into effect this article, including*
17 *the authority to adopt regulations establishing fees as required*
18 *pursuant to paragraph (1) of subdivision (b) of Section 25125.2.*

19 *(b) Except as provided in subdivision (j) of Section 25125, a*
20 *regulation adopted pursuant to this article may be adopted as an*
21 *emergency regulation in accordance with Chapter 3.5*
22 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
23 *2 of the Government Code, and for purposes of that chapter,*
24 *including Section 11349.6 of the Government Code, the adoption*
25 *of regulations is an emergency and shall be considered by the*
26 *Office of Administrative Law as necessary for the immediate*
27 *preservation of the public peace, health, and safety, and general*
28 *welfare. Notwithstanding Chapter 3.5 (commencing with Section*
29 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
30 *an emergency regulation adopted by the board pursuant to this*
31 *section shall be filed with, but not be repealed by, the Office of*
32 *Administrative Law, and shall remain in effect until repealed by*
33 *the board.*

34 *25125.6. The director, or a designee, shall present and respond*
35 *to the board, if requested by the board, on any issue or item*
36 *brought forward by a member of the public, the ombudsperson,*
37 *or a board member.*

38 *25125.7. The board shall annually prepare and transmit to the*
39 *Secretary for Environmental Protection an annual review of the*

1 department's performance as compared to its objectives, including,
2 but not limited to, the performance of the director.

3 25125.8. (a) There is established within the board an office
4 of the ombudsperson. The board shall appoint an ombudsperson
5 who shall serve full time at the pleasure of the board.

6 (b) The office of the ombudsperson shall serve as an impartial
7 resource to the public, including stakeholders, by doing the
8 following:

9 (1) Receive complaints and suggestions from the public.

10 (2) Evaluate complaints.

11 (3) Report findings and make recommendations to the director
12 and the board.

13 (4) Render assistance to the public, when appropriate.

14 (c) The board, in consultation with the director, may determine
15 the activities, in addition to those specified in subdivision (b), the
16 ombudsperson can undertake.

17 (d) The board shall establish procedures governing the exercise
18 of the ombudsperson's duties, including all of the following:

19 (1) Methods to encourage the submission of complaints or
20 suggestions and safeguards to ensure confidentiality.

21 (2) Forms to submit complaints and suggestions to the
22 ombudsperson.

23 (3) Criteria for prioritization of complaints and suggestions
24 submitted to the ombudsperson.

25 (4) Access to information and resources to improve
26 understanding of the department's activities and opportunities for
27 involvement in the department's regulatory processes.

28 (e) Any person may submit a complaint or make a suggestion
29 to the ombudsperson regarding any action, program, or policy of
30 the department.

31 25125.9. The director and the chairperson of the board shall,
32 when requested, but no less than annually, appear before the
33 appropriate policy committees in the Assembly and Senate to
34 provide an update on the department's performance as compared
35 to its objectives, including, but not limited to, metrics established
36 pursuant to paragraph (4) of subdivision (b) of Section 25125.2,
37 the department's progress in implementing any reform measures,
38 and any other information the committees request.

39 SEC. 6. Section 25135 of the Health and Safety Code is
40 repealed.

1 ~~25135. (a) The Legislature finds and declares as follows:~~

2 ~~(1) An effective planning process involving public and private~~
3 ~~sector participation exists at the county level for establishing new,~~
4 ~~or expanding existing, solid waste facilities, but an equivalent~~
5 ~~process has not been established at the local level to plan for the~~
6 ~~management of hazardous wastes.~~

7 ~~(2) Counties are presently required to prepare solid waste~~
8 ~~management plans for all waste disposal within each county and~~
9 ~~for all waste originating in each county. While the department has~~
10 ~~requested that counties include in their solid waste management~~
11 ~~plans a hazardous waste management element, there is not presently~~
12 ~~a clear mandate that they do so.~~

13 ~~(3) Hazardous waste management planning at the local level~~
14 ~~has been hampered because the department has not provided the~~
15 ~~counties with adequate and comprehensive planning guidelines,~~
16 ~~there is a lack of accurate data on hazardous waste generation,~~
17 ~~handling, and disposal practices, adequate funding has not been~~
18 ~~available, and local expertise in hazardous waste planning has not~~
19 ~~been developed.~~

20 ~~(4) The failure to plan for the safe and effective management~~
21 ~~of hazardous wastes has contributed to the public's general~~
22 ~~uncertainty in viewing proposals to site hazardous waste facilities~~
23 ~~at various locations throughout the state. Because advance planning~~
24 ~~has not taken place, local governments are not prepared to consider~~
25 ~~siting proposals and the public has not received adequate answers~~
26 ~~to questions concerning the need for proposed facilities.~~

27 ~~(5) Safe and responsible management of hazardous wastes is~~
28 ~~one of the most important environmental problems facing the state~~
29 ~~at the present time. It is critical to the protection of the public health~~
30 ~~and the environment, and to the economic growth of the state. If~~
31 ~~environmentally sound hazardous waste facilities are not available~~
32 ~~to effectively manage the hazardous wastes produced by the many~~
33 ~~industries of the state, economic activity will be hampered and the~~
34 ~~economy cannot prosper.~~

35 ~~(b) The Legislature, therefore, declares that it is in the public~~
36 ~~interest to establish an effective process for hazardous waste~~
37 ~~management planning at the local level. This process is consistent~~
38 ~~with the responsibility of local governments to assure that adequate~~
39 ~~treatment and disposal capacity is available to manage the~~
40 ~~hazardous wastes generated within their jurisdictions.~~

1 ~~(e) It is the intent of the Legislature that the hazardous waste~~
2 ~~management plans prepared pursuant to this article serve as the~~
3 ~~primary planning document for hazardous waste management at~~
4 ~~the local level; that the plans be integrated with other local land~~
5 ~~use planning activities to ensure that suitable locations are available~~
6 ~~for needed hazardous waste facilities; that land uses adjacent to,~~
7 ~~or near, hazardous waste facilities, or proposed sites for these~~
8 ~~facilities, are compatible with their operation; and that the plans~~
9 ~~are prepared with the full and meaningful involvement of the~~
10 ~~public, environmental groups, civic associations, generators of~~
11 ~~hazardous wastes, and the hazardous waste management industry.~~

12 ~~(d) It is further the intent of the Legislature, in enacting this~~
13 ~~article, to define the respective responsibilities of state and local~~
14 ~~governments in hazardous waste management planning; to establish~~
15 ~~a comprehensive planning process in which state and local~~
16 ~~government, the public, and industry jointly develop safe and~~
17 ~~effective solutions for the management and disposal of hazardous~~
18 ~~wastes; to ensure that local governments are assisted adequately~~
19 ~~by the state in carrying out their responsibilities; and to provide~~
20 ~~funding for local-level planning.~~

21 *SEC. 7. Section 25135 is added to the Health and Safety Code,*
22 *to read:*

23 *25135. (a) The department shall, by March 1, 2025, and every*
24 *three years thereafter, prepare a state hazardous waste*
25 *management plan and present it to the board for approval. The*
26 *state hazardous waste management plan shall be based on the*
27 *report prepared pursuant to subdivision (b) and any other sources*
28 *of information deemed relevant by the department. The state*
29 *hazardous waste management plan shall serve as a comprehensive*
30 *planning document for the management of hazardous waste in the*
31 *state, as a useful informational source to guide state and local*
32 *hazardous waste management efforts, and as a guide for the*
33 *department's implementation of its hazardous waste management*
34 *program.*

35 *(b) By March 1, 2023, and every three years thereafter, the*
36 *department shall prepare, and post on its internet website, a report*
37 *that includes an analysis of available data related to hazardous*
38 *waste, including all of the following components:*

39 *(1) An analysis of the hazardous waste streams produced in the*
40 *state, including the sources of the data and any limitations of that*

1 data. The report shall present hazardous waste stream information
2 for the hazardous waste types currently being generated,
3 historically generated, and expected to be generated in the state
4 in the future. In addition to statewide data, the report shall also
5 present the hazardous waste stream information in each of the
6 following categories:

7 (A) The county in which each hazardous waste stream is
8 generated.

9 (B) The destination to which each hazardous waste stream is
10 shipped.

11 (C) The amount of hazardous waste disposed to land, both within
12 the state and in other states.

13 (D) The amount of hazardous waste treated, both within the
14 state and in other states.

15 (E) The amount of hazardous waste that is regulated under the
16 federal act.

17 (F) The amount of hazardous waste that is regulated only in
18 the state.

19 (G) An estimate of the types and volumes of hazardous waste
20 that are generated, but are not required to be manifested, and
21 therefore are not included in the department's Hazardous Waste
22 Tracking System, including hazardous wastes that are:

23 (i) Treated onsite.

24 (ii) Recycled onsite.

25 (iii) Identified as universal wastes.

26 (iv) Eligible to be managed under a management standard that
27 is an alternative to full hazardous waste regulation.

28 (2) Information regarding hazardous waste facilities that
29 operate in the state, including all of the following:

30 (A) Information regarding each hazardous waste facility,
31 including a description of the facility, the amount of hazardous
32 waste the facility is permitted to receive annually, and the amount
33 of hazardous waste managed by the facility that is received from
34 in-state versus out-of-state generators. The information provided
35 pursuant to this subparagraph shall include information on both
36 of the following:

37 (i) Hazardous waste facilities that have been issued a permit to
38 operate by the department.

39 (ii) Any other hazardous waste facilities that are receiving any
40 type of hazardous wastes from offsite that do not require a

1 *hazardous waste facilities permit to operate, such as universal*
2 *waste handlers or temporary transfer stations.*

3 *(B) An analysis of the location of each destination facility,*
4 *including an assessment of the area in which the destination facility*
5 *is located. For destination facilities located in the state, this*
6 *analysis shall include zoning and other geographic information*
7 *and the CalEnviroScreen score, and may include information from*
8 *national environmental health screening tools. For destination*
9 *facilities located in other states, the analysis shall include a similar*
10 *assessment of the environmental conditions or vulnerability to*
11 *environmental pollutants of the population surrounding each*
12 *destination facility, to the extent data are available.*

13 *(C) An analysis of the transportation of hazardous waste*
14 *generated in the state, including information on the distance*
15 *between the destination facilities and the generators that are*
16 *sending hazardous waste to those destination facilities, the*
17 *transportation options available to transport hazardous wastes to*
18 *each destination facility, and the cost for transportation to each*
19 *destination facility, including a calculated estimate of cost per*
20 *mile traveled.*

21 *(3) An analysis of national and international pollution*
22 *prevention programs to inform recommendations to be proposed*
23 *by the department for changes to the implementation of Article*
24 *11.8 (commencing with Section 25244) and Article 11.9*
25 *(commencing with Section 25244.12).*

26 *(4) An analysis of the use of fees and their ability to influence*
27 *or encourage the reduction in the generation of hazardous wastes.*

28 *(5) An analysis of the criteria used to identify wastes as*
29 *hazardous waste under state law. The analysis shall include all of*
30 *the following:*

31 *(A) An assessment of the extent to which the criteria that result*
32 *in wastes being regulated as hazardous waste in California, as*
33 *opposed to under the federal act, provide additional safeguards*
34 *that are necessary to protect public health and the environment*
35 *in the state.*

36 *(B) An assessment of the existing hazardous waste identification*
37 *criteria and the extent to which they reflect current science,*
38 *technology, or analytical methods.*

39 *(C) An assessment of additional contaminants, chemical*
40 *constituents, or hazard characteristics or traits that are not*

1 *currently included in the hazardous waste identification criteria,*
2 *and the additional public health or environmental protections that*
3 *could be achieved if those additional contaminants, chemical*
4 *constituents, or hazard characteristics or traits were to be added*
5 *to the hazardous waste identification criteria in the state.*

6 *(c) Before publishing the final report required by subdivision*
7 *(b), the department shall conduct workshops to present the draft*
8 *report to the public and receive comments from the public on the*
9 *draft report. The department shall, in finalizing the report required*
10 *by subdivision (b), consider the public comments and revise the*
11 *draft report as the department deems appropriate.*

12 *(d) The state hazardous waste management plan prepared*
13 *pursuant to subdivision (a) shall include, but is not limited to, all*
14 *of the following:*

15 *(1) A baseline of the amount and types of hazardous waste*
16 *generated and disposed of in the state, and disposed of in other*
17 *states, from which recommendations can be drawn and changes*
18 *made to hazardous waste management practices, including the*
19 *reduction in the amount of hazardous waste generated or disposed,*
20 *can be measured.*

21 *(2) Recommended goals to reduce the amount of hazardous*
22 *waste generated or disposed of, including, but not limited to, goals*
23 *based on all of the following:*

24 *(A) Statewide total amounts of hazardous waste.*

25 *(B) Total amounts of particular hazardous waste streams or*
26 *hazardous waste types.*

27 *(C) Total amounts of particular hazardous waste streams or*
28 *hazardous waste types generated or disposed of by specific industry*
29 *types or sectors.*

30 *(3) (A) Recommendations for achieving the recommended goals*
31 *identified pursuant to paragraph (2), including, but not limited to,*
32 *recommendations for both of the following:*

33 *(i) Techniques to measure hazardous waste being generated to*
34 *account for variability in manufacturing production or other*
35 *economic factors.*

36 *(ii) Additional steps to be taken to accomplish all of the*
37 *following:*

38 *(I) Reducing the use of hazardous materials and increasing the*
39 *use of less hazardous or nonhazardous alternatives to the maximum*
40 *extent feasible.*

1 ~~(II) Reducing the amount of hazardous waste disposed.~~

2 ~~(III) Reducing the amount of hazardous waste generated.~~

3 ~~(IV) Reducing the risk of exposure to communities threatened~~
4 ~~by releases of hazardous substances, as defined in Chapter 6.8~~
5 ~~(commencing with Section 25300), and releases of hazardous~~
6 ~~wastes.~~

7 ~~(V) Reducing the risk of exposure to communities near sites~~
8 ~~contaminated by hazardous substances, as defined in Chapter 6.8~~
9 ~~(commencing with Section 25300), and hazardous wastes.~~

10 ~~(B) Any recommendations for achieving the goals identified~~
11 ~~pursuant to paragraph (2) related to the generation and disposal~~
12 ~~of contaminated soils that are identified as hazardous waste shall~~
13 ~~ensure that subclauses (IV) and (V) of clause (ii) of subparagraph~~
14 ~~(A) are also accomplished. In addition, the recommendations shall~~
15 ~~not propose to reduce the amount of contaminated soils being~~
16 ~~generated or disposed solely by reducing the removal of~~
17 ~~contaminated soils from sites contaminated by hazardous~~
18 ~~substances or sites where releases of hazardous substances are~~
19 ~~threatened.~~

20 ~~(C) Any recommendations for achieving the goals identified~~
21 ~~pursuant to paragraph (2) related to the generation and disposal~~
22 ~~of household hazardous waste shall not propose to reduce the~~
23 ~~collection of household hazardous waste as a method to achieve~~
24 ~~the goal.~~

25 ~~(4) Recommendations for modifications to hazardous~~
26 ~~waste-related fees or financial incentives to encourage additional~~
27 ~~reductions in hazardous waste generation.~~

28 ~~(5) Recommendations for incorporating external or long-term~~
29 ~~costs into hazardous waste management decisionmaking.~~

30 ~~(6) Recommendations for allowing for public comment on and~~
31 ~~input into source reduction evaluation review and plans prepared~~
32 ~~by generators pursuant to Section 25244.19 and hazardous waste~~
33 ~~management performance reports prepared by generators pursuant~~
34 ~~to Section 25244.20.~~

35 ~~(7) Recommendations for changes to the department's~~
36 ~~implementation of Article 11.8 (commencing with Section 25244)~~
37 ~~and Article 11.9 (commencing with Section 25244.12).~~

38 ~~(8) Recommendations for appropriate roles and responsibilities~~
39 ~~for the department, other agencies, local unified program agencies,~~

1 *and green business programs in achieving the goals of the state*
2 *hazardous waste management plan.*

3 *(9) Recommendations for changes to statutes and regulations*
4 *that may create impediments to waste reduction and achieving the*
5 *recommended goals identified pursuant to paragraph (2).*

6 *(10) Recommendations for changes to statutes and regulations*
7 *that enhance or facilitate accomplishment of the recommended*
8 *goals identified pursuant to paragraph (2).*

9 *(11) Recommendations regarding the criteria used to identify*
10 *wastes as hazardous waste in California. The recommendations*
11 *shall include all of the following:*

12 *(A) Whether any wastes currently identified as hazardous waste*
13 *in California, to the extent consistent with the federal act, may be*
14 *managed under management standards that are different from the*
15 *hazardous waste management requirements and still be protective*
16 *of public health and the environment.*

17 *(B) Whether the California hazardous waste identification*
18 *criteria should be updated to reflect advances in science,*
19 *technology, or analytical methods.*

20 *(C) Whether additional contaminants, chemical constituents,*
21 *or hazard characteristics or traits should be included in the*
22 *hazardous waste identification criteria to be protective of public*
23 *health and the environment, and whether additional wastes that*
24 *are not currently required to be managed as hazardous waste*
25 *under state law should be required to be managed in accordance*
26 *with hazardous waste management requirements to protect public*
27 *health and the environment.*

28 *(12) Any other recommendations that would further the*
29 *department's implementation of its hazardous waste management*
30 *program and the goals of this section.*

31 *(e) Before approving the final state hazardous waste*
32 *management plan prepared pursuant to subdivision (a), the board*
33 *shall hold at least three public hearings in various parts of the*
34 *state to receive comments from the public on the draft hazardous*
35 *waste management plan. The board and the department, in*
36 *finalizing the state hazardous waste management plan prepared*
37 *pursuant to subdivision (a), shall consider the public comments*
38 *and revise the draft state hazardous waste management plan as*
39 *they deem appropriate.*

1 (f) (1) For purposes of implementing this section, using the
2 funds appropriated for the 2021–22 fiscal year, the department
3 may enter into necessary contracts to procure subject matter
4 expertise or other technical assistance. The contracts are exempt
5 from Chapter 6 (commencing with Section 14825) of Part 5.5 of
6 Division 3 of Title 2 of the Government Code, and Section 10295
7 of, and Article 4 (commencing with Section 10335) of Chapter 2
8 of, and Chapter 3 (commencing with Section 12100) of, Part 2 of
9 Division 2 of the Public Contract Code, and any policies,
10 procedures, and regulations authorized by those laws.

11 (2) The department shall obtain approval from the Department
12 of Finance before entering into a contract under this section.

13 SEC. 8. Section 25135.1 of the Health and Safety Code is
14 repealed.

15 ~~25135.1. (a) For purposes of this article, and unless the context~~
16 ~~indicates otherwise, “county” means a county that notifies the~~
17 ~~department that it will prepare a county hazardous waste~~
18 ~~management plan in accordance with this article and receives a~~
19 ~~grant pursuant to Section 25135.8. “County” also means any city,~~
20 ~~or two or more cities within a county acting jointly, which notifies~~
21 ~~the department that it will prepare a county hazardous waste~~
22 ~~management plan in accordance with subdivision (e).~~

23 ~~(b) A county may, at its discretion, and after notification to the~~
24 ~~department, prepare a county hazardous waste management plan~~
25 ~~for the management of all hazardous waste produced in the county.~~
26 ~~A county hazardous waste management plan prepared pursuant to~~
27 ~~this article shall serve in lieu of the hazardous waste portion of the~~
28 ~~county solid waste plan provided for in Article 2 (commencing~~
29 ~~with Section 66780) of Chapter 2 of Title 7.3 of the Government~~
30 ~~Code. The county hazardous waste management plan shall be~~
31 ~~prepared in cooperation with the affected cities in the county and~~
32 ~~the advisory committee appointed pursuant to Section 25135.2, in~~
33 ~~accordance with the guidelines adopted by the department pursuant~~
34 ~~to Section 25135.5, and in accordance with the schedule specified~~
35 ~~in Section 25135.6.~~

36 ~~(c) On or before March 31, 1987, every county shall notify the~~
37 ~~department and the cities within the county whether the county~~
38 ~~has elected to prepare a county hazardous waste management plan~~
39 ~~pursuant to this article. A city, or two or more cities acting jointly,~~
40 ~~located within a county which elects not to prepare a county~~

1 hazardous waste management plan or which fails to make an
2 election, on or before March 31, 1987, to prepare a plan, may, at
3 the city's or cities' discretion, elect to undertake the preparation
4 of the plan. The city or cities shall be deemed to be acting in place
5 of the county for purposes of this article and may apply for funding
6 to pay the cost of preparing the plan pursuant to subdivision (c)
7 of Section 25135.8. However, the city or cities may not receive
8 funding pursuant to subdivision (c) of Section 25135.8, unless the
9 proposal to prepare a county hazardous waste management plan
10 by the city or cities is approved by a majority of the cities within
11 the county which contain a majority of the population of the
12 incorporated area of the county and the proposal is received by
13 the department on or before June 30, 1987.

14 (d) The county hazardous waste management plan authorized
15 by subdivision (b) or (c) shall serve as the primary planning
16 document for hazardous waste management in the county and shall
17 be prepared as a useful informational source for local government
18 and the public. The plan shall include, but is not limited to, all of
19 the following elements:

20 (1) An analysis of the hazardous waste stream generated in the
21 county, including an accounting of the volumes of hazardous
22 wastes produced in the county, by type of waste, and estimates of
23 the expected rates of hazardous waste production until 1994, by
24 type of waste.

25 (2) A description of the existing hazardous waste facilities
26 which treat, handle, recycle, and dispose of the hazardous wastes
27 produced in the county, including a determination of the existing
28 capacity of each facility.

29 (3) An analysis of the potential in the county for recycling
30 hazardous waste and for reducing the volume and hazard of
31 hazardous waste at the source of generation.

32 (4) A consideration of the need to manage the small volumes
33 of hazardous waste produced by businesses and households.

34 (5) A determination of the need for additional hazardous waste
35 facilities to properly manage the volumes of hazardous wastes
36 currently produced or that are expected to be produced during the
37 planning period.

38 (6) An identification of those hazardous waste facilities that
39 can be expanded to accommodate projected needs and an
40 identification of general areas for new hazardous waste facilities

1 ~~determined to be needed. In lieu of this facility and area~~
2 ~~identification, the plan may instead include siting criteria to be~~
3 ~~utilized in selecting sites for new hazardous waste facilities. If~~
4 ~~siting criteria are included in the county hazardous waste~~
5 ~~management plan, the plan shall also designate general areas where~~
6 ~~the criteria might be applicable.~~

7 ~~(7) A statement of goals, objectives, and policies for the siting~~
8 ~~of hazardous waste facilities and the general management of~~
9 ~~hazardous wastes through the year 2000.~~

10 ~~(8) A schedule which describes county and city actions~~
11 ~~necessary to implement the hazardous waste management plan~~
12 ~~through the year 2000, including the assigning of dates for carrying~~
13 ~~out the actions.~~

14 ~~(e) In addition to the elements of the plan required by~~
15 ~~subdivision (d), a county may include a description of any~~
16 ~~additional local programs which the county determines to be~~
17 ~~necessary to provide for the proper management of hazardous~~
18 ~~wastes produced in the county. These programs may include, but~~
19 ~~are not limited to, public education, enforcement, surveillance,~~
20 ~~transportation, and administration.~~

21 ~~(f) The inclusion of an element in a county hazardous waste~~
22 ~~management plan pursuant to subdivision (d) or (e) does not~~
23 ~~authorize the county to adopt a program which the county is not~~
24 ~~otherwise authorized to adopt under any other provision of law.~~

25 *SEC. 9. Section 25135.2 of the Health and Safety Code is*
26 *repealed.*

27 ~~25135.2. (a) Each county shall establish an advisory~~
28 ~~committee of at least seven members to assist the county in the~~
29 ~~preparation and administration of the county hazardous waste~~
30 ~~management plan. The board of supervisors of the county shall~~
31 ~~appoint the members who are not city representatives to the~~
32 ~~advisory committee, including at least one representative of~~
33 ~~industry, one representative of an environmental organization, and~~
34 ~~one representative of the public. The advisory committee shall~~
35 ~~also consist of at least three members to represent cities appointed~~
36 ~~by the city selection committee specified in Article 11~~
37 ~~(commencing with Section 50270) of Chapter 1 of Part 1 of~~
38 ~~Division 1 of Title 5 of the Government Code. The board of~~
39 ~~supervisors shall, to the extent possible, appoint other members~~
40 ~~that have expertise concerning aspects of hazardous waste~~

1 management planning, including, but not limited to, engineering,
2 geology, and water quality.

3 (b) ~~The advisory committee shall do all of the following:~~

4 (1) ~~Advise the county staff, the board of supervisors of the~~
5 ~~county, and the staff, mayors, and council members of the cities~~
6 ~~within the county, on issues related to the development, approval,~~
7 ~~and administration of the county hazardous waste management~~
8 ~~plan.~~

9 (2) ~~Hold informal public meetings and workshops to provide~~
10 ~~the public with information, and to receive comments, during the~~
11 ~~preparation of the county hazardous waste management plan.~~

12 (e) ~~If a city or group of cities are preparing the county hazardous~~
13 ~~waste management plan pursuant to subdivision (c) of Section~~
14 ~~25135.1, the city or cities shall establish the advisory committee,~~
15 ~~using the qualifications and representation specified in subdivision~~
16 ~~(a).~~

17 *SEC. 10. Section 25135.3 of the Health and Safety Code is*
18 *repealed.*

19 ~~25135.3. The Association of Bay Area Governments, the~~
20 ~~Southern California Association of Governments, the Sacramento~~
21 ~~Area Council of Governments, and the Association of Monterey~~
22 ~~Bay Area Governments may, at the discretion of their governing~~
23 ~~boards, prepare a regional hazardous waste management plan to~~
24 ~~serve as a resource document and to identify hazardous waste~~
25 ~~management issues, needs, and solutions at the regional level. A~~
26 ~~council of governments specified in this subdivision shall include~~
27 ~~in the regional plan additional counties affected by the regional~~
28 ~~plan, at the request of the councils of governments for those~~
29 ~~counties. A council of governments shall prepare the regional plan~~
30 ~~pursuant to the following procedure:~~

31 (a) ~~A council of governments specified in this subdivision may~~
32 ~~apply to the department for funding pursuant to paragraph (3) of~~
33 ~~subdivision (b) of Section 25135.8.~~

34 (b) ~~On or before December 31, 1987, a council of governments~~
35 ~~which receives funding from the department shall prepare a draft~~
36 ~~regional hazardous waste management plan and submit the draft~~
37 ~~plan to the department. If a council of governments shows the~~
38 ~~department that it has made substantial compliance towards~~
39 ~~completing the draft regional hazardous waste management plan~~
40 ~~and needs additional time to complete the draft regional plan, the~~

1 department may extend, to March 31, 1988, the date by which the
2 draft regional plan is required to be submitted. The council of
3 governments shall involve the public with the preparation of the
4 draft plan, to the fullest extent possible, by public hearings,
5 informational meetings, and other appropriate forums that offer
6 the public the opportunity to respond to clearly defined alternative
7 objectives, policies, and actions.

8 (e) ~~From January 1, 1988, to March 31, 1988, or, if the~~
9 ~~department has given the council of governments a time extension~~
10 ~~pursuant to subdivision (b), on or before June 30, 1988, the council~~
11 ~~of governments shall conduct hearings on the draft regional~~
12 ~~hazardous waste management plan, in the number determined~~
13 ~~appropriate by the council of governments. The council of~~
14 ~~governments shall provide affected local jurisdictions, the public,~~
15 ~~industry, business organizations, and the hazardous waste~~
16 ~~management industry with a full opportunity to comment orally~~
17 ~~and in writing on the draft plan.~~

18 (d) ~~On or before March 31, 1988, or, if the department has~~
19 ~~given the council of governments a time extension pursuant to~~
20 ~~subdivision (b), on or before June 30, 1988, the department shall~~
21 ~~review the draft plan, and provide the council of governments with~~
22 ~~comments on the draft plan.~~

23 (e) ~~After conducting the review and comment period required~~
24 ~~by subdivision (c), the council of governments shall revise, as~~
25 ~~appropriate, the draft regional hazardous waste management plan.~~

26 (f) ~~On or before September 30, 1988, or, on or before January~~
27 ~~31, 1989, if the council of governments is given a time extension~~
28 ~~pursuant to subdivision (g), the council of governments shall~~
29 ~~complete and adopt the plan.~~

30 (g) ~~On or before October 1, 1988, the council of governments~~
31 ~~shall submit the final regional hazardous waste management plan~~
32 ~~adopted by its governing board to the department for review and~~
33 ~~approval. If a council of governments shows the department that~~
34 ~~the council of governments has made substantial progress towards~~
35 ~~completing the regional hazardous waste management plan and~~
36 ~~needs more time to complete the plan, the department may extend~~
37 ~~this date to September 1, 1989. The department shall approve the~~
38 ~~regional plan if the department determines that all of the following~~
39 ~~requirements are met:~~

1 (1) ~~The regional plan is consistent with the guidelines for the~~
2 ~~preparation of regional hazardous waste management plans adopted~~
3 ~~by the department.~~

4 (2) ~~The regional plan applies the methods, techniques, and~~
5 ~~policies established by the department to analyze the waste stream~~
6 ~~and to determine whether there is a need for additional or expanded~~
7 ~~hazardous waste facilities to safely manage and properly dispose~~
8 ~~of the hazardous waste produced within the region.~~

9 (h) ~~Throughout the process of preparing a regional hazardous~~
10 ~~waste management plan, a council of governments shall cooperate~~
11 ~~and consult with representatives and staff of affected counties and~~
12 ~~cities.~~

13 (i) ~~Notwithstanding subdivisions (a) to (h), inclusive, of this~~
14 ~~section, if, pursuant to Chapter 5 (commencing with Section 6500)~~
15 ~~of Division 7 of Title 1 of the Government Code, a joint powers~~
16 ~~agreement provides for the creation of the Southern California~~
17 ~~Hazardous Waste Management Authority, the Southern California~~
18 ~~Association of Governments shall, if it has elected to prepare a~~
19 ~~regional hazardous waste management plan pursuant to this section,~~
20 ~~transfer the responsibility for preparing the regional hazardous~~
21 ~~waste management plan and all funds received pursuant to~~
22 ~~subdivision (b) of Section 25135.8 to the authority, if the governing~~
23 ~~board of the authority requests the transfer by the adoption of a~~
24 ~~resolution. If the transfer takes place, the authority shall comply~~
25 ~~with this section in the same manner as this section applies to the~~
26 ~~association. If the transfer of responsibility and funds authorized~~
27 ~~by this subdivision takes place and the authority is dissolved at~~
28 ~~any time before the regional hazardous waste management plan~~
29 ~~is approved by the department, the association shall prepare the~~
30 ~~regional hazardous waste management plan and any remaining~~
31 ~~funds received pursuant to subdivision (b) of Section 25135.8 shall~~
32 ~~be transferred back to the association.~~

33 *SEC. 11. Section 25135.4 of the Health and Safety Code is*
34 *repealed.*

35 ~~25135.4. (a) No person shall establish or expand an offsite~~
36 ~~facility, unless the legislative body of the city or county in which~~
37 ~~the new offsite facility, or the expansion of an existing offsite~~
38 ~~facility, is proposed makes a determination that the facility or~~
39 ~~expansion is consistent with the county hazardous waste~~
40 ~~management plan.~~

1 ~~(b) This section applies only to proposed new offsite facilities,~~
2 ~~or expansions of existing offsite facilities, if an approval action~~
3 ~~pursuant to Title 7 (commencing with Section 65000) of the~~
4 ~~Government Code is necessary.~~

5 ~~(c) This section does not apply to cities or counties which do~~
6 ~~not have an approved county hazardous waste management plan.~~

7 *SEC. 12. Section 25135.5 of the Health and Safety Code is*
8 *repealed.*

9 ~~25135.5. (a) The department shall, pursuant to this section,~~
10 ~~provide direction and technical data to counties and regional~~
11 ~~councils of governments to assist them in preparing planning~~
12 ~~documents for the management of hazardous wastes produced~~
13 ~~within their jurisdictions.~~

14 ~~(b) The department shall do all of the following:~~

15 ~~(1) On or before June 30, 1987, after conducting a workshop~~
16 ~~with county and city government officials and industry and~~
17 ~~environmental representatives, prepare and transmit to counties~~
18 ~~and regional councils of governments guidelines for the preparation~~
19 ~~and adoption of county and regional hazardous waste management~~
20 ~~plans. Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
21 ~~Division 3 of Title 2 of the Government Code does not apply to~~
22 ~~the preparation and transmittal of these guidelines. The guidelines~~
23 ~~shall include, but are not limited to, all of the following:~~

24 ~~(A) A listing of types or categories of hazardous wastes that~~
25 ~~can be used in characterizing the hazardous waste stream in each~~
26 ~~county or region.~~

27 ~~(B) Methods for determining the capacity of the hazardous~~
28 ~~waste facilities that currently manage the hazardous wastes in the~~
29 ~~county or region and for assessing the capacity of these hazardous~~
30 ~~waste facilities to manage these hazardous wastes in the future.~~

31 ~~(C) Methods for assessing the need to establish new, or expand~~
32 ~~existing, capacity for the management of hazardous wastes~~
33 ~~produced in each county or region.~~

34 ~~(D) Methods for estimating the amounts of hazardous waste~~
35 ~~produced by small businesses and households.~~

36 ~~(2) On or before June 30, 1987, provide to each county and~~
37 ~~regional council of governments, all of the following information:~~

38 ~~(A) Available data on the types and quantities of hazardous~~
39 ~~wastes produced in the county or region. The department shall~~

1 inform the counties and regional councils of governments of the
2 strengths and limitations of the data.

3 ~~(B) A listing of the hazardous waste facilities that have received
4 hazardous waste facilities permits or grants of interim status in
5 each county or region. The listing shall specify whether the
6 facilities are onsite or offsite facilities and whether the facilities
7 are used for the storage, treatment, transfer, recycling, or disposal
8 of hazardous waste.~~

9 ~~(C) A listing of producers of hazardous wastes known to the
10 department in the county or region.~~

11 ~~(D) An assessment of overall needed capacities for treating and
12 disposing of hazardous wastes at the state and regional levels
13 through the year 1994.~~

14 ~~(E) A description of state policies and programs concerning
15 the management of hazardous waste, including, but not limited to,
16 the policies and programs for recycling various types of hazardous
17 wastes, requiring the treatment of particular types of hazardous
18 wastes, restricting the disposal to land of particular types or
19 categories of hazardous wastes, encouraging the reduction of the
20 amounts of hazardous waste produced at the source of production,
21 and any other policies and programs that affect the need for
22 additional management capacity in various types of hazardous
23 waste facilities.~~

24 ~~(F) An assessment of the potential for recycling, or reducing
25 the volume of, various types of hazardous wastes in various classes
26 of industry.~~

27 *SEC. 13. Section 25135.6 of the Health and Safety Code is*
28 *repealed.*

29 ~~25135.6. (a) A county shall prepare, review, and adopt the
30 county hazardous waste management plan pursuant to the schedule
31 specified in this section.~~

32 ~~(b) On or before December 31, 1987, each county, with the
33 cooperation of affected local jurisdictions and the advisory
34 committee established pursuant to Section 25135.2, shall prepare
35 a draft county hazardous waste management plan and submit the
36 draft plan to the department. If a county shows to the department
37 that the county has made substantial compliance towards
38 completing the draft county hazardous waste management plan
39 and needs additional time to complete the draft plan, the department
40 may extend to March 31, 1988, the date by which the draft plan~~

1 is required to be submitted. The county shall involve the public
2 with the preparation of the draft plan, to the fullest extent possible,
3 by public hearings, informational meetings, and other appropriate
4 forums that offer the public the opportunity to respond to clearly
5 defined alternative objectives, policies, and actions.

6 ~~(e) On or before March 31, 1988, or, if the department has~~
7 ~~given the county a time extension pursuant to subdivision (b), on~~
8 ~~or before June 30, 1988, the county shall conduct hearings on the~~
9 ~~draft county hazardous waste management plan, in the number~~
10 ~~determined appropriate by the county. The county shall provide~~
11 ~~affected local jurisdictions, the public, industry, business~~
12 ~~organizations, and the hazardous waste management industry with~~
13 ~~the full opportunity to comment orally and in writing on the draft~~
14 ~~county hazardous waste management plan.~~

15 ~~(d) On or before March 31, 1988, or, if the department has~~
16 ~~given the county a time extension pursuant to subdivision (b), on~~
17 ~~or before June 30, 1988, the department shall review the draft plan,~~
18 ~~and provide each county with comments which specify the changes~~
19 ~~or additions which are required to be made to the draft plan to~~
20 ~~result in a final plan which can be approved by the department~~
21 ~~pursuant to Section 25135.7.~~

22 ~~(e) After conducting the review and comment period required~~
23 ~~by subdivision (c), each county shall revise, as appropriate, the~~
24 ~~draft county hazardous waste management plan.~~

25 ~~(f) The revised county hazardous waste management plan shall~~
26 ~~be approved by a majority of the cities within the county which~~
27 ~~contain a majority of the population of the incorporated area of~~
28 ~~the county, subject to subdivision (g).~~

29 ~~(g) The revised county hazardous waste management plan shall~~
30 ~~be submitted to each city within the county for their approval. Each~~
31 ~~city shall act upon the revised county hazardous waste management~~
32 ~~plan within 90 days after the city has received the plan. If a city~~
33 ~~fails to act upon the plan within 90 days of receiving the plan, the~~
34 ~~city shall be deemed to have approved the plan as submitted.~~

35 ~~(h) On or before September 30, 1988, or, on or before May 31,~~
36 ~~1989, if the county is given an extension pursuant to subdivision~~
37 ~~(a) of Section 25135.7, the county shall adopt the revised county~~
38 ~~hazardous waste management plan as the final county hazardous~~
39 ~~waste management plan. If the county is given an additional time~~
40 ~~extension to September 1, 1989, pursuant to subdivision (a) of~~

1 ~~Section 25135.7, the county shall adopt the revised county~~
2 ~~hazardous waste management plan as the final county hazardous~~
3 ~~waste management plan by August 31, 1989.~~

4 *SEC. 14. Section 25135.7 of the Health and Safety Code is*
5 *repealed.*

6 ~~25135.7. (a) A county shall submit the final county hazardous~~
7 ~~waste management plan adopted by the county to the department~~
8 ~~for review and approval on or before October 1, 1988. If a county~~
9 ~~shows the department that the county has made substantial progress~~
10 ~~towards completing the county hazardous waste management plan~~
11 ~~and needs more time to complete the plan, the department may~~
12 ~~extend this date to June 1, 1989. If the department sends comments~~
13 ~~on the draft county hazardous waste management plan to a county~~
14 ~~after June 30, 1988, the department may extend the due date for~~
15 ~~submittal of the final county hazardous waste management plan~~
16 ~~for that county to September 1, 1989. The department shall, on or~~
17 ~~before December 31, 1988, or on or before November 30, 1989,~~
18 ~~if the county is given a time extension, review and either approve~~
19 ~~or disapprove the county hazardous waste management plan. If an~~
20 ~~additional time extension is given to September 1, 1989, pursuant~~
21 ~~to this subdivision, the department shall review and either approve~~
22 ~~or disapprove the county hazardous waste management plan on or~~
23 ~~before February 28, 1990. The department shall approve the county~~
24 ~~hazardous waste management plan if the department makes all of~~
25 ~~the following determinations:~~

26 ~~(1) The plan substantially complies with the guidelines for the~~
27 ~~preparation of hazardous waste management plans adopted by the~~
28 ~~department.~~

29 ~~(2) The plan applies the methods, techniques, and policies~~
30 ~~established by the department to analyze the waste stream and to~~
31 ~~determine whether there is a need for additional or expanded~~
32 ~~hazardous waste facilities to safely manage and properly dispose~~
33 ~~of the hazardous waste generated within the county.~~

34 ~~(3) If the plan contains a determination pursuant to paragraph~~
35 ~~(5) of subdivision (d) of Section 25135.1 that there is a need for~~
36 ~~additional or expanded hazardous waste facilities, the plan proposes~~
37 ~~general areas, or, as determined appropriate by the county, proposes~~
38 ~~specific sites which may be suitable locations for a facility.~~
39 ~~However, if the plan instead contains siting criteria for selecting~~

1 sites for new hazardous waste facilities, the plan shall propose
2 general areas where the criteria might be applicable.

3 (4) If the county preparing the plan has entered into a formal
4 agreement with other counties to manage hazardous waste, the
5 agreement is documented.

6 (b) Within 180 days after the department approves a county
7 hazardous waste management plan, the county shall either
8 incorporate the applicable portions of the plan, by reference, into
9 the county's general plan, or enact an ordinance which requires
10 that all applicable zoning, subdivision, conditional use permit, and
11 variance decisions are consistent with the portions of the county
12 hazardous waste management plan which identify specific sites
13 or siting criteria for hazardous waste facilities.

14 (c) Within 180 days after receiving written notification from
15 the county that the county hazardous waste management plan has
16 been approved, each city within that county shall do one of the
17 following:

18 (1) Adopt a city hazardous waste management plan containing
19 all of the elements required by subdivision (d) of Section 25135.1
20 which shall be consistent with the approved county hazardous
21 waste management plan.

22 (2) Incorporate the applicable portions of the approved county
23 plan, by reference, into the city's general plan.

24 (3) Enact an ordinance which requires that all applicable zoning,
25 subdivision, conditional use permit, and variance decisions are
26 consistent with the portions of the approved county plan which
27 identify general areas or siting criteria for hazardous waste
28 facilities.

29 (d) This section does not limit the authority of any city to attach
30 appropriate conditions to the issuance of any land use approval
31 for a hazardous waste facility in order to protect the public health,
32 safety, or welfare, and does not limit the authority of a city to
33 establish more stringent planning requirements or siting criteria
34 than those specified in the county hazardous waste management
35 plan.

36 (e) Any amendment to an adopted county hazardous waste
37 management plan requires the approval of the department, the
38 county, and a majority of the cities within the county which contain
39 a majority of the population of the incorporated area of the county.

1 ~~SEC. 15. Section 25135.7.5 of the Health and Safety Code is~~
2 ~~repealed.~~

3 ~~25135.7.5. (a) If the department disapproves a county~~
4 ~~hazardous waste management plan pursuant to subdivision (a) of~~
5 ~~Section 25135.7, or a regional hazardous waste management plan~~
6 ~~pursuant to Section 25135.3, the department shall provide the~~
7 ~~county or regional council of governments, in writing and at the~~
8 ~~time of disapproval, with a detailed description of its reasons for~~
9 ~~disapproval of the plan. A county or regional council of~~
10 ~~governments with a disapproved hazardous waste management~~
11 ~~plan may submit a revised plan to the department one time only.~~
12 ~~A revised county or regional hazardous waste management plan~~
13 ~~shall be submitted to the department within 270 days of the~~
14 ~~effective date of the act adding this section, or within 270 days of~~
15 ~~plan disapproval if the plan is disapproved by the department after~~
16 ~~the effective date of the act adding this section. A county or~~
17 ~~regional council of governments shall notify the department of~~
18 ~~their intent to revise and resubmit a disapproved plan within 45~~
19 ~~days of the effective date of the act adding this section, or within~~
20 ~~45 days of plan disapproval, if the plan is disapproved after the~~
21 ~~effective date of the act adding this section. A resubmitted county~~
22 ~~or regional plan shall contain detailed responses to all of the~~
23 ~~reasons for disapproval of the plan described by the department.~~
24 ~~The department shall provide counties with informational~~
25 ~~guidelines on developing an approvable plan.~~

26 ~~(b) Before submitting a revised county hazardous waste~~
27 ~~management plan to the department pursuant to this section, the~~
28 ~~revised plan shall be approved by a majority of the cities within~~
29 ~~the county which contain a majority of the population of the~~
30 ~~incorporated area of the county, as specified in subdivisions (f)~~
31 ~~and (g) of Section 25135.6. A city which fails to act upon a county~~
32 ~~plan revised pursuant to this section within 90 days after the plan~~
33 ~~has been submitted to the city by the county shall be deemed to~~
34 ~~have approved the revised plan.~~

35 ~~(c) The department shall review and either approve or~~
36 ~~disapprove a county or regional hazardous waste management plan~~
37 ~~revised pursuant to subdivision (a) within 180 days of receiving~~
38 ~~the revised plan.~~

39 ~~(1) The department shall approve a revised county hazardous~~
40 ~~waste management plan if the department makes all of the~~

1 determinations in paragraphs (1), (2), (3), and (4) of subdivision
2 (a) of Section 25135.7. If the department approves a revised county
3 hazardous waste management plan pursuant to this section, the
4 county shall comply with subdivision (b) of Section 25135.7, and
5 each city within that county shall comply with subdivision (c) of
6 Section 25135.7.

7 (2) The department shall approve a revised regional hazardous
8 waste management plan if the department makes all of the
9 determinations in subdivision (g) of Section 25135.3.

10 (d) A county which did not submit its plan to the department
11 within the due dates for plan submittal established by subdivision
12 (a) of Section 25135.7, or a county whose plan was not formally
13 acted upon by the department by the February 28, 1990, deadline,
14 may submit their plan to the department for review and approval
15 or disapproval pursuant to the provisions governing the resubmittal
16 of revised plans established by this section.

17 (e) A council of governments which did not submit its plan to
18 the department within the due dates for plan submittal established
19 by Section 25135.3, or whose plan has not been formally acted
20 upon by the department, may submit their plan to the department
21 for review and approval or disapproval pursuant to the provisions
22 governing the resubmittal of revised plans established by this
23 section.

24 *SEC. 16. Section 25135.8 of the Health and Safety Code is*
25 *repealed.*

26 25135.8.— Notwithstanding Section 25135.7.5, the review and
27 approval of county hazardous waste management plans for counties
28 within the Association of Bay Area Governments region shall be
29 governed in the following manner:

30 (a) Each county within the Association of Bay Area
31 Governments region with an unapproved county hazardous waste
32 management plan may submit the final plan adopted by the county
33 to the department for review and approval or disapproval on or
34 before January 15, 1994.

35 (b) Each county within the Association of Bay Area
36 Governments region which submitted a final plan adopted by the
37 county to the department after June 24, 1991, and prior to January
38 1, 1994, shall be considered to have met the condition of
39 subdivision (a) with regard to the timely submission of county
40 plans.

1 ~~(e) The department shall, on or before July 1, 1994, review and~~
2 ~~either approve or disapprove the county hazardous waste~~
3 ~~management plans of the counties within the Association of Bay~~
4 ~~Area Governments region. The department shall approve the county~~
5 ~~hazardous waste management plan if the department makes all the~~
6 ~~determinations specified in paragraphs (1) to (4), inclusive, of~~
7 ~~subdivision (a) of Section 25135.7.~~

8 *SEC. 17. Section 25135.9 of the Health and Safety Code is*
9 *repealed.*

10 ~~25135.9. (a) The department shall, pursuant to this section~~
11 ~~and subdivision (c) of Section 25170, prepare and adopt a state~~
12 ~~hazardous waste management plan. The state hazardous waste~~
13 ~~management plan shall serve as a comprehensive planning~~
14 ~~document for the state and shall be prepared as a useful~~
15 ~~informational source for the public, local government, and regional~~
16 ~~councils of government. The state hazardous waste management~~
17 ~~plan shall be prepared in conjunction with, and shall take into~~
18 ~~account, hazardous waste management plans adopted by counties~~
19 ~~and regional councils of governments.~~

20 ~~(b) The state hazardous waste management plan shall be~~
21 ~~prepared and adopted by the department on or before November~~
22 ~~30, 1991, shall be reviewed annually, and shall be revised to reflect~~
23 ~~new information at least once every three years.~~

24 ~~(c) In preparing and adopting the state hazardous waste~~
25 ~~management plan, and in revising the plan thereafter, the~~
26 ~~department shall do all of the following:~~

27 ~~(1) Publish the draft plan or the revised plan and make it~~
28 ~~available to the public for review and comment at least three~~
29 ~~months before final adoption.~~

30 ~~(2) Conduct workshops and at least two public hearings on the~~
31 ~~plan or the draft revised plan, one in the southern part of the state~~
32 ~~and one in the northern part of the state, to solicit the views of the~~
33 ~~public, local government, regional councils of governments, and~~
34 ~~interested parties.~~

35 ~~(3) Include in the final state hazardous waste management plan~~
36 ~~and in revisions of the plan, a summary of the comments received~~
37 ~~and the department's responses to those comments.~~

38 ~~(d) The state hazardous waste management plan, and each~~
39 ~~revision of the plan, shall include, but need not be limited to, all~~
40 ~~of the following elements:~~

1 ~~(1) An analysis of the hazardous waste streams produced in the~~
2 ~~state, an accounting of the volumes of hazardous waste produced~~
3 ~~in each county and region of the state, by type of waste, and~~
4 ~~estimates of the expected rates of hazardous waste production, by~~
5 ~~type of waste, during the next five years.~~

6 ~~(2) An inventory of existing and planned hazardous waste~~
7 ~~facilities which handle, treat, recycle, dispose, or otherwise manage~~
8 ~~hazardous wastes produced in the state. The inventory shall include~~
9 ~~a description of the facilities, a determination of the capacity of~~
10 ~~each existing or planned facility to handle, treat, recycle, dispose,~~
11 ~~or otherwise manage the waste streams it is authorized to handle,~~
12 ~~treat, recycle, dispose, or otherwise manage, and a description of~~
13 ~~the current progress and status of each planned facility in achieving~~
14 ~~operational status, including a timetable for becoming operational.~~

15 ~~(3) An assessment of the need for additional hazardous waste~~
16 ~~facilities to manage the volumes of hazardous waste currently~~
17 ~~produced or which are expected to be produced during the next~~
18 ~~20 years.~~

19 ~~(4) An identification of the areas or regions of the state where~~
20 ~~new or expanded capacity to manage hazardous wastes are needed~~
21 ~~and the types of facilities that should be sited and constructed.~~

22 ~~(5) A description of the policies, programs, incentives,~~
23 ~~requirements, prohibitions, or other measures which, if~~
24 ~~implemented, would reduce or eliminate the need for new or~~
25 ~~expanded facilities.~~

26 ~~(6) A statement of goals, objectives, and policies currently in~~
27 ~~effect, or in the process of development, for the siting of hazardous~~
28 ~~waste facilities and the management of hazardous wastes during~~
29 ~~the next five years.~~

30 ~~(7) A schedule of recommended actions, including specific~~
31 ~~dates, for carrying out state, regional, and local actions to~~
32 ~~implement the state hazardous waste management plan.~~

33 *SEC. 18. Section 25144.6 of the Health and Safety Code is*
34 *amended to read:*

35 25144.6. (a) As used in this section, “reusable soiled textile
36 materials” means textile items, including, but not limited to, shop
37 towels, uniforms, gloves, and linens and towels which may become
38 soiled with hazardous waste during commercial or industrial use,
39 and are made reusable by laundering or comparable methods of
40 cleaning.

1 (b) Reusable soiled textile materials ~~which~~ *that* meet all of the
2 following requirements are exempt from Section 25205.5 and from
3 Article 6 (commencing with Section 25160) and Article 6.5
4 (commencing with Section 25167.1):

5 (1) The materials or the management of the materials are not
6 otherwise regulated by the *United States* Environmental Protection
7 Agency pursuant to the federal act.

8 (2) The materials are not used to clean up or control a spill or
9 release that is required to be reported to any state or federal agency.

10 (3) No hazardous waste has been added after the materials'
11 original use.

12 (4) No free liquids, as defined by Section 22-66260.10 of Title
13 26 of the California Code of Regulations, are released during
14 transportation or storage of the materials.

15 (5) The facility laundering or cleaning the materials maintains
16 records of the date, type, and quantities by piecework or weight
17 of the materials collected and laundered.

18 (6) The facility laundering or cleaning the materials prepares a
19 contingency plan ~~which~~ *that* specifies procedures for handling
20 both onsite and offsite emergencies involving the materials, and
21 employees are trained in the execution of the plan.

22 (c) Notwithstanding Sections 25201 and 25245, a facility
23 laundering or using comparable methods of cleaning reusable
24 soiled textile materials and performing the pretreatment necessary
25 to remove metals and organics from the wastewater that results
26 from the wash process is not required to obtain a hazardous waste
27 facilities permit or other grant of authorization, and is exempt from
28 the requirements of Article 12 (commencing with Section 25245),
29 if the facility meets all of the following requirements:

30 (1) Management procedures are in place to ensure that the
31 reusable soiled textile materials are managed in accordance with
32 all the requirements specified in subdivision (b).

33 (2) The waste washwater conveyances and containers are
34 constructed of materials to ensure that they are impervious under
35 the conditions of use, and are visually inspected at least twice a
36 year to ensure that waste washwater is not leaking into the
37 underlying soil. A facility ~~which~~ *that* is in compliance with this
38 paragraph is not subject to the requirements of Section
39 22-66264.193 of Title 26 of the California Code of Regulations.

1 (3) The sludge collected from the washing process is managed
2 in accordance with this chapter.

3 (4) The facility has a training program in place that ensures that
4 the facility personnel are able to safely and properly handle and
5 clean the reusable soiled textile materials and to respond effectively
6 to emergencies by familiarizing them with emergency procedures,
7 equipment, and systems.

8 (5) The facility is in compliance with the requirements of
9 paragraphs (2) to (6), inclusive, and paragraphs (8) and (10), of
10 subdivision (d) of Section 25201.5.

11 (6) (A) The facility complies with the notification requirements
12 of paragraph (7) of subdivision (d) of Section 25201.5.

13 (B) Except as provided in Section 25404.5, the generator submits
14 a fee in the amount required by Section ~~25205.14~~. 25205.2. The
15 generator shall submit that fee within 30 days of the date that the
16 fee is assessed by the ~~State Board~~ *California Department of*
17 ~~Equalization, Tax and Fee Administration~~, in the manner specified
18 by Section ~~43152.10~~ 43152.6 of the Revenue and Taxation Code.

19 (d) This section does not affect the application of Section
20 25143.2 to reusable soiled textile materials.

21 *SEC. 19. Section 25150.84 of the Health and Safety Code is*
22 *amended to read:*

23 25150.84. (a) The department is authorized to collect an annual
24 fee from all metal shredding facilities that are subject to the
25 requirements of this chapter or to the alternative management
26 standards adopted pursuant to Section 25150.82. The department
27 shall establish and adopt regulations necessary to administer this
28 fee and to establish a fee schedule that is set at a rate sufficient to
29 reimburse the department's costs to implement this chapter as
30 applicable to metal shredder facilities. The fee schedule established
31 by the department may be updated periodically as necessary and
32 shall provide for the assessment of no more than the reasonable
33 and necessary costs of the department to implement this chapter,
34 as applicable to metal shredder facilities.

35 (b) The Controller shall establish a separate subaccount in the
36 Hazardous Waste Control Account. The fees collected pursuant
37 to this section shall be deposited into the subaccount and be
38 available for expenditure by the department upon appropriation
39 by the Legislature.

1 (c) A regulation adopted pursuant to this section may be adopted
2 as an emergency regulation in accordance with Chapter 3.5
3 (commencing with Section 11340) of Part 1 of Division 3 of Title
4 2 of the Government Code, and for the purposes of that chapter,
5 including Section 11349.6 of the Government Code, the adoption
6 of these regulations is an emergency and shall be considered by
7 the Office of Administrative Law as necessary for the immediate
8 preservation of the public peace, health, safety, and general welfare.
9 Notwithstanding Chapter 3.5 (commencing with Section 11340)
10 of Part 1 of Division 3 of Title 2 of the Government Code, an
11 emergency regulation adopted by the department pursuant to this
12 section shall be filed with, but not be repealed by, the Office of
13 Administrative Law and shall remain in effect for a period of two
14 years or until revised by the department, whichever occurs sooner.

15 (d) (1) A metal shredding facility paying an annual fee in
16 accordance with this section shall be exempt from the following
17 fees as the fees pertain to metal shredding activities and the
18 generation, handling, management, transportation, and disposal
19 of metal shredder waste:

20 (A) A fee imposed pursuant to Section 25205.7.

21 (B) A disposal fee imposed pursuant to Section ~~25174.1~~, 25174.1
22 *until July 1, 2022.*

23 (C) A facility fee imposed pursuant to Section 25205.2.

24 (D) A ~~generator~~ fee imposed pursuant to Section 25205.5.

25 (E) A transportable treatment unit fee imposed pursuant to
26 Section ~~25205.14~~, 25205.14 *until July 1, 2022, and Section 25205.2*
27 *on and after July 1, 2022.*

28 (2) A metal shredding facility is not exempt from the fees listed
29 in paragraph (1) for any other hazardous waste the metal shredding
30 facility generates and handles.

31 *SEC. 20. Section 25160 of the Health and Safety Code is*
32 *amended to read:*

33 25160. (a) For purposes of this chapter, the following
34 definitions apply:

35 (1) "Manifest" means a shipping document originated and signed
36 by a generator of hazardous waste that contains all of the
37 information required by the department and that complies with all
38 applicable federal and state regulations, and includes any of the
39 following:

1 (A) A California Uniform Hazardous Waste Manifest, which
2 was a manifest document printed and supplied by the state for a
3 shipment initiated on or before September 4, 2006.

4 (B) A Uniform Hazardous Waste Manifest, which is United
5 States Environmental Protection Agency Form 8700-22 (Manifest)
6 and includes, if necessary, Form 8700-22A (Manifest Continuation
7 Sheet), printed by a source registered with the United States
8 Environmental Protection Agency for a shipment initiated on or
9 after September 5, 2006.

10 (C) (i) An electronic manifest, which is the electronic format
11 of a hazardous waste manifest, that is obtained from the electronic
12 manifest system and transmitted electronically to the system, that
13 is the legal equivalent of United States Environmental Protection
14 Agency Forms 8700-22 and 8700-22A, as specified in Section
15 25160.01.

16 (ii) A printed copy of the manifest from the e-Manifest system.

17 (2) “Electronic manifest system” or “e-Manifest system” means
18 the United States Environmental Protection Agency’s national
19 information technology system through which an electronic
20 manifest may be obtained, completed, transmitted, and distributed
21 to users of the electronic manifest, and to regulatory agencies.

22 (3) For purposes of this section and Section 25205.15, a
23 shipment is initiated on the date when the manifest is signed by
24 the first transporter and the hazardous waste leaves the site where
25 it is generated.

26 (b) (1) Except as provided in Section 25160.2 or 25160.8, or
27 as otherwise authorized by a variance issued by the department, a
28 person generating hazardous waste that is transported, or submitted
29 for transportation, for offsite handling, treatment, storage, disposal,
30 or any combination thereof, shall complete a manifest ~~prior to~~
31 *before the time* the waste is transported or offered for
32 transportation, and shall designate on that manifest the facility to
33 which the waste is to be shipped for the handling, treatment,
34 storage, disposal, or combination thereof. The manifest shall be
35 completed as required by the department. The generator shall
36 provide the manifest to the person who will transport the hazardous
37 waste, who is the driver, if the hazardous waste will be transported
38 by vehicle, or the person designated by the railroad corporation or
39 vessel operator, if the hazardous waste will be transported by rail
40 or vessel.

1 (A) The generator shall use the manifest shipping document
2 United States Environmental Protection Agency Form 8700-22
3 and include, if necessary, Form 8700-22A, or an electronic
4 manifest, which is the electronic format of a hazardous waste
5 manifest, that is obtained from the e-Manifest system, and that is
6 the legal equivalent of United States Environmental Protection
7 Agency Forms 8700-22 and 8700-22A, as specified in Section
8 25160.01.

9 (B) A manifest shall only be used for the purposes specified in
10 this chapter, including, but not limited to, identifying materials
11 that the person completing the manifest reasonably believes are
12 hazardous waste.

13 (C) Within 30 days from the date of transport, or submission
14 for transport, of hazardous waste, each generator of that hazardous
15 waste using a paper manifest shall submit to the department a
16 legible copy of each paper manifest used. The copy submitted to
17 the department shall contain the signatures of the generator and
18 the transporter. The generator is not required to send the department
19 a copy of an electronic manifest processed completely through the
20 e-Manifest system.

21 (2) Except as provided in Section 25160.2 or 25160.8 or as
22 otherwise authorized by a variance issued by the department, a
23 person generating hazardous waste that is transported, or submitted
24 for transportation, for offsite handling, treatment, storage, disposal,
25 or any combination thereof, outside of the state, shall complete,
26 whether or not the waste is determined to be hazardous by the
27 importing country or state, a manifest in accordance with both of
28 the following conditions:

29 (A) The generator shall use the manifest shipping document
30 United States Environmental Protection Agency Form 8700-22
31 and include, if necessary, Form 8700-22A, or an electronic
32 manifest, which is the electronic format of a hazardous waste
33 manifest, that is obtained from the e-Manifest system, and that is
34 the legal equivalent of United States Environmental Protection
35 Agency Forms 8700-22 and 8700-22A, as specified in Section
36 25160.01.

37 (B) The generator shall submit a legible printed copy of any
38 paper manifest used in accordance with subparagraph (A) to the
39 department within 30 days from the date of the transport, or
40 submission for transport, of the hazardous waste. The generator

1 is not required to send the department a copy of an electronic
2 manifest processed completely through the e-Manifest system.

3 (3) Within 30 days from the date of transport, or submission for
4 transport, of hazardous waste out of state, each generator of that
5 hazardous waste using a paper manifest shall submit to the
6 department a legible printed copy of each paper manifest used.
7 The copy submitted to the department shall contain the signatures
8 of the generator and the initial transporter. If within 35 days from
9 the date of the initial shipment, or for exports by water to foreign
10 countries 60 days after the initial shipment, the generator has not
11 received a copy of the manifest signed by all transporters and the
12 facility operator or received verification through the e-Manifest
13 system that the shipment has been received by the designated
14 facility, the generator shall contact the owner or operator of the
15 designated facility to determine the status of the hazardous waste
16 and to request that the owner or operator immediately provide a
17 signed copy of the manifest to the generator. Except as provided
18 otherwise in paragraph (2) of subdivision (h) of Section 25123.3,
19 if within 45 days from the date of the initial shipment or, for
20 exports by water to foreign countries, 90 days from the date of the
21 initial shipment, the generator has not received a copy of the signed
22 manifest or verification through the e-Manifest system from the
23 facility owner or operator that the shipment has been received and
24 the manifest has been signed by the designated facility, the
25 generator shall submit an exception report to the department.

26 (4) For shipments of waste that do not require a manifest
27 pursuant to Title 40 of the Code of Federal Regulations, the
28 department, by regulation, may require that a manifest be used.

29 (5) (A) Notwithstanding any other provision of this section,
30 except as provided in subparagraph (B), the generator is not
31 required to submit a copy of the manifest to the department for
32 any waste transported in compliance with the consolidated manifest
33 procedures in Section 25160.2 or with the procedures specified in
34 Section 25160.8, or when the transporter is operating pursuant to
35 a variance issued by the department pursuant to Section 25143
36 authorizing the use of a consolidated manifest for waste not listed
37 in Section 25160.2, if the generator, transporter, and facility are
38 all identified as the same company on the hazardous waste
39 manifest. If multiple identification numbers are used by a single
40 company, all of the company's identification numbers shall be

1 included in its annual transporter registration application, if those
2 numbers will be used with the consolidated manifest procedure.
3 This paragraph does not affect the obligation of a facility operator
4 to submit information regarding the shipment it receives through
5 a consolidated manifest into the e-Manifest system.

6 (B) If the waste subject to subparagraph (A) is transported out
7 of state, the generator shall submit a legible copy of the paper
8 manifest to the department that contains the signatures of the
9 generator and the initial transporter. The generator is not required
10 to send the department a copy of an electronic manifest processed
11 completely through the e-Manifest system.

12 (c) (1) The department shall determine the form and manner
13 in which a manifest shall be completed and the information that
14 the manifest shall contain. The form of each manifest and the
15 information requested on each manifest shall be the same for all
16 hazardous wastes, regardless of whether the hazardous wastes are
17 also regulated pursuant to the federal act or by regulations adopted
18 by the United States Department of Transportation. However, the
19 form of the manifest and the information required shall be
20 consistent with federal regulations.

21 (2) Pursuant to federal regulations, the department may require
22 information on the manifest in addition to the information required
23 by federal regulations.

24 (d) (1) A person who transports hazardous waste in a vehicle
25 shall either have a legible copy of the paper manifest in their
26 possession while transporting the hazardous waste or shall have
27 an electronic manifest accessible during transportation that the
28 person forwarded to the person or persons who are scheduled to
29 receive delivery of the waste shipment. To the extent that Section
30 177.817 of Title 49 of the Code of Federal Regulations requires
31 transporters of hazardous materials to carry a paper document, a
32 hazardous waste transporter shall carry one printed copy of the
33 paper or electronic manifest on the transport vehicle. The manifest
34 shall be shown upon demand to any representative of the
35 department, any officer of the Department of the California
36 Highway Patrol, any local health officer, any certified unified
37 program agency, or any local public officer designated by the
38 director. If the hazardous waste is transported by rail or vessel, the
39 railroad corporation or vessel operator shall comply with
40 Subchapter C (commencing with Section 171.1) of Chapter 1 of

1 Subtitle B of Title 49 of the Code of Federal Regulations and shall
2 also enter on the shipping papers any information concerning the
3 hazardous waste that the department may require.

4 (2) Any person who transports a waste, as defined by Section
5 25124, and who is provided with a manifest for that waste shall,
6 while transporting that waste, comply with all requirements of this
7 chapter, and the regulations adopted pursuant thereto, concerning
8 the transportation of hazardous waste.

9 (3) A person who transports hazardous waste shall transfer a
10 copy of the manifest to the facility operator at the time of delivery,
11 or to the person who will subsequently transport the hazardous
12 waste in a vehicle. A person who transports hazardous waste and
13 then transfers custody of that hazardous waste to a person who
14 will subsequently transport that waste by rail or vessel shall transfer
15 a copy of the manifest to the person designated by the railroad
16 corporation or vessel operator, as specified by Subchapter C
17 (commencing with Section 171.1) of Chapter 1 of Subtitle B of
18 Title 49 of the Code of Federal Regulations. The transfer of a
19 manifest under this paragraph may be completed by either the
20 transfer of a paper manifest or a transfer by electronic manifest
21 transmitted to the facility operator by submission to the e-Manifest
22 system.

23 (4) A person transporting hazardous waste by motor vehicle,
24 rail, or water shall certify to the department, at the time of initial
25 registration and at the time of renewal of that registration pursuant
26 to this article, that the transporter is familiar with the requirements
27 of this section, the department regulations, and federal laws and
28 regulations governing the use of manifests.

29 (e) (1) A facility operator in the state who receives hazardous
30 waste for handling, treatment, storage, disposal, or any combination
31 thereof, which was transported with a manifest pursuant to this
32 section, shall comply with the requirements of Section 264.71 or
33 265.71 of Title 40 of the Code of Federal Regulations, as
34 applicable, pertaining to receipt of that shipment.

35 (2) Any treatment, storage, or disposal facility receiving
36 hazardous waste generated outside this state may only accept the
37 hazardous waste for treatment, storage, disposal, or any
38 combination thereof, if the hazardous waste is accompanied by a
39 completed paper or electronic manifest.

1 (3) A facility operator may accept hazardous waste generated
2 offsite that is not accompanied by a properly completed and signed
3 paper or electronic manifest if the facility operator meets both of
4 the following conditions:

5 (A) The facility operator is authorized to accept the hazardous
6 waste pursuant to a hazardous waste facilities permit or other grant
7 of authorization from the department.

8 (B) The facility operator is in compliance with the regulations
9 adopted by the department specifying the conditions and procedures
10 applicable to the receipt of hazardous waste under these
11 circumstances.

12 (4) This subdivision applies only to shipments of hazardous
13 waste for which a manifest is required pursuant to this section and
14 the regulations adopted pursuant to this section.

15 (f) The department shall make available for review, by any
16 interested party, the department's plans for revising and enhancing
17 its system for tracking hazardous waste for the purposes of
18 protecting human health and the environment, enforcing laws,
19 collecting revenue, and generating necessary reports.

20 (g) *This section shall remain in effect only until January 1, 2022,*
21 *and as of that date is repealed.*

22 *SEC. 21. Section 25160 is added to the Health and Safety Code,*
23 *to read:*

24 *25160. (a) For purposes of this chapter, the following*
25 *definitions apply:*

26 (1) *“Manifest” means a shipping document originated and*
27 *signed by a generator of hazardous waste that contains all of the*
28 *information required by the department and that complies with*
29 *all applicable federal and state regulations, and includes any of*
30 *the following:*

31 (A) *A California Uniform Hazardous Waste Manifest, which*
32 *was a manifest document printed and supplied by the state for a*
33 *shipment initiated on or before September 4, 2006.*

34 (B) *A Uniform Hazardous Waste Manifest, which is United*
35 *States Environmental Protection Agency Form 8700-22 (Manifest)*
36 *and includes, if necessary, Form 8700-22A (Manifest Continuation*
37 *Sheet), printed by a source registered with the United States*
38 *Environmental Protection Agency for a shipment initiated on or*
39 *after September 5, 2006.*

1 (C) (i) *An electronic manifest, which is the electronic format*
2 *of a hazardous waste manifest, that is obtained from the electronic*
3 *manifest system and transmitted electronically to the system, that*
4 *is the legal equivalent of United States Environmental Protection*
5 *Agency Forms 8700-22 and 8700-22A, as specified in Section*
6 *25160.01.*

7 (ii) *A printed copy of the manifest from the e-Manifest system.*

8 (2) *“Electronic manifest system” or “e-Manifest system” means*
9 *the United States Environmental Protection Agency’s national*
10 *information technology system through which an electronic*
11 *manifest may be obtained, completed, transmitted, and distributed*
12 *to users of the electronic manifest, and to regulatory agencies.*

13 (3) *For purposes of this section, a shipment is initiated on the*
14 *date when the manifest is signed by the first transporter and the*
15 *hazardous waste leaves the site where it is generated.*

16 (b) (1) *Except as provided in Section 25160.2 or 25160.8, or*
17 *as otherwise authorized by a variance issued by the department,*
18 *a person generating hazardous waste that is transported, or*
19 *submitted for transportation, for offsite handling, treatment,*
20 *storage, disposal, or any combination thereof, shall complete a*
21 *manifest before the waste is transported or offered for*
22 *transportation, and shall designate on that manifest the facility to*
23 *which the waste is to be shipped for the handling, treatment,*
24 *storage, disposal, or combination thereof. The manifest shall be*
25 *completed as required by the department. The generator shall*
26 *provide the manifest to the person who will transport the hazardous*
27 *waste, who is the driver, if the hazardous waste will be transported*
28 *by vehicle, or the person designated by the railroad corporation*
29 *or vessel operator, if the hazardous waste will be transported by*
30 *rail or vessel.*

31 (A) *The generator shall use the manifest shipping document*
32 *United States Environmental Protection Agency Form 8700-22*
33 *and include, if necessary, Form 8700-22A, or an electronic*
34 *manifest, which is the electronic format of a hazardous waste*
35 *manifest, that is obtained from the e-Manifest system, and that is*
36 *the legal equivalent of United States Environmental Protection*
37 *Agency Forms 8700-22 and 8700-22A, as specified in Section*
38 *25160.01.*

39 (B) *A manifest shall only be used for the purposes specified in*
40 *this chapter, including, but not limited to, identifying materials*

1 *that the person completing the manifest reasonably believes are*
2 *hazardous waste.*

3 *(C) Within 30 days from the date of transport, or submission*
4 *for transport, of hazardous waste, each generator of that hazardous*
5 *waste using a paper manifest shall submit to the department a*
6 *legible copy of each paper manifest used. The copy submitted to*
7 *the department shall contain the signatures of the generator and*
8 *the transporter. The generator is not required to send the*
9 *department a copy of an electronic manifest processed completely*
10 *through the e-Manifest system.*

11 *(2) Except as provided in Section 25160.2 or 25160.8 or as*
12 *otherwise authorized by a variance issued by the department, a*
13 *person generating hazardous waste that is transported, or*
14 *submitted for transportation, for offsite handling, treatment,*
15 *storage, disposal, or any combination thereof, outside of the state,*
16 *shall complete, whether or not the waste is determined to be*
17 *hazardous by the importing country or state, a manifest in*
18 *accordance with both of the following conditions:*

19 *(A) The generator shall use the manifest shipping document*
20 *United States Environmental Protection Agency Form 8700-22*
21 *and include, if necessary, Form 8700-22A, or an electronic*
22 *manifest, which is the electronic format of a hazardous waste*
23 *manifest, that is obtained from the e-Manifest system, and that is*
24 *the legal equivalent of United States Environmental Protection*
25 *Agency Forms 8700-22 and 8700-22A, as specified in Section*
26 *25160.01.*

27 *(B) The generator shall submit a legible printed copy of any*
28 *paper manifest used in accordance with subparagraph (A) to the*
29 *department within 30 days from the date of the transport, or*
30 *submission for transport, of the hazardous waste. The generator*
31 *is not required to send the department a copy of an electronic*
32 *manifest processed completely through the e-Manifest system.*

33 *(3) Within 30 days from the date of transport, or submission*
34 *for transport, of hazardous waste out of state, each generator of*
35 *that hazardous waste using a paper manifest shall submit to the*
36 *department a legible printed copy of each paper manifest used.*
37 *The copy submitted to the department shall contain the signatures*
38 *of the generator and the initial transporter. If within 35 days from*
39 *the date of the initial shipment, or for exports by water to foreign*
40 *countries 60 days after the initial shipment, the generator has not*

1 received a copy of the manifest signed by all transporters and the
2 facility operator or received verification through the e-Manifest
3 system that the shipment has been received by the designated
4 facility, the generator shall contact the owner or operator of the
5 designated facility to determine the status of the hazardous waste
6 and to request that the owner or operator immediately provide a
7 signed copy of the manifest to the generator. Except as provided
8 otherwise in paragraph (2) of subdivision (h) of Section 25123.3,
9 if within 45 days from the date of the initial shipment or, for exports
10 by water to foreign countries, 90 days from the date of the initial
11 shipment, the generator has not received a copy of the signed
12 manifest or verification through the e-Manifest system from the
13 facility owner or operator that the shipment has been received and
14 the manifest has been signed by the designated facility, the
15 generator shall submit an exception report to the department.

16 (4) For shipments of waste that do not require a manifest
17 pursuant to Title 40 of the Code of Federal Regulations, the
18 department, by regulation, may require that a manifest be used.

19 (5) (A) Notwithstanding any other provision of this section,
20 except as provided in subparagraph (B), the generator is not
21 required to submit a copy of the manifest to the department for
22 any waste transported in compliance with the consolidated manifest
23 procedures in Section 25160.2 or with the procedures specified in
24 Section 25160.8, or when the transporter is operating pursuant to
25 a variance issued by the department pursuant to Section 25143
26 authorizing the use of a consolidated manifest for waste not listed
27 in Section 25160.2, if the generator, transporter, and facility are
28 all identified as the same company on the hazardous waste
29 manifest. If multiple identification numbers are used by a single
30 company, all of the company's identification numbers shall be
31 included in its annual transporter registration application, if those
32 numbers will be used with the consolidated manifest procedure.
33 This paragraph does not affect the obligation of a facility operator
34 to submit information regarding the shipment it receives through
35 a consolidated manifest into the e-Manifest system.

36 (B) If the waste subject to subparagraph (A) is transported out
37 of state, the generator shall submit a legible copy of the paper
38 manifest to the department that contains the signatures of the
39 generator and the initial transporter. The generator is not required

1 to send the department a copy of an electronic manifest processed
2 completely through the e-Manifest system.

3 (c) (1) The department shall determine the form and manner
4 in which a manifest shall be completed and the information that
5 the manifest shall contain. The form of each manifest and the
6 information requested on each manifest shall be the same for all
7 hazardous wastes, regardless of whether the hazardous wastes
8 are also regulated pursuant to the federal act or by regulations
9 adopted by the United States Department of Transportation.
10 However, the form of the manifest and the information required
11 shall be consistent with federal regulations.

12 (2) Pursuant to federal regulations, the department may require
13 information on the manifest in addition to the information required
14 by federal regulations.

15 (d) (1) A person who transports hazardous waste in a vehicle
16 shall either have a legible copy of the paper manifest in their
17 possession while transporting the hazardous waste or shall have
18 an electronic manifest accessible during transportation that the
19 person forwarded to the person or persons who are scheduled to
20 receive delivery of the waste shipment. To the extent that Section
21 177.817 of Title 49 of the Code of Federal Regulations requires
22 transporters of hazardous materials to carry a paper document,
23 a hazardous waste transporter shall carry one printed copy of the
24 paper or electronic manifest on the transport vehicle. The manifest
25 shall be shown upon demand to any representative of the
26 department, any officer of the Department of the California
27 Highway Patrol, any local health officer, any certified unified
28 program agency, or any local public officer designated by the
29 director. If the hazardous waste is transported by rail or vessel,
30 the railroad corporation or vessel operator shall comply with
31 Subchapter C (commencing with Section 171.1) of Chapter 1 of
32 Subtitle B of Title 49 of the Code of Federal Regulations and shall
33 also enter on the shipping papers any information concerning the
34 hazardous waste that the department may require.

35 (2) Any person who transports a waste, as defined by Section
36 25124, and who is provided with a manifest for that waste shall,
37 while transporting that waste, comply with all requirements of this
38 chapter, and the regulations adopted pursuant thereto, concerning
39 the transportation of hazardous waste.

1 (3) A person who transports hazardous waste shall transfer a
2 copy of the manifest to the facility operator at the time of delivery,
3 or to the person who will subsequently transport the hazardous
4 waste in a vehicle. A person who transports hazardous waste and
5 then transfers custody of that hazardous waste to a person who
6 will subsequently transport that waste by rail or vessel shall
7 transfer a copy of the manifest to the person designated by the
8 railroad corporation or vessel operator, as specified by Subchapter
9 C (commencing with Section 171.1) of Chapter 1 of Subtitle B of
10 Title 49 of the Code of Federal Regulations. The transfer of a
11 manifest under this paragraph may be completed by either the
12 transfer of a paper manifest or a transfer by electronic manifest
13 transmitted to the facility operator by submission to the e-Manifest
14 system.

15 (4) A person transporting hazardous waste by motor vehicle,
16 rail, or water shall certify to the department, at the time of initial
17 registration and at the time of renewal of that registration pursuant
18 to this article, that the transporter is familiar with the requirements
19 of this section, the department regulations, and federal laws and
20 regulations governing the use of manifests.

21 (e) (1) A facility operator in the state who receives hazardous
22 waste for handling, treatment, storage, disposal, or any
23 combination thereof, which was transported with a manifest
24 pursuant to this section, shall comply with the requirements of
25 Section 264.71 or 265.71 of Title 40 of the Code of Federal
26 Regulations, as applicable, pertaining to receipt of that shipment.

27 (2) Any treatment, storage, or disposal facility receiving
28 hazardous waste generated outside this state may only accept the
29 hazardous waste for treatment, storage, disposal, or any
30 combination thereof, if the hazardous waste is accompanied by a
31 completed paper or electronic manifest.

32 (3) A facility operator may accept hazardous waste generated
33 offsite that is not accompanied by a properly completed and signed
34 paper or electronic manifest if the facility operator meets both of
35 the following conditions:

36 (A) The facility operator is authorized to accept the hazardous
37 waste pursuant to a hazardous waste facilities permit or other
38 grant of authorization from the department.

39 (B) The facility operator is in compliance with the regulations
40 adopted by the department specifying the conditions and

1 *procedures applicable to the receipt of hazardous waste under*
2 *these circumstances.*

3 *(4) This subdivision applies only to shipments of hazardous*
4 *waste for which a manifest is required pursuant to this section and*
5 *the regulations adopted pursuant to this section.*

6 *(f) The department shall make available for review, by any*
7 *interested party, the department's plans for revising and enhancing*
8 *its system for tracking hazardous waste for purposes of protecting*
9 *human health and the environment, enforcing laws, collecting*
10 *revenue, and generating necessary reports.*

11 *(g) This section shall become operative on January 1, 2022,*
12 *and shall apply to the fees due for the 2022 reporting period and*
13 *thereafter, including the prepayments due during the reporting*
14 *period and the fee due and payable following the reporting period.*

15 *SEC. 22. Section 25173.6 of the Health and Safety Code is*
16 *amended to read:*

17 25173.6. (a) There is in the General Fund the Toxic Substances
18 Control Account, which shall be administered by the director. In
19 addition to any other money that may be appropriated by the
20 Legislature to the Toxic Substances Control Account, all of the
21 following shall be deposited in the account:

22 (1) The fees collected pursuant to Section 25205.6.

23 (2) The fees collected pursuant to Section 25187.2, to the extent
24 that those fees are for oversight of a removal or remedial action
25 taken under Chapter 6.8 (commencing with Section 25300) or
26 Chapter 6.86 (commencing with Section 25396).

27 (3) Fines or penalties collected pursuant to this chapter, Chapter
28 6.8 (commencing with Section ~~25300~~ 25300), or Chapter 6.86
29 (commencing with Section 25396), except as directed otherwise
30 by Section 25192.

31 (4) Interest earned upon money deposited in the Toxic
32 Substances Control Account.

33 (5) All money recovered pursuant to Section 25360, except any
34 amount recovered on or before June 30, 2006, that was paid from
35 the Hazardous Substance Cleanup Fund.

36 (6) All money recovered pursuant to Section 25380.

37 (7) All penalties recovered pursuant to Section 25214.3, except
38 as provided by Section 25192.

39 (8) All penalties recovered pursuant to Section 25214.22.1,
40 except as provided by Section 25192.

1 (9) All penalties recovered pursuant to Section 25215.82, except
2 as provided by Section 25192.

3 (10) Reimbursements for funds expended from the Toxic
4 Substances Control Account for services provided by the
5 department, including, but not limited to, reimbursements required
6 pursuant to Sections 25201.9 and 25343.

7 (11) Money received from the federal government pursuant to
8 the federal Comprehensive Environmental Response,
9 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
10 Sec. 9601 et seq.).

11 (12) Money received from responsible parties for remedial
12 action or removal at a specific site, except as otherwise provided
13 by law.

14 (b) The funds deposited in the Toxic Substances Control
15 Account may be appropriated to the department for the following
16 purposes:

17 (1) The administration and implementation of the following:

18 (A) Chapter 6.8 (commencing with Section 25300), except that
19 funds shall not be expended from the Toxic Substances Control
20 Account for purposes of Section 25354.5.

21 (B) Chapter 6.86 (commencing with Section 25396).

22 (C) Article 10 (commencing with Section 7710) of Chapter 1
23 of Division 4 of the Public Utilities Code, to the extent the
24 department has been delegated responsibilities by the ~~Secretary~~
25 *secretary* for ~~Environmental Protection~~ for implementing that
26 article.

27 (D) Activities of the department related to pollution prevention
28 and technology development, authorized pursuant to this chapter.

29 (E) *Green chemistry (Article 14 (commencing with Section*
30 *25251))*.

31 (2) The administration of the following units, and successor
32 organizations of those units, within the department, and the
33 implementation of programs administered by those units or
34 successor organizations:

35 (A) The Human and Ecological Risk Office.

36 (B) The Environmental Chemistry Laboratory.

37 (C) The Office of Pollution Prevention and Technology
38 Development.

39 (D) *The Safer Consumer Products Program*.

1 (3) For allocation to the Office of Environmental Health Hazard
2 Assessment, pursuant to an interagency agreement, to assist the
3 department as needed in administering the programs described in
4 subparagraphs (A) and (B) of paragraph (1).

5 (4) For allocation to the California Department of Tax and Fee
6 Administration to pay refunds of fees collected pursuant to Section
7 43054 of the Revenue and Taxation Code.

8 (5) For the state share mandated pursuant to paragraph (3) of
9 subsection (c) of Section 104 of the federal Comprehensive
10 Environmental Response, Compensation, and Liability Act of
11 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

12 (6) For the purchase by the state, or by a local agency with the
13 prior approval of the director, of hazardous substance response
14 equipment and other preparations for response to a release of
15 hazardous substances. However, all equipment shall be purchased
16 in a cost-effective manner after consideration of the adequacy of
17 existing equipment owned by the state or the local agency, and the
18 availability of equipment owned by private contractors.

19 (7) For payment of all costs of removal and remedial action
20 incurred by the state, or by a local agency with the approval of the
21 director, in response to a release or threatened release of a
22 hazardous substance, to the extent the costs are not reimbursed by
23 the federal Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
25 Sec. 9601 et seq.).

26 (8) For payment of all costs of actions taken pursuant to
27 subdivision (b) of Section 25358.3, to the extent that these costs
28 are not paid by the federal Comprehensive Environmental
29 Response, Compensation, and Liability Act of 1980, as amended
30 (42 U.S.C. Sec. 9601 et seq.).

31 (9) For all costs incurred by the department in cooperation with
32 the Agency for Toxic Substances and Disease Registry established
33 pursuant to subsection (i) of Section 104 of the federal
34 Comprehensive Environmental Response, Compensation, and
35 Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and
36 all costs of health effects studies undertaken regarding specific
37 sites or specific substances at specific sites. Funds appropriated
38 for this purpose shall not exceed five hundred thousand dollars
39 (\$500,000) in a single fiscal year. However, these actions shall not
40 duplicate reasonably available federal actions and studies.

1 (10) For repayment of the principal of, and interest on, bonds
2 sold pursuant to Article 7.5 (commencing with Section 25385) of
3 Chapter 6.8.

4 (11) Direct site remediation costs.

5 (12) For the department's expenses for staff to perform oversight
6 of investigations, characterizations, removals, remediations, or
7 long-term operation and maintenance.

8 (13) For the administration and collection of the fees imposed
9 pursuant to Section 25205.6.

10 (14) For allocation to the office of the Attorney General,
11 pursuant to an interagency agreement or similar mechanism, for
12 the support of the Toxic Substance Enforcement Program in the
13 office of the Attorney General, in carrying out the purposes of
14 Chapter 6.8 (commencing with Section 25300) and Chapter 6.86
15 (commencing with Section 25396).

16 (15) For funding the California Environmental Contaminant
17 Biomonitoring Program established pursuant to Chapter 8
18 (commencing with Section 105440) of Part 5 of Division 103.

19 (16) As provided in Sections 25214.3 and 25215.7 and, with
20 regard to penalties recovered pursuant to Section 25214.22.1, to
21 implement and enforce Article 10.4 (commencing with Section
22 25214.11).

23 *(17) For costs incurred by the Board of Environmental Safety*
24 *in the administration and implementation of its duties and*
25 *responsibilities established in Article 2.1 (commencing with Section*
26 *25125).*

27 (c) The funds deposited in the Toxic Substances Control
28 Account may be appropriated by the Legislature to the Office of
29 Environmental Health Hazard Assessment and the State
30 Department of Public Health for the purposes of carrying out their
31 duties pursuant to the California Environmental Contaminant
32 Biomonitoring Program (Chapter 8 (commencing with Section
33 105440) of Part 5 of Division 103).

34 (d) The director shall expend federal funds in the Toxic
35 Substances Control Account consistent with the requirements
36 specified in Section 114 of the federal Comprehensive
37 Environmental Response, Compensation, and Liability Act of
38 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by
39 the Legislature, for the purposes for which they were provided to
40 the state.

1 (e) Money in the Toxic Substances Control Account shall not
2 be expended to conduct removal or remedial actions if a significant
3 portion of the hazardous substances to be removed or remedied
4 originated from a source outside the state.

5 (f) The Director of Finance, upon request of the director, may
6 make a loan from the General Fund to the Toxic Substances
7 Control Account to meet cash needs. The loan shall be subject to
8 the repayment provisions of Section 16351 of the Government
9 Code and the interest provisions of Section 16314 of the
10 Government Code.

11 (g) The Toxic Substances Control Account established pursuant
12 to subdivision (a) is the successor fund of all of the following:

13 (1) The Hazardous Substance Account established pursuant to
14 Section 25330, as that section read on June 30, 2006.

15 (2) The Hazardous Substance Clearing Account established
16 pursuant to Section 25334, as that section read on June 30, 2006.

17 (3) The Hazardous Substance Cleanup Fund established pursuant
18 to Section 25385.3, as that section read on June 30, 2006.

19 (4) The Superfund Bond Trust Fund established pursuant to
20 Section 25385.8, as that section read on June 30, 2006.

21 (h) On and after July 1, 2006, all assets, liabilities, and surplus
22 of the accounts and funds listed in subdivision (g), shall be
23 transferred to, and become a part of, the Toxic Substances Control
24 Account, as provided by Section 16346 of the Government Code.
25 All existing appropriations from these accounts, to the extent
26 encumbered, shall continue to be available for the same purposes
27 and periods from the Toxic Substances Control Account.

28 (i) Notwithstanding Section 10231.5 of the Government Code,
29 the department, on or before February 1 of each year, shall report
30 to the Governor and the Legislature on the prior fiscal year's
31 expenditure of funds within the Toxic Substances Control Account
32 for the purposes specified in subdivision (b).

33 (j) *This section shall remain in effect only until January 1, 2022,*
34 *and as of that date is repealed.*

35 *SEC. 23. Section 25173.6 is added to the Health and Safety*
36 *Code, to read:*

37 *25173.6. (a) There is in the General Fund the Toxic Substances*
38 *Control Account, which shall be administered by the director. In*
39 *addition to any other money that may be appropriated by the*

1 *Legislature to the Toxic Substances Control Account, all of the*
2 *following shall be deposited in the account:*

3 *(1) The fees collected pursuant to Section 25205.6.*

4 *(2) The fees collected pursuant to Section 25187.2, to the extent*
5 *that those fees are for oversight of a removal or remedial action*
6 *taken under Chapter 6.8 (commencing with Section 25300) or*
7 *Chapter 6.86 (commencing with Section 25396).*

8 *(3) Fines or penalties collected pursuant to this chapter, Chapter*
9 *6.8 (commencing with Section 25300), or Chapter 6.86*
10 *(commencing with Section 25396), except as directed otherwise*
11 *by Section 25192.*

12 *(4) Interest earned upon money deposited in the Toxic*
13 *Substances Control Account.*

14 *(5) All money recovered pursuant to Section 25360, except any*
15 *amount recovered on or before June 30, 2006, that was paid from*
16 *the Hazardous Substance Cleanup Fund.*

17 *(6) All money recovered pursuant to Section 25380.*

18 *(7) All penalties recovered pursuant to Section 25214.3, except*
19 *as provided by Section 25192.*

20 *(8) All penalties recovered pursuant to Section 25214.22.1,*
21 *except as provided by Section 25192.*

22 *(9) All penalties recovered pursuant to Section 25215.82, except*
23 *as provided by Section 25192.*

24 *(10) Reimbursements for funds expended from the Toxic*
25 *Substances Control Account for services provided by the*
26 *department, including, but not limited to, reimbursements required*
27 *pursuant to Sections 25201.9 and 25343.*

28 *(11) Money received from the federal government pursuant to*
29 *the federal Comprehensive Environmental Response,*
30 *Compensation, and Liability Act of 1980, as amended (42 U.S.C.*
31 *Sec. 9601 et seq.).*

32 *(12) Money received from responsible parties for remedial*
33 *action or removal at a specific site, except as otherwise provided*
34 *by law.*

35 *(b) The funds deposited in the Toxic Substances Control Account*
36 *may be appropriated to the department for the following purposes:*

37 *(1) The administration and implementation of the following:*

38 *(A) Chapter 6.8 (commencing with Section 25300), except that*
39 *funds shall not be expended from the Toxic Substances Control*
40 *Account for purposes of Section 25354.5.*

1 (B) Chapter 6.86 (commencing with Section 25396).

2 (C) Article 10 (commencing with Section 7710) of Chapter 1 of
3 Division 4 of the Public Utilities Code, to the extent the department
4 has been delegated responsibilities by the secretary for
5 implementing that article.

6 (D) Article 10 (commencing with Section 25210), Article 10.01
7 (commencing with Section 25210.5), Article 10.02 (commencing
8 with Section 25210.9), Article 10.1.1 (commencing with Section
9 25214.1), Article 10.1.2 (commencing with Section 25214.4.3),
10 Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
11 (commencing with Section 25214.11), Article 10.5 (commencing
12 with Section 25215), Article 10.5.1 (commencing with Section
13 25215.8), Article 13.5 (commencing with Section 25250.50), Article
14 14 (commencing with Section 25251), and Section 25214.10.

15 (E) Green chemistry (Article 14 (commencing with Section
16 25251)).

17 (2) The administration of the following units, and successor
18 organizations of those units, within the department, and the
19 implementation of programs administered by those units or
20 successor organizations:

21 (A) The Human and Ecological Risk Office.

22 (B) The Environmental Chemistry Laboratory.

23 (C) The Office of Pollution Prevention and Technology
24 Development

25 (D) The Safer Consumer Products Program.

26 (3) For allocation to the Office of Environmental Health Hazard
27 Assessment, pursuant to an interagency agreement, to assist the
28 department as needed in administering the programs described in
29 subparagraphs (A) and (B) of paragraph (1).

30 (4) For allocation to the California Department of Tax and Fee
31 Administration to pay refunds of fees collected pursuant to Section
32 43054 of the Revenue and Taxation Code.

33 (5) For the state share mandated pursuant to paragraph (3) of
34 subsection (c) of Section 104 of the federal Comprehensive
35 Environmental Response, Compensation, and Liability Act of 1980,
36 as amended (42 U.S.C. Sec. 9604(c)(3)).

37 (6) For the purchase by the state, or by a local agency with the
38 prior approval of the director, of hazardous substance response
39 equipment and other preparations for response to a release of
40 hazardous substances. However, all equipment shall be purchased

1 *in a cost-effective manner after consideration of the adequacy of*
2 *existing equipment owned by the state or the local agency, and the*
3 *availability of equipment owned by private contractors.*

4 (7) *For payment of all costs of removal and remedial action*
5 *incurred by the state, or by a local agency with the approval of*
6 *the director, in response to a release or threatened release of a*
7 *hazardous substance, to the extent the costs are not reimbursed*
8 *by the federal Comprehensive Environmental Response,*
9 *Compensation, and Liability Act of 1980, as amended (42 U.S.C.*
10 *Sec. 9601 et seq.).*

11 (8) *For payment of all costs of actions taken pursuant to*
12 *subdivision (b) of Section 25358.3, to the extent that these costs*
13 *are not paid by the federal Comprehensive Environmental*
14 *Response, Compensation, and Liability Act of 1980, as amended*
15 *(42 U.S.C. Sec. 9601 et seq.).*

16 (9) *For all costs incurred by the department in cooperation with*
17 *the Agency for Toxic Substances and Disease Registry established*
18 *pursuant to subsection (i) of Section 104 of the federal*
19 *Comprehensive Environmental Response, Compensation, and*
20 *Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and all*
21 *costs of health effects studies undertaken regarding specific sites*
22 *or specific substances at specific sites. Funds appropriated for*
23 *this purpose shall not exceed five hundred thousand dollars*
24 *(\$500,000) in a single fiscal year. However, these actions shall*
25 *not duplicate reasonably available federal actions and studies.*

26 (10) *For repayment of the principal of, and interest on, bonds*
27 *sold pursuant to Article 7.5 (commencing with Section 25385) of*
28 *Chapter 6.8.*

29 (11) *Direct site remediation costs.*

30 (12) *For the department's expenses for staff to perform oversight*
31 *of investigations, characterizations, removals, remediations, or*
32 *long-term operation and maintenance.*

33 (13) *For the administration and collection of the fees imposed*
34 *pursuant to Section 25205.6.*

35 (14) *For allocation to the office of the Attorney General,*
36 *pursuant to an interagency agreement or similar mechanism, for*
37 *the support of the Toxic Substance Enforcement Program in the*
38 *office of the Attorney General, in carrying out the purposes of*
39 *Chapter 6.8 (commencing with Section 25300), Chapter 6.86*
40 *(commencing with Section 25396), Article 10 (commencing with*

1 Section 25210), Article 10.01 (commencing with Section 25210.5),
2 Article 10.02 (commencing with Section 25210.9), Article 10.1.1
3 (commencing with Section 25214.1), Article 10.1.2 (commencing
4 with Section 25214.4.3), Article 10.2.1 (commencing with Section
5 25214.8.1), Article 10.4 (commencing with Section 25214.11),
6 Article 10.5 (commencing with Section 25215), Article 10.5.1
7 (commencing with Section 25215.8), Article 13.5 (commencing
8 with Section 25250.50), Article 14 (commencing with Section
9 25251), and Section 25214.10.

10 (15) For funding the California Environmental Contaminant
11 Biomonitoring Program established pursuant to Chapter 8
12 (commencing with Section 105440) of Part 5 of Division 103.

13 (16) As provided in Sections 25214.3 and 25215.7 and, with
14 regard to penalties recovered pursuant to Section 25214.22.1, to
15 implement and enforce Article 10.4 (commencing with Section
16 25214.11).

17 (17) For the costs of performance or review of analyses of past,
18 present, or potential environmental public health effects related
19 to extremely hazardous waste, as defined in Section 25115, and
20 hazardous waste, as defined in Section 25117.

21 (18) For costs incurred by the Board of Environmental Safety
22 in the administration and implementation of its duties and
23 responsibilities established in Article 2.1 (commencing with Section
24 25125).

25 (c) The funds deposited in the Toxic Substances Control Account
26 may be appropriated by the Legislature to the Office of
27 Environmental Health Hazard Assessment and the State
28 Department of Public Health for purposes of carrying out their
29 duties pursuant to the California Environmental Contaminant
30 Biomonitoring Program (Chapter 8 (commencing with Section
31 105440) of Part 5 of Division 103).

32 (d) The director shall expend federal funds in the Toxic
33 Substances Control Account consistent with the requirements
34 specified in Section 114 of the federal Comprehensive
35 Environmental Response, Compensation, and Liability Act of 1980,
36 as amended (42 U.S.C. Sec. 9614), upon appropriation by the
37 Legislature, for the purposes for which they were provided to the
38 state.

39 (e) Money in the Toxic Substances Control Account shall not
40 be expended to conduct removal or remedial actions if a significant

1 *portion of the hazardous substances to be removed or remedied*
2 *originated from a source outside the state.*

3 *(f) The Director of Finance, upon request of the director, may*
4 *make a loan from the General Fund to the Toxic Substances*
5 *Control Account to meet cash needs. The loan shall be subject to*
6 *the repayment provisions of Section 16351 of the Government*
7 *Code and the interest provisions of Section 16314 of the*
8 *Government Code.*

9 *(g) The Toxic Substances Control Account established pursuant*
10 *to subdivision (a) is the successor fund of all of the following:*

11 *(1) The Hazardous Substance Account established pursuant to*
12 *Section 25330, as that section read on June 30, 2006.*

13 *(2) The Hazardous Substance Clearing Account established*
14 *pursuant to Section 25334, as that section read on June 30, 2006.*

15 *(3) The Hazardous Substance Cleanup Fund established*
16 *pursuant to Section 25385.3, as that section read on June 30, 2006.*

17 *(4) The Superfund Bond Trust Fund established pursuant to*
18 *Section 25385.8, as that section read on June 30, 2006.*

19 *(h) On and after July 1, 2006, all assets, liabilities, and surplus*
20 *of the accounts and funds listed in subdivision (g), shall be*
21 *transferred to, and become a part of, the Toxic Substances Control*
22 *Account, as provided by Section 16346 of the Government Code.*
23 *All existing appropriations from these accounts, to the extent*
24 *encumbered, shall continue to be available for the same purposes*
25 *and periods from the Toxic Substances Control Account.*

26 *(i) This section shall become operative on January 1, 2022.*

27 *SEC. 24. Section 25174 of the Health and Safety Code is*
28 *amended to read:*

29 25174. (a) There is in the General Fund the Hazardous Waste
30 Control Account, which shall be administered by the director. In
31 addition to any other money that may be deposited in the
32 Hazardous Waste Control Account, pursuant to statute, all of the
33 following amounts shall be deposited in the account:

34 (1) The fees collected pursuant to Sections 25174.1, 25205.2,
35 25205.5, 25205.14, 25205.15, and 25205.16.

36 (2) The fees collected pursuant to Section 25187.2, to the extent
37 that those fees are for the oversight of corrective action taken under
38 this chapter.

39 (3) Any interest earned upon the money deposited in the
40 Hazardous Waste Control Account.

1 (4) Any money received from the federal government pursuant
2 to the federal act.

3 (5) Any reimbursements for funds expended from the Hazardous
4 Waste Control Account for services provided by the department
5 pursuant to this chapter, including, but not limited to, the
6 reimbursements required pursuant to Sections 25201.9 and 25205.7.

7 (b) The funds deposited in the Hazardous Waste Control
8 Account may be appropriated by the Legislature, for expenditure
9 as follows:

10 (1) To the department for the administration and implementation
11 of this chapter.

12 (2) To the department for allocation to the ~~State Board~~
13 *California Department of Equalization Tax and Fee Administration*
14 to pay refunds of fees collected pursuant to Sections 43051 and
15 43053 of the Revenue and Taxation Code and for the administration
16 and collection of the fees imposed pursuant to Article 9.1
17 (commencing with Section 25205.1) that are deposited into the
18 Hazardous Waste Control Account.

19 (3) To the department for the costs of performance or review
20 of analyses of past, present, or potential environmental public
21 health effects related to toxic substances, including extremely
22 hazardous waste, as defined in Section 25115, and hazardous waste,
23 as defined in Section 25117.

24 (4) (A) To the department for allocation to the office of the
25 Attorney General for the support of the Toxic Substance
26 Enforcement Program in the office of the Attorney General, in
27 carrying out the purposes of this chapter.

28 (B) On or before October 1 of each year, the Attorney General
29 shall report to the Legislature on the expenditure of any funds
30 allocated to the office of the Attorney General for the preceding
31 fiscal year pursuant to this paragraph and paragraph (14) of
32 subdivision (b) of Section 25173.6. The report shall include all of
33 the following:

34 (i) A description of cases resolved by the office of the Attorney
35 General through settlement or court order, including the monetary
36 benefit to the department and the state.

37 (ii) A description of injunctions or other court orders benefiting
38 the people of the state.

39 (iii) A description of any cases in which the Attorney General's
40 Toxic Substance Enforcement Program is representing the

1 department or the state against claims by defendants or responsible
2 parties.

3 (iv) A description of other pending litigation handled by the
4 Attorney General’s Toxic Substance Enforcement Program.

5 (C) Nothing in subparagraph ~~(C)~~ (B) shall require the Attorney
6 General to report on any confidential or investigatory matter.

7 (5) To the department for administration and implementation
8 of Chapter 6.11 (commencing with Section 25404).

9 (c) (1) Expenditures from the Hazardous Waste Control
10 Account for support of state agencies other than the department
11 shall, upon appropriation by the Legislature to the department, be
12 subject to an interagency agreement or similar mechanism between
13 the department and the state agency receiving the support.

14 (2) The department shall, at the time of the release of the annual
15 Governor’s Budget, describe the budgetary amounts proposed to
16 be allocated to the ~~State Board California Department of~~
17 ~~Equalization, Tax and Fee Administration~~, as specified in paragraph
18 (2) of subdivision (b) and in paragraph (3) of subdivision (b) of
19 Section 25173.6, for the upcoming fiscal year.

20 (3) It is the intent of the Legislature that moneys appropriated
21 in the annual Budget Act each year for the purpose of reimbursing
22 the ~~State Board California Department of Equalization, Tax and~~
23 ~~Fee Administration~~, a private party, or other public agency, for
24 the administration and collection of the fees imposed pursuant to
25 Article 9.1 (commencing with Section 25205.1) and deposited in
26 the Hazardous Waste Control Account, shall not exceed the costs
27 incurred by the ~~State Board California Department of Equalization,~~
28 ~~Tax and Fee Administration~~, the private party, or other public
29 agency, for the administration and collection of those fees.

30 (d) With respect to expenditures for the purposes of paragraphs
31 (1) and (3) of subdivision (b) and paragraphs (1) and (2) of
32 subdivision (b) of Section 25173.6, the department shall, at the
33 time of the release of the annual Governor’s Budget, also make
34 available the budgetary amounts and allocations of staff resources
35 of the department proposed for the following activities:

36 (1) The department shall identify, by permit type, the projected
37 allocations of budgets and staff resources for hazardous waste
38 facilities permits, including standardized permits, closure plans,
39 and postclosure permits.

1 (2) The department shall identify, with regard to surveillance
2 and enforcement activities, the projected allocations of budgets
3 and staff resources for the following types of regulated facilities
4 and activities:

5 (A) Hazardous waste facilities operating under a permit or grant
6 of interim status issued by the department, and generator activities
7 conducted at those facilities. This information shall be reported
8 by permit type.

9 (B) Transporters.

10 (C) Response to complaints.

11 (3) The department shall identify the projected allocations of
12 budgets and staff resources for both of the following activities:

13 (A) The registration of hazardous waste transporters.

14 (B) The operation and maintenance of the hazardous waste
15 manifest system.

16 (4) The department shall identify, with regard to site mitigation
17 and corrective action, the projected allocations of budgets and staff
18 resources for the oversight and implementation of the following
19 activities:

20 (A) Investigations and removal and remedial actions at military
21 bases.

22 (B) Voluntary investigations and removal and remedial actions.

23 (C) State match and operation and maintenance costs, by site,
24 at joint state and federally funded National Priority List Sites.

25 (D) Investigation, removal and remedial actions, and operation
26 and maintenance at the Stringfellow Hazardous Waste Site.

27 (E) Investigation, removal and remedial actions, and operation
28 and maintenance at the Casmalia Hazardous Waste Site.

29 (F) Investigations and removal and remedial actions at
30 nonmilitary, responsible party lead National Priority List Sites.

31 (G) Preremedial activities under the federal Comprehensive
32 Environmental Response, Compensation, and Liability Act of 1980
33 (42 U.S.C. Sec. 9601 et seq.).

34 (H) Investigations, removal and remedial actions, and operation
35 and maintenance at state-only orphan sites.

36 (I) Investigations and removal and remedial actions at
37 nonmilitary, non-National Priority List responsible party lead sites.

38 (J) Investigations, removal and remedial actions, and operation
39 and maintenance at Expedited Remedial Action Program sites
40 pursuant to former Chapter 6.85 (commencing with Section 25396).

1 (K) Corrective actions at hazardous waste facilities.

2 (5) The department shall identify, with regard to the regulation
3 of hazardous waste, the projected allocation of budgets and staff
4 resources for the following activities:

5 (A) Determinations pertaining to the classification of hazardous
6 wastes.

7 (B) Determinations for variances made pursuant to Section
8 25143.

9 (C) Other determinations and responses to public inquiries made
10 by the department regarding the regulation of hazardous waste and
11 hazardous substances.

12 (6) The department shall identify projected allocations of
13 budgets and staff resources needed to do all of the following:

14 (A) Identify, remove, store, and dispose of, suspected hazardous
15 substances or hazardous materials associated with the investigation
16 of clandestine drug laboratories.

17 (B) Respond to emergencies pursuant to Section 25354.

18 (C) Create, support, maintain, and implement the railroad
19 accident prevention and immediate deployment plan developed
20 pursuant to Section 7718 of the Public Utilities Code.

21 (7) The department shall identify projected allocations of
22 budgets and staff resources for the administration and
23 implementation of the unified hazardous waste and hazardous
24 materials regulatory program established pursuant to Chapter 6.11
25 (commencing with Section 25404).

26 (8) The department shall identify the total cumulative
27 expenditures of the Regulatory Structure Update and Site
28 Mitigation Update projects since their inception, and shall identify
29 the total projected allocations of budgets and staff resources that
30 are needed to continue these projects.

31 (9) The department shall identify the total projected allocations
32 of budgets and staff resources that are necessary for all other
33 activities proposed to be conducted by the department.

34 (e) Notwithstanding this chapter, or Part 22 (commencing with
35 Section 43001) of Division 2 of the Revenue and Taxation Code,
36 for any fees, surcharges, fines, penalties, and funds that are required
37 to be deposited into the Hazardous Waste Control Account or the
38 Toxic Substances Control Account, the department, with the
39 approval of the ~~Secretary for Environmental Protection~~, *secretary*,
40 may take any of the following actions:

1 (1) Assume responsibility for, or enter into a contract with a
2 private party or with another public agency, other than the ~~State~~
3 ~~Board California Department of Equalization, Tax and Fee~~
4 ~~Administration~~, for the collection of any fees, surcharges, fines,
5 penalties and funds described in subdivision (a) or otherwise
6 described in this chapter or Chapter 6.8 (commencing with Section
7 25300), for deposit into the Hazardous Waste Control Account or
8 the Toxic Substances Control Account.

9 (2) Administer, or by mutual agreement, contract with a private
10 party or another public agency, for the making of those
11 determinations and the performance of functions that would
12 otherwise be the responsibility of the ~~State Board California~~
13 ~~Department of Equalization Tax and Fee Administration~~ pursuant
14 to this chapter, Chapter 6.8 (commencing with Section 25300), or
15 Part 22 (commencing with Section 43001) of Division 2 of the
16 Revenue and Taxation Code, if those activities and functions for
17 which the ~~State Board California Department of Equalization Tax~~
18 ~~and Fee Administration~~ would otherwise be responsible become
19 the responsibility of the department or, by mutual agreement, the
20 contractor selected by the department.

21 (f) If, pursuant to subdivision (e), the department, or a private
22 party or another public agency, pursuant to a contract with the
23 department, performs the determinations and functions that would
24 otherwise be the responsibility of the ~~State Board California~~
25 ~~Department of Equalization, Tax and Fee Administration~~, the
26 department shall be responsible for ensuring that persons who are
27 subject to the fees specified in subdivision (e) have equivalent
28 rights to public notice and comment, and procedural and
29 substantive rights of appeal, as afforded by the procedures of the
30 ~~State Board California Department of Equalization Tax and Fee~~
31 ~~Administration~~ pursuant to Part 22 (commencing with Section
32 43001) of Division 2 of the Revenue and Taxation Code. Final
33 responsibility for the administrative adjustment of fee rates and
34 the administrative appeal of any fees or penalty assessments made
35 pursuant to this section may only be assigned by the department
36 to a public agency.

37 (g) If, pursuant to subdivision (e), the department, or a private
38 party or another public agency, pursuant to a contract with the
39 department, performs the determinations and functions that would
40 otherwise be the responsibility of the ~~State Board California~~

1 ~~Department of Equalization, Tax and Fee Administration~~, the
2 department shall have equivalent authority to make collections
3 and enforce judgments as provided to the ~~State Board California~~
4 ~~Department of Equalization Tax and Fee Administration~~ pursuant
5 to Part 22 (commencing with Section 43001) of Division 2 of the
6 Revenue and Taxation Code. Unpaid amounts, including penalties
7 and interest, shall be a perfected and enforceable state tax lien in
8 accordance with Section 43413 of the Revenue and Taxation Code.

9 (h) The department, with the concurrence of the ~~Secretary for~~
10 ~~Environmental Protection, secretary~~, shall determine which
11 administrative functions should be retained by the ~~State Board~~
12 ~~California Department of Equalization, Tax and Fee~~
13 ~~Administration~~, administered by the department, or assigned to
14 another public agency or private party pursuant to subdivisions
15 (e), (f), and (g).

16 (i) The department may adopt regulations to implement
17 subdivisions (e) to (h), inclusive.

18 (j) The Director of Finance, upon request of the director, may
19 make a loan from the General Fund to the Hazardous Waste
20 Control Account to meet cash needs. The loan shall be subject to
21 the repayment provisions of Section 16351 of the Government
22 Code and the interest provisions of Section 16314 of the
23 Government Code.

24 (k) The department shall establish, within the Hazardous Waste
25 Control Account, a reserve of at least one million dollars
26 (\$1,000,000) each year to ensure that all programs funded by the
27 Hazardous Waste Control Account will not be adversely affected
28 by any revenue shortfalls.

29 (l) *This section shall remain in effect only until January 1, 2022,*
30 *and as of that date is repealed.*

31 *SEC. 25. Section 25174 is added to the Health and Safety Code,*
32 *to read:*

33 *25174. (a) There is in the General Fund the Hazardous Waste*
34 *Control Account, which shall be administered by the director. In*
35 *addition to any other money that may be deposited in the*
36 *Hazardous Waste Control Account, pursuant to statute, all of the*
37 *following amounts shall be deposited in the account:*

38 (1) *The fees collected pursuant to Section 25205.5.*

39 (2) *The fees collected pursuant to Section 25187.2, to the extent*
40 *that those fees are for the oversight of corrective action taken*

1 under this chapter at a site other than a site operated by a
2 hazardous waste facility authorized to operate under this chapter.

3 (3) Any interest earned upon the money deposited in the
4 Hazardous Waste Control Account.

5 (4) Any money received from the federal government pursuant
6 to the federal act to pay for department costs at sites or activities
7 at sites other than those operated by a hazardous waste facility
8 authorized to operate under this chapter.

9 (5) Any reimbursements for funds expended from the Hazardous
10 Waste Control Account for services provided by the department
11 pursuant to this chapter at a site other than a site operated by a
12 hazardous waste facility authorized to operate under this chapter,
13 including, but not limited to, the reimbursements required pursuant
14 to Sections 25201.9 and 25205.7.

15 (b) The funds deposited in the Hazardous Waste Control Account
16 may be appropriated by the Legislature, for expenditure as follows:

17 (1) To the department for the costs to administer and implement
18 this chapter, but not including the costs of regulatory activities at
19 sites operated by a hazardous waste facility authorized to operate
20 under this chapter; and not including regulatory activities
21 authorized under Article 10 (commencing with Section 25210),
22 Article 10.01 (commencing with Section 25210.5), Article 10.02
23 (commencing with Section 25210.9), Article 10.1.1 (commencing
24 with Section 25214.1), Article 10.1.2 (commencing with Section
25 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1),
26 Article 10.4 (commencing with Section 25214.11), Article 10.5
27 (commencing with Section 25215), Article 10.5.1 (commencing
28 with Section 25215.8), Article 13.5 (commencing with Section
29 25250.50), Article 14 (commencing with Section 25251), and
30 Section 25214.10.

31 (2) To the department for allocation to the California
32 Department of Tax and Fee Administration to pay refunds of fees
33 collected pursuant to Section 43053 of the Revenue and Taxation
34 Code and for the administration and collection of the fees imposed
35 pursuant to Section 25205.5 that are deposited into the Hazardous
36 Waste Control Account.

37 (3) (A) To the department for allocation to the office of the
38 Attorney General for the support of the Toxic Substance
39 Enforcement Program in the office of the Attorney General in
40 carrying out investigations, inspections, and audits, and the

1 *administrative enforcement and adjudication thereof, for purposes*
2 *of this chapter, but not for purposes related to a site operated by*
3 *a hazardous waste facility authorized to operate under this chapter*
4 *or related to the owner or operator of a hazardous waste facility*
5 *authorized to operate under this chapter, and not for regulatory*
6 *activities authorized under Article 10 (commencing with Section*
7 *25210), Article 10.01 (commencing with Section 25210.5), Article*
8 *10.02 (commencing with Section 25210.9), Article 10.1.1*
9 *(commencing with Section 25214.1), Article 10.1.2 (commencing*
10 *with Section 25214.4.3), Article 10.2.1 (commencing with Section*
11 *25214.8.1), Article 10.4 (commencing with Section 25214.11),*
12 *Article 10.5 (commencing with Section 25215), Article 10.5.1*
13 *(commencing with Section 25215.8), Article 13.5 (commencing*
14 *with Section 25250.50), Article 14 (commencing with Section*
15 *25251), and Section 25214.10.*

16 *(B) On or before October 1 of each year, the Attorney General*
17 *shall report to the Legislature on the expenditure of any funds*
18 *allocated to the office of the Attorney General for the preceding*
19 *fiscal year pursuant to this paragraph. The report shall include*
20 *all of the following:*

21 *(i) A description of cases resolved by the office of the Attorney*
22 *General through settlement or court order, including the monetary*
23 *benefit to the department and the state.*

24 *(ii) A description of injunctions or other court orders benefiting*
25 *the people of the state.*

26 *(iii) A description of any cases in which the Attorney General's*
27 *Toxic Substance Enforcement Program is representing the*
28 *department or the state against claims by defendants or responsible*
29 *parties.*

30 *(iv) A description of other pending litigation handled by the*
31 *Attorney General's Toxic Substance Enforcement Program.*

32 *(C) Nothing in subparagraph (B) shall require the Attorney*
33 *General to report on any confidential or investigatory matter.*

34 *(4) To the department for administration and implementation*
35 *of Chapter 6.11 (commencing with Section 25404).*

36 *(5) To the department for costs incurred by the Board of*
37 *Environmental Safety in the administration and implementation*
38 *of its duties and responsibilities established in Article 2.1*
39 *(commencing with Section 25125).*

1 (c) (1) The department shall, at the time of the release of the
2 annual Governor's Budget, describe the budgetary amounts
3 proposed to be allocated to the California Department of Tax and
4 Fee Administration, as specified in paragraph (2) of subdivision
5 (b).

6 (2) It is the intent of the Legislature that moneys appropriated
7 in the annual Budget Act each year for the purpose of reimbursing
8 the California Department of Tax and Fee Administration, a private
9 party, or other public agency, for the administration and collection
10 of the fees imposed pursuant to Section 25205.5, and deposited in
11 the Hazardous Waste Control Account, shall not exceed the costs
12 incurred by the California Department of Tax and Fee
13 Administration, the private party, or other public agency, for the
14 administration and collection of those fees.

15 (d) The Director of Finance, upon the request of the director,
16 may make a loan from the General Fund to the Hazardous Waste
17 Control Account to meet cash needs. The loan shall be subject to
18 the repayment provisions of Section 16351 of the Government
19 Code and the interest provisions of Section 16314 of the
20 Government Code.

21 (e) This section shall become operative on January 1, 2022.

22 SEC. 26. Section 25174.01 is added to the Health and Safety
23 Code, to read:

24 25174.01. (a) The Hazardous Waste Facilities Account is
25 established within the Hazardous Waste Control Account and shall
26 be administered by the director. In addition to any other money
27 that may be deposited in the Hazardous Waste Facilities Account
28 pursuant to this chapter, all of the following amounts shall be
29 deposited in the account:

30 (1) The fees collected pursuant to Sections 25205.2.

31 (2) The fees collected pursuant to Section 25187.2, to the extent
32 that those fees are for the oversight of corrective action taken
33 under this chapter at a site operated by a hazardous waste facility
34 authorized to operate under this chapter.

35 (3) Any interest earned upon the money deposited in the
36 Hazardous Waste Facilities Account.

37 (4) Any money received from the federal government pursuant
38 to the federal act to pay department costs at sites operated by a
39 hazardous waste facility authorized to operate under this chapter.

1 (5) Any reimbursements for funds expended from the Hazardous
2 Waste Facilities Account for services provided by the department
3 pursuant to this chapter at a site operated by a hazardous waste
4 facility authorized to operate under this chapter, including, but
5 not limited to, the reimbursements required pursuant to Sections
6 25201.9 and 25205.7.

7 (b) The funds deposited in the Hazardous Waste Facilities
8 Account may be appropriated by the Legislature for expenditure
9 as follows:

10 (1) To the department for the costs to administer and implement
11 this chapter at sites operated by a hazardous waste facility
12 authorized to operate under this chapter, but not for the costs of
13 regulatory activities authorized under Article 10 (commencing
14 with Section 25210), Article 10.01 (commencing with Section
15 25210.5), Article 10.02 (commencing with Section 25210.9), Article
16 10.1.1 (commencing with Section 25214.1), Article 10.1.2
17 (commencing with Section 25214.4.3), Article 10.2.1 (commencing
18 with Section 25214.8.1), Article 10.4 (commencing with Section
19 25214.11), Article 10.5 (commencing with Section 25215), Article
20 10.5.1 (commencing with Section 25215.8), Article 13.5
21 (commencing with Section 25250.50), Article 14 (commencing
22 with Section 25251), and Section 25214.10.

23 (2) To the department for allocation to the California
24 Department of Tax and Fee Administration to pay refunds of fees
25 collected pursuant to Section 43053 of the Revenue and Taxation
26 Code and for the administration and collection of the fees imposed
27 pursuant to Section 25205.2 that are deposited into the Hazardous
28 Waste Facilities Account.

29 (3) (A) To the department for allocation to the office of the
30 Attorney General for the support of the Toxic Substance
31 Enforcement Program in the office of the Attorney General in
32 carrying out investigations, inspections, and audits, and the
33 administrative enforcement and adjudication thereof, for purposes
34 of this chapter, at sites operated by a hazardous waste facility
35 authorized to operate under this chapter or related to the owner
36 or operator of a hazardous waste facility authorized to operate
37 under this chapter, but not for regulatory activities authorized
38 under Article 10 (commencing with Section 25210), Article 10.01
39 (commencing with Section 25210.5), Article 10.02 (commencing
40 with Section 25210.9), Article 10.1.1 (commencing with Section

1 25214.1), Article 10.1.2 (commencing with Section 25214.4.3),
2 Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
3 (commencing with Section 25214.11), Article 10.5 (commencing
4 with Section 25215), Article 10.5.1 (commencing with Section
5 25215.8), Article 13.5 (commencing with Section 25250.50), Article
6 14 (commencing with Section 25251), and Section 25214.10.

7 (B) On or before October 1 of each year, the Attorney General
8 shall report to the Legislature on the expenditure of any funds
9 allocated to the office of the Attorney General for the preceding
10 fiscal year pursuant to this paragraph. The report shall include
11 all of the following:

12 (i) A description of cases resolved by the office of the Attorney
13 General through settlement or court order, including the monetary
14 benefit to the department and the state.

15 (ii) A description of injunctions or other court orders benefiting
16 the people of the state.

17 (iii) A description of any cases in which the Attorney General's
18 Toxic Substance Enforcement Program is representing the
19 department or the state against claims by defendants or responsible
20 parties.

21 (iv) A description of other pending litigation handled by the
22 Attorney General's Toxic Substance Enforcement Program.

23 (C) Nothing in subparagraph (B) shall require the Attorney
24 General to report on any confidential or investigatory matter.

25 (4) To the department for costs incurred by the Board of
26 Environmental Safety in the administration and implementation
27 of its duties and responsibilities established in Article 2.1
28 (commencing with Section 25125).

29 (c) (1) The department shall, at the time of the release of the
30 annual Governor's Budget, describe the budgetary amounts
31 proposed to be allocated to the California Department of Tax and
32 Fee Administration, as specified in paragraph (2) of subdivision
33 (b).

34 (2) It is the intent of the Legislature that moneys appropriated
35 in the annual Budget Act each year for the purpose of reimbursing
36 the California Department of Tax and Fee Administration, a private
37 party, or other public agency, for the administration and collection
38 of the fees imposed pursuant to Section 25205.2 and deposited in
39 the Hazardous Waste Facilities Account, shall not exceed the costs
40 incurred by the California Department of Tax and Fee

1 *Administration, the private party, or other public agency, for the*
2 *administration and collection of those fees.*

3 *(d) The Director of Finance, upon request of the director, may*
4 *make a loan from the General Fund to the Hazardous Waste*
5 *Facilities Account to meet cash needs. The loan shall be subject*
6 *to the repayment provisions of Section 16351 of the Government*
7 *Code and the interest provisions of Section 16314 of the*
8 *Government Code.*

9 *(e) This section shall become operative on July 1, 2022.*

10 *SEC. 27. Section 25174.02 is added to the Health and Safety*
11 *Code, to read:*

12 *25174.02. (a) Notwithstanding this chapter, or Part 22*
13 *(commencing with Section 43001) of Division 2 of the Revenue*
14 *and Taxation Code, for any fees, surcharges, fines, penalties, and*
15 *funds that are required to be deposited into the Hazardous Waste*
16 *Control Account, the Hazardous Waste Facilities Account, or the*
17 *Toxic Substances Control Account, the department, with the*
18 *approval of the secretary, may take either of the following actions:*

19 *(1) Assume responsibility for, or enter into a contract with a*
20 *private party or with another public agency, other than the*
21 *California Department of Tax and Fee Administration, for the*
22 *collection of any fees, surcharges, fines, penalties and funds*
23 *described in Chapter 6.8 (commencing with Section 25300), for*
24 *deposit into the Toxic Substances Control Account.*

25 *(2) Administer, or by mutual agreement, contract with a private*
26 *party or another public agency, for the making of those*
27 *determinations and the performance of functions that would*
28 *otherwise be the responsibility of the California Department of*
29 *Tax and Fee Administration pursuant to Chapter 6.8 (commencing*
30 *with Section 25300), or Part 22 (commencing with Section 43001)*
31 *of Division 2 of the Revenue and Taxation Code, if those activities*
32 *and functions for which the California Department of Tax and Fee*
33 *Administration would otherwise be responsible become the*
34 *responsibility of the department or, by mutual agreement, the*
35 *contractor selected by the department.*

36 *(b) If, pursuant to subdivision (a), the department, or a private*
37 *party or another public agency, pursuant to a contract with the*
38 *department, performs the determinations and functions that would*
39 *otherwise be the responsibility of the California Department of*
40 *Tax and Fee Administration, the department shall be responsible*

1 for ensuring that persons who are subject to the fees specified in
2 subdivision (a) have equivalent rights to public notice and
3 comment, and procedural and substantive rights of appeal, as
4 afforded by the procedures of the California Department of Tax
5 and Fee Administration pursuant to Part 22 (commencing with
6 Section 43001) of Division 2 of the Revenue and Taxation Code.
7 Final responsibility for the administrative adjustment of fee rates
8 and the administrative appeal of any fees or penalty assessments
9 made pursuant to this section may only be assigned by the
10 department to a public agency.

11 (c) If, pursuant to subdivision (a), the department, or a private
12 party or another public agency, pursuant to a contract with the
13 department, performs the determinations and functions that would
14 otherwise be the responsibility of the California Department of
15 Tax and Fee Administration, the department shall have equivalent
16 authority to make collections and enforce judgments as provided
17 to the California Department of Tax and Fee Administration
18 pursuant to Part 22 (commencing with Section 43001) of Division
19 2 of the Revenue and Taxation Code. Unpaid amounts, including
20 penalties and interest, shall be a perfected and enforceable state
21 tax lien in accordance with Section 43413 of the Revenue and
22 Taxation Code.

23 (d) The department, with the concurrence of the secretary, shall
24 determine which administrative functions should be retained by
25 the California Department of Tax and Fee Administration,
26 administered by the department, or assigned to another public
27 agency or private party pursuant to subdivisions (a), (b), and (c).

28 (e) The department may adopt regulations to implement this
29 section.

30 (f) This section shall become operative on January 1, 2022.

31 SEC. 28. Section 25174.1 of the Health and Safety Code is
32 amended to read:

33 25174.1. (a) Each person who disposes of hazardous waste in
34 this state shall pay a fee for the disposal of hazardous waste to
35 land, based on the type of waste placed in a disposal site, in
36 accordance with this section and Section 25174.6.

37 (b) “Disposal fee” means the fee imposed by this section.

38 (c) For purposes of this section, “dispose” and “disposal” include
39 “disposal,” as defined in Section 25113, including, but not limited

1 to, “land treatment,” as defined in subdivision (n) of Section
2 25205.1.

3 (d) Each operator of ~~an authorized~~ a hazardous waste facility,
4 *facility authorized to operate under this chapter*, at which
5 hazardous wastes are disposed, shall collect a fee from any person
6 submitting hazardous waste for disposal and shall transmit the fees
7 to the ~~State Board~~ *California Department of Equalization Tax and*
8 *Fee Administration* for the disposal of those wastes. The operator
9 shall be considered the taxpayer for purposes of Section 43151 of
10 the Revenue and Taxation Code. The facility operator is not
11 required to collect and transmit the fee for a hazardous waste if
12 the operator maintains written evidence that the hazardous waste
13 is eligible for the exemption provided by Section 25174.7 or
14 otherwise exempted from the fees pursuant to this chapter. The
15 written evidence may be provided by the operator or by the person
16 submitting the hazardous waste for disposal, and shall be
17 maintained by the operator at the facility for a minimum of three
18 years from the date that the waste is submitted for disposal. If the
19 operator submits the hazardous waste for disposal, the operator
20 shall pay the same fee as would any other person.

21 (e) Notwithstanding subdivision (d), the disposal facility shall
22 not be liable for the underpayment of any disposal fees for
23 hazardous waste submitted for disposal by a person other than the
24 operator, if the person submitting the hazardous waste to the
25 disposal facility has done either of the following:

- 26 (1) Mischaracterized the hazardous waste.
- 27 (2) Misrepresented any exemptions pursuant to Section 25174.7
28 or any other exemption from the disposal fee provided pursuant
29 to this chapter.

30 (f) (1) Any additional payment of disposal fees that are due to
31 the ~~State Board~~ *California Department of Equalization Tax and*
32 *Fee Administration* as a result of a mischaracterization of a
33 hazardous waste, a misrepresentation of an exemption, or any other
34 error, shall be the responsibility of the person making the
35 mischaracterization, misrepresentation, or error.

36 (2) In the event of a dispute regarding the responsibility for a
37 mischaracterization, misrepresentation, or other error, for which
38 additional payment of disposal fees are due, the ~~State Board~~
39 *California Department of Equalization Tax and Fee Administration*
40 shall assign responsibility for payment of the fee to that person,

1 or those persons, it determines responsible for the
2 mischaracterization, misrepresentation, or other error, provided
3 that the person, or persons, has the right to a public hearing and
4 comment, and the procedural and substantive rights of appeal
5 pursuant to Part 22 (commencing with Section 43001) of Division
6 2 of the Revenue and Taxation Code.

7 (3) Any generator, transporter, or owner or operator of a disposal
8 facility shall report to the department and the ~~State Board~~
9 *California Department of Equalization Tax and Fee Administration*
10 any information regarding any such mischaracterization,
11 misrepresentation, or error, which could affect the disposal fee,
12 within 30 days of that information first becoming known to that
13 person.

14 (g) The ~~State Board~~ *California Department of Equalization Tax*
15 *and Fee Administration* shall deposit the fees collected pursuant
16 to this section in the Hazardous Waste Control Account, for
17 expenditure by the department, upon appropriation by the
18 Legislature.

19 (h) The operator of the facility that disposes of the hazardous
20 waste to land shall provide to every person who submits hazardous
21 waste for disposal at the facility a statement showing the amount
22 of hazardous waste fees payable pursuant to this section.

23 (i) Any person who disposes of hazardous waste at any site that
24 is not ~~an authorized~~ a hazardous waste facility *authorized to*
25 *operate under this chapter* shall be responsible for payment of
26 fees pursuant to this section and shall be the taxpayer for purposes
27 of Section 43151 of the Revenue and Taxation Code.

28 (j) ~~Any administrative savings that are derived by the state as~~
29 ~~a result of changes made to this section during the 1995–96 Regular~~
30 ~~Session of the Legislature shall be made available to the department~~
31 ~~and reflected in the annual Budget Act.~~

32 (j) *This section applies only to fees due through the June 2022*
33 *reporting period and earlier reporting periods.*

34 (k) *This section shall become inoperative on July 1, 2022, and,*
35 *as of January 1, 2023, is repealed.*

36 *SEC. 29. Section 25174.2 of the Health and Safety Code is*
37 *amended to read:*

38 25174.2. (a) The base rate for the hazardous wastes specified
39 in Section 25174.6 which are disposed of or submitted for disposal

1 in the state is eighty-five dollars and twenty-four cents (\$85.24)
2 per ton for disposal of hazardous waste to land.

3 (b) The base rate specified in subdivision (a) is the base rate for
4 the period of January 1, 1997, to December 31, 1997. Beginning
5 with calendar year 1998, and for each year thereafter, the ~~State~~
6 ~~Board California Department of Equalization Tax and Fee~~
7 ~~Administration~~ shall adjust the base rate annually to reflect
8 increases or decreases in the cost of living during the prior fiscal
9 year, as measured by the Consumer Price Index issued by the
10 Department of Industrial Relations or a successor agency.

11 (c) *This section applies only to fees due through the June 2022*
12 *reporting period and earlier reporting periods.*

13 (e)

14 (d) This section shall become ~~operative~~ *inoperative* on July 1,
15 *2022, and, as of January 1, 2001, 2023, is repealed.*

16 *SEC. 30. Section 25174.6 of the Health and Safety Code is*
17 *amended to read:*

18 25174.6. (a) The fee provided pursuant to Section 25174.1
19 shall be determined as a percentage of the base rate, as adjusted
20 by the ~~State Board California Department of Equalization, Tax~~
21 ~~and Fee Administration~~, pursuant to Section 25174.2, or as
22 otherwise provided by this section. The procedure for determining
23 these fees is as follows:

24 (1) The following fees shall be paid for each ton, or fraction
25 ~~thereof of a ton~~, for up to the first 5,000 tons of the following
26 hazardous wastes disposed of, or submitted for disposal, in the
27 state at each specific offsite facility by each producer, or at each
28 specific onsite facility, per month, if the hazardous wastes are not
29 otherwise subject to the fee specified in paragraph (3) or (4) and
30 are not otherwise exempt from the fees imposed pursuant to this
31 article:

32 (A) For non-RCRA hazardous waste, excluding asbestos,
33 generated in a remedial action, a removal action, or a corrective
34 action taken pursuant to this chapter, Chapter 6.7 (commencing
35 with Section 25280), Chapter 6.75 (commencing with Section
36 25299.10), or Chapter 6.8 (commencing with Section 25300), or
37 generated in any other required or voluntary cleanup, removal, or
38 remediation of a hazardous substance or non-RCRA hazardous
39 waste, a fee of five dollars and seventy-two cents (\$5.72) per ton.

1 (B) For all other non-RCRA hazardous waste, a fee of 16.31
2 percent of the base rate for each ton.

3 (2) Thirteen percent of the base rate for each ton, or fraction
4 ~~thereof, of a ton,~~ shall be paid for up to the first 5,000 tons of
5 hazardous waste disposed of, or submitted for disposal, in the state,
6 at each specific offsite facility by each producer, or at each specific
7 onsite facility, per month, which result from the extraction,
8 beneficiation, and processing of ores and minerals, including
9 phosphate rock and the overburden from the mining of uranium
10 ore and ~~which that~~ is not otherwise subject to the fee specified in
11 paragraph (3) or (4).

12 (3) Two hundred percent of the base rate shall be paid for each
13 ton, or fraction ~~thereof, of a ton, of~~ extremely hazardous waste
14 disposed of, or submitted for disposal, in the state.

15 (4) Two hundred percent of the base rate shall be paid for each
16 ton, or fraction ~~thereof, of a ton, of~~ restricted hazardous wastes
17 listed in subdivision (b) of Section 25122.7 disposed of, or
18 submitted for disposal, in the state.

19 (5) Forty and four-tenths percent of the base rate shall be paid
20 for each ton, or fraction ~~thereof, of a ton, of~~ hazardous waste
21 disposed of, or submitted for disposal, in the ~~state, which state that~~
22 is not otherwise subject to the fees specified in paragraph (1), (2),
23 (3), (4), or (6).

24 (6) Five percent of the base rate shall be paid for each ton, or
25 fraction ~~thereof, of a ton, of~~ hazardous waste disposed of, or
26 submitted for disposal, in the ~~state, state~~ that is a solid hazardous
27 waste residue resulting from incineration or dechlorination. ~~No~~
28 ~~fees Fees~~ shall *not* be imposed pursuant to this paragraph on a
29 solid hazardous waste residue resulting from incineration or
30 dechlorination ~~which that~~ is disposed of, or submitted for disposal,
31 outside of the state.

32 (7) Fifty percent of the fee that would otherwise be paid for
33 each ton, or fraction ~~thereof, of a ton, of~~ hazardous waste disposed
34 of in the ~~state, state~~ that is a solid hazardous waste residue resulting
35 from treatment of a treatable waste by means of a designated
36 treatment technology, as defined in Section 25179.2. ~~No fees Fees~~
37 shall *not* be imposed pursuant to this paragraph on a solid
38 hazardous waste residue resulting from treatment of a treatable
39 waste by means of a designated treatment technology that is not

1 a hazardous waste or ~~which~~ *that* is disposed of, or submitted for
2 disposal, outside of the state.

3 (b) The amount of fees payable to the ~~State Board~~ *California*
4 *Department of Equalization Tax and Fee Administration* pursuant
5 to this section shall be calculated using the total wet weight,
6 measured in tons or fractions ~~thereof~~, *of a ton, of* the hazardous
7 waste in the form in which the hazardous waste existed at the time
8 of disposal, submission for disposal, or application to land using
9 a land disposal method, as defined in Section 66260.10 of Title
10 22 of the California Code of Regulations, if all of the following
11 apply:

12 (1) The weight of any nonhazardous reagents or treatment
13 additives added to the waste, after it has been submitted for
14 disposal, for purposes of rendering the waste less hazardous, shall
15 not be included in those calculations.

16 (2) Except as provided by paragraph (7) of subdivision (a), any
17 RCRA hazardous waste received, treated, and disposed at the
18 disposal facility shall be subject to a disposal fee pursuant to this
19 section as if it were a non-RCRA hazardous waste, if the waste,
20 due to treatment, is no longer a RCRA hazardous waste at the time
21 of disposal.

22 (c) All fees imposed by this section shall be paid in accordance
23 with Part 22 (commencing with Section 43001) of Division 2 of
24 the Revenue and Taxation Code.

25 (d) *This section applies only to fees due through the June 2022*
26 *reporting period and earlier reporting periods.*

27 ~~(d)~~

28 (e) This section shall become ~~operative~~ *inoperative* on *July 1,*
29 *2022, and, as of January 1, 2001, 2023, is repealed.*

30 *SEC. 31. Section 25174.7 of the Health and Safety Code is*
31 *amended to read:*

32 25174.7. (a) The fees provided for in Sections 25174.1 and
33 25205.5 do not apply to any of the following:

34 (1) Hazardous wastes ~~which~~ *that* result when a government
35 agency, or its contractor, removes or remedies a release of
36 hazardous waste in the state caused by another person.

37 (2) Hazardous wastes generated or disposed of by a public
38 agency operating a household hazardous waste collection facility
39 in the state pursuant to Article 10.8 (commencing with Section
40 25218), including, but not limited to, hazardous waste received

1 from conditionally exempt small quantity commercial generators,
2 authorized pursuant to Section 25218.3.

3 (3) Hazardous wastes generated or disposed of by local vector
4 control agencies—~~which~~ *that* have entered into a cooperative
5 agreement pursuant to Section 116180 or by county agricultural
6 commissioners, if the hazardous wastes result from their control
7 or regulatory activities and if they comply with the requirements
8 of this chapter and regulations adopted pursuant ~~thereto~~. *this*
9 *chapter*.

10 (4) Hazardous waste disposed of, or submitted for disposal or
11 treatment, by any person, which is discovered and separated from
12 solid waste as part of a load checking program.

13 (b) Notwithstanding paragraph (1) of subdivision (a), any person
14 responsible for a release of hazardous ~~waste~~, ~~which~~ *waste that* has
15 been removed or remedied by a government agency, or its
16 contractor, shall pay the fee pursuant to Section 25174.1.

17 (c) Any person who acquires land for the sole purpose of
18 owner-occupied single-family residential use, and who acquires
19 that land without actual or constructive notice or knowledge that
20 there is a tank containing hazardous waste on or under that
21 property, is exempt from the fees imposed pursuant to Sections
22 ~~25174.1, 25205.5, 25174.1~~ and ~~25345, 25205.5~~, in connection with
23 the removal of the tank.

24 (d) *This section applies only to fees due through the June 2022*
25 *reporting period and earlier reporting periods.*

26 (e) *This section shall become inoperative on July 1, 2022, and,*
27 *as of January 1, 2023, is repealed.*

28 *SEC. 32. Section 25174.8 is added to the Health and Safety*
29 *Code, to read:*

30 *25174.8. (a) The fee provided for in Section 25205.5 does not*
31 *apply to any of the following:*

32 (1) (A) *Hazardous wastes that result when a governmental*
33 *agency, or its contractor, removes or remedies a release of*
34 *hazardous waste in the state caused by another person.*

35 (B) *Notwithstanding subparagraph (A), a person responsible*
36 *for a release of hazardous waste that has been removed or*
37 *remedied by a governmental agency, or its contractor, shall pay*
38 *the fee pursuant to Section 25205.5.*

39 (2) *Hazardous wastes generated or disposed of by a public*
40 *agency operating a household hazardous waste collection facility*

1 *in the state pursuant to Article 10.8 (commencing with Section*
2 *25218), including, but not limited to, hazardous waste received*
3 *from conditionally exempt small quantity commercial generators*
4 *authorized pursuant to Section 25218.3.*

5 *(3) Hazardous waste disposed of, or submitted for disposal or*
6 *treatment, that is generated by any person and that is discovered*
7 *and separated from solid waste as part of a load checking program.*

8 *(4) Hazardous waste that is used oil collected from the public*
9 *and generated by a used oil collection center certified by the*
10 *Department of Resources Recycling and Recovery pursuant to*
11 *Section 48660 of the Public Resources Code.*

12 *(b) The fee exemptions provided in paragraphs (2) and (4) of*
13 *subdivision (a) shall continue to apply to the wastes that are*
14 *eligible for the exemption, even if the waste is transferred,*
15 *consolidated, or bulked and subsequently included on a manifest*
16 *along with other nonexempt hazardous wastes.*

17 *(c) This section shall become operative on January 1, 2022,*
18 *and shall apply to the generation and handling fees imposed*
19 *pursuant to subdivision (a) of Section 25205.5.*

20 *SEC. 33. Section 25174.11 of the Health and Safety Code is*
21 *repealed.*

22 ~~25174.11. Section 25174.1 does not apply to the previous~~
23 ~~disposal of mining waste that is subsequently classified as~~
24 ~~nonhazardous pursuant to the department's California Assessment~~
25 ~~Manual criteria regulations set forth in Article 2 (commencing~~
26 ~~with Section 66300) of Chapter 30 of Division 4 of Title 22 of the~~
27 ~~California Administrative Code, which became effective October~~
28 ~~27, 1984, and disposal fees shall not be assessed pursuant to~~
29 ~~Section 25174.1 for that waste if the waste previously disposed of~~
30 ~~is not significantly different from the waste classified as~~
31 ~~nonhazardous.~~

32 *SEC. 34. Section 25175 of the Health and Safety Code is*
33 *amended to read:*

34 25175. (a) (1) The department shall prepare and adopt, by
35 regulation, a list, and on or before January 1, 2002, and when
36 appropriate thereafter, shall revise, by regulation, that list, of
37 specified hazardous wastes that the department finds are
38 economically and technologically feasible to recycle either onsite
39 or at an offsite commercial hazardous waste recycling facility in
40 the state, taking into consideration various factors that shall include,

1 but are not limited to, the quantities of, concentrations of, and
2 potential contaminants in, these hazardous wastes, the number and
3 location of recycling facilities, and the proximity of these facilities
4 to hazardous waste generators.

5 (2) Whenever any hazardous waste on the list adopted or revised
6 pursuant to paragraph (1) is transported offsite for disposal, the
7 department may request, in writing, by certified mail with return
8 receipt requested, and the generator of that waste shall supply the
9 department ~~with~~ *with*, a formal, complete, and detailed statement
10 justifying why the waste was not ~~recycled~~, *recycled*. *The generator*
11 *shall supply the statement* in writing, by certified mail with return
12 receipt requested, within 30 calendar days of receipt of the
13 department's request. This statement shall include the generator's
14 assessment of the economic and technological feasibility of
15 recycling the wastes and may include, but ~~is need~~ not ~~required~~
16 be limited to, the generator's good faith determination that sending
17 the hazardous waste to any recycling facility where it is feasible
18 to recycle that hazardous waste would constitute an unacceptable
19 environmental or business risk. This determination by the generator
20 shall be based upon an environmental audit or other reasonably
21 diligent investigation of the environmental and other relevant
22 business practices of the recycling facility or facilities where it
23 would otherwise be feasible to recycle the waste. If the request is
24 made of any entity listed in Section 25118 other than an individual,
25 the statement shall be issued by the responsible management of
26 that entity. The department shall keep confidential any trade secrets
27 contained in that statement.

28 (3) On or before January 1, 2002, the department shall establish
29 a procedure for the department to independently verify whether
30 any hazardous waste identified in the list adopted pursuant to
31 paragraph (1) is disposed of, rather than recycled. The department
32 shall, on or before January 1, 2002, prepare and adopt those
33 regulations that the department finds necessary to ensure that it
34 can fully perform its duties pursuant to subdivisions (k) and (l) of
35 Section 25170 to encourage the exchange of hazardous waste and
36 to establish and maintain an information clearinghouse of
37 hazardous wastes that may be recyclable.

38 (4) On or before July 1, 2000, the department shall establish an
39 advisory committee to advise the department on the development
40 of the regulations required or authorized by this section and on the

1 department's implementation of this section. The advisory
2 committee shall consist of representatives of generators, hazardous
3 waste facility operators, environmental organizations, the
4 Legislature, and other interested parties.

5 (5) In determining to which generators the department will send
6 the request specified in paragraph (2), the department shall give
7 priority to notifying generators transporting offsite for disposal
8 more than ~~1000~~ 1,000 pounds per year of the type of hazardous
9 waste that would be the subject of the request, to the extent this
10 prioritization is feasible within the information management
11 capabilities of the department.

12 (b) (1) If, after the department receives a statement from a
13 generator pursuant to paragraph (2) of subdivision (a), the
14 department finds the recycling of a hazardous waste to be
15 economically and technologically feasible, the department shall
16 inform the generator, in writing, by certified mail, return receipt
17 requested, that 30 days after the date the generator receives notice
18 of the department's finding, any of the generators' hazardous waste
19 transported offsite to which the department's finding applies shall,
20 after that date, be recycled. The department may establish
21 procedures for rescinding or modifying any finding made by the
22 department pursuant to this paragraph if there is a pertinent change
23 in circumstances related to that finding.

24 (2) Notwithstanding paragraph (1), the department shall not
25 find the recycling of a hazardous waste to be economically and
26 technologically feasible if a generator includes a good faith
27 determination in the statement submitted pursuant to paragraph
28 (2) of subdivision (a) that sending its hazardous waste to any
29 recycling facility where it is otherwise feasible to recycle the
30 hazardous waste constitutes an unacceptable environmental or
31 business risk.

32 (c) A generator who does not recycle a hazardous waste after
33 the generator receives a notice of the departments' findings
34 pursuant to subdivision (b) that the hazardous waste is
35 economically and technologically feasible to recycle is subject to
36 five times the disposal fee that would otherwise apply to the
37 disposal of that hazardous waste pursuant to Section 25174.1.

38 (d) For purposes of this section, "recycle" and "recycling" shall
39 have the same meaning as set forth in subdivision (a) of Section
40 25121.1.

1 (e) *This section applies only to fees due for the 2021 and earlier*
2 *reporting periods.*

3 (f) *This section shall remain in effect only until January 1, 2022,*
4 *and as of that date is repealed.*

5 SEC. 35. *Section 25175 is added to the Health and Safety Code,*
6 *to read:*

7 25175. (a) (1) *The department shall prepare and adopt, by*
8 *regulation, a list, and on or before January 1, 2002, and when*
9 *appropriate thereafter, shall revise, by regulation, that list, of*
10 *specified hazardous wastes that the department finds are*
11 *economically and technologically feasible to recycle either onsite*
12 *or at an offsite commercial hazardous waste recycling facility in*
13 *the state, taking into consideration various factors that shall*
14 *include, but are not limited to, the quantities of, concentrations*
15 *of, and potential contaminants in, these hazardous wastes, the*
16 *number and location of recycling facilities, and the proximity of*
17 *these facilities to hazardous waste generators.*

18 (2) *Whenever any hazardous waste on the list adopted or revised*
19 *pursuant to paragraph (1) is transported offsite for disposal, the*
20 *department may request, in writing, by certified mail with return*
21 *receipt requested, and the generator of that waste shall supply the*
22 *department with, a formal, complete, and detailed statement*
23 *justifying why the waste was not recycled. The generator shall*
24 *supply the statement in writing, by certified mail with return receipt*
25 *requested, within 30 calendar days of receipt of the department's*
26 *request. This statement shall include the generator's assessment*
27 *of the economic and technological feasibility of recycling the*
28 *wastes and may include, but need not be limited to, the generator's*
29 *good faith determination that sending the hazardous waste to any*
30 *recycling facility where it is feasible to recycle that hazardous*
31 *waste would constitute an unacceptable environmental or business*
32 *risk. This determination by the generator shall be based upon an*
33 *environmental audit or other reasonably diligent investigation of*
34 *the environmental and other relevant business practices of the*
35 *recycling facility or facilities where it would otherwise be feasible*
36 *to recycle the waste. If the request is made of any entity listed in*
37 *Section 25118 other than an individual, the statement shall be*
38 *issued by the responsible management of that entity. The*
39 *department shall keep confidential any trade secrets contained in*
40 *that statement.*

1 (3) *On or before January 1, 2002, the department shall establish*
2 *a procedure for the department to independently verify whether*
3 *any hazardous waste identified in the list adopted pursuant to*
4 *paragraph (1) is disposed of, rather than recycled. The department*
5 *shall, on or before January 1, 2002, prepare and adopt those*
6 *regulations that the department finds necessary to ensure that it*
7 *can fully perform its duties pursuant to subdivisions (k) and (l)*
8 *of Section 25170 to encourage the exchange of hazardous waste*
9 *and to establish and maintain an information clearinghouse of*
10 *hazardous wastes that may be recyclable.*

11 (4) *On or before July 1, 2000, the department shall establish*
12 *an advisory committee to advise the department on the development*
13 *of the regulations required or authorized by this section and on*
14 *the department's implementation of this section. The advisory*
15 *committee shall consist of representatives of generators, hazardous*
16 *waste facility operators, environmental organizations, the*
17 *Legislature, and other interested parties.*

18 (5) *In determining to which generators the department will send*
19 *the request specified in paragraph (2), the department shall give*
20 *priority to notifying generators transporting offsite for disposal*
21 *more than 1,000 pounds per year of the type of hazardous waste*
22 *that would be the subject of the request, to the extent this*
23 *prioritization is feasible within the information management*
24 *capabilities of the department.*

25 (b) (1) *If, after the department receives a statement from a*
26 *generator pursuant to paragraph (2) of subdivision (a), the*
27 *department finds the recycling of a hazardous waste to be*
28 *economically and technologically feasible, the department shall*
29 *inform the generator, in writing, by certified mail, return receipt*
30 *requested, that 30 days after the date the generator receives notice*
31 *of the department's finding, any of the generators' hazardous*
32 *waste transported offsite to which the department's finding applies*
33 *shall, after that date, be recycled. The department may establish*
34 *procedures for rescinding or modifying any finding made by the*
35 *department pursuant to this paragraph if there is a pertinent*
36 *change in circumstances related to that finding.*

37 (2) *Notwithstanding paragraph (1), the department shall not*
38 *find the recycling of a hazardous waste to be economically and*
39 *technologically feasible if a generator includes a good faith*
40 *determination in the statement submitted pursuant to paragraph*

1 (2) of subdivision (a) that sending its hazardous waste to any
2 recycling facility where it is otherwise feasible to recycle the
3 hazardous waste constitutes an unacceptable environmental or
4 business risk.

5 (c) A generator who does not recycle a hazardous waste after
6 the generator receives a notice of the departments' findings
7 pursuant to subdivision (b) that the hazardous waste is
8 economically and technologically feasible to recycle is subject to
9 five times the generation and handling fee that would otherwise
10 apply to the generation and handling of that hazardous waste
11 pursuant to Section 25205.5.

12 (d) For purposes of this section, "recycle" and "recycling"
13 shall have the same meaning as set forth in subdivision (a) of
14 Section 25121.1.

15 (e) This section shall become operative on January 1, 2022,
16 and shall apply to the fees due for the 2022 reporting period and
17 thereafter, including the prepayments due during the reporting
18 period and the fee due and payable following the reporting period.

19 SEC. 36. Section 25178.1 of the Health and Safety Code is
20 amended to read:

21 25178.1. (a) ~~The State Board~~ California Department of
22 ~~Equalization Tax and Fee Administration~~ shall provide quarterly
23 reports to the Legislature on the fees collected pursuant to Sections
24 ~~25174.1, 25205.2, 25205.2~~ and 25205.5. The reports shall be due
25 on the 15th day of the second month following each quarter.

26 (b) The report submitted pursuant to this subdivision shall be
27 submitted in compliance with Section 9795 of the Government
28 Code.

29 SEC. 37. Section 25187.3 is added to the Health and Safety
30 Code, to read:

31 25187.3. (a) An owner or operator of a facility for which
32 corrective action under department oversight is required shall
33 include a corrective action cost estimate in any corrective measures
34 study submitted to the department pursuant to an order issued or
35 agreement entered into pursuant to Section 25187 for a release,
36 as defined in Chapter 6.8 (commencing with Section 25300), of
37 hazardous waste, hazardous waste constituents, or hazardous
38 substances, as defined in Chapter 6.8 (commencing with Section
39 25300), into the environment from the facility.

1 **(b)** *An owner or operator of a facility for which corrective action*
2 *under department oversight is required shall demonstrate financial*
3 *assurances within 90 days of the department's approval of a*
4 *corrective action cost estimate as required by subdivision (a), or*
5 *by Section 25246.1, and shall maintain financial assurances until*
6 *the department determines that all required corrective actions are*
7 *complete.*

8 **(c)** *(1) For purposes of subdivision (b), an owner or operator*
9 *of a facility for which corrective action under department oversight*
10 *is required shall demonstrate and maintain one or more of the*
11 *financial assurance mechanisms set forth in subdivisions (a) to*
12 *(e), inclusive, of Section 66265.143 of Title 22 of the California*
13 *Code of Regulations.*

14 **(2)** *(A) As an alternative to the financial assurance requirement*
15 *of paragraph (1), an owner or operator of a facility for which*
16 *corrective action under department oversight is required may*
17 *demonstrate and maintain financial assurances by means of a*
18 *financial assurance mechanism other than those described in*
19 *paragraph (1), if the alternative financial assurance mechanism*
20 *has been submitted to, and approved by, the department as being*
21 *at least equivalent to the financial assurance mechanisms described*
22 *in paragraph (1).*

23 **(B)** *The department shall evaluate the equivalency of the*
24 *proposed alternative financial assurance mechanism principally*
25 *in terms of the certainty of the availability of funds for required*
26 *corrective action activities and the amount of funds that will be*
27 *made available. The department shall require the owner or*
28 *operator of the facility to submit any information deemed necessary*
29 *by the department to make a determination regarding the*
30 *equivalency of the proposed alternative financial assurance*
31 *mechanism.*

32 **(d)** *The department shall waive the financial assurances required*
33 *by subdivision (b) if the owner or operator of the facility is a*
34 *federal or state governmental entity.*

35 **(e)** *An owner or operator may satisfy the requirements of this*
36 *section by demonstrating to the department that it has provided*
37 *financial assurance for corrective action to the State Water*
38 *Resources Control Board or a California regional water quality*
39 *control board for the same release identified by the department.*

1 (f) For facilities for which sole jurisdiction has been granted
 2 pursuant to subdivision (b) of Section 25204.6, the department
 3 shall not require additional financial assurances unless it is the
 4 lead agency or is directed by the lead agency that has sole
 5 jurisdiction pursuant to subdivision (b) of Section 25204.6. This
 6 section does not alter the State Water Resources Control Board's
 7 rules and regulations regarding financial assurances.

8 SEC. 38. Section 25200 of the Health and Safety Code is
 9 amended to read:

10 25200. (a) The department shall issue a hazardous waste
 11 facilities ~~permits~~ permit to use and operate one or more hazardous
 12 waste management units at a hazardous waste facility ~~that that~~, in
 13 the judgment of the ~~department~~ department, meet the building
 14 standards published in the State Building Standards Code relating
 15 to hazardous waste facilities and the other standards and
 16 requirements adopted pursuant to this chapter. The department
 17 shall impose conditions on ~~each~~ a hazardous waste facilities permit
 18 specifying the types of hazardous wastes that may be accepted for
 19 transfer, storage, treatment, or disposal. The department may
 20 impose any other conditions on a hazardous waste facilities permit
 21 that are consistent with the intent of this chapter.

22 (b) The department may impose, as a condition of a hazardous
 23 waste facilities permit, a requirement that the owner or operator
 24 of a hazardous waste facility that receives hazardous waste from
 25 more than one producer comply with any order of the director that
 26 prohibits the hazardous waste facility operator from refusing to
 27 accept a hazardous waste based on geographical origin that is
 28 authorized to be accepted and may be accepted by the facility
 29 without extraordinary hazard.

30 (c) (1) (A) ~~Any~~ A hazardous waste facilities permit issued by
 31 the ~~department~~ department, including a standardized permit issued
 32 pursuant to Section 25201.6, shall be for a fixed term, which shall
 33 not exceed 10 years for any land disposal facility, storage facility,
 34 incinerator, or other treatment facility. years.

35 (B) ~~Before the fixed term of a permit expires, the owner or~~
 36 ~~operator of a facility intending to extend the term of the facility's~~
 37 ~~permit shall submit a complete Part A application for a permit~~
 38 ~~renewal. At any time following the submittal of the Part A~~
 39 ~~application, the owner or operator of a facility shall submit a~~
 40 ~~complete Part B application, or any portion thereof, as well as any~~

1 ~~other relevant information, as and when requested by the~~
2 ~~department. To the extent not inconsistent with the federal act,~~
3 ~~when a complete Part A renewal application, and any other~~
4 ~~requested information, has been submitted if, before the end of the~~
5 ~~a hazardous waste facilities permit's fixed term, a Part A and Part~~
6 ~~B application for the renewal of an existing hazardous waste~~
7 ~~facilities permit is has been deemed extended until the renewal~~
8 ~~application is approved or denied complete, as specified in~~
9 ~~paragraph (4), a signed written cost reimbursement agreement~~
10 ~~and the owner or operator 25-percent advance payment required~~
11 ~~pursuant to Section 25205.7, if applicable, have been submitted~~
12 ~~to and received by the department, and any other information~~
13 ~~requested by the department has exhausted all applicable rights~~
14 ~~been submitted to and received by the department, the hazardous~~
15 ~~waste facilities permit shall be deemed extended until either of~~
16 ~~appeal. the following:~~

17 (i) *The department approves the hazardous waste facilities*
18 *permit renewal application and the new hazardous waste facilities*
19 *permit is effective.*

20 (ii) *The department denies the hazardous waste facilities permit*
21 *renewal application and all parties have exhausted all applicable*
22 *rights of appeal.*

23 (C) (i) *An owner or operator of a hazardous waste facility with*
24 *a hazardous waste facilities permit that expires before January 1,*
25 *2025, seeking to renew that hazardous waste facilities permit shall*
26 *submit a Part A and Part B application to the department at least*
27 *180 days before the end of the hazardous waste facilities permit's*
28 *fixed term.*

29 (ii) *The department shall post on its internet website, and update*
30 *on at least a monthly basis, the estimated date for a permit decision*
31 *for all hazardous waste facilities permits subject to this*
32 *subparagraph.*

33 (iii) *The department shall issue a decision on a hazardous waste*
34 *facilities permit renewal application for a hazardous waste facility*
35 *subject to this subparagraph within three years of the effective*
36 *date of this section or within three years after the end of the*
37 *hazardous waste facilities permit's fixed term, whichever is later.*

38 (D) (i) *An owner or operator of a hazardous waste facility with*
39 *a hazardous waste facilities permit that expires on or after January*
40 *1, 2025, seeking to renew that hazardous waste facilities permit*

1 shall submit a Part A and Part B application at least two years
2 before the end of the hazardous waste facilities permit's fixed term.

3 (ii) The department shall post on its internet website, and update
4 on at least a monthly basis, the estimated date for a permit decision
5 for all hazardous waste facilities permits subject to this
6 subparagraph.

7 (iii) The department shall issue a decision on a hazardous waste
8 facilities permit for a hazardous waste facility subject to this
9 subparagraph no later than one year after the end of the hazardous
10 waste facilities permit's fixed term.

11 ~~(C)~~

12 (E) This ~~section~~ subdivision does not limit or restrict the
13 department's authority to impose any additional or different
14 conditions on an extended hazardous waste facilities permit that
15 are necessary to protect human health and the environment.

16 ~~(D)~~

17 (F) In adopting new conditions for an extended hazardous waste
18 facilities permit, the department shall follow the applicable permit
19 modification procedures specified in this chapter and the
20 regulations adopted pursuant to this chapter.

21 ~~(E)~~

22 (G) When prioritizing pending hazardous waste facilities permit
23 renewal applications for processing and in determining the need
24 for any new conditions on an extended hazardous waste facilities
25 permit, the department shall consider any input received from the
26 public.

27 (2) The department shall review each hazardous waste facilities
28 permit for a land disposal facility five years after the date of
29 issuance or reissuance, and shall modify the permit, as necessary,
30 to ~~assure~~ ensure that the land disposal facility continues to comply
31 with the currently applicable requirements of this chapter and the
32 regulations adopted pursuant to this chapter.

33 (3) This subdivision does not prohibit the department from
34 reviewing, modifying, or revoking a hazardous waste facilities
35 permit at any time during its term.

36 (4) For purposes of this subdivision, an application for the
37 renewal of an existing hazardous waste facilities permit shall be
38 deemed complete when the department has notified the applicant
39 in writing that the application is complete in accordance with

1 *subdivision (c) of Section 66271.2 of Title 22 of the California*
2 *Code of Regulations.*

3 (d) (1) When reviewing ~~any~~ *an application for renewal of a*
4 ~~permit renewal, hazardous waste facilities' permit,~~ *the department*
5 *shall consider improvements in the state of control and*
6 ~~measurement—technology~~ *technology, as well as changes in*
7 *applicable regulations.*

8 (2) ~~Each~~ *A hazardous waste facilities permit issued or renewed*
9 *under this section shall contain the any terms and conditions that*
10 *the department determines deems necessary to protect human health*
11 *and the environment.*

12 (e) *A permit issued pursuant to the federal act by the United*
13 *States Environmental Protection Agency to a hazardous waste*
14 *facility in the state for which no state hazardous waste facilities*
15 *permit has been issued by the department shall be deemed to be a*
16 *state hazardous waste facilities permit and enforceable by the*
17 *department until a state hazardous waste facilities permit is issued.*
18 *In addition to complying with the terms and conditions specified*
19 ~~in a~~ *the federal permit deemed to be a state hazardous waste*
20 *facilities permit pursuant to this section, subdivision, an owner or*
21 *operator of a hazardous waste facility who holds that federal permit*
22 *shall comply with the requirements of this chapter and the*
23 *regulations adopted by the department to implement this chapter.*

24 *SEC. 39. Section 25200.05 is added to the Health and Safety*
25 *Code, to read:*

26 *25200.05. (a) No later than 90 days after receiving an*
27 *application for a hazardous waste facilities permit pursuant to*
28 *Section 25200 or 25201.6, the department shall post on its internet*
29 *website a timeline with the estimated dates of key milestones in*
30 *the hazardous waste facilities permit application review process,*
31 *which shall include, but are not limited to, the dates of all public*
32 *meetings and the date for issuance of a draft hazardous waste*
33 *facilities permit decision. The department shall note on its internet*
34 *website that these dates are estimates, and shall update the dates*
35 *as necessary.*

36 *(b) On or before March 31, 2022, the department shall post a*
37 *timeline, as described in subdivision (a), for each hazardous waste*
38 *facilities permit application under review by the department as of*
39 *January 1, 2022.*

1 *SEC. 40. Section 25200.2 of the Health and Safety Code is*
2 *amended to read:*

3 25200.2. (a) The department shall develop a permitting process
4 for transportable hazardous waste treatment units for treating
5 hazardous waste in accordance with the federal act and in
6 accordance with this chapter for hazardous wastes that are not
7 otherwise subject to the federal act. The permitting process shall
8 require the units to be permitted pursuant to the regulations of the
9 department for operation pursuant to a permit-by-rule, a hazardous
10 waste facilities permit, or pursuant to the regulations of the
11 department for operation under a standardized permit adopted
12 pursuant to Section 25201.6, whichever the department determines
13 to be appropriate, by regulation, depending on the nature of the
14 treatment units and the type of hazardous waste to be treated, and
15 without regard to whether the units are determined to be onsite or
16 offsite treatment units.

17 (b) (1) The operator of a transportable hazardous waste
18 treatment unit shall pay the same annual fee as facilities authorized
19 to operate pursuant to a permit-by-rule specified in subdivision
20 (a) of Section ~~25205.14~~; *25205.14 until July 1, 2022, and Section*
21 *25205.2 on and after July 1, 2022.* The operator of a unit is exempt
22 from paying the facility fee specified in Section 25205.2 for any
23 year or reporting period during which the unit was operating for
24 any activity authorized under ~~permit, except as specified in~~
25 ~~subdivision (b) of Section 25205.12; permit.~~

26 (2) ~~The department shall report on the actual costs of managing~~
27 ~~the transportable hazardous waste treatment units in the annual~~
28 ~~onsite treatment report required pursuant to subparagraph (D) of~~
29 ~~paragraph (3) of subdivision (a) of Section 25171.5.~~
30 Notwithstanding paragraph (1), the Legislature may authorize the
31 department to recover the costs to manage the transportable
32 treatment units should the actual costs exceed the revenue raised
33 by the fees specified in Section ~~25205.14~~; *25205.14 until July 1,*
34 *2022, and Section 25205.2 on and after July 1, 2022.*

35 (c) A transportable hazardous waste treatment unit operating
36 pursuant to a hazardous waste facilities permit, a standardized
37 permit, or pursuant to the department's regulations for operation
38 under a permit-by-rule may operate at a facility for a period not
39 to exceed one year. If the owner or operator of the transportable
40 hazardous waste treatment unit shows cause, the department may

1 authorize up to two extensions of this period, of six months
2 duration, during which the transportable hazardous waste treatment
3 unit may operate at the facility, if the department reviews the
4 justification for the extension request after the first six-month
5 period.

6 (d) Notwithstanding any other provision of this section, if, as
7 of March 1, 1996, the department has not issued proposed
8 regulations, or has not adopted emergency regulations, to
9 implement the changes made to this section by the act adding this
10 subdivision, until the department issues or adopts those regulations,
11 the department shall regulate all transportable treatment units
12 operating pursuant to a permit-by-rule on January 1, 1996, pursuant
13 to the regulations adopted by the department with regard to
14 permit-by-rule, and shall regulate all transportable treatment units
15 operating pursuant to a hazardous waste facilities permit on January
16 1, 1996, pursuant to the regulations providing for a standardized
17 permit.

18 *SEC. 41. Section 25200.3 of the Health and Safety Code is*
19 *amended to read:*

20 25200.3. (a) A generator who uses the following methods for
21 treating RCRA or non-RCRA hazardous waste in tanks or
22 containers, which is generated onsite, and which do not require a
23 hazardous waste facilities permit under the federal act, shall, for
24 those activities, be deemed to be operating pursuant to a grant of
25 conditional authorization without obtaining a hazardous waste
26 facilities permit or other grant of authorization and a generator is
27 deemed to be granted conditional authorization pursuant to this
28 section, upon compliance with the notification requirements
29 specified in subdivision (e), if the treatment complies with the
30 applicable requirements of this section:

31 (1) The treatment of aqueous wastes which are hazardous solely
32 due to the presence of inorganic constituents, except asbestos,
33 listed in subparagraph (B) of paragraph (1) and subparagraph (A)
34 of paragraph (2) of subdivision (a) of Section 66261.24 of Title
35 22 of the California Code of Regulations, and which contain not
36 more than 1400 ppm total of these constituents, using the following
37 treatment technologies:

38 (A) Phase separation, including precipitation, by filtration,
39 centrifugation, or gravity settling, including the use of demulsifiers
40 and flocculants in those processes.

- 1 (B) Ion exchange, including metallic replacement.
2 (C) Reverse osmosis.
3 (D) Adsorption.
4 (E) pH adjustment of aqueous waste with a pH of between 2.0
5 and 12.5.
6 (F) Electrowinning of solutions, if those solutions do not contain
7 hydrochloric acid.
8 (G) Reduction of solutions which are hazardous solely due to
9 the presence of hexavalent chromium, to trivalent chromium with
10 sodium bisulfite, sodium metabisulfite, sodium thiosulfite, ferrous
11 chloride, ferrous sulfate, ferrous sulfide, or sulfur dioxide, provided
12 that the solution contains less than 750 ppm of hexavalent
13 chromium.
- 14 (2) Treatment of aqueous wastes which are hazardous solely
15 due to the presence of organic constituents listed in subparagraph
16 (B) of paragraph (1), or subparagraph (B) of paragraph (2), of
17 subdivision (a) of Section 66261.24 of Title 22 of the California
18 Code of Regulations and which contain not more than 750 ppm
19 total of those constituents, using either of the following treatment
20 technologies:
- 21 (A) Phase separation by filtration, centrifugation, or gravity
22 settling, but excluding supercritical fluid extraction.
23 (B) Adsorption.
- 24 (3) Treatment of wastes which are sludges resulting from
25 wastewater treatment, solid metal objects, and metal workings
26 which contain or are contaminated with, and are hazardous solely
27 due to the presence of, constituents, except asbestos, listed in
28 subparagraph (B) of paragraph (1) of, and subparagraph (A) of
29 paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22
30 of the California Code of Regulations, or treatment of wastes which
31 are dusts which contain, or are contaminated with, and are
32 hazardous solely due to the presence of, not more than 750 ppm
33 total of those constituents, except asbestos, listed in subparagraph
34 (B) of paragraph (1) of, and subparagraph (A) of paragraph (2) of,
35 subdivision (a) of Section 66261.24 of Title 22 of the California
36 Code of Regulations, using any of the following treatment
37 technologies:
- 38 (A) Physical processes which constitute treatment only because
39 they change the physical properties of the waste, such as filtration,

- 1 centrifugation, gravity settling, grinding, shredding, crushing, or
- 2 compacting.
- 3 (B) Drying to remove water.
- 4 (C) Separation based on differences in physical properties, such
- 5 as size, magnetism, or density.
- 6 (4) Treatment of alum, gypsum, lime, sulfur, or phosphate
- 7 sludges, using either of the following treatment technologies:
- 8 (A) Drying to remove water.
- 9 (B) Phase separation by filtration, centrifugation, or gravity
- 10 settling.
- 11 (5) Treatment of wastes listed in Section 66261.120 of Title 22
- 12 of the California Code of Regulations, which meet the criteria and
- 13 requirements for special waste classification in Section 66261.122
- 14 of Title 22 of the California Code of Regulations, using any of the
- 15 following treatment technologies, if the waste is hazardous solely
- 16 due to the presence of constituents, except asbestos, listed in
- 17 subparagraph (B) of paragraph (1) of, and subparagraph (A) of
- 18 paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22
- 19 of the California Code of Regulations and the waste contains not
- 20 more than 750 ppm total of those constituents:
- 21 (A) Drying to remove water.
- 22 (B) Phase separation by filtration, centrifugation, or gravity
- 23 settling.
- 24 (C) Screening to separate components based on size.
- 25 (D) Separation based on differences in physical properties, such
- 26 as size, magnetism, or density.
- 27 (6) Treatment of wastes, except asbestos, which have been
- 28 classified by the department as special wastes pursuant to Section
- 29 66261.24 of Title 22 of the California Code of Regulations, using
- 30 any of the following treatment technologies, if the waste is
- 31 hazardous solely due to the presence of constituents, except
- 32 asbestos, listed in subparagraph (B) of paragraph (1) of, and
- 33 subparagraph (A) of paragraph (2) of, subdivision (a) of Section
- 34 66261.24 of Title 22 of the California Code of Regulations and
- 35 the waste contains not more than 750 ppm of those constituents:
- 36 (A) Drying to remove water.
- 37 (B) Phase separation by filtration, centrifugation, or gravity
- 38 settling.
- 39 (C) Magnetic separation.

1 (7) Treatment of soils which are hazardous solely due to the
2 presence of metals listed in subparagraph (A) of paragraph (2) of
3 subdivision (a) of Section 66261.24 of Title 22 of the California
4 Code of Regulations, using either of the following treatment
5 technologies:

6 (A) Screening to separate components based on size.

7 (B) Magnetic separation.

8 (8) Except as provided in Section 25201.5, treatment of oil
9 mixed with water and oil/water separation sludges, using any of
10 the following treatment technologies:

11 (A) Phase separation by filtration, centrifugation, or gravity
12 settling, but excluding supercritical fluid extraction. This phase
13 separation may include the use of demulsifiers and flocculants in
14 those processes, even if the processes involve the application of
15 heat, if the heat is applied in totally enclosed tanks and containers,
16 and if it does not exceed 160 degrees Fahrenheit, or any lower
17 temperature which may be set by the department.

18 (B) Separation based on differences in physical properties, such
19 as size, magnetism, or density.

20 (C) Reverse osmosis.

21 (9) Neutralization of acidic or alkaline wastes that are hazardous
22 only due to corrosivity or toxicity that results only from the acidic
23 or alkaline material, in elementary neutralization units, as defined
24 in Section 66260.10 of Title 22 of the California Code of
25 Regulations, if the wastes contain less than 10 percent acid or base
26 constituents by weight, and are treated in tanks or containers and
27 piping, constructed of materials compatible with the range of
28 temperatures and pH levels, and subject to appropriate pH and
29 temperature controls. If the waste contains more than 10 percent
30 acid or base constituents by weight, the volume treated in a single
31 batch at any one time shall not exceed 500 gallons.

32 (10) Treatment of spent cleaners and conditioners which are
33 hazardous solely due to the presence of copper or copper
34 compounds, subject to the following:

35 (A) The following requirements are met, in addition to all other
36 requirements of this section:

37 (i) The waste stream does not contain more than 5000 ppm total
38 copper.

39 (ii) The generator does not generate for treatment any more than
40 1000 gallons of the waste stream per month.

1 (iii) The treatment technologies employed are limited to those
2 set forth in paragraph (1) for metallic wastes.

3 (iv) The generator keeps records documenting compliance with
4 this subdivision, including records indicating the volume and
5 concentration of wastes treated, and the management of related
6 solutions which are not cleaners or conditioners.

7 (B) Cleaners and conditioners, for purposes of this paragraph,
8 are solutions containing surfactants and detergents to remove dirt
9 and foreign objects. Cleaners and conditioners do not include
10 microetch, etchant, plating, or metal stripping solutions or solutions
11 containing oxidizers, or any cleaner based on organic solvents.

12 (C) A grant of conditional authorization under this paragraph
13 shall expire on January 1, 1998, unless extended by the department
14 pursuant to this section.

15 (D) The department shall evaluate the treatment activities
16 described in this paragraph and shall designate, by regulation, not
17 later than January 1, 1997, those activities eligible for conditional
18 authorization and those activities subject to permit-by-rule. In
19 adopting regulations under this subparagraph, the department shall
20 consider all of the following:

21 (i) The volume of waste being treated.

22 (ii) The concentration of the hazardous waste constituents.

23 (iii) The characteristics of the hazardous waste being treated.

24 (iv) The risks of the operation, and breakdown, of the treatment
25 process.

26 (11) Any waste stream technology combination certified by the
27 department, pursuant to Section 25200.1.5, as suitable for
28 authorization pursuant to this section, that operates pursuant to the
29 conditions imposed on that certification.

30 (b) Any treatment performed pursuant to this section shall
31 comply with all of the following, except as to generators, who are
32 treating hazardous waste pursuant to paragraph (11) of subdivision
33 (a), who shall also comply with any additional conditions of the
34 specified certification if those conditions are different from those
35 set forth in this subdivision:

36 (1) The total volume of hazardous waste treated in the unit in
37 any calendar month shall not exceed 5,000 gallons or 45,000
38 pounds, whichever is less, unless the waste is a dilute aqueous
39 waste described in paragraph (1), (2), or (9) of subdivision (a) or
40 oily wastes as described in paragraph (8) of subdivision (a). The

1 department may, by regulation, impose volume limitations on
2 wastes which have no limitations under this section, as may be
3 necessary to protect human health and safety or the environment.

4 (2) The treatment is conducted in tanks or containers.

5 (3) The treatment does not consist of the use of any of the
6 following:

7 (A) Chemical additives, except for pH adjustment, chrome
8 reduction, oil/water separation, and precipitation with the use of
9 flocculants, as allowed by this section.

10 (B) Radiation.

11 (C) Electrical current except in the use of electrowinning, as
12 allowed by this section.

13 (D) Pressure, except for reverse osmosis, filtration, and crushing,
14 as allowed by this section.

15 (E) Application of heat, except for drying to remove water or
16 demulsification, as allowed by this section.

17 (4) All treatment residuals and effluents are managed and
18 disposed of in accordance with applicable federal, state, and local
19 requirements.

20 (5) The treatment process does not do either of the following:

21 (A) Result in the release of hazardous waste into the
22 environment as a means of treatment or disposal.

23 (B) Result in the emission of volatile hazardous waste
24 constituents or toxic air contaminants, unless the emission is in
25 compliance with the rules and regulations of the air pollution
26 control district or air quality management district.

27 (6) The generator unit complies with any additional requirements
28 set forth in regulations adopted pursuant to this section.

29 (c) A generator operating pursuant to subdivision (a) shall
30 comply with all of the following requirements:

31 (1) Except as provided in paragraph (4), the generator shall
32 comply with the standards applicable to generators specified in
33 Chapter 12 (commencing with Section 66262.10) of Division 4.5
34 of Title 22 of the California Code of Regulations and with the
35 applicable requirements in Sections 66265.12, 66265.14, and
36 66265.17 of Title 22 of the California Code of Regulations.

37 (2) The generator shall comply with Section 25202.9 by making
38 an annual waste minimization certification.

39 (3) The generator shall comply with the environmental
40 assessment procedures required pursuant to subdivisions (a) to (e),

1 inclusive, of Section 25200.14. If that assessment reveals that there
2 is contamination resulting from the release of hazardous waste or
3 constituents from a solid waste management unit or a hazardous
4 waste management unit at the generator's facility, regardless of
5 the time at which the waste was released, the generator shall take
6 every action necessary to expeditiously remediate that
7 contamination, if the contamination presents a substantial hazard
8 to human health and safety or the environment or if the generator
9 is required to take corrective action by the department. If a facility
10 is remediating the contamination pursuant to, and in compliance
11 with the provisions of, an order issued by a California regional
12 water quality control board or other state or federal environmental
13 enforcement agency, that remediation shall be adequate for the
14 purposes of complying with this section, as the remediation pertains
15 to the jurisdiction of the ordering agency. This paragraph does not
16 limit the authority of the department or a unified program agency
17 pursuant to Section 25187 as may be necessary to protect human
18 health and safety or the environment.

19 (4) The generator unit shall comply with container and tank
20 standards applicable to non-RCRA wastes, unless otherwise
21 required by federal law, specified in subdivisions (a) and (b) of
22 Section 66264.175 of Title 22 of the California Code of
23 Regulations, as the standards apply to container storage and transfer
24 activities, and to Article 9 (commencing with Section 66265.170)
25 and Article 10 (commencing with Section 66265.190) of Chapter
26 15 of Division 4.5 of Title 22 of the California Code of
27 Regulations, except for Section 66265.197 of Title 22 of the
28 California Code of Regulations.

29 (A) Unless otherwise required by federal law, ancillary
30 equipment for a tank or container treating hazardous wastes solely
31 pursuant to this section, is not subject to Section 66265.193 of
32 Title 22 of the California Code of Regulations, if the ancillary
33 equipment's integrity is attested to, pursuant to Section 66265.191
34 of Title 22 of the California Code of Regulations, every two years
35 from the date that retrofitting requirements would otherwise apply.

36 (B) (i) The Legislature hereby finds and declares that in the
37 case of underground, gravity-pressured sewer systems, integrity
38 testing is often not feasible.

39 (ii) The best feasible leak detection measures which are
40 sufficient to ensure that underground gravity-pressured sewer

1 systems, for which it is not feasible to conduct integrity testing,
2 do not leak.

3 (iii) If it is not feasible for an operator's ancillary equipment,
4 or a portion thereof, to undergo integrity testing, the operator shall
5 not be subject to Section 66265.193 of Title 22 of the California
6 Code of Regulations, if the operator implements the best feasible
7 leak detection measures which are determined to be sufficient by
8 the department in those regulations, and those leak detection
9 measures do not reveal any leaks emanating from the operator's
10 ancillary equipment. Any ancillary equipment found to leak shall
11 be retrofitted by the operator to meet the secondary containment
12 standards of Section 66265.196 of Title 22 of the California Code
13 of Regulations.

14 (5) The generator shall prepare and maintain a written inspection
15 schedule and a log of inspections conducted.

16 (6) The generator shall prepare and maintain written operating
17 instructions and a record of the dates, concentrations, amounts,
18 and types of waste treated. Records maintained to comply with
19 the state, federal, or local programs may be used to satisfy this
20 requirement, to the extent that those documents substantially
21 comply with the requirements of this section. The operating
22 instructions shall include, but not be limited to, directions regarding
23 all of the following:

24 (A) How to operate the treatment unit and carry out waste
25 treatment.

26 (B) How to recognize potential and actual process upsets and
27 respond to them.

28 (C) When to implement the contingency plan.

29 (D) How to determine if the treatment has been efficacious.

30 (E) How to address the residuals of waste treatment.

31 (7) The generator shall maintain adequate records to demonstrate
32 to the department and the unified program agency that the
33 requirements and conditions of this section are met, including
34 compliance with all applicable pretreatment standards and with
35 all applicable industrial waste discharge requirements issued by
36 the agency operating the publicly owned treatment works into
37 which the wastes are discharged. The records shall be maintained
38 onsite for a period of five years.

39 (8) The generator shall treat only hazardous waste which is
40 generated onsite. For purposes of this chapter, a residual material

1 from the treatment of a hazardous waste generated offsite is not a
2 waste that has been generated onsite.

3 (9) Except as provided in Section 25404.5, the generator shall
4 submit a fee to the ~~State Board~~ *California Department of*
5 ~~Equalization Tax and Fee Administration~~ in the amount required
6 by Section ~~25205.14~~, *25205.14 until July 1, 2022, and Section*
7 *25205.2 on and after July 1, 2022*, unless the generator is subject
8 to a fee under a permit-by-rule. The generator shall submit that
9 fee within 30 days of the date that the fee is assessed by the ~~State~~
10 ~~Board California Department of Equalization Tax and Fee~~
11 ~~Administration~~.

12 (d) Notwithstanding any other ~~provision of~~ law, the following
13 activities are ineligible for conditional authorization:

14 (1) Treatment in any of the following units:

- 15 (A) Landfills.
- 16 (B) Surface impoundments.
- 17 (C) Injection wells.
- 18 (D) Waste piles.
- 19 (E) Land treatment units.

20 (2) Commingling of hazardous waste with any hazardous waste
21 that exceeds the concentration limits or pH limits specified in
22 subdivision (a), or diluting hazardous waste in order to meet the
23 concentration limits or pH limits specified in subdivision (a).

24 (3) Treatment using a treatment process not specified in
25 subdivision (a).

26 (4) Pretreatment or posttreatment activities not specified in
27 subdivision (a).

28 (5) Treatment of any waste which is reactive or extremely
29 hazardous.

30 (e) (1) Not less than 60 days prior to commencing the first
31 treatment of hazardous waste under this section, the generator shall
32 submit a notification, in person or by certified mail, with return
33 receipt requested, to the department and to one of the following:

34 (A) The CUPA, if the generator is under the jurisdiction of a
35 CUPA.

36 (B) If the generator is not under the jurisdiction of a CUPA, the
37 notification shall be submitted to the officer or agency authorized,
38 pursuant to subdivision (f) of Section 25404.3, to implement and
39 enforce the requirements of this chapter listed in paragraph (1) of
40 subdivision (c) of Section 25404.

1 (2) Upon demonstration of good cause by the generator, the
2 department may allow a shorter time period, than the 60 days
3 required by paragraph (1), between notification and commencement
4 of hazardous waste treatment pursuant to this section.

5 (3) Each notification submitted pursuant to this subdivision
6 shall be completed, dated, and signed according to the requirements
7 of Section 66270.11 of Title 22 of the California Code of
8 Regulations, as those requirements that were in effect on January
9 1, 1996, and apply to hazardous waste facilities permit applications,
10 shall be on a form prescribed by the department, and shall include,
11 but not be limited to, all of the following information:

12 (A) The name, identification number, site address, mailing
13 address, and telephone number of the generator to whom the
14 conditional authorization is granted.

15 (B) A description of the physical characteristics and chemical
16 composition of the hazardous waste to which the conditional
17 authorization applies.

18 (C) A description of the hazardous waste treatment activity to
19 which the conditional authorization applies, including the basis
20 for determining that a hazardous waste facilities permit is not
21 required under the federal act.

22 (D) A description of the characteristics and management of any
23 treatment residuals.

24 (E) Documentation of any convictions, judgments, settlements,
25 or orders resulting from an action by any local, state, or federal
26 environmental or public health enforcement agency concerning
27 the operation of the facility within the last three years, as the
28 documents would be available under the California Public Records
29 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
30 of Title 1 of the Government Code) or the Information Practices
31 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
32 1.8 of Part 4 of the Civil Code). For purposes of this paragraph, a
33 notice of violation for any local, state, or federal agency does not
34 constitute an order and a generator is not required to report the
35 notice unless the violation is not corrected and the notice becomes
36 a final order.

37 (f) Any generator operating pursuant to a grant of conditional
38 authorization shall comply with all regulations adopted by the
39 department relating to generators of hazardous waste.

1 (g) (1) Upon terminating operation of any treatment process
2 or unit conditionally authorized pursuant to this section, the
3 generator conducting treatment pursuant to this section shall
4 remove or decontaminate all waste residues, containment system
5 components, soils, and structures or equipment contaminated with
6 hazardous waste from the unit. The removal of the unit from service
7 shall be conducted in a manner that does both of the following:

8 (A) Minimizes the need for further maintenance.

9 (B) Eliminates the escape of hazardous waste, hazardous
10 constituents, leachate, contaminated runoff, or waste decomposition
11 products to the environment after the treatment process is no longer
12 in operation.

13 (2) Any generator conducting treatment pursuant to this section
14 who permanently ceases operation of a treatment process or unit
15 that is conditionally authorized pursuant to this section shall, upon
16 completion of all activities required under this subdivision, provide
17 written notification, in person or by certified mail, with return
18 receipt requested, to the department and to one of the following:

19 (A) The CUPA, if the generator is under the jurisdiction of a
20 CUPA.

21 (B) If the generator is not under the jurisdiction of a CUPA, the
22 notification shall be submitted to the officer or agency authorized,
23 pursuant to subdivision (f) of Section 25404.3, to implement and
24 enforce the requirements of this chapter listed in paragraph (1) of
25 subdivision (c) of Section 25404.

26 (h) In adopting regulations pursuant to this section, the
27 department may impose any further restrictions or limitations
28 consistent with the conditionally authorized status conferred by
29 this section which are necessary to protect human health and safety
30 and the environment.

31 (i) The department may revoke any conditional authorization
32 granted pursuant to this section. The department shall base a
33 revocation on any one of the causes set forth in subdivision (a) of
34 Section 66270.43 of Title 22 of the California Code of Regulations
35 or in Section 25186, or upon a finding that operation of the facility
36 in question will endanger human health and safety, domestic
37 livestock, wildlife, or the environment. The department shall
38 conduct the revocation of a conditional authorization granted
39 pursuant to this section in accordance with Chapter 21
40 (commencing with Section 66271.1) of Division 4.5 of Title 22

1 of the California Code of Regulations and as specified in Section
2 25186.7.

3 (j) A generator who would otherwise be subject to this section
4 may contract with the operator of a transportable treatment unit
5 who is operating pursuant to a permit-by-rule, a standardized
6 permit, or a full state hazardous waste facilities permit to treat the
7 generator's waste. If treatment of the generator's waste takes place
8 under such a contract, the generator is not otherwise subject to the
9 requirements of this section, but shall comply with all other
10 requirements of this chapter that apply to generators. The operator
11 of the transportable treatment unit that performs onsite treatment
12 pursuant to this subdivision shall comply with all requirements
13 applicable to transportable treatment units operating pursuant to
14 a permit-by-rule, as set forth in the regulations adopted by the
15 department.

16 (k) (1) Within 30 days of any change in operation which
17 necessitates modifying any of the information submitted in the
18 notification required pursuant to subdivision (e), a generator shall
19 submit an amended notification, in person or by certified mail,
20 with return receipt requested, to the department and to one of the
21 following:

22 (A) The CUPA, if the generator is under the jurisdiction of a
23 CUPA.

24 (B) If the generator is not under the jurisdiction of a CUPA, the
25 notification shall be submitted to the officer or agency authorized,
26 pursuant to subdivision (f) of Section 25404.3, to implement and
27 enforce the requirements of this chapter listed in paragraph (1) of
28 subdivision (c) of Section 25404.

29 (2) Each amended notification shall be completed, dated, and
30 signed in accordance with the requirements of Section 66270.11
31 of Title 22 of the California Code of Regulations, as those
32 requirements apply to hazardous waste facilities permit
33 applications.

34 (l) A person who has submitted a notification to the department
35 pursuant to subdivision (e) shall be deemed to be operating
36 pursuant to this section, and, except as provided in Section 25404.5,
37 shall be subject to the fee set forth in subdivision (a) of Section
38 25205.14 until *July 1, 2022, and Section 25205.2 on and after July*
39 *1, 2022, until* that person submits a certification that the generator
40 has ceased all treatment activities of hazardous waste streams

1 authorized pursuant to this section in accordance with the
2 requirements of subdivision (g). The certification required by this
3 subdivision shall be submitted, in person or by certified mail, with
4 return receipt requested, to the department and to one of the
5 following:

6 (1) The CUPA, if the generator is under the jurisdiction of a
7 CUPA.

8 (2) If the generator is not under the jurisdiction of a CUPA, the
9 notification shall be submitted to the officer or agency authorized,
10 pursuant to subdivision (f) of Section 25404.3, to implement and
11 enforce the requirements of this chapter listed in paragraph (1) of
12 subdivision (c) of Section 25404.

13 (m) The development and publication of the notification form
14 specified in subdivision (e) is not subject to Chapter 3.5
15 (commencing with Section 11340) of Part 1 of Division 3 of Title
16 2 of the Government Code. The department shall hold at least one
17 public workshop concerning the development of the notification
18 form.

19 *SEC. 42. Section 25200.25 is added to the Health and Safety*
20 *Code, to read:*

21 *25200.25. (a) If a final hazardous waste facilities permit*
22 *decision has not been issued by the department by the applicable*
23 *hazardous waste facilities permit decision deadline pursuant to*
24 *Section 25200 or 25201.6, the department shall issue a report,*
25 *which shall be released to the public, that includes the reasons*
26 *why the final hazardous waste facilities permit decision was not*
27 *made on time. The department's report shall specifically address*
28 *all of the following:*

29 *(1) The current status of work completed by the department on*
30 *the hazardous waste facilities permit application.*

31 *(2) The actions and information needed by the department to*
32 *make the final hazardous waste facilities permit decision, and the*
33 *department's proposed schedule for issuing the final hazardous*
34 *waste facilities permit decision.*

35 *(3) Information supporting any determination by the department*
36 *that the hazardous waste facility's failure to provide complete or*
37 *timely information caused or contributed to the department's*
38 *failure to issue the final hazardous waste facilities permit decision*
39 *within the applicable hazardous waste facilities permit decision*
40 *deadline.*

1 (b) The department shall prepare the report required by
2 subdivision (a) no later than 60 days after the applicable hazardous
3 waste facilities permit decision deadline has expired. The
4 department shall provide a copy of the report to the hazardous
5 waste facility that is the subject of the report required pursuant to
6 subdivision (a).

7 (c) This section applies to a permit for an operating hazardous
8 waste facility and does not apply to a permit for a hazardous waste
9 facility undergoing closure or to a closure or postclosure permit.

10 SEC. 43. Section 25200.27 is added to the Health and Safety
11 Code, to read:

12 25200.27. (a) After the issuance of a report required pursuant
13 to subdivision (a) of Section 25200.25, the department shall do all
14 of the following:

15 (1) Request that the board schedule a hearing for the department
16 to present the report.

17 (2) Present to the board a proposed schedule for issuing the
18 final hazardous waste facilities permit decision.

19 (3) Provide an opportunity for the hazardous waste facility to
20 submit a written brief to the board in response to the department's
21 report.

22 (b) The board shall accept or modify the hazardous waste
23 facilities permit decision schedule proposed by the department in
24 the report required pursuant to subdivision (a) of Section 25200.25.

25 SEC. 44. Section 25201.4.1 of the Health and Safety Code is
26 amended to read:

27 25201.4.1. (a) Except as provided in subdivision (c), any
28 person subject to the notification requirements of Sections
29 25110.10, 25123.3, 25144.6, 25200.3, 25201.5, or 25201.14 shall
30 only be required to submit the required notification to the CUPA,
31 or, in those jurisdictions where there is no CUPA, to the officer
32 or agency authorized pursuant to subdivision (f) of Section 25404.3
33 to implement and enforce the requirements of this chapter listed
34 in paragraph (1) of subdivision (c) of Section 25404.

35 (b) Any person required to submit a notice pursuant to
36 subdivision (a) is also required to submit the required notice to the
37 department until (1) regulations promulgated by the Secretary for
38 Environmental Protection establishing a unified program
39 information collection and reporting system and standards are
40 effective, (2) the regulations require a statewide ~~data base~~ database

1 system that will enable the department and the public to obtain the
2 required information from all CUPAs or the authorized officers
3 or agencies, and (3) the statewide ~~data base~~ *database* system is in
4 place and fully operational.

5 (c) A person conducting an activity that is not included within
6 the scope of the hazardous waste element of the unified program,
7 as specified in paragraph (1) of subdivision (c) of Section 25404,
8 is required to submit a notice pursuant to Sections 25110.10,
9 25123.3, 25144.6, 25200.3, 25201.5, or 25201.14, but shall comply
10 with any regulations that the department may adopt specifying
11 notification requirements for those activities.

12 (d) Notwithstanding subdivision (l) of Section 25200.3, any
13 person who has submitted a notification to the CUPA, or, in those
14 jurisdictions where there is no CUPA, to the officer or agency
15 authorized pursuant to subdivision (f) of Section 25404.3 to
16 implement and enforce the requirements of this chapter listed in
17 paragraph (1) of subdivision (c) of Section 25404, pursuant to
18 subdivision (a) of this section and subdivision (e) of Section
19 25200.3, shall be deemed to be operating pursuant to Section
20 25200.3, and, except as provided in Section 25404.5, shall be
21 subject to the fee set forth in subdivision (b) of Section 25205.14
22 until *July 1, 2022, and Section 25205.2 on and after July 1, 2022,*
23 *until* the person submits a certification pursuant to subdivision (l)
24 of Section 25200.3.

25 (e) Notwithstanding subdivision (j) of Section 25201.5, any
26 person who has submitted a notification to the CUPA, or, in those
27 jurisdictions where there is no CUPA, to the officer or agency
28 authorized pursuant to subdivision (f) of Section 25404.3 to
29 implement and enforce the requirements of this chapter listed in
30 paragraph (1) of subdivision (c) of Section 25404, pursuant to
31 subdivision (a) of this section and paragraph (7) of subdivision (d)
32 of Section 25201.5, shall be deemed to be operating pursuant to
33 Section 25201.5, and, except as provided in Section 25404.5, shall
34 be subject to the fee set forth in subdivision (c) of Section 25205.14
35 until *July 1, 2022, and Section 25205.2 on and after July 1, 2022,*
36 *until* the person submits a certification pursuant to subdivision (j)
37 of Section 25201.5.

38 *SEC. 45. Section 25201.5 of the Health and Safety Code is*
39 *amended to read:*

1 25201.5. (a) Notwithstanding any other ~~provision of~~ law, a
2 hazardous waste facilities permit is not required for a generator
3 who treats hazardous waste of a total weight of not more than 500
4 pounds, or a total volume of not more than 55 gallons, in any
5 calendar month, if both of the following conditions are met:

6 (1) The hazardous waste is not an extremely hazardous waste
7 and is listed in Section 67450.11 of Title 22 of the California Code
8 of Regulations, as in effect on January 1, 1992, as eligible for
9 treatment pursuant to the regulations adopted by the department
10 for operation under a permit-by-rule and the treatment technology
11 used is approved for that waste stream in Section 67450.11 of Title
12 22 of the California Code of Regulations for treatment under a
13 permit-by-rule.

14 (2) The generator is not otherwise required to obtain a hazardous
15 waste facilities permit or other grant of authorization for any other
16 hazardous waste management activity at the facility.

17 (b) Notwithstanding any other ~~provision of~~ law, treatment in
18 the following units is ineligible for exemption pursuant to
19 subdivision (a) or (c):

- 20 (1) Landfills.
- 21 (2) Surface impoundments.
- 22 (3) Injection wells.
- 23 (4) Waste piles.
- 24 (5) Land treatment units.
- 25 (6) Thermal destruction units.

26 (c) Notwithstanding any other ~~provision of~~ law, a hazardous
27 waste facilities permit or other grant of authorization is not required
28 to conduct the following treatment activities, if the generator treats
29 the following hazardous waste streams using the treatment
30 technology required by this subdivision:

31 (1) The generator mixes or cures resins mixed in accordance
32 with the manufacturer's instructions, including the mixing or curing
33 of multicomponent and preimpregnated resins in accordance with
34 the manufacturer's instructions.

35 (2) The generator treats a container of 110 gallons or less
36 capacity, which is not constructed of wood, paper, cardboard,
37 fabric, or any other similar absorptive material, for ~~the~~ purposes
38 of emptying the container as specified by Section 66261.7 of Title
39 22 of the California Code of Regulations, as revised July 1, 1990,
40 or treats the inner liners removed from empty containers that once

1 held hazardous waste or hazardous material. The generator shall
2 treat the container or inner liner by using the following
3 technologies, if the treated containers and rinseate are managed in
4 compliance with the applicable requirements of this chapter:

5 (A) The generator rinses the container or inner liner with a
6 suitable liquid capable of dissolving or removing the hazardous
7 constituents ~~which~~ *that* the container held.

8 (B) The generator uses physical processes, such as crushing,
9 shredding, grinding, or puncturing, that change only the physical
10 properties of the container or inner liner, if the container or inner
11 liner is first rinsed as provided in subparagraph (A) and the rinseate
12 is removed from the container or inner liner.

13 (3) The generator conducts drying by pressing or by passive or
14 heat-aided evaporation to remove water from wastes classified as
15 special wastes by the department pursuant to Section 66261.124
16 of Title 22 of the California Code of Regulations.

17 (4) The generator conducts magnetic separation or screening to
18 remove components from wastes classified as special wastes by
19 the department pursuant to Section 66261.124 of Title 22 of the
20 California Code of Regulations.

21 (5) The generator neutralizes acidic or alkaline wastes ~~which~~
22 *that* are hazardous solely due to corrosivity or toxicity resulting
23 from the presence of acidic or alkaline material from food or food
24 byproducts, and alkaline or acidic waste, other than wastes
25 containing nitric acid, at SIC Code Major Group 20, food and
26 kindred product facilities, as defined in subdivision (p) of Section
27 25501, if both of the following conditions are met:

28 (A) The neutralization process does not result in the emission
29 of volatile hazardous waste constituents or toxic air contaminants.

30 (B) The neutralization process is required in order to meet
31 discharge or other regulatory requirements.

32 (6) Except as provided for specific waste streams in Section
33 25200.3, the generator conducts the separation by gravity of the
34 following, if the activity is conducted in impervious tanks or
35 containers constructed of noncorrosive materials, the activity does
36 not involve the addition of heat or other form of treatment, or the
37 addition of chemicals other than flocculants and demulsifiers, and
38 the activity is managed in compliance with applicable requirements
39 of federal, state, or local agency or treatment works:

1 (A) The settling of solids from waste where the resulting
2 aqueous stream is not hazardous.

3 (B) The separation of oil/water mixtures and separation sludges,
4 if the average oil recovered per month is less than 25 barrels.

5 (7) The generator is a laboratory ~~which~~ *that* is certified by the
6 ~~State Department of Health Services Water Resources Control~~
7 *Board* or operated by an educational institution, and treats
8 wastewater generated onsite solely as a result of analytical testing,
9 or is a laboratory ~~which~~ *that* treats less than one gallon of hazardous
10 waste, which is generated onsite, in any single batch, subject to
11 the following:

12 (A) The wastewater treated is hazardous solely due to corrosivity
13 or toxicity that results only from the acidic or alkaline material,
14 as defined in Section 66260.10 of Title 22 of the California Code
15 of Regulations, or is excluded from the definition of hazardous
16 waste by subparagraph (E) of paragraph (2) of subsection (a) of
17 Section 66261.3 of Title 22 of the California Code of Regulations,
18 or both.

19 (B) The treatment meets all of the following requirements, in
20 addition to all other requirements of this section:

21 (i) The treatment complies with all applicable pretreatment
22 requirements.

23 (ii) Neutralization occurs in elementary neutralization units, as
24 defined in Section 66260.10 of Title 22 of the California Code of
25 Regulations; wastes to be neutralized do not contain any more than
26 10 percent acid or base concentration by weight, or any other
27 concentration limit ~~which~~ *that* may be imposed by the department;
28 and vessels and piping for neutralization are constructed of
29 materials that are compatible with the range of temperatures and
30 pH levels, and subject to appropriate pH temperature controls.

31 (iii) Treatment does not result in the emission of volatile
32 hazardous waste constituents or toxic air contaminants.

33 (8) The hazardous waste treatment is carried out in a quality
34 control or quality assurance laboratory at a facility that is not an
35 offsite hazardous waste facility and the treatment activity otherwise
36 meets the requirements of paragraph (1) of subdivision (a).

37 (9) Any waste stream technology combination certified by the
38 department, pursuant to Section 25200.1.5, as suitable for
39 authorization pursuant to this section, that operates pursuant to the
40 conditions imposed on that certification.

1 (10) The generator uses any technology that is certified by the
2 department, pursuant to Section 25200.1.5, as effective for the
3 treatment of formaldehyde or glutaraldehyde solutions used in
4 health care facilities that are operated pursuant to the conditions
5 imposed on the certification and ~~which~~ *that* makes the operation
6 appropriate to this tier. The technology may be certified using a
7 pilot certification process until the department adopts regulations
8 pursuant to Section 25200.1.5. This paragraph shall be operative
9 only until April 11, 1996.

10 (d) A generator conducting treatment pursuant to subdivision
11 (a) or (c) shall meet all of the following conditions:

12 (1) The waste being treated is generated onsite, and a residual
13 material from the treatment of a hazardous waste generated offsite
14 is not a waste that has been generated onsite.

15 (2) The treatment does not require a hazardous waste facilities
16 permit pursuant to the federal act.

17 (3) The generator prepares and maintains written operating
18 instructions and a record of the dates, amounts, and types of waste
19 treated.

20 (4) The generator prepares and maintains a written inspection
21 schedule and log of inspections conducted.

22 (5) The records specified in paragraphs (3) and (4) are
23 maintained onsite for a period of three years.

24 (6) The generator maintains adequate records to demonstrate
25 that it is in compliance with all applicable pretreatment standards
26 and with all applicable industrial waste discharge requirements
27 issued by the agency operating the publicly owned treatment works
28 into which the wastes are discharged.

29 (7) (A) Not less than 60 days before commencing treatment of
30 hazardous waste pursuant to this section, the generator shall submit
31 a notification, in person or by certified mail, with return receipt
32 requested, to the department and to one of the following:

33 (i) The CUPA, if the generator is under the jurisdiction of a
34 CUPA.

35 (ii) If the generator is not under the jurisdiction of a CUPA,
36 the notification shall be submitted to the officer or agency
37 authorized, pursuant to subdivision (f) of Section 25404.3, to
38 implement and enforce the requirements of this chapter listed in
39 paragraph (1) of subdivision (c) of Section 25404.

1 (B) Upon demonstration of good cause by the generator, the
2 department may allow a shorter time ~~period~~, *period* than the 60
3 days required by subparagraph ~~(A)~~, (A) between notification and
4 commencement of hazardous waste treatment pursuant to this
5 section.

6 (C) The notification submitted pursuant to this paragraph shall
7 be completed, dated, and signed in accordance with the
8 requirements of Section 66270.11 of Title 22 of the California
9 Code of Regulations, as those requirements apply to permit
10 applications, shall be on a form prescribed by the department, and
11 shall include, but not be limited to, all of the following information:

12 (i) The name, identification number, site address, mailing
13 address, and telephone number of the generator to whom the
14 conditional exemption applies.

15 (ii) A description of the physical characteristics and chemical
16 composition of the hazardous waste to which the conditional
17 exemption applies.

18 (iii) A description of the hazardous waste treatment activity to
19 which the conditional exemption applies, including, but not limited
20 to, the basis for determining that a hazardous waste facilities permit
21 is not required under the federal act.

22 (iv) A description of the characteristics and management of any
23 treatment residuals.

24 (D) The development and publication of the notification form
25 required under this paragraph is not subject to Chapter 3.5
26 (commencing with Section 11340) of Part 1 of Division 3 of Title
27 2 of the Government Code. The department shall hold at least one
28 public workshop concerning the development of the notification
29 form.

30 (E) Any notification submitted pursuant to this paragraph shall
31 supersede any prior notice of intent submitted by the same
32 generator in order to obtain a permit-by-rule under the regulations
33 adopted by the department. This subparagraph does not require
34 the department to refund any fees paid for any application in
35 conjunction with the submission of a notice of intent for a
36 permit-by-rule.

37 (8) (A) Upon terminating operation of any treatment process
38 or unit exempted pursuant to this section, the generator who
39 conducted the treatment shall remove or decontaminate all waste
40 residues, containment system components, soils, and other

1 structures or equipment contaminated with hazardous waste from
2 the unit. The removal of the unit from service shall be conducted
3 in a manner that does both of the following:

- 4 (i) Minimizes the need for further maintenance.
- 5 (ii) Eliminates the escape of hazardous waste, hazardous
6 constituents, leachate, contaminated runoff, or waste decomposition
7 products to the environment after treatment process is no longer
8 in operation.

9 (B) Any owner or operator who permanently ceases operation
10 of a treatment process or unit that is conditionally exempted
11 pursuant to this section shall, upon completion of all activities
12 required under this subdivision, provide written notification in
13 person or by certified mail, with return receipt requested, to the
14 department and to one of the following:

- 15 (i) The CUPA, if the generator is under the jurisdiction of a
16 CUPA.
- 17 (ii) If the generator is not under the jurisdiction of a CUPA, the
18 notification shall be submitted to the officer or agency authorized,
19 pursuant to subdivision (f) of Section 25404.3, to implement and
20 enforce the requirements of this chapter listed in paragraph (1) of
21 subdivision (c) of Section 25404.

22 (9) The waste is managed in accordance with all applicable
23 requirements for generators of hazardous waste under this chapter
24 and the regulations adopted by the department pursuant to this
25 chapter.

26 (10) Except as provided in Section 25404.5, the generator
27 submits a fee in the amount required by Section ~~25205.14~~,
28 *25205.14 until July 1, 2022, and Section 25205.2 on and after July*
29 *1, 2022*, unless the generator is subject to a fee under a
30 permit-by-rule or a grant of conditional authorization pursuant to
31 Section 25200.3. The generator shall submit that fee within 30
32 days of the date that the fee is assessed by the ~~State Board~~
33 *California Department of Equalization, Tax and Fee*
34 *Administration*, in the manner specified by Section 43152.10 of
35 the Revenue and Taxation Code.

36 (e) (1) Unless otherwise required by federal law, ancillary
37 equipment for a tank or container treating hazardous wastes solely
38 pursuant to this section is not subject to Section 66265.193 of Title
39 22 of the California Code of Regulations, if the ancillary
40 equipment's integrity is attested to pursuant to Section 66265.191

1 of Title 22 of the California Code of Regulations every two years
2 from the date that retrofitting requirements would otherwise apply.

3 (2) (A) The Legislature hereby finds and declares that, in the
4 case of underground, gravity-pressured sewer systems, integrity
5 testing is often not feasible.

6 (B) The department shall, by regulation, determine the best
7 feasible leak detection measures ~~which~~ *that* are sufficient to ensure
8 that underground gravity-pressured sewer systems, for which it is
9 not feasible to conduct integrity testing, do not leak.

10 (C) If it is not feasible for an operator's ancillary equipment, or
11 a portion ~~thereof~~, *of that equipment*, to undergo integrity testing,
12 the operator shall not be subject to Section 66265.193 of Title 22
13 of the California Code of Regulations, if the operator implements
14 the best feasible leak detection measures that are determined to be
15 sufficient by the department in those regulations, and those leak
16 detection measures do not reveal any leaks emanating from the
17 operator's ancillary equipment. Any ancillary equipment found to
18 leak shall be retrofitted by the operator to meet the full secondary
19 containment standards of Section 66265.196 of Title 22 of the
20 California Code of Regulations.

21 (f) ~~Nothing in this~~ *This* section shall *not* abridge any authority
22 granted to the department, a unified program agency, or local health
23 officer or local public officer designated pursuant to Section 25180,
24 by any other ~~provision of~~ law to impose any further restrictions or
25 limitations upon facilities subject to this section, that the
26 department, a unified program agency, or local health officer or
27 local public officer designated pursuant to Section 25180,
28 determines to be necessary to protect human health or the
29 environment.

30 (g) A generator that would otherwise be subject to this section
31 may contract with the operator of a transportable treatment unit
32 who is operating pursuant to this section to treat the generator's
33 waste. If treatment of the generator's waste takes place under such
34 a contract, the generator is not otherwise subject to the
35 requirements of this section, but shall comply with all other
36 requirements of this chapter that apply to generators. The operator
37 of the transportable treatment unit shall comply with all of the
38 applicable requirements of this section and, for purposes of this
39 section, the operator of the transportable treatment unit shall be
40 deemed to be the generator.

1 (h) A generator conducting activities ~~which~~ *that* are exempt
2 from this chapter pursuant to Section 66261.7 of Title 22 of the
3 California Code of Regulations, as that section read on January 1,
4 1993, is not required to comply with this section.

5 (i) (1) Within 30 days of any change in operation ~~which~~ *that*
6 necessitates modifying any of the information submitted in the
7 notification required pursuant to paragraph (7) of subdivision (d),
8 a generator shall submit an amended notification, in person or by
9 certified mail, with return receipt requested, to the department and
10 to one of the following:

11 (A) The CUPA, if the generator is under the jurisdiction of a
12 CUPA.

13 (B) If the generator is not under the jurisdiction of a CUPA, the
14 notification shall be submitted to the officer or agency authorized,
15 pursuant to subdivision (f) of Section 25404.3, to implement and
16 enforce the requirements of this chapter listed in paragraph (1) of
17 subdivision (c) of Section 25404.

18 (2) Each amended notification made pursuant to this subdivision
19 shall be completed, dated, and signed in accordance with the
20 requirements of Section 66270.11 of Title 22 of the California
21 Code of Regulations, as those requirements apply to hazardous
22 waste facilities permit applications.

23 (j) A person who submitted a notification to the department
24 pursuant to paragraph (7) of subdivision (d) shall be deemed to be
25 operating pursuant to this section, and, except as provided in
26 Section 25404.5, shall be subject to the fee set forth in subdivision
27 (c) of Section 25205.14 until *July 1, 2022, and Section 25205.2*
28 *on and after July 1, 2022, until* that person submits a certification
29 that the generator has ceased all treatment activities of hazardous
30 waste streams authorized pursuant to this section in accordance
31 with the requirements of paragraph (8) of subdivision (d). The
32 certification required by this subdivision shall be submitted, in
33 person or by certified mail, with return receipt requested, to the
34 department and to one of the following:

35 (1) The CUPA, if the generator is under the jurisdiction of a
36 CUPA.

37 (2) If the generator is not under the jurisdiction of a CUPA, the
38 notification shall be submitted to the officer or agency authorized,
39 pursuant to subdivision (f) of Section 25404.3, to implement and

1 enforce the requirements of this chapter listed in paragraph (1) of
2 subdivision (c) of Section 25404.

3 *SEC. 46. Section 25201.6 of the Health and Safety Code is*
4 *amended to read:*

5 25201.6. (a) For purposes of this section and Section 25205.2,
6 the following terms have the following meaning:

7 (1) “Series A standardized permit” means a permit issued to a
8 *hazardous waste* facility that meets one or more of the following
9 conditions:

10 (A) The total influent volume of liquid hazardous waste treated
11 is greater than 50,000 gallons per calendar month.

12 (B) The total volume of solid hazardous waste treated is greater
13 than 100,000 pounds per calendar month.

14 (C) The total ~~facility~~ storage design capacity is greater than
15 500,000 gallons for liquid hazardous waste.

16 (D) The total ~~facility~~ storage design capacity is greater than 500
17 tons for solid hazardous waste.

18 (E) A volume of liquid or solid hazardous waste is stored at the
19 *hazardous waste* facility for more than one calendar year.

20 (2) “Series B standardized permit” means a permit issued to a
21 *hazardous waste* facility that does not store liquid or solid
22 hazardous waste for a period of more than one calendar year, that
23 does not exceed any of the upper volume limits specified in
24 subparagraphs (A) to (D), inclusive, and that meets one or more
25 of the following conditions:

26 (A) The total influent volume of liquid hazardous waste treated
27 is greater than 5,000 gallons, but does not exceed 50,000 gallons,
28 per calendar month.

29 (B) The total volume of solid hazardous waste treated is greater
30 than 10,000 pounds, but does not exceed 100,000 pounds, per
31 calendar month.

32 (C) The total ~~facility~~ storage design capacity is greater than
33 50,000 gallons, but does not exceed 500,000 gallons, for liquid
34 hazardous waste.

35 (D) The total ~~facility~~ storage design capacity is greater than
36 100,000 pounds, but does not exceed 500 tons, for solid hazardous
37 waste.

38 (3) “Series C standardized permit” means a permit issued to a
39 *hazardous waste* facility that does not store liquid or solid
40 hazardous waste for a period of more than one calendar year, that

1 does not conduct thermal treatment of hazardous waste, with the
2 exception of evaporation, and that either meets the requirements
3 of paragraph (3) of subdivision (g) or meets all of the following
4 conditions:

5 (A) The total influent volume of liquid hazardous waste treated
6 does not exceed 5,000 gallons per calendar month.

7 (B) The total volume of solid hazardous waste treated does not
8 exceed 10,000 pounds per calendar month.

9 (C) The total ~~facility~~ storage design capacity does not exceed
10 50,000 gallons for liquid hazardous waste.

11 (D) The total ~~facility~~ storage design capacity does not exceed
12 100,000 pounds for solid hazardous waste.

13 (4) “*Standardized permit*” means a Series A, B, or C
14 standardized permit issued to a hazardous waste facility pursuant
15 to this section.

16 (b) The department shall adopt regulations specifying
17 standardized ~~hazardous waste facilities~~ permit application forms
18 that may be completed by a non-RCRA Series A, B, or C treatment,
19 storage, or treatment and storage facility, in lieu of other hazardous
20 waste facilities permit application procedures set forth in
21 regulations. The department shall not issue *standardized* permits
22 under this section to specific classes of facilities unless the
23 department finds that doing so will not create a competitive
24 disadvantage to a member or members of that class that were in
25 compliance with the permitting requirements ~~which~~ that were in
26 effect on September 1, 1992.

27 (c) The regulations adopted pursuant to subdivision (b) shall
28 include all of the following:

29 (1) Require that the standardized permit notification be
30 submitted to the department on or before October 1, 1993, for
31 *hazardous waste* facilities existing on or before September 1, 1992,
32 except for *hazardous waste* facilities specified in paragraphs (2)
33 and (3) of subdivision (g). The standardized permit notification
34 shall include, at a minimum, the information required for a Part A
35 application as described in the regulations adopted by the
36 department.

37 (2) Require that the standardized permit application be submitted
38 to the department within six months of the submittal of the
39 standardized permit notification. The standardized permit
40 application shall require, at a minimum, that *all of* the following

1 information be submitted to the department for review ~~prior to~~
2 *before* the final *standardized* permit determination:

3 (A) A description of the treatment and storage activities to be
4 covered by the *standardized* permit, including the type and volumes
5 of waste, the treatment process, equipment description, and design
6 capacity.

7 (B) A copy of the closure ~~plan~~ *plan*, as required by paragraph
8 (13) of subdivision (b) of Section 66270.14 of Title 22 of the
9 California Code of Regulations.

10 (C) A description of the corrective action program, as required
11 by Section 25200.10.

12 (D) Financial responsibility documents specified in paragraph
13 (17) of subdivision (b) of Section 66270.14 of Title 22 of the
14 California Code of Regulations.

15 (E) A copy of the ~~topographical map~~ *topographic map*, as
16 specified in paragraph (18) of subdivision (b) of Section 66270.14
17 of Title 22 of the California Code of Regulations.

18 (F) A description of the individual container, and tank and
19 containment system, and of the engineer's certification, as specified
20 in Sections 66270.15 and 66270.16 of Title 22 of the California
21 Code of Regulations.

22 (G) Documentation of compliance, if applicable, with the
23 requirements of Article 8.7 (commencing with Section 25199).

24 (3) Require that a *hazardous waste* facility operating pursuant
25 to a standardized permit comply with the liability assurance
26 requirements in Section 25200.1.

27 (4) Specify which of the remaining elements of the *standardized*
28 permit application, as described in subdivision (b) of Section
29 66270.14 of Title 22 of the California Code of Regulations, shall
30 be the subject of a certification of compliance by the applicant.

31 (5) Establish a procedure for imposing an administrative penalty
32 pursuant to Section 25187, in addition to any other penalties
33 provided by this chapter, upon an owner or operator of a treatment
34 or storage facility that is required to obtain a ~~hazardous waste~~
35 *facilities standardized* permit and that meets the criteria for a Series
36 A, B, or C *standardized* permit listed in subdivision (a), who does
37 not submit a standardized permit notification to the department on
38 or before the submittal deadline specified in paragraph (1) or the
39 submittal deadline specified in paragraph (2) or (3) of subdivision
40 (g), whichever date is applicable, and who continues to operate

1 the *hazardous waste* facility without obtaining a ~~hazardous waste~~
2 ~~facilities~~ *standardized* permit or other grant of authorization from
3 the department after the applicable deadline for submitting the
4 *standardized permit* notification to the department. In determining
5 the amount of the administrative penalty to be assessed, the
6 regulations shall require the amount to be based upon the economic
7 benefit gained by that owner or operator as a result of failing to
8 comply with this section.

9 (6) Require that a *hazardous waste* facility operating pursuant
10 to a standardized permit comply, at a minimum, with the interim
11 status facility operating requirements specified in the regulations
12 adopted by the department, except that the regulations adopted
13 pursuant to this section may specify financial assurance amounts
14 necessary to adequately respond to damage claims at levels that
15 are less than those required for interim status facilities if the
16 department determines that lower financial assurance levels are
17 appropriate.

18 (d) (1) Any regulations adopted pursuant to this section may
19 be adopted as emergency regulations in accordance with Chapter
20 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
21 Title 2 of the Government Code.

22 (2) On and before January 1, 1995, the adoption of the
23 regulations pursuant to paragraph (1) is an emergency and shall
24 be considered by the Office of Administrative Law as necessary
25 for the immediate preservation of the public peace, health and
26 safety, and general welfare.

27 (e) The department ~~may~~ *shall* not grant a *standardized* permit
28 under this section unless the department has determined the
29 adequacy of the material submitted with the application and has
30 conducted an inspection of the *hazardous waste* facility and
31 determined all of the following:

32 (1) The treatment process is an effective method of treating the
33 *hazardous waste*, as described in the permit application.

34 (2) The corrective action plan is appropriate for the *hazardous*
35 *waste* facility.

36 (3) The ~~financial assurance~~ *is assurances* are sufficient for the
37 *hazardous waste* facility.

38 (f) (1) Interim status shall not be granted to a *hazardous waste*
39 facility that does not submit a standardized permit notification on

1 or before October 1, 1993, unless the *hazardous waste* facility is
2 subject to paragraph (2) or (3) of subdivision (g).

3 (2) Interim status shall be revoked if the *standardized* permit
4 application is not submitted within six months of the *standardized*
5 permit notification.

6 (3) Interim status granted to any *hazardous waste* facility
7 pursuant to this section and Sections 25200.5 and 25200.9 shall
8 terminate upon a final permit determination or January 1, 1998,
9 whichever date is earlier. This paragraph shall apply retroactively
10 to *hazardous waste* facilities for which a final permit determination
11 is made on or after September 30, 1995.

12 (4) A treatment, storage, or treatment and storage facility
13 operating pursuant to interim status that applies for a *standardized*
14 permit pursuant to this section shall pay fees to the department in
15 an amount equal to the fees established by subdivision (e) of
16 Section 25205.4 *until July 1, 2022, and subdivision (f) of Section*
17 *25205.2 on and after July 1, 2022*, for the same size and type of
18 facility.

19 (g) (1) Except as provided in paragraphs (2), (3), and (4), a
20 facility treating used oil or solvents, or that engages in incineration,
21 thermal destruction, or any land disposal activity, is not eligible
22 for a standardized permit pursuant to this section.

23 (2) (A) Notwithstanding paragraph (1), an offsite facility
24 treating solvents is eligible for a standardized permit pursuant to
25 this section if all of the following conditions are met:

26 (i) The facility exclusively treats solvent wastes, and is not
27 required to obtain a permit pursuant to the federal act.

28 (ii) The solvent wastes that the facility treats are only the types
29 of solvents generated from dry cleaning operations.

30 (iii) Ninety percent or more of the solvents that the facility
31 receives are from dry cleaning operations.

32 (iv) Ninety percent or more of the solvents that the facility
33 receives are recycled and sold by the facility, excluding recycling
34 for energy recovery, ~~provided that~~ *if* the facility does not produce
35 more than 15,000 gallons per month of recycled solvents.

36 ~~(B) A facility that is eligible for a standardized permit pursuant~~
37 ~~to this paragraph is also eligible for the fee exemption provided~~
38 ~~in subdivision (d) of Section 25205.12 for any year or reporting~~
39 ~~period prior to January 1, 1995, if the owner or operator complies~~

1 with the notification and application requirements of this section
2 on or before March 1, 1995.

3 ~~(C)~~

4 (B) A facility treating solvents pursuant to this paragraph shall
5 clearly label all recycled solvents as recycled prior to subsequent
6 sale or distribution.

7 ~~(D)~~

8 (C) Notwithstanding that a facility eligible for a standardized
9 permit pursuant to this paragraph meets the eligibility requirements
10 for a Series C standardized permit specified in paragraph (3) of
11 subdivision (a), the facility shall obtain and meet the requirements
12 for a Series B standardized permit specified in paragraph (2) of
13 subdivision (a).

14 ~~(E)~~

15 (D) Notwithstanding any other provision of this chapter, for
16 purposes of this paragraph, if the recycled material is to be used
17 for dry cleaning, “recycled” means the removal of water and
18 inhibitors from waste solvent and the production of dry cleaning
19 solvent with an appropriate inhibitor for dry cleaning use. The
20 removal of inhibitors is not required if all of the solvents received
21 by the facility that are recycled for dry cleaning use are from dry
22 cleaners.

23 (3) ~~(A)~~—Notwithstanding paragraph (1), an owner or operator
24 with a surface impoundment used only to contain non-RCRA
25 wastes generated onsite, that holds those wastes for not more than
26 one 30-day period in any calendar year, and that meets the criteria
27 specified in paragraphs ~~(i)~~ subparagraphs (A) to ~~(iii)~~, (C), inclusive,
28 may submit a Series C standardized permit application to the
29 department. A surface impoundment is eligible for operation under
30 the Series C standardized permit tier if all of the following
31 requirements are met:

32 ~~(i)~~

33 (A) The waste and any residual materials are removed from the
34 surface impoundment within 30 days of the date the waste was
35 first placed into the surface impoundment.

36 ~~(ii)~~

37 (B) The owner or operator has, and is in compliance with,
38 current waste discharge requirements issued by the appropriate
39 California regional water quality control board for the surface
40 impoundment.

1 (iii)

2 (C) The owner or operator complies with all applicable
3 groundwater monitoring requirements of the regulations adopted
4 by the department pursuant to this chapter.

5 ~~(B) A facility that is eligible for a standardized permit pursuant
6 to this paragraph is also eligible for the fee exemption provided
7 in subdivision (d) of Section 25205.12 for any year or reporting
8 period prior to January 1, 1996, if the owner or operator complies
9 with the notification and application requirements of this section
10 on or before March 1, 1996.~~

11 (4) For purposes of this subdivision, treating solvents and
12 thermal destruction do not include the destruction of nonmetal
13 constituents in a thermal treatment unit that is operated solely for
14 ~~the purpose of the recovery of~~ *to recover* precious metals, if that
15 unit is operating pursuant to a standardized permit issued by the
16 department and the unit is in compliance with the applicable
17 requirements of Division 26 (commencing with Section 39000).
18 This paragraph does not prohibit the department from specifying,
19 in the standardized permit for such a unit, a maximum
20 concentration of nonmetal constituents, if the department
21 determines that this requirement is necessary for protection of
22 human health or safety or the environment.

23 (h) Facilities operating pursuant to this section shall comply
24 with Article 4 (commencing with Section 66270.40) of Chapter
25 20 of Division 4.5 of Title 22 of the California Code of
26 Regulations.

27 *(i) (1) If before the end of a standardized permit's fixed term,
28 a Part A and Part B application for the renewal of an existing
29 standardized permit has been deemed complete, as specified in
30 paragraph (4), a signed written cost reimbursement agreement
31 and the 25-percent advance payment required pursuant to Section
32 25205.7, if applicable, have been submitted to and received by the
33 department, and any other information requested by the department
34 has been submitted to and received by the department, the
35 standardized permit shall be deemed extended until either of the
36 following:*

37 *(A) The department approves the standardized permit renewal
38 application and the new standardized permit is effective.*

1 (B) *The department denies the standardized permit renewal*
2 *application and all parties have exhausted all applicable rights*
3 *of appeal.*

4 (2) (A) *An owner or operator of a hazardous waste facility with*
5 *a standardized permit that expires before January 1, 2025, seeking*
6 *to renew the standardized permit shall submit a Part A and Part*
7 *B application to the department at least 180 days before the end*
8 *of the standardized permit's fixed term.*

9 (B) *The department shall post on its internet website, and update*
10 *on at least a monthly basis, the estimated date for a permit decision*
11 *for all standardized permits subject to this paragraph.*

12 (C) *The department shall issue a decision on a standardized*
13 *permit renewal application for a hazardous waste facility subject*
14 *to this paragraph within three years of the effective date of this*
15 *section or within three years after the standardized permit's fixed*
16 *term, whichever is later.*

17 (3) (A) *An owner or operator of a hazardous waste facility with*
18 *a standardized permit that expires on or after January 1, 2025,*
19 *seeking to renew the standardized permit shall submit a Part A*
20 *and Part B application at least two years before the end of the*
21 *standardized permit's fixed term.*

22 (B) *The department shall post on its internet website, and update*
23 *on at least a monthly basis, the estimated date for a permit decision*
24 *for all standardized permits subject to this paragraph.*

25 (C) *The department shall issue a decision on a standardized*
26 *permit subject to this paragraph no later than one year after the*
27 *end of the standardized permit's fixed term.*

28 (4) *For purposes of this subdivision, an application for the*
29 *renewal of an existing standardized permit shall be deemed*
30 *complete when the department has notified the applicant in writing*
31 *that the application is complete in accordance with subdivision*
32 *(c) of Section 66271.2 of Title 22 of the California Code of*
33 *Regulations.*

34 (i)

35 (j) (1) *The department shall require an owner or operator of a*
36 *hazardous waste facility applying for a standardized permit to*
37 *complete and file a phase I environmental assessment with the*
38 *standardized permit application. However, if a RCRA facility*
39 *assessment has been performed by the department, the assessment*
40 *shall be deemed to satisfy the requirement of this subdivision to*

1 complete and file a phase I environmental assessment, and the
 2 *hazardous waste* facility shall not be required to submit a phase I
 3 environmental assessment with its *standardized permit* application.

4 (2) (A) For purposes of this subdivision, the phase I
 5 environmental assessment shall include a preliminary site
 6 assessment, as described in subdivision (a) of Section 25200.14,
 7 except that the phase I environmental assessment shall also include
 8 a certification, signed, except as provided in subparagraph (B), by
 9 the owner, and also by the operator if the operator is not the owner,
 10 of the *hazardous waste* facility and an independent professional
 11 engineer or geologist registered in the state, or *an* environmental
 12 assessor.

13 (B) Notwithstanding subparagraph (A), the certification for a
 14 permanent household waste collection facility may be signed by
 15 any professional engineer or geologist registered in ~~this~~ *the* state,
 16 or environmental assessor, including, but not limited to, ~~such a~~
 17 ~~person~~ *one* employed by ~~the~~ *a* governmental entity, but if the
 18 *household waste collection* facility owner is not a governmental
 19 entity, the *professional* engineer, geologist, or *environmental*
 20 assessor signing the certification shall not be employed by, or be
 21 an agent of, the *household waste collection* facility owner.

22 (3) The certification specified in paragraph (2) shall state
 23 whether evidence of a release of hazardous waste or hazardous
 24 constituents has been found.

25 (4) If evidence of a release has been found, the *hazardous waste*
 26 facility shall complete a detailed site assessment to determine the
 27 nature and extent of any contamination resulting from the release
 28 and shall submit a corrective action plan to the department, within
 29 one year of submittal of the standardized permit application.

30 ~~(j)~~

31 (k) The department shall establish an inspection program to
 32 identify, inspect, and bring into compliance any treatment, storage,
 33 or treatment and storage facility that is eligible for, and is required
 34 to obtain, a standardized ~~hazardous waste facilities~~ permit pursuant
 35 to this section, and that is operating without a *standardized* permit
 36 or other grant of authorization from the department for that
 37 treatment or storage activity.

38 ~~(k)~~

39 (l) A treatment, storage, or treatment and storage facility
 40 authorized to operate pursuant to a hazardous waste facilities permit

1 issued pursuant to Section 25200, that meets the criteria listed in
2 subdivision (a) for a standardized permit, may operate pursuant to
3 a Series A, B, or C standardized permit by completing the
4 appropriate permit modification procedure specified in the
5 regulations for such a modification.

6 *SEC. 47. Section 25204.7 of the Health and Safety Code is*
7 *amended to read:*

8 25204.7. (a) Notwithstanding any other ~~provision~~ of law, a
9 generator conducting a treatment activity that is eligible for
10 operation under a permit-by-rule pursuant to the department's
11 regulations, a grant of conditional authorization, or a grant of
12 conditional exemption pursuant to this chapter, and who meets the
13 criteria in subdivision (b), is exempt from all of the following
14 requirements:

15 (1) The requirement for a generator to submit a notification to
16 the department under Sections 25144.6, 25200.3, and 25201.5 and
17 the regulations adopted by the department pertaining to a
18 permit-by-rule.

19 (2) The requirement to pay a fee pursuant to Section 25201.14
20 ~~or 25205.14~~; *25205.14 until July 1, 2022, and Section 25205.2 on*
21 *and after July 1, 2022.*

22 (b) To be eligible for an exemption pursuant to this section, the
23 generator shall meet all of the following requirements:

24 (1) The generator is located within the jurisdiction of a certified
25 unified program agency that includes the publicly owned treatment
26 works that regulates the generator's activity or unit that is eligible
27 for operation under a permit-by-rule or a grant of conditional
28 authorization or conditional exemption, and ~~which~~ *that* has
29 implemented a unified program pursuant to Chapter 6.11
30 (commencing with Section 25404) that includes the following
31 elements:

32 (A) The pretreatment program of the publicly owned treatment
33 works that regulates the generator.

34 (B) An inspection program that meets the requirements of
35 Section 25201.4 and that inspects the generator for compliance
36 with the requirements of this section.

37 (2) The generator meets all other requirements of this chapter
38 and the department's regulations pertaining to permit-by-rule,
39 conditional authorization, or conditional exemption, whichever is
40 applicable.

1 (3) The generator's activity or unit that is eligible for operation
2 under a permit-by-rule or a grant of conditional authorization or
3 conditional exemption is within the scope of the hazardous waste
4 element of the unified program, as specified in paragraph (1) of
5 subdivision (c) of Section 25404.

6 *SEC. 48. Section 25205 of the Health and Safety Code is*
7 *amended to read:*

8 25205. (a) Except as provided in Section ~~25245.5~~, 25245.4,
9 the department shall not issue or renew a permit to operate a
10 hazardous waste facility *pursuant to Section 25200 or 25201.6*
11 *unless the owner or operator of the facility establishes and*
12 *maintains the financial assurances required pursuant to Article 12*
13 *(commencing with Section ~~25245~~: 25245), including, but not*
14 *limited to, financial assurances for the costs of corrective action,*
15 *closure, and postclosure.*

16 (b) The grant of interim status of a facility, or any portion
17 ~~thereof, of the facility~~, that is operating under a grant of interim
18 status pursuant to Section 25200.5, based on the facility having
19 been in existence on November 19, 1980, shall terminate on July
20 1, 1997, unless the department certifies, on or before July 1, 1997,
21 that the facility is in compliance with the financial assurance
22 requirements of Article 12 (commencing with Section 25245) for
23 a facility in operation since November 19, 1980, for all units, tanks,
24 and equipment for which the facility has authorization to operate
25 pursuant to its grant of interim status.

26 (c) (1) *The department shall review, at least once every five*
27 *years, the financial assurances required to operate a permitted*
28 *hazardous waste facility and the cost estimates used to establish*
29 *the amount of the financial assurances required. The department*
30 *may, in its discretion, revise the financial assurances and the cost*
31 *estimates more often.*

32 (2) *If, as a result of its review pursuant to paragraph (1), the*
33 *department finds that the cost estimates forming the basis for the*
34 *financial assurances for a permitted hazardous waste facility are*
35 *inadequate for any reason, including, but not limited to,*
36 *underestimated potential costs, the department shall notify the*
37 *owner or operator of the permitted hazardous waste facility in*
38 *writing of that finding.*

39 (3) *Within 90 days of the notification by the department pursuant*
40 *to paragraph (2), the owner or operator of the permitted hazardous*

1 waste facility shall provide to the department for review and
2 approval an updated cost estimate for the financial assurances
3 and a request to adjust the financial assurance amount to
4 incorporate the new cost estimate.

5 (4) Within 60 days of the department's approval of the revised
6 cost estimate submitted pursuant to paragraph (3), the owner or
7 operator of the permitted hazardous waste facility shall establish
8 financial assurance mechanisms for the approved revised cost
9 estimate amounts.

10 SEC. 49. Section 25205.2 of the Health and Safety Code is
11 amended to read:

12 25205.2. (a) Except as provided in subdivisions (c) and (h),
13 in addition to the fees specified in Section 25174.1, each operator
14 of a facility shall pay a facility fee for each reporting period, or
15 any portion thereof, of a reporting period, to the ~~board~~ California
16 Department of Tax and Fee Administration based on the size and
17 type of the facility, as specified in Section 25205.4. On or before
18 January 31 of each calendar year, the department annually shall
19 notify the ~~board~~ California Department of Tax and Fee
20 Administration of all known facility operators by facility type and
21 size. The department shall also notify the ~~board~~ California
22 Department of Tax and Fee Administration of any operator who
23 is issued a permit or grant of interim status within 30 days from
24 the date that a permit or grant of interim status is issued to the
25 operator. The fee specified in this section does not apply to
26 facilities exempted pursuant to Section 25205.12.

27 (b) The ~~board~~ California Department of Tax and Fee
28 Administration shall deposit all fees collected pursuant to
29 subdivision (a) in the Hazardous Waste Control Account in the
30 General Fund. The fees so deposited may be expended by the
31 department, upon appropriation by the Legislature, for the purposes
32 specified in subdivision (b) of Section 25174.

33 (c) Notwithstanding subdivision (a), a person who is issued a
34 variance by the department from the requirement of obtaining a
35 hazardous waste facilities permit or grant of interim status is not
36 subject to the fee, for any reporting period following the reporting
37 period in which the variance was granted by the department.

38 (d) Operators subject to facility fee liability pursuant to this
39 section shall pay the following amounts:

1 (1) The operator shall pay the applicable facility fee for each
2 reporting period in which the facility actually engaged in the
3 treatment, storage, or disposal of hazardous waste.

4 (2) The operator shall pay the applicable facility fee for one
5 additional reporting period immediately following the final
6 reporting period in which the facility actually engaged in that
7 treatment or storage. For the 1994 reporting period and thereafter,
8 the facility's size for that additional reporting period shall be
9 deemed to be the largest size at which the facility has ever been
10 subject to the fee. If the department previously approved a unit or
11 portion of the facility for a variance, closure, or permit-by-rule,
12 the facility's size for that reporting period shall be deemed to be
13 its largest size since the department granted the approval.

14 (3) The operator of a disposal facility shall pay twice the
15 applicable facility fee for one additional reporting period
16 immediately following the final reporting period in which the
17 facility actually engaged in disposal of hazardous waste.

18 (4) For the 1994 reporting period and thereafter, a facility shall
19 not be deemed to have stopped treating, storing, or disposing of
20 hazardous waste unless it has actually ceased that activity and has
21 notified the department of its intent to close.

22 (5) If the reporting period ~~which~~ *that* immediately followed the
23 final reporting period in which a facility actually engaged in the
24 treatment, storage, or disposal of the hazardous waste was the
25 six-month period from July 1, 1991, through December 31, 1991,
26 the operator shall be subject to twice the fee otherwise applicable
27 to that operator for that reporting period under paragraphs (2) and
28 (3).

29 (e) ~~No~~ A facility shall *not* be subject to a facility fee for
30 treatment, storage, or disposal, if that activity ceased before July
31 1, 1986, and if the fee for the activity was not paid ~~prior to~~ *before*
32 January 1, 1994.

33 (f) Notwithstanding any other provision of this section, a person
34 who ceased actual treatment, storage, or disposal of hazardous
35 waste, whether generated onsite or received from offsite, before
36 July 1, 1986, and who paid facility fees for any reporting period
37 after that date pursuant to a decision of the ~~State Board~~ *California*
38 *Department of Equalization, Tax and Fee Administration*, and who
39 filed a claim for refund of those fees on or before January 1, 1994,
40 shall be entitled to a refund of those amounts.

1 (g) Facility operators who treated, stored, or disposed of
2 hazardous waste on or after July 1, 1986, shall be subject to the
3 provisions of this section ~~which that~~ were in effect ~~prior to before~~
4 January 1, 1994, as to payments ~~which that~~ their operators made
5 ~~prior to before~~ January 1, 1994. The operators shall be subject to
6 subdivision (d) as to any other liability for the facility fee.

7 (h) A treatment facility is not subject to the facility fee
8 established pursuant to this section, if the facility engages in
9 treatment exclusively to accomplish a removal or remedial action
10 or a corrective action in accordance with an order issued by the
11 *United States* Environmental Protection Agency pursuant to the
12 federal act or in accordance with an order issued by the department
13 pursuant to Section 25187, if the facility was put in operation solely
14 for purposes of complying with that order. The department shall
15 instead assess a fee for that facility for the actual time spent by the
16 department for the inspection and oversight of that facility. The
17 department shall base the fee on the department's work standards
18 and shall assess the fee on an hourly basis.

19 (i) Notwithstanding subdivision (a), a facility operating pursuant
20 to a standardized permit or grant of interim status, as specified in
21 Section 25201.6, shall receive a credit for the annual facility fee
22 imposed by this section for a period of time equal to the number
23 of years that the facility lawfully operated ~~prior to before~~
24 September 21, 1993, pursuant to a hazardous waste facilities permit
25 or other grant of authorization and paid facility fees for the
26 operation of the facility pursuant to this section.

27 (j) *This section applies only to fees due through the first*
28 *prepayment of the 2022 reporting period and earlier reporting*
29 *periods.*

30 (k) *This section shall become inoperative on July 1, 2022, and,*
31 *as of January 1, 2023, is repealed.*

32 *SEC. 50. Section 25205.2 is added to the Health and Safety*
33 *Code, to read:*

34 25205.2. (a) (1) *Except as provided in subdivisions (h) and*
35 *(k), and in accordance with Section 43152.6 of the Revenue and*
36 *Taxation Code, the operator of a facility shall pay a facility fee*
37 *for each reporting period, or any portion of a reporting period,*
38 *to the California Department of Tax and Fee Administration based*
39 *on the size and type of the facility, as specified in this section. The*
40 *fee rate shall be the rate established for the fiscal year in which*

1 *the payment is due. On or before October 1 of each calendar year,*
2 *the department shall notify the California Department of Tax and*
3 *Fee Administration of all known facility operators by facility type*
4 *and size. The department shall also notify the California*
5 *Department of Tax and Fee Administration of any operator who*
6 *is issued a permit or grant of interim status within 30 days from*
7 *the date that a permit or grant of interim status is issued to the*
8 *operator.*

9 (2) *For the 2022–23 fiscal year, the fee rates established in this*
10 *section shall apply. Commencing July 1, 2023, the fee rates*
11 *established pursuant to Section 25205.2.1 shall apply.*

12 (b) (1) *The base rate for the fee imposed by this section is*
13 *ninety-four thousand nine hundred ten dollars (\$94,910).*

14 (2) *Except as provided in subdivision (c), in computing the*
15 *facility fees, all of the following shall apply:*

16 (A) *The fee to be paid by a ministorage facility shall equal 25*
17 *percent of the base facility rate.*

18 (B) *The fee to be paid by a small storage facility shall equal the*
19 *base facility rate.*

20 (C) *The fee to be paid by a large storage facility shall equal*
21 *twice the base facility rate.*

22 (D) *The fee to be paid by a minitreatment facility shall equal*
23 *50 percent of the base facility rate.*

24 (E) *The fee to be paid by a small treatment facility shall equal*
25 *twice the base facility rate.*

26 (F) *The fee to be paid by a large onsite treatment facility shall*
27 *equal three times the base facility rate.*

28 (G) *The fee to be paid by a large offsite treatment facility shall*
29 *be three times the base facility rate.*

30 (H) *The fee to be paid by a disposal facility shall equal 10 times*
31 *the base facility rate.*

32 (c) *The fee to be paid by a facility with a postclosure permit*
33 *during the first five years of the postclosure period shall be:*

34 (1) *Twenty-six thousand nine hundred eighty dollars (\$26,980)*
35 *annually for a small facility.*

36 (2) *Fifty-three thousand nine hundred sixty dollars (\$53,960)*
37 *annually for a medium facility.*

38 (3) *Eighty thousand nine hundred forty dollars (\$80,940)*
39 *annually for a large facility.*

1 (d) The fee to be paid by a facility with a postclosure permit
2 after the first five years of the postclosure care period shall be:

3 (1) Fourteen thousand three hundred seventy-five dollars
4 (\$14,375) annually for a small facility.

5 (2) Twenty-eight thousand seven hundred fifty dollars (\$28,750)
6 annually for a medium facility.

7 (3) Forty-eight thousand five hundred fifty dollars (\$48,550)
8 annually for a large facility.

9 (e) If a facility falls into more than one category listed in either
10 subdivision (b) or (d), or any combination of categories, or if
11 multiple operations under a single hazardous waste facilities permit
12 or grant of interim status fall into more than one category listed
13 in subdivision (b) or (d), or any combination of categories, the
14 facility operator shall pay only the rate for the facility category
15 that is the highest rate.

16 (f) Notwithstanding subdivision (b), the fee for a facility that
17 has been issued a standardized permit shall be as follows:

18 (1) The fee to be paid for a facility that has been issued a Series
19 A standardized permit shall be fifty-five thousand two hundred
20 eighty dollars (\$55,280).

21 (2) The fee to be paid for a facility that has been issued a Series
22 B standardized permit shall be twenty-five thousand nine hundred
23 ten dollars (\$25,910).

24 (3) Except as specified in paragraph (4), the fee to be paid for
25 a facility that has been issued a Series C standardized permit shall
26 be twenty-one thousand seven hundred sixty dollars (\$21,760).

27 (4) The fee for a facility that has been issued a Series C
28 standardized permit is ten thousand eight hundred eighty dollars
29 (\$10,880) if the facility meets all of the following conditions:

30 (A) The facility treats not more than 1,500 gallons of liquid
31 hazardous waste and not more than 3,000 pounds of solid
32 hazardous waste in any calendar month.

33 (B) The total facility storage capacity does not exceed 15,000
34 gallons of liquid hazardous waste and 30,000 pounds of solid
35 hazardous waste.

36 (C) If the facility both treats and stores hazardous waste, the
37 facility does not exceed the volume limitations specified in
38 subparagraphs (A) and (B) for each individual activity.

39 (g) The California Department of Tax and Fee Administration
40 shall deposit all fees collected pursuant to this section into the

1 *Hazardous Waste Facilities Account in the Hazardous Waste*
2 *Control Account. The fees so deposited may be expended by the*
3 *department, upon appropriation by the Legislature, for the*
4 *purposes specified in Section 25174.01.*

5 *(h) Notwithstanding subdivision (a), a person who is issued a*
6 *variance by the department from the requirement of obtaining a*
7 *hazardous waste facilities permit or grant of interim status is not*
8 *subject to the fee, for any reporting period following the reporting*
9 *period in which the variance was granted by the department.*

10 *(i) Operators subject to facility fee liability pursuant to this*
11 *section shall pay the following amounts:*

12 *(1) The operator shall pay the applicable facility fee for each*
13 *reporting period in which the facility actually engaged in the*
14 *treatment, storage, or disposal of hazardous waste.*

15 *(2) The operator shall pay the applicable facility fee for one*
16 *additional reporting period immediately following the final*
17 *reporting period in which the facility actually engaged in that*
18 *treatment or storage. The facility's size for that additional*
19 *reporting period shall be deemed to be the largest size at which*
20 *the facility has ever been subject to the fee. If the department*
21 *previously approved a unit or portion of the facility for a variance,*
22 *closure, or permit-by-rule, the facility's size for that reporting*
23 *period shall be deemed to be its largest size since the department*
24 *granted the approval.*

25 *(3) The operator of a disposal facility shall pay twice the*
26 *applicable facility fee for one additional reporting period*
27 *immediately following the final reporting period in which the*
28 *facility actually engaged in disposal of hazardous waste.*

29 *(4) A facility shall not be deemed to have stopped treating,*
30 *storing, or disposing of hazardous waste unless it has actually*
31 *ceased that activity and has notified the department of its intent*
32 *to close.*

33 *(j) (1) Except as provided in Section 25404.5, the owner or*
34 *operator of a facility or transportable treatment unit operating*
35 *pursuant to a permit-by-rule shall pay a fee to the California*
36 *Department of Tax and Fee Administration per facility or*
37 *transportable treatment unit for each reporting period, or portion*
38 *of a reporting period. The fee for the 2022 reporting period shall*
39 *be four thousand six hundred dollars (\$4,600). The reporting*
40 *period shall begin January 1 of each calendar year. On or before*

1 *January 31 of each calendar year, the department shall notify the*
2 *California Department of Tax and Fee Administration of all known*
3 *owners or operators operating pursuant to a permit-by-rule who*
4 *are not exempted from this fee pursuant to Section 25404.5. The*
5 *department shall also notify the California Department of Tax and*
6 *Fee Administration of any owner or operator authorized to operate*
7 *pursuant to a permit-by-rule, who is not exempted from this fee*
8 *pursuant to Section 25404.5, within 60 days after the owner or*
9 *operator is authorized.*

10 (2) *Except as provided in Section 25404.5, a generator operating*
11 *under a grant of conditional authorization pursuant to Section*
12 *25200.3 shall pay a fee to the California Department of Tax and*
13 *Fee Administration per facility for each reporting period, or*
14 *portion of a reporting period, unless the generator is subject to a*
15 *fee under a permit-by-rule. The fee for the 2022 reporting period*
16 *shall be four thousand six hundred dollars (\$4,600). The reporting*
17 *period shall begin January 1 of each calendar year. On or before*
18 *January 31 of each calendar year, the department shall notify the*
19 *California Department of Tax and Fee Administration of all known*
20 *generators operating pursuant to a grant of conditional*
21 *authorization under Section 25200.3 who are not exempted from*
22 *this fee pursuant to Section 25404.5. The department shall also*
23 *notify the California Department of Tax and Fee Administration*
24 *of any generator authorized to operate under a grant of conditional*
25 *authorization, who is not exempted from this fee pursuant to*
26 *Section 25404.5, within 60 days of the receipt of notification.*

27 (3) *Except as provided in Section 25404.5, the fee for a*
28 *generator performing treatment conditionally exempted pursuant*
29 *to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 for*
30 *the 2022 reporting period shall be one hundred eighty dollars*
31 *(\$180) to the California Department of Tax and Fee Administration*
32 *per facility for each reporting period, unless that generator is*
33 *subject to a fee under a permit-by-rule or a conditional*
34 *authorization pursuant to Section 25200.3. The reporting period*
35 *shall begin January 1 of each calendar year. On or before January*
36 *31 of each calendar year, the department shall notify the California*
37 *Department of Tax and Fee Administration of all known facilities*
38 *performing treatment conditionally exempted by Section 25144.6*
39 *or subdivision (a) or (c) of Section 25201.5 who are not exempted*
40 *from this fee pursuant to Section 25404.5. The department shall*

1 also notify the California Department of Tax and Fee
2 Administration of any generator who notifies the department that
3 the generator is conducting a conditionally exempt treatment
4 operation, and who is not exempted from this fee pursuant to
5 Section 25404.5, within 60 days of the receipt of the notification.

6 (k) A treatment facility is not subject to the facility fee
7 established pursuant to this section, if the facility engages in
8 treatment exclusively to accomplish a removal or remedial action
9 or a corrective action in accordance with an order issued by the
10 United States Environmental Protection Agency pursuant to the
11 federal act or in accordance with an order issued by the
12 department pursuant to Section 25187, or if the removal or
13 remedial action is carried out pursuant to a removal action work
14 plan or a remedial action plan prepared pursuant to Section
15 25356.1 and is authorized to operate pursuant to Section 25358.9,
16 if the facility was put in operation solely for purposes of complying
17 with that order. The department shall instead assess a fee for that
18 facility for the actual time spent by the department for the
19 inspection and oversight of that facility. The department shall base
20 the fee on the department's work standards and shall assess the
21 fee on an hourly basis.

22 (l) The fee imposed pursuant to this section shall be paid in
23 accordance with Part 22 (commencing with Section 43001) of
24 Division 2 of the Revenue and Taxation Code.

25 (m) This section shall become operative on July 1, 2022, and
26 shall apply to the annual facility fees due for the 2022–23 fiscal
27 year, and each fiscal year thereafter.

28 SEC. 51. Section 25205.2.1 is added to the Health and Safety
29 Code, to read:

30 25205.2.1. (a) (1) The Board of Environmental Safety shall
31 establish, by regulation, a schedule of rates for the fee authorized
32 by Section 25205.2, to be applicable commencing July 1, 2023,
33 and may adjust the schedule of rates no more frequently than once
34 per year thereafter and no later than October 1 of any year in
35 which the Board of Environmental Safety adopts the schedule of
36 rates.

37 (2) No later than October 1 of each year, the Board of
38 Environmental Safety shall provide the California Department of
39 Tax and Fee Administration the fee rates that have been established
40 pursuant to this section.

- 1 **(b) (1)** *The schedule of rates established pursuant to subdivision*
2 *(a) shall be based on both of the following:*
3 **(A)** *The costs of the administration and collection of fees.*
4 **(B)** *Statewide general administrative costs assessed to the*
5 *Hazardous Waste Facilities Account for that fiscal year.*
6 **(2)** *The total amount of fee revenues collected each fiscal year*
7 *shall conform with the amounts appropriated by the Legislature*
8 *for that fiscal year from the Hazardous Waste Facilities Account*
9 *for expenditure, as authorized pursuant to Section 25174.01.*
10 **(3)** *The rates shall allow for a reserve in the Hazardous Waste*
11 *Facilities Account each year at an amount determined by the Board*
12 *of Environmental Safety to be sufficient to ensure that all programs*
13 *funded by the Hazardous Waste Facilities Account will not be*
14 *adversely affected by any revenue shortfalls or additional baseline*
15 *expenditure adjustments, but not to exceed 10 percent of authorized*
16 *expenditure levels.*
17 **(c) (1)** *The rates established pursuant to subdivision (a) shall*
18 *not exceed the following rates:*
19 **(A)** *The base rate in paragraph (1) of subdivision (b) of Section*
20 *25205.2 shall not exceed one hundred eighty-nine thousand eight*
21 *hundred twenty dollars (\$189,820).*
22 **(B)** *The rate for a small facility with a postclosure permit in the*
23 *first five years of the postclosure period established in paragraph*
24 *(1) of subdivision (c) of Section 25205.2 shall not exceed fifty-three*
25 *thousand nine hundred sixty dollars (\$53,960).*
26 **(C)** *The rate for a medium facility with a postclosure permit in*
27 *the first five years of the postclosure period established in*
28 *paragraph (2) of subdivision (c) of Section 25205.2 shall not*
29 *exceed one hundred seven thousand nine hundred twenty dollars*
30 *(\$107,920).*
31 **(D)** *The rate for a large facility with a postclosure permit in the*
32 *first five years of the postclosure period established in paragraph*
33 *(3) of subdivision (c) of Section 25205.2 shall not exceed one*
34 *hundred sixty-one thousand eight hundred eighty dollars*
35 *(\$161,880).*
36 **(E)** *The rate for a small facility with a postclosure permit after*
37 *the first five years of the postclosure period established in*
38 *paragraph (1) of subdivision (d) of Section 25205.2 shall not*
39 *exceed twenty-eight thousand seven hundred fifty dollars (\$28,750).*

1 (F) The rate for a medium facility with a postclosure permit
2 after the first five years of the postclosure period established in
3 paragraph (2) of subdivision (d) of Section 25205.2 shall not
4 exceed fifty-seven thousand five hundred dollars (\$57,500).

5 (G) The rate for a large facility with a postclosure permit after
6 the first five years of the postclosure period established in
7 paragraph (3) of subdivision (d) of Section 25205.2 shall not
8 exceed ninety-seven thousand one hundred dollars (\$97,100).

9 (H) The rate for a facility that has been issued a Series A
10 standardized permit established in paragraph (1) of subdivision
11 (f) of Section 25205.2 shall not exceed one hundred ten thousand
12 five hundred sixty dollars (\$110,560).

13 (I) The rate for a facility that has been issued a Series B
14 standardized permit established in paragraph (2) of subdivision
15 (f) of Section 25205.2 shall not exceed fifty-one thousand eight
16 hundred twenty dollars (\$51,820).

17 (J) The rate for a facility that has been issued a Series C
18 standardized permit established in paragraph (3) of subdivision
19 (f) of Section 25205.2 shall not exceed forty-three thousand five
20 hundred twenty dollars (\$43,520).

21 (K) The rate for a facility that has been issued a Series C
22 standardized permit established in paragraph (4) of subdivision
23 (f) of Section 25205.2 shall not exceed twenty-one thousand seven
24 hundred sixty dollars (\$21,760).

25 (L) The rate for a transportable treatment unit operating
26 pursuant to a permit-by-rule established in paragraph (1) of
27 subdivision (j) of Section 25205.2 shall not exceed nine thousand
28 two hundred dollars (\$9,200).

29 (M) The rate for a generator operating under a grant of
30 conditional authorization established in paragraph (2) of
31 subdivision (j) of Section 25205.2 shall not exceed nine thousand
32 two hundred dollars (\$9,200).

33 (N) The rate for a generator performing conditionally exempted
34 treatment established in paragraph (3) of subdivision (j) of Section
35 25205.2 shall not exceed three hundred sixty dollars (\$360).

36 (2) The rate limits established in this subdivision are the limits
37 for the 2023–24 fiscal year. Beginning with the 2024–25 fiscal
38 year, and for each fiscal year thereafter, the rate limit shall be
39 adjusted annually to reflect increases or decreases in the cost of
40 living during the prior fiscal year, as measured by the Consumer

1 *Price Index issued by the Department of Industrial Relations or*
2 *by a successor agency.*

3 *(d) If the Board of Environmental Safety determines the fee*
4 *revenue collected during the preceding year was greater than, or*
5 *less than, the amounts appropriated by the Legislature, the fee*
6 *rates proposed by the Board of Environmental Safety shall be*
7 *adjusted to compensate for the over or under collection of revenue.*

8 *(e) A regulation adopted pursuant to this section may be adopted*
9 *as an emergency regulation in accordance with Chapter 3.5*
10 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
11 *2 of the Government Code, and for the purposes of that chapter,*
12 *including Section 11349.6 of the Government Code, the adoption*
13 *of these regulations is an emergency and shall be considered by*
14 *the Office of Administrative Law as necessary for the immediate*
15 *preservation of the public peace, health, and safety, and general*
16 *welfare. Notwithstanding Chapter 3.5 (commencing with Section*
17 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
18 *an emergency regulation adopted by the department pursuant to*
19 *this section shall be filed with, but not be repealed by, the Office*
20 *of Administrative Law. A regulation adopted pursuant to this*
21 *section shall remain in effect until repealed by the Board of*
22 *Environmental Safety.*

23 *(f) This section shall become operative on January 1, 2022.*

24 *SEC. 52. Section 25205.3 of the Health and Safety Code is*
25 *amended to read:*

26 25205.3. The following facilities are exempt from the fees
27 imposed by this article:

28 (a) ~~Any~~A household hazardous waste collection facility operated
29 pursuant to Article 10.8 (commencing with Section 25218).

30 (b) ~~Any~~A facility operated by a local government agency, or
31 by any person operating a hazardous waste collection program
32 under an agreement with a public agency, ~~which~~ that is used for
33 wastes ~~which~~ that meet the requirements of paragraph (3) of
34 subdivision (a) of Section 25174.7.

35 (c) That portion of a solid waste facility permitted pursuant to
36 Chapter 3 (commencing with Section 44001) of Part 4 of Division
37 30 of the Public Resources Code, ~~which~~ that is used for the
38 segregation, handling, and storage of hazardous waste separated
39 from solid waste loads received by the facility, pursuant to a load
40 checking program.

1 (d) A facility used solely for the treatment, storage, disposal,
 2 or recycling of hazardous waste ~~which~~ *that* results when a public
 3 agency or its contractor investigates, removes, or remedies a release
 4 of hazardous waste caused by another person.

5 (e) (1) For purposes of fees assessed in any reporting period
 6 beginning July 1, 1990, or subsequently, a facility ~~which~~ *that* has
 7 been issued a permit for the purpose of storing hazardous waste
 8 onsite, and whose permit has expired, if all of the following has
 9 occurred:

10 (A) The facility has received no waste from offsite since the
 11 permit expired.

12 (B) The owner or operator gave the department timely
 13 notification of intent to close the facility, pursuant to regulations
 14 adopted by the department.

15 (C) At least 90 days have elapsed since the owner or operator
 16 gave the department that notification.

17 (D) The department did not complete its review of the closure
 18 plan within 90 days of receiving the notification.

19 (2) This exclusion shall take effect the reporting period
 20 following the reporting period in which the facility first satisfied
 21 the requirements of paragraph (1) and did not accumulate waste
 22 onsite for more than 90 consecutive days.

23 (f) *This section applies only to fees due for the 2021 and earlier*
 24 *reporting periods.*

25 (g) *This section shall become inoperative on July 1, 2022, and,*
 26 *as of January 1, 2023, is repealed.*

27 *SEC. 53. Section 25205.4 of the Health and Safety Code is*
 28 *amended to read:*

29 25205.4. (a) The base rate for the ~~1997~~ 2021 reporting period
 30 for the facility fee imposed by Section 25205.2 is ~~nineteen~~
 31 ~~thirty-five~~ thousand ~~seven~~ *nine* hundred ~~sixty-one~~ *forty-three*
 32 dollars (~~\$19,761~~). ~~Commencing with the 1998 reporting period,~~
 33 ~~and for each reporting period thereafter, the board shall adjust the~~
 34 ~~base rate annually to reflect increases or decreases in the cost of~~
 35 ~~living during the prior fiscal year, as measured by the Consumer~~
 36 ~~Price Index issued by the Department of Industrial Relations or~~
 37 ~~by a successor agency. (\$35,943).~~

38 (b) The determination of the facility fee pursuant to this section,
 39 including the redetermination of the base rate, is exempt from

1 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
2 3 of Title 2 of the Government Code.

3 (c) Except as provided in subdivision (e), in computing the
4 facility fees, all of the following shall apply:

5 (1) The fee to be paid by a ministorage facility shall equal 25
6 percent of the base facility rate.

7 (2) The fee to be paid by a small storage facility shall equal the
8 base facility rate.

9 (3) The fee to be paid by a large storage facility shall equal
10 twice the base facility rate.

11 (4) The fee to be paid by a minitreatment facility shall equal 50
12 percent of the base facility rate.

13 (5) The fee to be paid by a small treatment facility shall equal
14 twice the base facility rate.

15 (6) The fee to be paid by a large onsite treatment facility shall
16 equal three times the base facility rate.

17 (7) The fee to be paid by a large offsite treatment facility shall
18 ~~be as follows:~~ *equal three times the base facility rate.*

19 ~~(A) The annual facility fees for 1998, 1999, and 2000 shall equal~~
20 ~~2.25 times the base facility rate.~~

21 ~~(B) Beginning with the annual facility fee for 2001, the annual~~
22 ~~facility fee shall equal three times the base facility rate.~~

23 (8) The fee to be paid by a disposal facility shall equal 10 times
24 the base facility rate.

25 (9) (A) The fee to be paid by a facility with a postclosure permit
26 shall be five thousand seven hundred twenty-five dollars (\$5,725)
27 annually for a small facility, eleven thousand four hundred fifty
28 dollars (\$11,450) annually for a medium facility, and seventeen
29 thousand one hundred seventy-five dollars (\$17,175) for a large
30 facility during the first five years of the postclosure period. The
31 fee to be paid by a facility with a postclosure permit during the
32 remaining years of the postclosure care period shall be three
33 thousand fifty dollars (\$3,050) annually for a small facility, six
34 thousand one hundred dollars (\$6,100) annually for a medium
35 facility, and ten thousand three hundred dollars (\$10,300) annually
36 for a large facility.

37 (B) The fees required by subparagraph (A) shall be reduced by
38 50 percent for any facility for which an agency, other than the
39 department, is the lead agency pursuant to paragraph (1) of
40 subdivision (b) of Section 25204.6.

1 (d) If a facility falls into more than one category listed in either
2 subdivision (c) or (e), or any combination ~~thereof~~, *of categories*,
3 or *if* multiple operations under a single hazardous waste facilities
4 permit or grant of interim status fall into more than one category
5 listed in subdivision (c) or (e), or any combination ~~thereof~~, *of*
6 *categories*, the facility operator shall pay only the rate for the
7 facility category ~~which~~ *that* is the highest rate.

8 (e) Notwithstanding subdivision (c), the facility fee for a facility
9 that has been issued a standardized permit shall be as follows:

10 (1) The fee to be paid for a facility that has been issued a Series
11 A standardized permit shall be eleven thousand seven hundred
12 thirty dollars (\$11,730).

13 (2) The fee to be paid for a facility that has been issued a Series
14 B standardized permit shall be five thousand four hundred
15 ninety-seven dollars (\$5,497).

16 (3) Except as specified in paragraph (4), the fee to be paid for
17 a facility that has been issued a Series C standardized permit shall
18 be four thousand six hundred seventeen dollars (\$4,617).

19 (4) The fee for a facility that has been issued a Series C
20 standardized permit is two thousand three hundred eight dollars
21 (\$2,308) if the facility meets all of the following conditions:

22 (A) The facility treats not more than 1,500 gallons of liquid
23 hazardous waste and not more than 3,000 pounds of solid
24 hazardous waste in any calendar month.

25 (B) The total facility storage capacity does not exceed 15,000
26 gallons of liquid hazardous waste and 30,000 pounds of solid
27 hazardous waste.

28 (C) If the facility both treats and stores hazardous waste, the
29 facility does not exceed the volume limitations specified in
30 subparagraphs (A) and (B) for each individual activity.

31 (f) The fee imposed pursuant to this section shall be paid in
32 accordance with Part 22 (commencing with Section 43001) of
33 Division 2 of the Revenue and Taxation Code.

34 (g) *This section applies only to fees due for the 2021 reporting*
35 *period and the prepayment due for the 2022 reporting period.*

36 (h) *This section shall become inoperative on July 1, 2022, and,*
37 *as of January 1, 2023, is repealed.*

38 *SEC. 54. Section 25205.5 of the Health and Safety Code is*
39 *amended to read:*

1 25205.5. (a) In addition to the fee imposed pursuant to Section
2 25174.1, every generator of hazardous waste, in the amounts
3 specified in subdivision (c), shall pay the ~~board~~ *California*
4 *Department of Tax and Fee Administration* a generator fee for
5 each generator site for each calendar year, or portion thereof, of a
6 calendar year, unless the generator has paid a facility fee or
7 received a credit, as specified in Section 25205.2, for each specific
8 site, for the calendar year for which the generator fee is due.

9 (b) The base fee rate for the fee imposed pursuant to subdivision
10 (a) is ~~two five thousand seven hundred forty eight dollars (\$2,748).~~
11 *(\$5,000).*

12 (c) (1) Each generator who generates an amount equal to, or
13 more than, five tons, but less than 25 tons, of hazardous waste
14 during the prior calendar year shall pay 5 percent of the base rate.

15 (2) Each generator who generates an amount equal to, or more
16 than, 25 tons, but less than 50 tons, of hazardous waste during the
17 prior calendar year shall pay 40 percent of the base rate.

18 (3) Each generator who generates an amount equal to, or more
19 than, 50 tons, but less than 250 tons, of hazardous waste during
20 the prior calendar year shall pay the base rate.

21 (4) Each generator who generates an amount equal to, or more
22 than, 250 tons, but less than 500 tons, of hazardous waste during
23 the prior calendar year shall pay five times the base rate.

24 (5) Each generator who generates an amount equal to, or more
25 than, 500 tons, but less than 1,000 tons, of hazardous waste during
26 the prior calendar year shall pay 10 times the base rate.

27 (6) Each generator who generates an amount equal to, or more
28 than, 1,000 tons, but less than 2,000 tons, of hazardous waste
29 during the prior calendar year shall pay 15 times the base rate.

30 (7) Each generator who generates an amount equal to, or more
31 than, 2,000 tons of hazardous waste during the prior calendar year
32 shall pay 20 times the base rate.

33 (d) The base rate established pursuant to subdivision (b) ~~was is~~
34 the base rate for the ~~1997 2021~~ calendar year and the board shall
35 adjust the base rate annually to reflect increases or decreases in
36 the cost of living, during the prior fiscal year, as measured by the
37 Consumer Price Index issued by the Department of Industrial
38 Relations or by a successor agency. *year.*

39 (e) The establishment of the annual ~~operating~~ *generator* fee
40 pursuant to this section is exempt from Chapter 3.5 (commencing

1 with Section 11340) of Part 1 of Division 3 of Title 2 of the
2 Government Code.

3 (f) The following materials are not hazardous wastes for
4 purposes of this section:

5 (1) Hazardous materials ~~which~~ *that* are recycled, and used onsite,
6 and are not transferred offsite.

7 (2) Aqueous waste treated in a treatment unit operating, or which
8 subsequently operates, pursuant to a permit-by-rule, or pursuant
9 to Section 25200.3 or 25201.5. However, hazardous waste
10 generated by a treatment unit treating waste pursuant to a
11 permit-by-rule, by a unit which subsequently obtains a
12 permit-by-rule, or other authorization pursuant to Section 25200.3
13 or 25201.5 is hazardous waste for purposes of this section.

14 (g) The fee imposed pursuant to this section shall be paid in
15 accordance with Part 22 (commencing with Section 43001) of
16 Division 2 of the Revenue and Taxation Code.

17 (h) (1) A generator who pays a hazardous waste generator
18 inspection fee to a certified unified program ~~agency, which~~ *agency*
19 *that* is imposed as part of a single fee system and fee accountability
20 program that are both in compliance with the requirements of
21 Section ~~25404.5, 25404.5~~ shall be eligible for a refund of all, or
22 part of, the generator fee paid pursuant to subdivision (a) if both
23 of the following conditions apply:

24 (A) The generator received a credit pursuant to Section 43152.7
25 or 43152.11 of the Revenue and Taxation Code for fees paid for
26 hazardous waste generated in 1996.

27 (B) The department certifies, pursuant to subdivision (b) of
28 Section 25205.9, that funds are available to pay all or part of the
29 refund.

30 (2) A generator who is eligible for a refund pursuant to
31 paragraph (1) shall submit an application for that refund to the
32 ~~board~~ *California Department of Tax and Fee Administration* by
33 September 30 following the fiscal year during which the generator
34 paid the generator fee pursuant to subdivision (a). An application
35 for a refund postmarked after September 30 is void, shall not be
36 processed by the ~~board~~, *California Department of Tax and Fee*
37 *Administration, and* shall be returned to the applicant.

38 (i) (1) A generator who transfers hazardous materials to an
39 offsite facility for recycling at that offsite facility or another offsite
40 facility shall be eligible for a refund of all, or part of, the generator

1 fee paid pursuant to subdivision (a) if all of the following
2 conditions apply:

3 (A) The offsite facility to which the hazardous materials are
4 manifested pays a facility fee pursuant to Section 25205.2.

5 (B) The amount of hazardous materials transferred to the offsite
6 facility and recycled there, when deducted from the total tonnage
7 of hazardous waste generated at the generator's site, results in the
8 generator becoming eligible for a generator fee that is lower than
9 the fee paid pursuant to subdivision (a).

10 (C) The hazardous materials transferred to the offsite facility
11 are not burned in a boiler, industrial furnace, or an incinerator, as
12 those terms are defined in Section 260.10 of Title 40 of the Code
13 of Federal Regulations, used in a manner constituting disposal, or
14 used to produce products that are applied to land.

15 (D) The department certifies, pursuant to subdivision (b) of
16 Section 25205.9, that funds are available to pay all or part of the
17 refund.

18 (2) A generator who is eligible for a refund pursuant to
19 paragraph (1) shall submit an application for that refund to the
20 ~~board~~ *California Department of Tax and Fee Administration* by
21 September 30 following the fiscal year during which the generator
22 paid the generator fee pursuant to subdivision (a). An application
23 for a refund postmarked after September 30 is void, shall not be
24 processed by the ~~board~~, *California Department of Tax and Fee*
25 *Administration, and* shall be returned to the applicant.

26 (j) (1) The amendment of this section made by Chapter 1125
27 of the Statutes of 1991 does not constitute a change in, but is
28 declaratory of, existing law.

29 (2) The amendment of subdivision (a) of this section made by
30 Chapter 259 of the Statutes of 1996 does not constitute a change
31 in, but is declaratory of, existing law.

32 (k) *This section applies only to fees due for the 2021 reporting*
33 *period, including the prepayments due during each reporting*
34 *period and the fee due and payable by February 28 of the year*
35 *following each reporting period.*

36 (l) *This section shall remain in effect only until January 1, 2022,*
37 *and as of that date is repealed.*

38 *SEC. 55. Section 25205.5 is added to the Health and Safety*
39 *Code, to read:*

1 25205.5. (a) (1) Except as otherwise provided in this section,
2 a generator of hazardous waste shall pay to the California
3 Department of Tax and Fee Administration a generation and
4 handling fee for each generator site that generates an amount
5 equal to, or more than, five tons for each calendar year, or portion
6 of the calendar year.

7 (2) For the 2022–23 fiscal year, the fee rate shall be forty-nine
8 dollars and twenty-five cents (\$49.25) for each ton or fraction of
9 a ton of hazardous waste generated in calendar year 2021.

10 (3) Commencing July 1, 2023, the fee rates established pursuant
11 to Section 25205.5.01 shall apply.

12 (4) For purposes of calculating the amount of the fee imposed
13 pursuant to paragraph (1), a generator of hazardous waste that
14 is issued a hazardous waste facilities permit from the department
15 and that pays the annual facility fee, as specified in Section
16 25205.2, may deduct, from the amount of hazardous waste
17 otherwise subject to this subdivision that is generated per calendar
18 year, the amount of hazardous waste that is stored, bulked, or
19 transferred solely through the location of the permitted hazardous
20 waste facility and that is in route to another facility that is
21 authorized to do any of the following:

22 (A) Manage the hazardous waste for reclamation and recovery,
23 including fuel blending before energy recovery at another site.

24 (B) Manage the hazardous waste through destruction methods
25 or treatment before disposal at another site.

26 (C) Manage the hazardous waste by any form of treatment.

27 (D) Dispose of the hazardous waste.

28 (b) The following materials are not hazardous wastes for
29 purposes of this section:

30 (1) Hazardous materials that are recycled, and used onsite, and
31 are not transferred offsite.

32 (2) Aqueous waste treated in a treatment unit operating, or that
33 subsequently operates, pursuant to a permit-by-rule, or pursuant
34 to Section 25200.3 or 25201.5. However, hazardous waste
35 generated by a treatment unit treating waste pursuant to a
36 permit-by-rule, by a unit that subsequently obtains a
37 permit-by-rule, or other authorization pursuant to Section 25200.3
38 or 25201.5 is hazardous waste for purposes of this section.

1 (c) *The fee imposed pursuant to this section shall be paid in*
2 *accordance with Part 22 (commencing with Section 43001) of*
3 *Division 2 of the Revenue and Taxation Code.*

4 (d) *This section shall become operative on January 1, 2022,*
5 *and shall apply to the generation and handling fees imposed*
6 *pursuant to subdivision (a).*

7 SEC. 56. *Section 25205.5.01 is added to the Health and Safety*
8 *Code, immediately following Section 25205.5, to read:*

9 25205.5.01. (a) (1) *The Board of Environmental Safety shall*
10 *establish, by regulation, a schedule of rates for the fee authorized*
11 *by Section 25205.5, to be applicable commencing July 1, 2023,*
12 *and may adjust the schedule of rates no more frequently than once*
13 *per year thereafter and no later than October 1 of any year in*
14 *which the Board of Environmental Safety adopts the schedule of*
15 *rates.*

16 (2) *No later than October 1 of each year, the board shall provide*
17 *the California Department of Tax and Fee Administration the fee*
18 *rates that have been modified pursuant to this section.*

19 (b) (1) *The schedule of rates established pursuant to subdivision*
20 *(a) shall be based on both of the following:*

21 (A) *The costs of the administration and collection of fees.*

22 (B) *Statewide general administrative costs assessed to the*
23 *Hazardous Waste Control Account for that purpose.*

24 (2) *The total amount of fee revenues collected each fiscal year*
25 *shall conform with the amounts appropriated by the Legislature*
26 *for that fiscal year from the Hazardous Waste Control Account*
27 *for expenditure as authorized pursuant to Section 25174.*

28 (3) *The rates shall allow for a reserve in the Hazardous Waste*
29 *Control Account each year at an amount determined by the Board*
30 *of Environmental Safety to be sufficient to ensure that all programs*
31 *funded by the Hazardous Waste Control Account will not be*
32 *adversely affected by any revenue shortfalls or additional baseline*
33 *expenditure adjustments, but not to exceed 10 percent of authorized*
34 *expenditure levels.*

35 (c) (1) *The rate established by the Board of Environmental*
36 *Safety pursuant to subdivision (a) shall not exceed ninety-eight*
37 *dollars and fifty cents (\$98.50).*

38 (2) *The rate limit established in this subdivision is the limit for*
39 *the 2023–24 fiscal year. Beginning with the 2024–25 fiscal year,*
40 *and for each fiscal year thereafter, the rate limit shall be adjusted*

1 *annually to reflect increases or decreases in the cost of living*
2 *during the prior fiscal year, as measured by the Consumer Price*
3 *Index issued by the Department of Industrial Relations or by a*
4 *successor agency.*

5 *(d) If the Board of Environmental Safety determines the fee*
6 *revenue collected during the preceding year was greater than, or*
7 *less than, the amounts appropriated by the Legislature, the fee*
8 *rates proposed by the Board of Environmental Safety shall be*
9 *adjusted to compensate for the over or under collection of revenue.*

10 *(e) A regulation adopted pursuant to this section may be adopted*
11 *as an emergency regulation in accordance with Chapter 3.5*
12 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
13 *2 of the Government Code, and for the purposes of that chapter,*
14 *including Section 11349.6 of the Government Code, the adoption*
15 *of these regulations is an emergency and shall be considered by*
16 *the Office of Administrative Law as necessary for the immediate*
17 *preservation of the public peace, health, and safety, and general*
18 *welfare. Notwithstanding Chapter 3.5 (commencing with Section*
19 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
20 *an emergency regulation adopted by the department pursuant to*
21 *this section shall be filed with, but not be repealed by, the Office*
22 *of Administrative Law. A regulation adopted pursuant to this*
23 *section shall remain in effect until repealed by the Board of*
24 *Environmental Safety.*

25 *(f) This section shall become operative on January 1, 2022.*

26 *SEC. 57. Section 25205.5.1 of the Health and Safety Code is*
27 *amended to read:*

28 25205.5.1. Notwithstanding Sections 25174.1 and 25205.5,
29 the department may adopt regulations exempting victims of
30 disasters from the hazardous waste disposal fee imposed pursuant
31 to Section 25174.1 and the generator fee imposed pursuant to
32 Section 25205.5. The regulations may allow that exemption if all
33 of the following apply:

34 (a) The hazardous waste is generated in a geographical area
35 identified in a state of emergency proclamation by the Governor
36 pursuant to Section 8625 of the Government Code because of fire,
37 flood, storm, earthquake, riot, or civil unrest.

38 (b) The hazardous waste is generated when property owned or
39 controlled by the victim is damaged or destroyed as a result of the
40 disaster.

1 (c) The hazardous waste is not hazardous waste that is routinely
2 produced as part of a manufacturing or commercial business or
3 that is managed by a hazardous waste facility or a facility operated
4 by a generator of hazardous waste who files a hazardous waste
5 notification statement with the department pursuant to subdivision
6 (a) of Section 25158.

7 (d) The victim meets any other condition or limitation on
8 eligibility specified by the department.

9 (e) *This section shall remain in effect only until January 1, 2022,*
10 *and as of that date is repealed.*

11 *SEC. 58. Section 25205.5.1 is added to the Health and Safety*
12 *Code, to read:*

13 *25205.5.1. Notwithstanding Section 25205.5, the department*
14 *may adopt regulations exempting victims of disasters from the*
15 *generation and handling fee imposed pursuant to Section 25205.5.*
16 *The regulations may allow that exemption if all of the following*
17 *apply:*

18 (a) *The hazardous waste is generated in a geographical area*
19 *identified in a state of emergency proclamation by the Governor*
20 *pursuant to Section 8625 of the Government Code because of fire,*
21 *flood, storm, earthquake, riot, or civil unrest.*

22 (b) *The hazardous waste is generated when property owned or*
23 *controlled by the victim is damaged or destroyed as a result of the*
24 *disaster.*

25 (c) *The hazardous waste is not hazardous waste that is routinely*
26 *produced as part of a manufacturing or commercial business or*
27 *that is managed by a hazardous waste facility or a facility operated*
28 *by a generator of hazardous waste who files a hazardous waste*
29 *notification statement with the department pursuant to subdivision*
30 *(a) of Section 25158.*

31 (d) *The victim meets any other condition or limitation on*
32 *eligibility specified by the department.*

33 (e) *This section shall become operative on January 1, 2022,*
34 *and shall apply to the fees due for the 2022 reporting period and*
35 *thereafter, including the prepayments due during the reporting*
36 *period and the fee due and payable following the reporting period.*

37 *SEC. 59. Section 25205.6 of the Health and Safety Code is*
38 *amended to read:*

39 25205.6. (a) For purposes of this section, “organization” means
40 a corporation, limited liability company, limited partnership,

1 limited liability partnership, general partnership, and sole
2 proprietorship.

3 (b) On or before November 1 of each year, the department shall
4 provide the ~~board~~ *California Department of Tax and Fee*
5 *Administration* with a schedule of ~~codes~~, *codes* that consists of the
6 types of organizations that use, generate, store, or conduct activities
7 in this state related to hazardous materials, as defined in Section
8 25501, including, but not limited to, hazardous waste. The schedule
9 shall consist of identification codes from one of the following
10 classification systems, as deemed suitable by the department:

11 (1) The Standard Industrial Classification (SIC) system
12 established by the United States Department of Commerce.

13 (2) The North American Industry Classification System
14 (NAICS) adopted by the United States Census Bureau.

15 (c) Each organization of a type identified in the schedule adopted
16 pursuant to subdivision (a) shall pay an annual fee, which shall be
17 set in the following amounts:

18 (1) ~~Two~~ *Three hundred fifty-seven* dollars ~~(\$200)~~ *(\$357)* for
19 those organizations with 50 or more employees, but fewer than 75
20 employees.

21 (2) ~~Three~~ *Six hundred fifty twenty-seven* dollars ~~(\$350)~~ *(\$627)*
22 for those organizations with 75 or more employees, but fewer than
23 100 employees.

24 (3) ~~Seven~~ *One thousand two hundred forty-four* dollars ~~(\$700)~~
25 *(\$1,244)* for those organizations with 100 or more employees, but
26 fewer than 250 employees.

27 (4) ~~One~~ *Two thousand five six hundred sixty-nine* dollars
28 ~~(\$1,500)~~ *(\$2,669)* for those organizations with 250 or more
29 employees, but fewer than 500 employees.

30 (5) ~~Two~~ *Four thousand eight nine hundred eighty-five* dollars
31 ~~(\$2,800)~~ *(\$4,985)* for those organizations with 500 or more
32 employees, but fewer than 1,000 employees.

33 (6) ~~Nine~~ *Sixteen thousand five nine hundred eleven* dollars
34 ~~(\$9,500)~~ *(\$16,911)* for those organizations with 1,000 or more
35 employees.

36 (d) The fee imposed pursuant to this section shall be paid by
37 each organization that is identified in the schedule adopted pursuant
38 to subdivision (a) in accordance with Part 22 (commencing with
39 Section 43001) of Division 2 of the Revenue and Taxation Code
40 and shall be deposited in the Toxic Substances Control Account.

1 The revenues shall be available, upon appropriation by the
2 Legislature, for the purposes specified in subdivision (b) of Section
3 25173.6.

4 (e) For purposes of this section, the number of employees
5 employed by an organization is the number of persons employed
6 in this state for more than 500 hours during the calendar year
7 preceding the calendar year in which the fee is due.

8 (f) The fee rates specified in subdivision (c) are the rates for the
9 ~~1998 2021~~ calendar year. ~~Beginning with the 1999 calendar year,~~
10 ~~and for each calendar year thereafter, the State Board of~~
11 ~~Equalization shall adjust the rates annually to reflect increases or~~
12 ~~decreases in the cost of living during the prior fiscal year, as~~
13 ~~measured by the Consumer Price Index issued by the Department~~
14 ~~of Industrial Relations or by a successor agency.~~

15 (g) (1) Pursuant to paragraph (3) of subsection (c) of Section
16 104 of the federal Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
18 Sec. 9604(c)(3)), the state is obligated to pay specified costs of
19 removal and remedial actions carried out pursuant to the federal
20 Comprehensive Environmental Response, Compensation, and
21 Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

22 (2) The fee rates specified in subdivision (c) are intended to
23 provide sufficient revenues to fund the purposes of subdivision
24 (b) of Section 25173.6, including appropriations in any given fiscal
25 year to fund the state's obligation pursuant to paragraph (3) of
26 subsection (c) of Section 104 of the federal Comprehensive
27 Environmental Response, Compensation, and Liability Act of
28 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

29 (h) This section does not apply to a nonprofit corporation
30 primarily engaged in the provision of residential social and personal
31 care for children, the aged, and special categories of persons with
32 some limits on their ability for self-care, as described in SIC Code
33 8361 of the Standard Industrial Classification (SIC) Manual
34 published by the United States Office of Management and Budget,
35 1987 edition.

36 ~~(i) The changes made to this section by the act of the 2005-06~~
37 ~~Regular Session of the Legislature amending this section shall not~~
38 ~~increase fee revenues in the 2006-07 fiscal year.~~

39 (i) *This section applies only to the fees due for the 2021 calendar*
40 *year.*

1 (j) *This section shall remain in effect only until January 1, 2022,*
2 *and as of that date is repealed.*

3 *SEC. 60. Section 25205.6 is added to the Health and Safety*
4 *Code, to read:*

5 *25205.6. (a) For purposes of this section, “organization”*
6 *means a corporation, limited liability company, limited partnership,*
7 *limited liability partnership, general partnership, and sole*
8 *proprietorship.*

9 *(b) On or before October 1 of each year, the department shall*
10 *provide the California Department of Tax and Fee Administration*
11 *with a schedule of codes that consists of the types of organizations*
12 *that use, generate, store, or conduct activities in this state related*
13 *to hazardous materials, as defined in Section 25501, including,*
14 *but not limited to, hazardous waste. The schedule shall consist of*
15 *identification codes from one of the following classification*
16 *systems, as deemed suitable by the department:*

17 *(1) The Standard Industrial Classification (SIC) system*
18 *established by the United States Department of Commerce.*

19 *(2) The North American Industry Classification System (NAICS)*
20 *adopted by the United States Census Bureau.*

21 *(c) (1) Each organization of a type identified in the schedule*
22 *adopted pursuant to subdivision (a) shall pay an annual fee in*
23 *accordance with Section 43152.9 of the Revenue and Taxation*
24 *Code for the fiscal year in which it is assessed.*

25 *(2) The annual fee amounts for the 2022–23 fiscal year shall*
26 *be set at the following amounts:*

27 *(A) One thousand two hundred sixty-one dollars (\$1,261) for*
28 *those organizations with 100 or more employees, but fewer than*
29 *250 employees.*

30 *(B) Two thousand seven hundred six dollars (\$2,706) for those*
31 *organizations with 250 or more employees, but fewer than 500*
32 *employees.*

33 *(C) Sixteen thousand dollars (\$16,000) for those organizations*
34 *with 500 or more employees, but fewer than 1,000 employees.*

35 *(D) Fifty-four thousand one hundred dollars (\$54,100) for those*
36 *organizations with 1,000 or more employees.*

37 *(3) Commencing July 1, 2023, the fee rates established pursuant*
38 *to Section 25205.6.1 shall apply.*

39 *(d) The fee imposed pursuant to this section shall be paid by*
40 *each organization that is identified in the schedule adopted*

1 pursuant to subdivision (b) in accordance with Part 22
2 (commencing with Section 43001) of Division 2 of the Revenue
3 and Taxation Code and shall be deposited in the Toxic Substances
4 Control Account. The revenues shall be available, upon
5 appropriation by the Legislature, for the purposes specified in
6 subdivision (b) of Section 25173.6.

7 (e) For purposes of this section, the number of employees
8 employed by an organization is the number of persons employed
9 in this state for more than 500 hours during the calendar year
10 preceding the calendar year in which the fee is due.

11 (f) (1) Pursuant to paragraph (3) of subsection (c) of Section
12 104 of the federal Comprehensive Environmental Response,
13 Compensation, and Liability Act of 1980, as amended (42 U.S.C.
14 Sec. 9604(c)(3)), the state is obligated to pay specified costs of
15 removal and remedial actions carried out pursuant to the federal
16 Comprehensive Environmental Response, Compensation, and
17 Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

18 (2) The fee rates specified in subdivision (c) are intended to
19 provide sufficient revenues to fund the purposes of subdivision (b)
20 of Section 25173.6, including appropriations in any given fiscal
21 year to fund the state's obligation pursuant to paragraph (3) of
22 subsection (c) of Section 104 of the federal Comprehensive
23 Environmental Response, Compensation, and Liability Act of 1980,
24 as amended (42 U.S.C. Sec. 9604(c)(3)).

25 (g) This section does not apply to a nonprofit corporation
26 primarily engaged in the provision of residential social and
27 personal care for children, the aged, and special categories of
28 persons with some limits on their ability for self-care, as described
29 in SIC Code 8361 of the Standard Industrial Classification (SIC)
30 Manual published by the United States Office of Management and
31 Budget, 1987 edition or as described in Codes 623220, 623312,
32 and 623990 of the North American Industry Classification System
33 (NAICS) published by the United States Office of Management
34 and Budget, 2017 edition.

35 (h) This section shall become operative on January 1, 2022.

36 SEC. 61. Section 25205.6.1 is added to the Health and Safety
37 Code, to read:

38 25205.6.1. (a) (1) The Board of Environmental Safety shall
39 establish, by regulation, a schedule of rates for the fees authorized
40 by Section 25205.6 to be applicable commencing July 1, 2023,

1 *and may adjust the schedule of rates, no more frequently than once*
2 *per year and no later than October 1 of any year in which the*
3 *board adopts the schedule of rates.*

4 *(2) No later than October 1 of each year, the Board of*
5 *Environmental Safety shall provide the California Department of*
6 *Tax and Fee Administration the fee rates that have been modified*
7 *pursuant to this section.*

8 *(b) (1) The schedule of rates established pursuant to subdivision*
9 *(a) shall be based on both of the following:*

10 *(A) The costs of the administration and collection of fees.*

11 *(B) Statewide general administrative costs assessed to the*
12 *account for that fiscal year.*

13 *(2) The total amount of fee revenues collected each fiscal year*
14 *shall conform with the amounts appropriated by the Legislature*
15 *for that fiscal year from the Toxic Substances Control Account for*
16 *expenditure as authorized pursuant to Section 25173.6.*

17 *(3) The rates shall allow for a reserve in the Toxic Substances*
18 *Control Account each year at an amount determined by the board*
19 *to be sufficient to ensure that all programs funded by the Toxic*
20 *Substances Control Account will not be adversely affected by any*
21 *revenue shortfalls or additional baseline expenditure adjustments,*
22 *but not to exceed 10 percent of the authorized expenditure levels.*

23 *(c) (1) The rates established pursuant to subdivision (a) shall*
24 *be set for the following categories, and shall not exceed the levels*
25 *noted:*

26 *(A) Organizations with 100 or more employees, but fewer than*
27 *250 employees. This fee shall not exceed two thousand five hundred*
28 *twenty-two dollars (\$2,522).*

29 *(B) Organizations with 250 or more employees, but fewer than*
30 *500 employees. This fee shall not exceed five thousand four*
31 *hundred twelve dollars (\$5,412).*

32 *(C) Organizations with 500 or more employees, but fewer than*
33 *1,000 employees. This fee shall not exceed thirty-two thousand*
34 *dollars (\$32,000).*

35 *(D) Organizations with 1,000 or more employees. This fee shall*
36 *not exceed one hundred eight thousand two hundred dollars*
37 *(\$108,200).*

38 *(2) The rate limits established in this subdivision are the limits*
39 *for the 2023–24 fiscal year. Beginning with the 2024–25 fiscal*
40 *year, and for each fiscal year thereafter, the rate limits shall be*

1 *adjusted annually to reflect increases or decreases in the cost of*
2 *living during the prior fiscal year, as measured by the Consumer*
3 *Price Index issued by the Department of Industrial Relations or*
4 *by a successor agency.*

5 *(d) A regulation adopted pursuant to this section may be adopted*
6 *as an emergency regulation in accordance with Chapter 3.5*
7 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
8 *2 of the Government Code, and for the purposes of that chapter,*
9 *including Section 11349.6 of the Government Code, the adoption*
10 *of these regulations is an emergency and shall be considered by*
11 *the Office of Administrative Law as necessary for the immediate*
12 *preservation of the public peace, health, and safety, and general*
13 *welfare. Notwithstanding Chapter 3.5 (commencing with Section*
14 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
15 *an emergency regulation adopted by the department pursuant to*
16 *this section shall be filed with, but not be repealed by, the Office*
17 *of Administrative Law. A regulation adopted pursuant to this*
18 *section shall remain in effect until repealed by the Board of*
19 *Environmental Safety.*

20 *SEC. 62. Section 25205.9 of the Health and Safety Code is*
21 *repealed.*

22 ~~25205.9. (a) On or before June 30 of each year, the department~~
23 ~~shall determine if there are surplus funds in the Hazardous Waste~~
24 ~~Control Account and shall, upon appropriation by the Legislature,~~
25 ~~allocate these surplus funds to pay refunds in the following order~~
26 ~~of priority:~~

27 ~~(1) To pay refunds to generators pursuant to subdivision (e).~~

28 ~~(2) To pay refunds to generators pursuant to subdivision (d).~~

29 ~~However, the department shall not pay refunds pursuant to~~
30 ~~subdivision (d) until all applications for refunds pursuant to~~
31 ~~subdivision (e) have first been paid.~~

32 ~~(b) The department shall certify the amount of the surplus in~~
33 ~~the Hazardous Waste Control Account to the board and shall direct~~
34 ~~the board to pay refunds to generators pursuant to subdivisions (e)~~
35 ~~and (d) to the extent funds permit. If funds are not sufficient to~~
36 ~~pay all the refunds for which the board receives applications~~
37 ~~pursuant to subdivision (h) of Section 25205.5, the department~~
38 ~~shall direct the board to pay refunds pursuant to subdivision (e)~~
39 ~~on a pro rata basis. If funds are sufficient to pay all refunds for~~
40 ~~which applications are received pursuant to subdivision (h) of~~

1 ~~Section 25205.5 but not sufficient to pay all refunds for which~~
2 ~~applications were received by the board pursuant to subdivision~~
3 ~~(i) of Section 25205.5, the department shall direct the board to pay~~
4 ~~refunds pursuant to subdivision (d) on a pro rata basis.~~

5 ~~(e) (1) If the department certifies that there are sufficient funds~~
6 ~~to do so, the board shall issue refunds, in the manner directed by~~
7 ~~the department pursuant to subdivision (b), to hazardous waste~~
8 ~~generators who are eligible for refunds pursuant to paragraph (1)~~
9 ~~of subdivision (h) of Section 25205.5.~~

10 ~~(2) The refund made to a generator pursuant to this subdivision~~
11 ~~shall not exceed the fee paid by the generator pursuant to Section~~
12 ~~25205.5, or exceed the hazardous waste generator inspection fee~~
13 ~~paid to the certified unified program agency for the previous~~
14 ~~calendar year, whichever is less.~~

15 ~~(3) The board may issue refunds pursuant to this section only~~
16 ~~if the department certifies, pursuant to subdivision (b), that funds~~
17 ~~for these refunds are available.~~

18 ~~(d) (1) If the department certifies that there are sufficient funds~~
19 ~~to do so, the board shall issue refunds, in the manner directed by~~
20 ~~the department pursuant to subdivision (b), to hazardous waste~~
21 ~~generators who are eligible for refunds pursuant to paragraph (1)~~
22 ~~of subdivision (i) of Section 25205.5.~~

23 ~~(2) The refund made to a generator pursuant to this subdivision~~
24 ~~shall be equal to the difference between the amount of the generator~~
25 ~~fee paid by the generator pursuant to Section 25205.5 and the~~
26 ~~amount the generator would have paid if the amount of hazardous~~
27 ~~materials transferred to an offsite facility for recycling had been~~
28 ~~deducted from the total tonnage of hazardous waste generated at~~
29 ~~the generator's site. However, if a generator receives a refund~~
30 ~~pursuant to subdivision (c), the generator may not receive a refund~~
31 ~~pursuant to this subdivision that exceeds the difference between~~
32 ~~the amount of the generator fee paid pursuant to Section 25205.5~~
33 ~~and the amount of the refund received pursuant to subdivision (c).~~

34 ~~(3) The board may issue refunds pursuant to this subdivision~~
35 ~~only if the department certifies, pursuant to subdivision (b), that~~
36 ~~funds for these refunds are available.~~

37 ~~(e) For purposes of this section, "surplus" means the amount~~
38 ~~in the Hazardous Waste Control Account on June 30 of each year~~
39 ~~that is in excess of the reserve required by subdivision (k) of~~
40 ~~Section 25174.~~

1 *SEC. 63. Section 25205.12 of the Health and Safety Code is*
2 *amended to read:*

3 25205.12. (a) The owner of a hazardous waste facility
4 authorized to operate pursuant to a permit-by-rule, authorized
5 under a grant of conditional authorization pursuant to Section
6 25200.3, exempted pursuant to subdivision (a) or (c) of Section
7 25201.5, or exempted pursuant to Section 25144.6 ~~or 25201.14~~ is
8 exempt from the facility fee specified in Section 25205.2 for any
9 activities authorized by the permit-by-rule, under a grant of
10 conditional authorization pursuant to Section 25200.3, exempted
11 pursuant to subdivision (a) or (c) of Section 25201.5, or exempted
12 pursuant to Section 25144.6 ~~or 25201.14~~ at that facility for any
13 year or reporting period during which the facility is operating.

14 ~~(b) The retroactive portion of the facility fee exemption provided~~
15 ~~by subdivision (a) does not apply to any facility that was authorized~~
16 ~~by the department to operate on or before June 1, 1991, for any~~
17 ~~fees paid or billed prior to September 1, 1992.~~

18 ~~(c) The operator of a hazardous waste facility authorized by the~~
19 ~~department to clean and recycle excavated underground storage~~
20 ~~tanks is exempt from the facility fee specified in Section 25205.2~~
21 ~~with regard to those activities conducted before January 1, 1994,~~
22 ~~and those activities conducted after that date, until the effective~~
23 ~~date of a regulation adopted by the department governing the~~
24 ~~statewide requirements for the issuance of a permit for tank~~
25 ~~cleaning and recycling facilities.~~

26 ~~(d) The operator of a hazardous waste facility operating pursuant~~
27 ~~to a standardized permit or a grant of interim status, as specified~~
28 ~~in Section 25201.6, is exempt from the facility fee specified in~~
29 ~~Sections 25205.2 and 25205.4 for any year or reporting period~~
30 ~~prior to January 1, 1993, during which the facility operated, if the~~
31 ~~hazardous waste treatment or storage activity was conducted prior~~
32 ~~to January 1, 1993, and the owner or operator is in compliancee~~
33 ~~with the notification and application requirements of Section~~
34 ~~25201.6, as amended in the 1993-94 Regular Session of the~~
35 ~~Legislature, or as amended thereafter, and either of the following~~
36 ~~circumstances apply:~~

37 ~~(1) The owner or operator was not authorized by the department~~
38 ~~before July 1, 1993, to conduct the eligible treatment or storage~~
39 ~~activity.~~

1 ~~(2) The owner or operator did not pay a hazardous waste facility~~
2 ~~fee, as specified in Section 25205.2, for that year or reporting~~
3 ~~period prior to July 1, 1993, for the facility that is the subject of~~
4 ~~the standardized permit.~~

5 *(b) This section shall remain in effect only until January 1, 2022,*
6 *and as of that date is repealed.*

7 *SEC. 64. Section 25205.14 of the Health and Safety Code is*
8 *amended to read:*

9 25205.14. (a) Except as provided in Section 25404.5, the owner
10 or operator of a facility or transportable treatment unit operating
11 pursuant to a permit-by-rule shall pay a fee to the ~~board~~ *California*
12 *Department of Tax and Fee Administration* per facility or
13 transportable treatment unit for each reporting period, or portion
14 ~~thereof.~~ *of a reporting period.* The fee for the 1997 reporting period
15 shall be nine hundred fifty-eight dollars (\$958). Until July 1, 1998,
16 the owner or operator of a facility or transportable treatment unit
17 operating pursuant to a permit-by-rule shall also pay a fee in the
18 amount of 50 percent of the fee specified in this subdivision for
19 each modification of the notification required by Sections 67450.2
20 and 67450.3 of Title 22 of the California Code of Regulations, as
21 those sections read on January 1, 1995, or as those sections may
22 subsequently be amended. Thereafter, the fee shall be adjusted
23 annually by the ~~board~~ *California Department of Tax and Fee*
24 *Administration* to reflect increases and decreases in the cost of
25 living, as measured by the Consumer Price Index issued by the
26 Department of Industrial Relations or a successor agency. The
27 reporting period shall begin January 1 of each calendar year. On
28 or before January 31 of each calendar year, the department shall
29 notify the ~~board~~ *California Department of Tax and Fee*
30 *Administration* of all known owners or operators operating pursuant
31 to a permit-by-rule who are not exempted from this fee pursuant
32 to Section 25404.5. The department shall also notify the ~~board~~
33 *California Department of Tax and Fee Administration* of any owner
34 or operator authorized to operate pursuant to a permit-by-rule, who
35 is not exempted from this fee pursuant to Section 25404.5, within
36 60 days after the owner or operator is authorized.

37 (b) Except as provided in Section 25404.5, a generator operating
38 under a grant of conditional authorization pursuant to Section
39 25200.3 shall pay a fee to the ~~board~~ *California Department of Tax*
40 *and Fee Administration* per facility for each reporting period, or

1 portion ~~thereof~~, of a reporting period, unless the generator is
2 subject to a fee under a permit-by-rule. The fee for the 1997
3 reporting period shall be nine hundred fifty-eight dollars (\$958).
4 Thereafter, the fee shall be adjusted annually by the ~~board~~
5 *California Department of Tax and Fee Administration* to reflect
6 increases and decreases in the cost of living, during the prior fiscal
7 year, as measured by the Consumer Price Index issued by the
8 Department of Industrial Relations or a successor agency. The
9 reporting period shall begin January 1 of each calendar year. On
10 or before January 31 of each calendar year, the department shall
11 notify the ~~board~~ *California Department of Tax and Fee*
12 *Administration* of all known generators operating pursuant to a
13 grant of conditional authorization under Section 25200.3 who are
14 not exempted from this fee pursuant to Section 25404.5. The
15 department shall also notify the ~~board~~ *California Department of*
16 *Tax and Fee Administration* of any generator authorized to operate
17 under a grant of conditional authorization, who is not exempted
18 from this fee pursuant to Section 25404.5, within 60 days of the
19 receipt of notification.

20 (c) Except as provided in Section 25404.5, a generator
21 performing treatment conditionally exempted pursuant to Section
22 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay
23 thirty-eight dollars (\$38) to the ~~board~~ *California Department of*
24 *Tax and Fee Administration* per facility for each reporting period,
25 unless that generator is subject to a fee under a permit-by-rule or
26 a conditional authorization pursuant to Section 25200.3. Until July
27 1, 1998, a generator performing treatment conditionally exempted
28 pursuant to Section 25144.6 or subdivision (a) or (c) of Section
29 25201.5 shall pay one hundred dollars (\$100) to the ~~board~~
30 *California Department of Tax and Fee Administration* per facility
31 for the initial operating period, or portion ~~thereof~~, of an initial
32 reporting period, unless that generator is subject to a fee under a
33 permit-by-rule or a conditional authorization pursuant to Section
34 25200.3. The reporting period shall begin January 1 of each
35 calendar year. On or before January 31 of each calendar year, the
36 department shall notify the ~~board~~ *California Department of Tax*
37 *and Fee Administration* of all known facilities performing treatment
38 conditionally exempted by Section 25144.6 or subdivision (a) or
39 (c) of Section 25201.5 who are not exempted from this fee pursuant
40 to Section 25404.5. The department shall also notify the ~~board~~

1 *California Department of Tax and Fee Administration* of any
2 generator who notifies the department that the generator is
3 conducting a conditionally exempt treatment operation, and who
4 is not exempted from this fee pursuant to Section 25404.5, within
5 60 days of the receipt of the notification.

6 (d) The fees imposed pursuant to this section shall be paid in
7 accordance with Part 22 (commencing with Section 43001) of
8 Division 2 of the Revenue and Taxation Code.

9 (e) *This section shall become inoperative on July 1, 2022, and,*
10 *as of January 1, 2023, is repealed.*

11 *SEC. 65. Section 25205.15 of the Health and Safety Code is*
12 *amended to read:*

13 25205.15. (a) Except for the first four manifests used in a
14 calendar year by a business with less than 100 employees, and
15 except as provided in paragraph (2), in addition to any fees to cover
16 printing and distribution costs, the department shall impose a
17 manifest fee of seven dollars and fifty cents (\$7.50) for each
18 manifest form or electronic equivalent used by any person, in the
19 following manner:

20 (1) The department shall bill generators for each manifest form
21 or electronic equivalent. The billing frequency specified by the
22 department may range from monthly to annually, with the payment
23 by the generator required within 30 days from the date of receipt
24 of the billing, and shall be determined based on consultation with
25 the regulated community. In preparing the bills, the department
26 shall distinguish between manifests used solely for recycled
27 hazardous wastes and those used for nonrecycled hazardous wastes.
28 In determining the billing frequency, the department may take into
29 account each person's volume of manifest usage.

30 (2) (A) The manifest fee shall not be collected on the use of
31 manifest forms that are used solely for hazardous wastes that are
32 recycled.

33 (B) The manifest fee for each manifest form or electronic
34 equivalent used solely for hazardous waste derived from air
35 compliance solvents shall be three dollars and fifty cents (\$3.50).
36 This is in addition to any fees charged to cover printing and
37 distribution costs.

38 (3) The department shall implement a system for the use of
39 manifest forms that distinguishes among recycling manifests used
40 solely for hazardous wastes that are to be recycled, manifests used

1 solely to transport hazardous waste derived from air compliance
2 solvents, and general manifests that may be used for transporting
3 waste for any purpose.

4 (4) (A) If a person erroneously reports on a manifest form or
5 electronic equivalent that the manifest is being used for the
6 transport of hazardous wastes that are being shipped for recycling
7 or for the transport of hazardous wastes derived from air
8 compliance solvents rather than the transport of other types of
9 hazardous waste, the person shall pay the seven dollars and fifty
10 cents (\$7.50) manifest fee and an additional error correction fee
11 of twenty dollars (\$20) per manifest, as required pursuant to
12 Section 25160.5.

13 (B) Notwithstanding subparagraph (A) the department shall
14 provide the manifest user with a reasonable opportunity to notify
15 the department of any incorrect use of the recycling manifest, as
16 described in subparagraph (A), and to provide the department with
17 the appropriate manifest fee payment without additional fines,
18 penalties, or payment of the error correction fee.

19 (5) The department may adopt regulations to implement and
20 administer the manifest fee system imposed pursuant to this
21 subdivision.

22 (b) For purposes of subdivision (a), “manifest” has the same
23 meaning as defined in paragraph (1) of subdivision (a) of Section
24 25160.

25 (c) The manifest fees collected pursuant to this section shall be
26 deposited in the Hazardous Waste Control Account and be
27 available for expenditure, upon appropriation by the Legislature.

28 (d) For purposes of this section, “air compliance solvent” means
29 a solvent, including aqueous solutions, that are required or
30 approved for use by regulations adopted by the State Air Resources
31 Board, an air pollution control district, or an air quality
32 management district, to meet air emission standards adopted by
33 that board or district and, pursuant to those regulations, is required
34 to be used instead of another solvent that was used and recycled
35 ~~prior to~~ before the adoption of those regulations.

36 (e) *This section applies only to fees due for the 2021 and earlier*
37 *reporting periods.*

38 (f) *This section shall remain in effect only until January 1, 2022,*
39 *and as of that date is repealed.*

1 *SEC. 66. Section 25205.16 of the Health and Safety Code is*
2 *amended to read:*

3 25205.16. (a) (1) The department may impose an annual
4 verification fee upon all generators, transporters, and facility
5 operators with 50 or more employees that possess a valid
6 identification number issued either by the department or by the
7 *United States* Environmental Protection Agency. The fee charged
8 shall be one hundred fifty dollars (\$150) for each generator,
9 transporter, and facility operator with 50 or more employees, but
10 ~~less fewer~~ than 75 employees; one hundred seventy-five dollars
11 (\$175) for each generator, transporter, and facility operator with
12 75 or more employees, but ~~less fewer~~ than 100 employees; two
13 hundred dollars (\$200) for each generator, transporter, and facility
14 operator with 100 or more employees, but ~~less fewer~~ than 250
15 employees; two hundred twenty-five dollars (\$225) for each
16 generator, transporter, and facility operator with 250 or more
17 employees, but ~~less fewer~~ than 500 employees; two hundred fifty
18 dollars (\$250) for each generator, transporter, and facility operator
19 with 500 or more employees. However, no generator, transporter,
20 or facility operator shall be assessed fees pursuant to this section
21 that exceed, in total, five thousand dollars (\$5,000).

22 (2) The generator, transporter, or facility operator subject to the
23 fee shall submit payment of the fee within 30 days from the date
24 of receiving a notice of assessment from the department. The notice
25 shall be sent once during each fiscal year to each holder of a valid
26 identification number. The fee imposed by this section shall be
27 deposited in the Hazardous Waste Control Account and be
28 available for expenditure, upon appropriation by the Legislature.
29 For purposes of this section, “employee” shall have the same
30 meaning set forth in Section 25205.6.

31 (b) The department shall establish an identification number
32 certification system to biennially verify the accuracy of information
33 related to generators, transporters, and facilities authorized to treat,
34 store, or dispose of hazardous waste. However, if the number of
35 identification numbers issued since the previous certification
36 exceeds 20 percent of the active identification numbers, the
37 department may implement an annual certification. Each entity
38 issued an identification number shall provide or verify the
39 information specified in paragraphs (1) to (9), inclusive, when

1 requested by the department. The system shall include the provision
2 or verification of all of the following information:

3 (1) The name, mailing address, facsimile number, fictitious
4 business name, federal employer number, ~~State Board California~~
5 ~~Department of Equalization Tax and Fee Administration~~
6 identification number, SIC code, ~~electronic-mail~~ email address, if
7 available, and telephone number of the firm or organization
8 engaged in hazardous waste activities.

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

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

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

15 (5) The site location address or description associated with the
16 firm or organization's identification number provided in paragraph
17 (4).

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

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

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

24 (A) Generation.

25 (B) Transportation.

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

27 (9) The waste codes associated with the four largest hazardous
28 waste streams, by volume, of the firm or organization. The federal
29 waste code shall be verified for RCRA hazardous waste and the
30 California waste code shall be verified for non-RCRA hazardous
31 waste.

32 (c) Any generator, transporter, and facility operator who fails
33 to comply with this section, or who fails to provide information
34 required by the department to verify the accuracy of hazardous
35 waste activity data, shall be subject to suspension of any and all
36 identification numbers assigned to the generator, transporter, or
37 facility operator and to any other authorized enforcement action.

38 (d) *This section applies only to fees due for the 2021 and earlier*
39 *reporting periods.*

1 (e) This section shall remain in effect only until January 1, 2022,
2 and as of that date is repealed.

3 SEC. 67. Section 25205.16 is added to the Health and Safety
4 Code, to read:

5 25205.16. (a) The department shall establish an identification
6 number certification system to annually verify the accuracy of
7 information related to generators, transporters, and facilities
8 authorized to treat, store, or dispose of hazardous waste. Each
9 entity issued an identification number shall provide or verify the
10 information specified in paragraphs (1) to (9), inclusive, when
11 requested by the department. The system shall include the provision
12 or verification of all of the following information:

13 (1) The name, mailing address, facsimile number, fictitious
14 business name, federal employer number, California Department
15 of Tax and Fee Administration identification number, SIC code,
16 email address, if available, and telephone number of the firm or
17 organization engaged in hazardous waste activities.

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

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

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

24 (5) The site location address or description associated with the
25 firm or organization's identification number provided in paragraph
26 (4).

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

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

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

33 (A) Generation.

34 (B) Transportation.

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

36 (9) The waste codes associated with the four largest hazardous
37 waste streams, by volume, of the firm or organization. The federal
38 waste code shall be verified for RCRA hazardous waste and the
39 California waste code shall be verified for non-RCRA hazardous
40 waste.

1 (b) Any generator, transporter, and facility operator who fails
2 to comply with this section, or who fails to provide information
3 required by the department to verify the accuracy of hazardous
4 waste activity data, shall be subject to suspension of any and all
5 identification numbers assigned to the generator, transporter, or
6 facility operator and to any other authorized enforcement action.

7 (c) This section shall become operative on January 1, 2022.

8 SEC. 68. Section 25205.20 of the Health and Safety Code is
9 repealed.

10 ~~25205.20. (a) In issuing a variance, the department may, for~~
11 ~~purposes of the annual facility fee only, make the variance~~
12 ~~retroactive to not earlier than one year after the date of the variance~~
13 ~~application's submittal to the department, or January 1, 1994,~~
14 ~~whichever is later.~~

15 ~~(b) A facility which is subject to the annual facility fee shall~~
16 ~~pay such fee while the variance application is pending. Within one~~
17 ~~year of the issuance of the variance, the board shall issue a refund~~
18 ~~of facility fees paid for all reporting periods following the period~~
19 ~~to which the variance is retroactive. The refund shall not include~~
20 ~~interest.~~

21 ~~(c) Variance, for purposes of this section, means a variance~~
22 ~~from the requirement of obtaining a hazardous waste facilities~~
23 ~~permit or grant of interim status.~~

24 SEC. 69. Section 25205.21 of the Health and Safety Code is
25 amended to read:

26 25205.21. (a) Notwithstanding Section 25205.4, a disposal
27 facility operator ~~which~~ *that* is a government agency shall be subject
28 to a maximum facility fee of ten thousand dollars (\$10,000) for
29 any reporting period of 12 months and five thousand dollars
30 (\$5,000) for any reporting period of six months, for that disposal
31 facility for any reporting period in which it did not at any time
32 dispose of hazardous waste ~~therein~~. *during the reporting period.*
33 This section shall apply to all reporting periods since the inception
34 of the facility fee up to and including the reporting period ending
35 December 31, 1998.

36 ~~(b) Prior to January 1, 1998, no interest or penalty shall accrue~~
37 ~~on any amount owed by an operator pursuant to subdivision (a).~~

38 (e)

39 (b) This section shall not affect the imposition of the annual
40 postclosure facility fee. *fee imposed pursuant to Section 25205.2.*

1 *SEC. 70. Section 25205.22 of the Health and Safety Code is*
2 *amended to read:*

3 25205.22. (a) ~~Prior to~~ *Before* January 1, 1996, any person
4 transporting, importing, or receiving non-RCRA hazardous waste
5 imported into this state for purposes of treatment, recycling, or
6 disposal shall be considered the generator of that waste and the
7 facility shall be considered the site of generation for purposes of
8 payment of the generator fee pursuant to Section 25205.5, and the
9 facility operator shall pay the applicable generator fee even if the
10 operator has also paid a facility fee, but ~~no~~ *a* generator fee shall
11 *not* be assessed for non-RCRA hazardous waste imported ~~prior to~~
12 *before* January 1, 1994.

13 (b) Notwithstanding subdivision (c), any fees due pursuant to
14 this chapter for calendar year 1995 and ~~which that~~ *are* due and
15 payable in calendar year 1996 shall be paid in 1996 in accordance
16 with Section 43152.7 of the Revenue and Taxation Code.

17 (c) On and after January 1, 1996, any person transporting,
18 importing, or receiving non-RCRA hazardous waste imported into
19 this state for purposes of treatment, recycling, or disposal shall be
20 exempt from the payment of the generator fee imposed pursuant
21 to Section 25205.5 and the generator surcharge imposed pursuant
22 to Section 25205.9.

23 (d) *This section applies only to fees due for the 2021 and earlier*
24 *reporting periods.*

25 (e) *This section shall remain in effect only until January 1, 2022,*
26 *and as of that date is repealed.*

27 *SEC. 71. Section 25205.22 is added to the Health and Safety*
28 *Code, to read:*

29 25205.22. (a) *On and after January 1, 2022, for hazardous*
30 *waste imported into this state for purposes of treatment, recycling,*
31 *or disposal, the operator of the facility receiving the imported*
32 *hazardous waste shall pay the applicable generation and handling*
33 *fee.*

34 (b) *This section shall become operative on January 1, 2022,*
35 *and shall apply to the generation and handling fees due for the*
36 *2022 reporting period and thereafter, including the prepayments*
37 *due during the reporting period and the fee due and payable by*
38 *February 28 of the year following the reporting period.*

39 *SEC. 72. Section 25207.12 of the Health and Safety Code is*
40 *amended to read:*

1 25207.12. (a) Any eligible participant who submits banned,
2 unregistered, or outdated agricultural wastes for collection in a
3 program established pursuant to this article is exempt from the
4 fees and reimbursements required by Sections 25174.1, 25205.2,
5 25205.5, and 25205.7, with regard to the wastes submitted for
6 collection.

7 (b) An eligible participant who submits banned, unregistered,
8 or outdated agricultural wastes for collection is exempt from the
9 hazardous waste facilities permit requirements of Section 25201
10 with regard to the management of the wastes submitted for
11 collection.

12 (c) A county operating a collection program in compliance with
13 this article shall not be held liable in any cost recovery action
14 brought pursuant to Section 25360 for any hazardous waste ~~which~~
15 *that* has been properly handled and transported to an authorized
16 hazardous waste treatment or disposal facility, in compliance with
17 this chapter, at a location other than that of the collection program.

18 (d) *This section applies only to fees due for the 2021 and earlier*
19 *reporting periods.*

20 (e) *This section shall remain in effect only until January 1, 2022,*
21 *and as of that date is repealed.*

22 *SEC. 73. Section 25207.12 is added to the Health and Safety*
23 *Code, to read:*

24 25207.12. (a) Any eligible participant who submits banned,
25 unregistered, or outdated agricultural wastes for collection in a
26 program established pursuant to this article is exempt from the
27 fees and reimbursements required by Sections 25205.2, 25205.5,
28 and 25205.7, with regard to the wastes submitted for collection.

29 (b) An eligible participant who submits banned, unregistered,
30 or outdated agricultural wastes for collection is exempt from the
31 hazardous waste facilities permit requirements of Section 25201
32 with regard to the management of the wastes submitted for
33 collection.

34 (c) A county operating a collection program in compliance with
35 this article shall not be held liable in any cost recovery action
36 brought pursuant to Section 25360 for any hazardous waste *that*
37 *has been properly handled and transported to an authorized*
38 *hazardous waste treatment or disposal facility, in compliance with*
39 *this chapter, at a location other than that of the collection program.*

1 *(d) This section shall become operative on January 1, 2022,*
2 *and shall apply to the fees due for the 2022 reporting period and*
3 *thereafter, including the prepayments due during the reporting*
4 *period and the fee due and payable following the reporting period.*

5 *SEC. 74. Section 25218.6 of the Health and Safety Code is*
6 *amended to read:*

7 25218.6. The fees imposed by Article 7 (commencing with
8 Section 25170) and Article 9.1 (commencing with Section 25205.1)
9 do not apply to either of the following:

10 (a) Hazardous wastes generated or disposed of by a public
11 agency, or its contractor, operating a household hazardous waste
12 collection facility, including, but not limited to, hazardous waste
13 received from CESQGs.

14 (b) A household hazardous waste collection facility operated
15 in accordance with this article.

16 *(c) This section shall remain in effect only until January 1, 2022,*
17 *and as of that date is repealed.*

18 *SEC. 75. Section 25246.1 is added to the Health and Safety*
19 *Code, to read:*

20 25246.1. (a) (1) *The department shall request, and an owner*
21 *or operator of a facility shall submit to the department for review*
22 *and approval, a written cost estimate for corrective action if all*
23 *of the following are met:*

24 (A) *The department has identified a release or releases of a*
25 *hazardous waste or hazardous waste constituent into the*
26 *environment from the facility.*

27 (B) *The source of the release or releases of a hazardous waste*
28 *or hazardous waste constituent is a hazardous waste facility,*
29 *hazardous waste management unit, or an activity regulated by the*
30 *department under this chapter.*

31 (C) *The department determines that corrective action is*
32 *necessary at the facility, either during the active life of the facility*
33 *or pursuant to an order or agreement for corrective action.*

34 (2) *The written cost estimate for corrective action required by*
35 *paragraph (1) shall be based on available data, the history of*
36 *releases, and facility activities.*

37 (b) (1) *Other than for an obligation for corrective action*
38 *described in subdivision (a), the department shall request, and an*
39 *owner or operator of a facility or a respondent or proponent*
40 *required to conduct corrective action at a facility from which*

1 releases that necessitate corrective action have occurred shall
2 submit to the department for review and approval, a written cost
3 estimate to cover activities associated with necessary corrective
4 action if the department determines that corrective action is
5 necessary at any site undergoing a response action, as defined in
6 Chapter 6.8 (commencing with Section 25300), overseen by the
7 department pursuant to its authority in any of the following
8 circumstances:

9 (A) The department has issued an order, entered into an
10 agreement, or otherwise initiated action with respect to a release
11 at the site, as defined in Chapter 6.8 (commencing with Section
12 25300), pursuant to Section 25355, 25355.5, or 25358.3.

13 (B) The source of the release or releases, as defined in Chapter
14 6.8 (commencing with Section 25300), is a hazardous waste facility,
15 hazardous waste management unit, or an activity regulated by the
16 department under this chapter.

17 (C) The department is conducting, or has conducted, oversight
18 of the site investigation and response action at the site at the
19 request of the responsible party, as defined in Chapter 6.8
20 (commencing with Section 25300).

21 (2) The written cost estimate required pursuant to paragraph
22 (1) shall be based on available data, the history of releases, and
23 activities at the site, as defined in Chapter 6.8 (commencing with
24 Section 25300).

25 (c) An owner or operator may satisfy the requirements of this
26 section by demonstrating to the department that it has provided
27 financial assurance for corrective action to the State Water
28 Resources Control Board or a California regional water quality
29 control board for the same release identified by the department.

30 (d) For facilities for which sole jurisdiction has been granted
31 pursuant to subdivision (b) of Section 25204.6, the department
32 shall not require additional financial assurances unless it is the
33 lead agency or is directed by the lead agency that has sole
34 jurisdiction pursuant to subdivision (b) of Section 25204.6. This
35 section does not alter the State Water Resources Control Board's
36 rules and regulations regarding financial assurances.

37 SEC. 76. Section 25246.2 is added to the Health and Safety
38 Code, to read:

1 25246.2. (a) All of the following requirements apply if a written
2 cost estimate for corrective action is required pursuant to Section
3 25246.1:

4 (1) A corrective action cost estimate shall be based on, and be
5 no less stringent than, the ASTM International Standard E2150.

6 (2) (A) An owner or operator of a facility requiring corrective
7 action under department oversight shall submit the corrective
8 action cost estimate to the department within 60 days of the
9 department's request.

10 (B) If the department determines that the corrective action cost
11 estimate is substantially incomplete or includes substantially
12 unsatisfactory information, the department shall provide a written
13 notice of deficiency to the owner or operator of the hazardous
14 waste facility or a respondent or proponent required to conduct
15 corrective action under department oversight at a facility within
16 60 days of receipt of the corrective action cost estimate.

17 (C) The owner or operator of the hazardous waste facility or a
18 respondent or proponent required to conduct corrective action
19 under department oversight at a facility shall submit a revised
20 corrective action cost estimate based on the information provided
21 in the written notice of deficiency within 30 days.

22 (D) The department shall approve or deny the revised corrective
23 action cost estimate within 30 days of receipt of the revised
24 corrective action cost estimate.

25 (E) If the corrective action cost estimate does not address the
26 information provided in the written notice of deficiency, as
27 determined by the department, the department shall deny the
28 revised corrective action cost estimate and shall, within 60 days
29 of denial of the corrective action cost estimate, develop its own
30 corrective action cost estimate that will be the approved corrective
31 action cost estimate for the facility.

32 (3) Within 90 days of approval by the department of a corrective
33 action cost estimate, the owner or operator of a hazardous waste
34 facility or a respondent or proponent required to conduct
35 corrective action under department oversight at a facility shall
36 fund the approved corrective action cost estimate or enter into a
37 schedule of compliance for assurances of financial responsibility
38 for completing the corrective action.

39 (4) If the owner or operator of a hazardous waste facility or a
40 respondent or proponent required to conduct corrective action

1 *under department oversight at a facility is required to submit a*
2 *financial assurance mechanism for corrective action, the financial*
3 *assurances shall be in the form of a trust fund, surety bond, letter*
4 *or credit, insurance, or any other mechanism authorized under*
5 *the federal act and the regulations adopted by the department for*
6 *financial assurance mechanisms.*

7 *(5) The financial assurances for an owner or operator of a*
8 *hazardous waste facility or a respondent or proponent required*
9 *to conduct corrective action under department oversight at a*
10 *facility that is required to submit a financial assurance mechanism*
11 *for corrective action shall be governed by Section 25355.3.*

12 *(b) The department may adopt, and revise, when appropriate,*
13 *standards and regulations to implement this section. Additionally,*
14 *the department may adopt emergency regulations in accordance*
15 *with Chapter 3.5 (commencing with Section 11340) of Part 1 of*
16 *Division 3 of Title 2 of the Government Code, to implement this*
17 *section. The adoption of these regulations shall be declared an*
18 *emergency and necessary for the immediate preservation of the*
19 *public peace, health and safety, or general welfare for purposes*
20 *of Sections 11346.1 and 11349.6 of the Government Code.*

21 *SEC. 77. Section 25250.24 of the Health and Safety Code is*
22 *amended to read:*

23 25250.24. (a) Except as provided in subdivision (b), any person
24 who generates, receives, stores, transfers, transports, treats, or
25 recycles used oil, unless specifically exempted or unless the used
26 oil is not regulated by the department pursuant to subdivision (b)
27 of Section 25250.1, shall comply with all provisions of this chapter.

28 (b) Used oil ~~which that~~ is removed from a motor vehicle and
29 ~~which that~~ is subsequently ~~recycled~~, recycled by a recycler who
30 is permitted pursuant to this ~~article~~, article shall not be included
31 in the calculation of the amount of hazardous waste generated for
32 purposes of the generator fee imposed pursuant to Section 25205.5.

33 (c) *This section shall remain in effect only until January 1, 2022,*
34 *and as of that date is repealed.*

35 *SEC. 78. Section 25250.24 is added to the Health and Safety*
36 *Code, to read:*

37 25250.24. (a) A person who generates, receives, stores,
38 transfers, transports, treats, or recycles used oil, unless specifically
39 exempted or unless the used oil is not regulated by the department

1 pursuant to subdivision (b) of Section 25250.1, shall comply with
2 all provisions of this chapter.

3 (b) This section shall become operative on January 1, 2022,
4 and used oil subject to the provisions of this chapter shall be
5 included in the calculation of the amount of hazardous waste
6 generated for purposes of the generation and handling fee imposed
7 pursuant to Section 25205.5 for the fees due for the 2022 reporting
8 period and thereafter, including the prepayments due following
9 the reporting period and the fee due and payable following the
10 reporting period.

11 SEC. 79. Section 25355.3 is added to the Health and Safety
12 Code, to read:

13 25355.3. (a) The department shall require a responsible party
14 who is required to undertake corrective action obligations pursuant
15 to a determination issued pursuant to Section 25246.1 to
16 demonstrate and maintain financial assurances in accordance
17 with this section.

18 (b) The responsible party shall demonstrate financial assurances
19 within 90 days of approval of a feasibility study and shall maintain
20 financial assurances until all required response actions are
21 complete, as determined by the department.

22 (c) When submitting a feasibility study, a responsible party shall
23 include a cost estimate for the response action.

24 (d) (1) For purposes of subdivision (b), the responsible party
25 shall demonstrate and maintain one or more of the financial
26 assurance mechanisms set forth in subdivisions (a) to (e), inclusive,
27 of Section 66265.143 of Title 22 of the California Code of
28 Regulations.

29 (2) (A) As an alternative to the financial assurance requirement
30 of paragraph (1), a responsible party may demonstrate and
31 maintain financial assurances by means of a financial assurance
32 mechanism other than those described in paragraph (1), if the
33 alternative financial assurance mechanism has been submitted to,
34 and approved by, the department as being at least equivalent to
35 the financial assurance mechanisms described in paragraph (1).

36 (B) The department shall evaluate the equivalency of the
37 proposed alternative financial assurance mechanism principally
38 in terms of the certainty of the availability of funds for required
39 corrective action activities and the amount of funds that will be
40 made available. The department shall require the owner or

1 operator to submit any information deemed necessary by the
2 department to make a determination regarding the equivalency of
3 the proposed alternative financial assurance mechanism.

4 (e) If the source of the release is regulated by the department
5 pursuant to this chapter or Chapter 6.8 (commencing with Section
6 25300), the department shall waive the financial assurances
7 required by subdivision (a) if the owner or operator of the facility
8 is a federal or state governmental entity, unless the waiver would
9 conflict with applicable law.

10 (f) A responsible party may satisfy the requirements of this
11 section by demonstrating to the department that it has provided
12 financial assurance for corrective action to the State Water
13 Resources Control Board or a California regional water quality
14 control board for the same release identified by the department.

15 (g) For sites for which sole jurisdiction has been granted
16 pursuant to subdivision (b) of Section 25204.6, the department
17 shall not require additional financial assurances unless it is the
18 lead agency or is directed by the lead agency that has sole
19 jurisdiction pursuant to subdivision (b) of Section 25204.6.

20 (h) If the source of the release is not regulated by the department
21 pursuant to Chapter 6.5 (commencing with Section 25100), the
22 department may waive the financial assurances required by
23 subdivision (a) if the department makes one of the following
24 determinations:

25 (1) The responsible party is a small business and demonstrates
26 all of the following:

27 (A) The responsible party cannot qualify for any of the financial
28 assurance mechanisms set forth in subdivision (b), (c), or (d) of
29 Section 66265.143 of Title 22 of the California Code of
30 Regulations.

31 (B) The responsible party financially cannot meet the
32 requirements of subdivision (a) of Section 66265.143 of Title 22
33 of the California Code of Regulations.

34 (C) The responsible party is not capable of meeting the eligibility
35 requirements set forth in subdivision (e) of Section 66265.143 of
36 Title 22 of the California Code of Regulations.

37 (2) The responsible party is a small business and has
38 demonstrated that the responsible party is financially not capable
39 of establishing one of the financial assurance mechanisms set forth
40 in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title

1 22 of the California Code of Regulations while at the same time
2 financing the response action applicable to the site.

3 (3) The responsible party is not separately required to
4 demonstrate and maintain a financial assurance mechanism for
5 a response action at a site because all of the following conditions
6 apply:

7 (A) The site is a multiple responsible party site.

8 (B) Financial assurances that the response action at the site
9 will be carried out is demonstrated and maintained by a financial
10 assurance mechanism established jointly by all, or some, of the
11 responsible parties.

12 (C) The financial assurance mechanism specified in
13 subparagraph (B) meets the requirements of subdivisions (a) and
14 (b).

15 (4) The responsible party is a local governmental entity.

16 (i) The department shall withdraw a waiver granted pursuant
17 to subdivision (h) if the department determines that the responsible
18 party that obtained the waiver no longer meets the eligibility
19 requirements for the waiver.

20 (j) The department's duties to implement this section are
21 contingent upon an appropriation by the Legislature for purposes
22 of implementing the requirements of this section.

23 SEC. 80. Section 25404.5 of the Health and Safety Code is
24 amended to read:

25 25404.5. (a) (1) Each certified unified program agency shall
26 institute a single fee system, which shall replace the fees levied
27 pursuant to Sections 25201.14 and 25205.14, except for
28 transportable treatment units permitted under Section 25200.2,
29 and which shall also replace any fees levied by a local agency
30 pursuant to Sections 25143.10, 25287, 25513, and 25535.5, or any
31 other fee levied by a local agency specifically to fund the
32 implementation of the provisions specified in subdivision (c) of
33 Section 25404. The single fee system shall additionally include
34 the fee established pursuant to Section 25270.6. Notwithstanding
35 Sections 25143.10, 25201.14, 25287, 25513, and 25535.5, a person
36 who complies with the certified unified program agency's "single
37 fee system" fee shall not be required to pay any fee levied pursuant
38 to those sections, except for transportable treatment units permitted
39 under Section 25200.2.

1 (2) (A) The governing body of the local certified unified
2 program agency shall establish the amount to be paid by each
3 person regulated by the unified program under the single fee system
4 at a level sufficient to pay the necessary and reasonable costs
5 incurred by the certified unified program agency and by any
6 participating agency pursuant to the requirements of subparagraph
7 (E) of paragraph (1) of subdivision (d) of Section 25404.3.

8 (B) The secretary shall establish the amount to be paid when
9 the unified program agency is a state agency.

10 (3) The fee system may also be designed to recover the
11 necessary and reasonable costs incurred by the certified unified
12 program agency, or a participating agency pursuant to the
13 requirements of subparagraph (E) of paragraph (1) of subdivision
14 (d) of Section 25404.3, in administering provisions other than
15 those specified in subdivision (c) of Section 25404, if the
16 implementation and enforcement of those provisions has been
17 incorporated as part of the unified program by the certified unified
18 program agency pursuant to subdivision (b) of Section 25404.2,
19 and if the single fee system replaces any fees levied as of January
20 1, 1994, to fund the implementation of those additional provisions.

21 (4) The amount to be paid by a person regulated by the unified
22 program may be adjusted to account for the differing costs of
23 administering the unified program with respect to that person's
24 regulated activities.

25 (b) (1) Except as provided in subdivision (d), the single fee
26 system instituted by each certified unified program agency shall
27 include an assessment on each person regulated by the unified
28 program of a surcharge, the amount of which shall be determined
29 by the secretary annually, to cover the necessary and reasonable
30 costs of the state agencies in carrying out their responsibilities
31 under this chapter. The secretary may adjust the amount of the
32 surcharge to be collected by different certified unified program
33 agencies to reflect the different costs incurred by the state agencies
34 in supervising the implementation of the unified program in
35 different jurisdictions, and in supervising the implementation of
36 the unified program in those jurisdictions for which the secretary
37 has waived the assessment of the surcharge pursuant to subdivision
38 (d). The certified unified program agency may itemize the amount
39 of the surcharge on any bill, invoice, or return that the agency
40 sends to a person regulated by the unified program. Each certified

1 unified program agency shall transmit all surcharge revenues
2 collected to the secretary on a quarterly basis. The surcharge shall
3 be deposited in the Unified Program Account, which is hereby
4 created in the General Fund and which may be expended, upon
5 appropriation by the Legislature, by state agencies for the purposes
6 of implementing this chapter.

7 (2) On or before January 10, 2001, the secretary shall report to
8 the Legislature on whether the number of persons subject to
9 regulation by the unified program in any county is insufficient to
10 support the reasonable and necessary cost of operating the unified
11 program using only the revenues from the fee. The secretary's
12 report shall consider whether the surcharge required by subdivision
13 (a) should include an assessment to be used to supplement the
14 funding of unified program agencies that have a limited number
15 of entities regulated under the unified program.

16 (c) Each certified unified program agency and the secretary
17 shall, before the institution of the single fee system and the
18 assessment of the surcharge, implement a fee accountability
19 program designed to encourage more efficient and cost-effective
20 operation of the program for which the single fee and surcharge
21 are assessed. The fee accountability programs shall include those
22 elements of the requirements of the plan adopted pursuant to former
23 Section 25206, as it read on January 1, 1995, that the secretary
24 determines are appropriate.

25 (d) The secretary may waive the requirement for a county to
26 assess a surcharge pursuant to subdivision (b), if both of the
27 following conditions apply:

28 (1) The county meets all of the following conditions:

29 (A) The county submits an application to the secretary for
30 certification on or before January 1, 1996, that incorporates all of
31 the requirements of this chapter, and includes the county's request
32 for a waiver of the surcharge, and contains documentation that
33 demonstrates, to the satisfaction of the secretary, both of the
34 following:

35 (i) That the assessment of the surcharge will impose a significant
36 economic burden on most businesses within the county.

37 (ii) That the combined dollar amount of the surcharge and the
38 single fee system to be assessed by the county pursuant to
39 subdivision (a) exceeds the combined dollar amount of all existing

1 fees that are replaced by the single fee system for most businesses
2 within the county.

3 (B) The application for certification, including the information
4 required by subparagraph (A), is determined by the secretary to
5 be complete, on or before April 30, 1996. The secretary, for good
6 cause, may grant an extension of that deadline of up to 90 days.

7 (C) The county is certified by the secretary on or before
8 December 31, 1996.

9 (D) On or before January 1, 1994, the county completed the
10 consolidation of the administration of the hazardous waste
11 generator program, the hazardous materials release response plans
12 and inventories program, and the underground storage tank
13 program, referenced in paragraphs (1), (3), and (4) of subdivision
14 (c) of Section 25404, into a single program within the county's
15 jurisdiction.

16 (E) The county demonstrates that it will consolidate the
17 administration of all programs specified in subdivision (c) of
18 Section 25404, and that it will also consolidate the administration
19 of at least one additional program that regulates hazardous waste,
20 hazardous substances, or hazardous materials, as specified in
21 subdivision (d) of Section 25404.2, other than the programs
22 specified in subdivision (c) of Section 25404, into a single program
23 to be administered by a single agency in the county's jurisdiction
24 at the time that the county's certification by the secretary becomes
25 effective.

26 (2) The secretary makes all of the following findings:

27 (A) The county meets all of the criteria specified in paragraph
28 (1).

29 (B) The assessment of the surcharge would impose a significant
30 economic burden on most businesses within the county.

31 (C) The combined dollar amount of the surcharge and the single
32 fee system to be assessed by the county pursuant to subdivision
33 (a) would exceed the combined dollar amount of all existing fees
34 that are replaced by the single fee system for most businesses
35 within the county.

36 (D) The waiver of the surcharge for those counties applying for
37 and qualifying for a waiver, and the resulting increase in the
38 surcharge for other counties, would not, when considered
39 cumulatively, impose a significant economic burden on businesses

1 in any other county that does not apply for, or does not meet the
2 criteria for, a waiver of the surcharge.

3 (e) The secretary shall review all of the requests for a waiver
4 of the surcharge made pursuant to subdivision (d) simultaneously,
5 so as to adequately assess the cumulative impact of granting the
6 requested waivers on businesses in those counties that have not
7 applied, or do not qualify, for a waiver, and shall grant or deny all
8 requests for a waiver of the surcharge within 30 days from the date
9 that the secretary certifies all counties applying, and qualifying,
10 for a waiver. If the secretary finds that the grant of a waiver of the
11 surcharge for all counties applying and qualifying for the waiver
12 will impose a significant economic burden on businesses in one
13 or more other counties, the secretary shall take either of the
14 following actions:

15 (1) Deny all of the applications for a waiver of the surcharge.

16 (2) Approve only a portion of the waiver requests for counties
17 meeting the criteria set forth in subdivision (d), to the extent that
18 the approved waivers, when taken as a whole, meet the condition
19 specified in subparagraph (D) of paragraph (2) of subdivision (d).
20 In determining which of the counties' waiver requests to grant,
21 the secretary shall consider all of the following factors:

22 (A) The relative degree to which the assessment of the surcharge
23 will impose a significant economic burden on most businesses
24 within each county applying and qualifying for a waiver.

25 (B) The relative degree to which the combined dollar amount
26 of the surcharge and the single fee system to be assessed, pursuant
27 to subdivision (a), by each county applying and qualifying for a
28 waiver exceeds the combined dollar amount of all existing fees
29 that are replaced by the single fee system for most businesses
30 within the county.

31 (C) The relative extent to which each county applying and
32 qualifying for a waiver has incorporated, or will incorporate, upon
33 certification, additional programs pursuant to subdivision (d) of
34 Section 25404.2, into the unified program within the county's
35 jurisdiction.

36 (f) The secretary may, at any time, terminate a county's waiver
37 of the surcharge granted pursuant to subdivisions (d) and (e) if the
38 secretary determines that the criteria specified in subdivision (d)
39 for the grant of a waiver are no longer met.

1 (g) *This section shall become inoperative on July 1, 2022, and,*
2 *as of January 1, 2023, is repealed.*

3 *SEC. 81. Section 25404.5 is added to the Health and Safety*
4 *Code, to read:*

5 25404.5. (a) (1) *Each certified unified program agency shall*
6 *institute a single fee system, which shall replace the fees levied*
7 *pursuant to Sections 25201.14 and 25205.2, except for*
8 *transportable treatment units permitted under Section 25200.2,*
9 *and which shall also replace any fees levied by a local agency*
10 *pursuant to Sections 25143.10, 25287, 25513, and 25535.5, or*
11 *any other fee levied by a local agency specifically to fund the*
12 *implementation of the provisions specified in subdivision (c) of*
13 *Section 25404. The single fee system shall additionally include the*
14 *fee established pursuant to Section 25270.6. Notwithstanding*
15 *Sections 25143.10, 25201.14, 25287, 25513, and 25535.5, a person*
16 *who complies with the certified unified program agency’s “single*
17 *fee system” fee shall not be required to pay any fee levied pursuant*
18 *to those sections, except for transportable treatment units permitted*
19 *under Section 25200.2.*

20 (2) (A) *The governing body of the local certified unified*
21 *program agency shall establish the amount to be paid by each*
22 *person regulated by the unified program under the single fee system*
23 *at a level sufficient to pay the necessary and reasonable costs*
24 *incurred by the certified unified program agency and by any*
25 *participating agency pursuant to the requirements of subparagraph*
26 *(E) of paragraph (1) of subdivision (d) of Section 25404.3.*

27 (B) *The secretary shall establish the amount to be paid when*
28 *the unified program agency is a state agency.*

29 (3) *The fee system may also be designed to recover the necessary*
30 *and reasonable costs incurred by the certified unified program*
31 *agency, or a participating agency pursuant to the requirements of*
32 *subparagraph (E) of paragraph (1) of subdivision (d) of Section*
33 *25404.3, in administering provisions other than those specified in*
34 *subdivision (c) of Section 25404, if the implementation and*
35 *enforcement of those provisions has been incorporated as part of*
36 *the unified program by the certified unified program agency*
37 *pursuant to subdivision (b) of Section 25404.2, and if the single*
38 *fee system replaces any fees levied as of January 1, 1994, to fund*
39 *the implementation of those additional provisions.*

1 (4) *The amount to be paid by a person regulated by the unified*
2 *program may be adjusted to account for the differing costs of*
3 *administering the unified program with respect to that person's*
4 *regulated activities.*

5 (b) (1) *Except as provided in subdivision (d), the single fee*
6 *system instituted by each certified unified program agency shall*
7 *include an assessment on each person regulated by the unified*
8 *program of a surcharge, the amount of which shall be determined*
9 *by the secretary annually, to cover the necessary and reasonable*
10 *costs of the state agencies in carrying out their responsibilities*
11 *under this chapter. The secretary may adjust the amount of the*
12 *surcharge to be collected by different certified unified program*
13 *agencies to reflect the different costs incurred by the state agencies*
14 *in supervising the implementation of the unified program in*
15 *different jurisdictions, and in supervising the implementation of*
16 *the unified program in those jurisdictions for which the secretary*
17 *has waived the assessment of the surcharge pursuant to subdivision*
18 *(d). The certified unified program agency may itemize the amount*
19 *of the surcharge on any bill, invoice, or return that the agency*
20 *sends to a person regulated by the unified program. Each certified*
21 *unified program agency shall transmit all surcharge revenues*
22 *collected to the secretary on a quarterly basis. The surcharge shall*
23 *be deposited in the Unified Program Account, which is hereby*
24 *created in the General Fund and which may be expended, upon*
25 *appropriation by the Legislature, by state agencies for the purposes*
26 *of implementing this chapter.*

27 (2) *On or before January 10, 2001, the secretary shall report*
28 *to the Legislature on whether the number of persons subject to*
29 *regulation by the unified program in any county is insufficient to*
30 *support the reasonable and necessary cost of operating the unified*
31 *program using only the revenues from the fee. The secretary's*
32 *report shall consider whether the surcharge required by*
33 *subdivision (a) should include an assessment to be used to*
34 *supplement the funding of unified program agencies that have a*
35 *limited number of entities regulated under the unified program.*

36 (c) *Each certified unified program agency and the secretary*
37 *shall, before the institution of the single fee system and the*
38 *assessment of the surcharge, implement a fee accountability*
39 *program designed to encourage more efficient and cost-effective*
40 *operation of the program for which the single fee and surcharge*

1 are assessed. The fee accountability programs shall include those
2 elements of the requirements of the plan adopted pursuant to
3 former Section 25206, as it read on January 1, 1995, that the
4 secretary determines are appropriate.

5 (d) The secretary may waive the requirement for a county to
6 assess a surcharge pursuant to subdivision (b), if both of the
7 following conditions apply:

8 (1) The county meets all of the following conditions:

9 (A) The county submits an application to the secretary for
10 certification on or before January 1, 1996, that incorporates all
11 of the requirements of this chapter, and includes the county's
12 request for a waiver of the surcharge, and contains documentation
13 that demonstrates, to the satisfaction of the secretary, both of the
14 following:

15 (i) That the assessment of the surcharge will impose a significant
16 economic burden on most businesses within the county.

17 (ii) That the combined dollar amount of the surcharge and the
18 single fee system to be assessed by the county pursuant to
19 subdivision (a) exceeds the combined dollar amount of all existing
20 fees that are replaced by the single fee system for most businesses
21 within the county.

22 (B) The application for certification, including the information
23 required by subparagraph (A), is determined by the secretary to
24 be complete, on or before April 30, 1996. The secretary, for good
25 cause, may grant an extension of that deadline of up to 90 days.

26 (C) The county is certified by the secretary on or before
27 December 31, 1996.

28 (D) On or before January 1, 1994, the county completed the
29 consolidation of the administration of the hazardous waste
30 generator program, the hazardous materials release response
31 plans and inventories program, and the underground storage tank
32 program, referenced in paragraphs (1), (3), and (4) of subdivision
33 (c) of Section 25404, into a single program within the county's
34 jurisdiction.

35 (E) The county demonstrates that it will consolidate the
36 administration of all programs specified in subdivision (c) of
37 Section 25404, and that it will also consolidate the administration
38 of at least one additional program that regulates hazardous waste,
39 hazardous substances, or hazardous materials, as specified in
40 subdivision (d) of Section 25404.2, other than the programs

1 *specified in subdivision (c) of Section 25404, into a single program*
2 *to be administered by a single agency in the county's jurisdiction*
3 *at the time that the county's certification by the secretary becomes*
4 *effective.*

5 *(2) The secretary makes all of the following findings:*

6 *(A) The county meets all of the criteria specified in paragraph*
7 *(1).*

8 *(B) The assessment of the surcharge would impose a significant*
9 *economic burden on most businesses within the county.*

10 *(C) The combined dollar amount of the surcharge and the single*
11 *fee system to be assessed by the county pursuant to subdivision*
12 *(a) would exceed the combined dollar amount of all existing fees*
13 *that are replaced by the single fee system for most businesses*
14 *within the county.*

15 *(D) The waiver of the surcharge for those counties applying for*
16 *and qualifying for a waiver, and the resulting increase in the*
17 *surcharge for other counties, would not, when considered*
18 *cumulatively, impose a significant economic burden on businesses*
19 *in any other county that does not apply for, or does not meet the*
20 *criteria for, a waiver of the surcharge.*

21 *(e) The secretary shall review all of the requests for a waiver*
22 *of the surcharge made pursuant to subdivision (d) simultaneously,*
23 *so as to adequately assess the cumulative impact of granting the*
24 *requested waivers on businesses in those counties that have not*
25 *applied, or do not qualify, for a waiver, and shall grant or deny*
26 *all requests for a waiver of the surcharge within 30 days from the*
27 *date that the secretary certifies all counties applying, and*
28 *qualifying, for a waiver. If the secretary finds that the grant of a*
29 *waiver of the surcharge for all counties applying and qualifying*
30 *for the waiver will impose a significant economic burden on*
31 *businesses in one or more other counties, the secretary shall take*
32 *either of the following actions:*

33 *(1) Deny all of the applications for a waiver of the surcharge.*

34 *(2) Approve only a portion of the waiver requests for counties*
35 *meeting the criteria set forth in subdivision (d), to the extent that*
36 *the approved waivers, when taken as a whole, meet the condition*
37 *specified in subparagraph (D) of paragraph (2) of subdivision (d).*
38 *In determining which of the counties' waiver requests to grant,*
39 *the secretary shall consider all of the following factors:*

1 (A) *The relative degree to which the assessment of the surcharge*
2 *will impose a significant economic burden on most businesses*
3 *within each county applying and qualifying for a waiver.*

4 (B) *The relative degree to which the combined dollar amount*
5 *of the surcharge and the single fee system to be assessed, pursuant*
6 *to subdivision (a), by each county applying and qualifying for a*
7 *waiver exceeds the combined dollar amount of all existing fees*
8 *that are replaced by the single fee system for most businesses*
9 *within the county.*

10 (C) *The relative extent to which each county applying and*
11 *qualifying for a waiver has incorporated, or will incorporate, upon*
12 *certification, additional programs pursuant to subdivision (d) of*
13 *Section 25404.2, into the unified program within the county's*
14 *jurisdiction.*

15 (f) *The secretary may, at any time, terminate a county's waiver*
16 *of the surcharge granted pursuant to subdivisions (d) and (e) if*
17 *the secretary determines that the criteria specified in subdivision*
18 *(d) for the grant of a waiver are no longer met.*

19 (g) *This section shall become operative on July 1, 2022.*

20 SEC. 82. *Section 43002.3 of the Revenue and Taxation Code*
21 *is amended to read:*

22 43002.3. (a) *For purposes of the collection of the fees*
23 *specified in subdivision (a) of Section 25174 and the fee imposed*
24 *pursuant to Section 25174.1 of the Health and Safety Code, a*
25 *determination by the Department of Toxic Substances Control that*
26 *a waste is nonhazardous shall be effective only for wastes disposed*
27 *of, or submitted for disposal, commencing with the month during*
28 *which the Department of Toxic Substances Control receives a*
29 *completed application for that determination.*

30 (b) *This section applies only to fees due through the June 2022*
31 *reporting period and earlier reporting periods.*

32 (c) *This section shall become inoperative on July 1, 2022, and,*
33 *as of January 1, 2023, is repealed.*

34 SEC. 83. *Section 43002.3 is added to the Revenue and Taxation*
35 *Code, to read:*

36 43002.3. (a) *For purposes of the collection of the fees specified*
37 *in subdivision (a) of Section 25174 of the Health and Safety Code,*
38 *a determination by the Department of Toxic Substances Control*
39 *that a waste is nonhazardous shall be effective only for wastes*
40 *generated and handled commencing with the month during which*

1 *the Department of Toxic Substances Control receives a completed*
2 *application for that determination.*

3 *(b) This section shall become operative on July 1, 2022, and*
4 *shall apply to the fees due after the June 2022 reporting period,*
5 *including the prepayments due following the reporting period and*
6 *the fee due and payable following the reporting period.*

7 *SEC. 84. Section 43005.5 of the Revenue and Taxation Code*
8 *is repealed.*

9 ~~43005.5. The penalty provisions of Sections 43155 and 43201~~
10 ~~shall not apply to the fees imposed pursuant to Section 25174 of~~
11 ~~the Health and Safety Code for those disposals which occurred~~
12 ~~prior to September 25, 1981.~~

13 *SEC. 85. Section 43012 of the Revenue and Taxation Code is*
14 *amended to read:*

15 43012. (a) For purposes of this part, “taxpayer” means any
16 person liable for the payment of a fee or a tax specified in
17 *paragraph (1) of subdivision (a) of Section 25174 25173.6 of the*
18 *Health and Safety Code or subdivision (e) (a) of Section 25221*
19 *25174 of the Health and Safety Code, or imposed by Section*
20 ~~105310 25174.1 or 25174.1 105310~~ *of the Health and Safety Code.*

21 *(b) This section shall remain in effect only until January 1, 2022,*
22 *and as of that date is repealed.*

23 *SEC. 86. Section 43012 is added to the Revenue and Taxation*
24 *Code, to read:*

25 43012. (a) For purposes of this part, “taxpayer” means a
26 person liable for the payment of a fee or a tax specified in
27 *paragraph (1) of subdivision (a) of Section 25173.6 of the Health*
28 *and Safety Code, paragraph (1) of subdivision (a) of Section 25174*
29 *of the Health and Safety Code, paragraph (1) of subdivision (a)*
30 *of Section 25174.01 of the Health and Safety Code, or imposed by*
31 *Section 105310 of the Health and Safety Code.*

32 *(b) This section shall become operative on January 1, 2022,*
33 *and shall apply to the fees due for the 2022 reporting period and*
34 *thereafter.*

35 *SEC. 87. Section 43051 of the Revenue and Taxation Code is*
36 *amended to read:*

37 43051. (a) The fee imposed pursuant to Section 25174.1 of
38 the Health and Safety Code shall be administered and collected
39 by the ~~board~~ *California Department of Tax and Fee Administration*
40 *in accordance with this part.*

1 (b) This section applies only to fees due through the June 2022
2 reporting period and earlier reporting periods.

3 (c) This section shall become inoperative on July 1, 2022, and,
4 as of January 1, 2023, is repealed.

5 SEC. 88. Section 43053 of the Revenue and Taxation Code is
6 amended to read:

7 43053. The fees imposed pursuant to Sections ~~25205.2,~~
8 ~~25205.5;~~ 25205.2 and ~~25205.14~~ 25205.5 of the Health and Safety
9 Code shall be administered and collected by the ~~board~~ California
10 Department of Tax and Fee Administration in accordance with
11 this part.

12 SEC. 89. Section 43054 of the Revenue and Taxation Code is
13 amended to read:

14 43054. The fees imposed pursuant to Section 25205.6 of the
15 Health and Safety Code shall be administered and collected by the
16 ~~board~~ California Department of Tax and Fee Administration in
17 accordance with this part.

18 SEC. 90. Section 43055 of the Revenue and Taxation Code is
19 repealed.

20 ~~43055. The surcharge imposed pursuant to Section 25205.9 of~~
21 ~~the Health and Safety Code, as that section read on December 31,~~
22 ~~1997, and was repealed by Section 24 of Chapter 870 of the~~
23 ~~Statutes of 1997, shall be administered and collected by the board~~
24 ~~in accordance with this part, with regards to any amounts due and~~
25 ~~payable on or before February 28, 1998.~~

26 SEC. 91. Section 43101 of the Revenue and Taxation Code is
27 amended to read:

28 43101. Every person, as defined in Section 25118 of the Health
29 and Safety Code, who is subject to the fees specified in ~~subdivision~~
30 ~~(a) of Section 25173.6 of the Health and Safety Code, subdivision~~
31 ~~(a) of Section 25174 of the Health and Safety Code, Section 105190~~
32 ~~of the Health and Safety Code, Code or imposed pursuant to~~
33 ~~Section 25205.14~~ 25205.2, 25205.5, or 25205.6 of the Health and
34 Safety Code shall register with the ~~board~~ California Department
35 of Tax and Fee Administration on forms provided by the ~~board~~.
36 California Department of Tax and Fee Administration.

37 SEC. 92. Section 43151 of the Revenue and Taxation Code is
38 amended to read:

39 43151. (a) The fee imposed pursuant to Section 25174.1 of
40 the Health and Safety Code, which is a tax collected and

1 administered under Section 43051, is due and payable to the ~~board~~
2 *California Department of Tax and Fee Administration* monthly
3 on or before the last day of the third calendar month following the
4 end of the calendar month for which the fee is due. Each taxpayer
5 shall, on or before the last day of the third calendar month
6 following the end of the calendar month for which the fee is due,
7 make out a tax return for the calendar month, in the form as
8 prescribed by the ~~board~~; *California Department of Tax and Fee*
9 *Administration*, which may include, but not be limited to, electronic
10 media in accordance with subdivision (c). The taxpayer shall
11 deliver the return, together with a remittance of the amount of fee
12 due, to the office of the ~~board~~ *California Department of Tax and*
13 *Fee Administration* on or before the last day of the third calendar
14 month following the end of the calendar month for which the fee
15 is due. Returns shall be authenticated in a form or pursuant to
16 methods as may be prescribed by the ~~board~~; *California Department*
17 *of Tax and Fee Administration*.

18 (b) With the approval of the ~~board~~; *California Department of*
19 *Tax and Fee Administration*, a taxpayer who has more than one
20 facility subject to the taxes collected and administered under this
21 chapter, may file a combined tax return covering operations at
22 more than one, or all, of those facilities.

23 (c) The form required to be submitted by the taxpayer pursuant
24 to this section shall show, for the taxpayer and for each person
25 from whom the taxpayer accepted hazardous waste for disposal,
26 all of the following:

27 (1) The total amount of hazardous waste subject to the tax and
28 the amount of the tax for the period covered by the return.

29 (2) The amount of hazardous waste disposed during the tax
30 period that is in each of the fee categories described in Section
31 25174.6 of the Health and Safety Code, and the amount of disposal
32 fees paid for each of those categories.

33 (3) The amount of hazardous waste received for disposal by the
34 taxpayer's facility or facilities that is exempt from the payment of
35 disposal fees pursuant to Section 25174.7 of the Health and Safety
36 Code, including a copy of any written documentation provided for
37 any shipment or shipments of hazardous waste received by a
38 facility.

39 (4) The amount of RCRA hazardous waste ~~which~~ *that* is treated
40 by the taxpayer so that the waste is considered to be non-RCRA

1 hazardous waste for purposes of the disposal fee, pursuant to
2 paragraph (2) of subdivision (b) of Section 25174.6.

3 (d) (1) Each taxpayer shall maintain records documenting all
4 of the following information for each person who has submitted
5 hazardous waste for disposal by the taxpayer during each calendar
6 month and shall make those records available for review and
7 inspection at the request of the ~~board~~ *California Department of*
8 *Tax and Fee Administration* or the department:

9 (A) The tonnage of hazardous waste submitted for disposal.

10 (B) The type of hazardous waste disposed as specified by
11 Section 25174.6 of the Health and Safety Code, including both of
12 the following:

13 (i) Any characterization of the hazardous waste made by the
14 person submitting the hazardous waste for disposal.

15 (ii) Any other documentation ~~which~~ *that* the taxpayer maintains
16 regarding the type of hazardous waste disposed to land.

17 (C) Any representation made by the person submitting the
18 hazardous waste regarding any exemptions that may be applicable
19 to the payment of disposal fees.

20 (D) For any RCRA hazardous waste ~~which~~ *that* is treated by
21 the taxpayer so that the waste is considered to be non-RCRA
22 hazardous waste for purposes of the disposal fee, pursuant to
23 paragraph (2) of subdivision (b) of Section 25174.6, all of the
24 following information:

25 (i) The tonnage and type of hazardous waste.

26 (ii) The method or methods used to treat the hazardous waste.

27 (iii) Operating records documenting the treatment activity.

28 (iv) Representative and statistical waste sampling and analysis
29 data demonstrating that the waste is no longer RCRA hazardous
30 waste at the time of disposal.

31 (2) If the hazardous wastes submitted for disposal were
32 accompanied by a manifest, the information specified in paragraph
33 (1) shall be maintained by manifest number for each calendar
34 month.

35 (e) *This section applies only to fees due through the June 2022*
36 *reporting period and earlier reporting periods.*

37 (f) *This section shall become inoperative on July 1, 2022, and,*
38 *as of January 1, 2023, is repealed.*

39 *SEC. 93. Section 43152 of the Revenue and Taxation Code is*
40 *amended to read:*

1 43152. (a) ~~The board~~ *California Department of Tax and Fee*
 2 *Administration* shall establish and annually submit to each
 3 ~~generator of hazardous waste feepayer~~ a consolidated statement
 4 of fees required to be paid by the ~~generator feepayer~~ to the ~~board~~
 5 *California Department of Tax and Fee Administration* pursuant
 6 to Sections 25205.2, 25205.5, ~~25205.6~~, and ~~25205.9~~ 25205.6 of
 7 the Health and Safety Code.

8 (b) Notwithstanding any other ~~provision of~~ law, any return or
 9 other document that is required to be submitted by a ~~generator of~~
 10 ~~hazardous waste feepayer~~ to the ~~board~~ *California Department of*
 11 *Tax and Fee Administration* in connection with the payment of
 12 any fee specified in subdivision (a) shall instead be submitted
 13 together with the consolidated statement made pursuant to
 14 subdivision (a).

15 *SEC. 94. Section 43152.6 of the Revenue and Taxation Code*
 16 *is amended to read:*

17 43152.6. (a) The fee imposed pursuant to Section 25205.2 of
 18 the Health and Safety Code ~~which that~~ is collected and
 19 administered under Section 43053 of this code is due and payable
 20 to the ~~board~~ *California Department of Tax and Fee Administration*
 21 annually on or before the last day of the second month following
 22 the end of the calendar year.

23 (b) ~~Every~~ *Except as provided in subdivision (d), every* operator
 24 of a facility subject to the fee imposed pursuant to Section 25205.2
 25 of the Health and Safety Code shall file ~~an annual~~ a return in the
 26 form as prescribed by the ~~board~~, *California Department of Tax*
 27 *and Fee Administration*, which may include, but not be limited to,
 28 electronic media and pay the proper amount of fee due. Returns
 29 shall be authenticated in a form or pursuant to methods as may be
 30 prescribed by the ~~board~~. *California Department of Tax and Fee*
 31 *Administration*.

32 (c) For purposes of subdivision (a), ~~except as provided in~~
 33 ~~subdivision (d)~~, the operator of a facility shall pay the applicable
 34 fee based on the type and size of the facility, as specified in
 35 ~~Sections 25205.1 and 25205.4~~ *Section 25205.2* of the Health and
 36 Safety Code. ~~The board shall credit the prepayment of the fee made~~
 37 ~~pursuant to Section 43152.12 against the amount due with the~~
 38 ~~annual return.~~

39 (d) ~~Notwithstanding subdivision (c), the fee for the 1991~~
 40 ~~reporting period, which is from July 1, 1991, to December 31,~~

1 1991, inclusive, is 50 percent of the fee specified in Section
2 25205.4 of the Health and Safety Code, based on the type and size
3 of the facility, as specified in Section 25205.4 of the Health and
4 Safety Code.

5 (d) *The California Department of Tax and Fee Administration*
6 *may prescribe the method and manner for payment of the first*
7 *prepayment of the 2022 reporting period.*

8 (e) *This section shall become inoperative on July 1, 2022, and,*
9 *as of January 1, 2023, is repealed.*

10 SEC. 95. *Section 43152.6 is added to the Revenue and Taxation*
11 *Code, to read:*

12 43152.6. (a) *The fee imposed pursuant to Section 25205.2 of*
13 *the Health and Safety Code that is collected and administered*
14 *under Section 43053 of this code is due and payable to the*
15 *California Department of Tax and Fee Administration in two equal*
16 *installments, on or before November 30 and February 28 of each*
17 *fiscal year.*

18 (b) *Every operator of a facility subject to the fee imposed*
19 *pursuant to Section 25205.2 of the Health and Safety Code shall*
20 *file a fiscal year return accompanying the second installment*
21 *payment required pursuant to subdivision (a), in the form*
22 *prescribed by the California Department of Tax and Fee*
23 *Administration, and pay the proper amount of fee due. Returns*
24 *shall be filed with the California Department of Tax and Fee*
25 *Administration using electronic media and authenticated in a form*
26 *or pursuant to methods as may be prescribed by the California*
27 *Department of Tax and Fee Administration.*

28 (c) *For purposes of subdivision (a), the operator of a facility*
29 *shall pay the applicable fee based on the type and size of the*
30 *facility, as specified in Section 25205.2 of the Health and Safety*
31 *Code.*

32 (d) *This section shall become operative on July 1, 2022, and*
33 *shall apply to the fees due for the 2022–23 fiscal year and*
34 *thereafter.*

35 SEC. 96. *Section 43152.7 of the Revenue and Taxation Code*
36 *is amended to read:*

37 43152.7. (a) *The fee imposed pursuant to Section 25205.5 of*
38 *the Health and Safety Code—~~which~~ that is collected and*
39 *administered under Section 43053 is due and payable on the last*
40 *day of the second month following the end of the calendar year.*

1 (b) Every generator subject to the fee imposed pursuant to
2 Section 25205.5 of the Health and Safety Code shall file an annual
3 return in the form as prescribed by the ~~board~~, *California*
4 *Department of Tax and Fee Administration*, which may include,
5 but not be limited to, electronic media and pay the proper amount
6 of fee due. The board shall credit the prepayment made pursuant
7 to Section 43152.15 against the amount due with the annual return.
8 Returns shall be authenticated in a form or pursuant to methods
9 as may be prescribed by the ~~board~~. *California Department of Tax*
10 *and Fee Administration*.

11 (c) The fee imposed by Section 25205.5 of the Health and Safety
12 Code shall be offset by any fees paid by the generator for the
13 preceding calendar year for a local hazardous waste management
14 program conducted by a local agency pursuant to a memorandum
15 of understanding with the department. The amount of the credit
16 provided under this subdivision shall not exceed an amount equal
17 to the fees paid to the local agency or the generator fee due under
18 Section 25205.5 of the Health and Safety Code, whichever is less.
19 The credit for local fees paid shall not include fees required under
20 Chapter 6.7 (commencing with Section 25280) or Chapter 6.95
21 (commencing with Section 25500) of Division 20 of the Health
22 and Safety Code.

23 (d) *This section shall become inoperative on July 1, 2022, and,*
24 *as of January 1, 2023, is repealed.*

25 *SEC. 97. Section 43152.7 is added to the Revenue and Taxation*
26 *Code, to read:*

27 *43152.7. (a) The fee imposed pursuant to Section 25205.5 of*
28 *the Health and Safety Code that is collected and administered*
29 *under Section 43053 is due and payable in two equal installments,*
30 *on or before November 30 and February 28 of each fiscal year.*

31 *(b) Every generator subject to the fee imposed pursuant to*
32 *Section 25205.5 of the Health and Safety Code shall file an annual*
33 *return, accompanying the second installment payment required*
34 *pursuant to subdivision (a), in the form prescribed by the*
35 *California Department of Tax and Fee Administration, and pay*
36 *the proper amount of fee due. Returns shall be authenticated in a*
37 *form or pursuant to methods as may be prescribed by the*
38 *California Department of Tax and Fee Administration.*

39 *(c) This section shall become operative on July 1, 2022.*

1 *SEC. 98. Section 43152.8 of the Revenue and Taxation Code*
2 *is amended to read:*

3 43152.8. ~~(a)~~ The department shall notify the ~~board~~ *California*
4 *Department of Tax and Fee Administration* of the occurrence of
5 ~~any~~ *either* of the following:

6 ~~(1)~~

7 (a) The issuance of a hazardous waste facilities permit or grant
8 of interim status to any facility operator, who has not previously
9 been granted interim status, within 30 days after the facility permit
10 or grant of interim status is issued.

11 ~~(2)~~

12 (b) When any facility changes size category pursuant to *or type*
13 *specified in* Section ~~25205.4~~ 25205.2 of the Health and Safety
14 Code.

15 ~~(b) This section shall become operative July 1, 1991.~~

16 *SEC. 99. Section 43152.9 of the Revenue and Taxation Code*
17 *is amended to read:*

18 43152.9. (a) The fee imposed pursuant to Section 25205.6 of
19 the Health and Safety Code, which is collected and administered
20 under Section 43054, is due and payable on the last day of the
21 second month following the end of the calendar year.

22 (b) Every corporation, limited liability company, limited
23 partnership, limited liability partnership, general partnership, and
24 sole proprietorship subject to the fee imposed pursuant to Section
25 25205.6 of the Health and Safety Code shall file an annual return
26 in the form as prescribed by the ~~board, which may include, but not~~
27 ~~be limited to, electronic media and~~ *California Department of Tax*
28 *and Fee Administration, and* pay the proper amount of fee due.
29 Returns shall be *filed with the California Department of Tax and*
30 *Fee Administration using electronic media and* authenticated in a
31 form or pursuant to methods as may be prescribed by the ~~board.~~
32 *California Department of Tax and Fee Administration.*

33 *SEC. 100. Section 43152.11 of the Revenue and Taxation Code*
34 *is repealed.*

35 ~~43152.11. (a) The surcharge imposed pursuant to Section~~
36 ~~25205.9 of the Health and Safety Code, which is collected and~~
37 ~~administered under Section 43055, is due and payable to the board~~
38 ~~on the last day of the second month following the end of the~~
39 ~~calendar year.~~

1 ~~(b) The surcharge shall be incorporated into the return form~~
2 ~~prescribed by the board, which every operator subject to the fee~~
3 ~~imposed by Section 25205.5 of the Health and Safety Code is~~
4 ~~required to file and pay annually, in accordance with Section~~
5 ~~43152.7. The surcharge shall be in addition to the fee imposed by~~
6 ~~Section 25205.5 of the Health and Safety Code.~~

7 ~~(e) The surcharge imposed by Section 25205.9 of the Health~~
8 ~~and Safety Code shall be offset by any fees paid by the generator~~
9 ~~during the preceding calendar year for a local hazardous waste~~
10 ~~management program conducted by a local agency pursuant to a~~
11 ~~memorandum of understanding with the department. The offset~~
12 ~~provided for under this subdivision shall be allowed to the same~~
13 ~~extent as the offset provided in subdivision (c) of Section 43152.7.~~

14 *SEC. 101. Section 43152.12 of the Revenue and Taxation Code*
15 *is amended to read:*

16 43152.12. (a) In addition to the requirements imposed pursuant
17 to Section 43152.6, every operator of a facility subject to the fee
18 specified in Section 25205.2 of the Health and Safety Code shall
19 make two prepayments of the fee to the board, which are due and
20 payable on or before the last day of February and the last day of
21 August of each calendar year. Each prepayment shall be
22 accompanied by a prepayment return in a form prescribed by the
23 board.

24 (b) For purposes of subdivision (a), the amount of each
25 prepayment shall be not less than 50 percent of the applicable fee
26 imposed on the facility, based on the facility's type and size, as
27 stated on the hazardous waste facilities permit, interim status
28 document, or Part A application, or as specified in ~~Sections 25205.1~~
29 ~~and 25205.4~~ *Section 25205.2* of the Health and Safety Code.

30 (c) The board shall credit the amount of the prepayments against
31 the amount of the fee due and payable for the reporting period in
32 which the prepayments are due.

33 (d) Any person required to make a prepayment pursuant to this
34 section who fails to make a prepayment by the due dates specified
35 in subdivision (a) shall also pay the penalties and interest in
36 accordance with Section 43155.

37 (e) *This section applies only to fees due through the first*
38 *prepayment of the 2022 reporting period and for earlier reporting*
39 *periods.*

1 (f) *This section shall become inoperative on July 1, 2022, and,*
2 *as of January 1, 2023, is repealed.*

3 *SEC. 102. Section 43152.15 of the Revenue and Taxation Code*
4 *is amended to read:*

5 43152.15. (a) In addition to the requirements imposed pursuant
6 to ~~Sections 43152.7 and 43152.11~~, every Section 43152.7, a
7 generator subject to the fees specified in Sections 25205.5 and
8 25205.9 of the Health and Safety Code shall make a prepayment
9 of the fee by site to the ~~board~~ *which California Department of Tax*
10 *and Fee Administration that is due and payable on or before the*
11 *last day of August of each calendar year. The prepayment shall be*
12 *accompanied by a prepayment return in a form prescribed by the*
13 ~~board~~ *California Department of Tax and Fee Administration.*

14 (b) For purposes of subdivision (a), the amount of the
15 prepayment shall be not less than either of the following:

16 (1) One hundred percent of the applicable fee imposed on the
17 generator, based on the generator's fee category as specified in
18 Section 25205.5 of the Health and Safety Code for the total volume
19 of hazardous waste generated by site during the period January 1
20 to June 30, inclusive, of the current calendar year in which the
21 prepayment is due. The prepayment may be offset by fees paid by
22 the generator for a local hazardous waste management program
23 conducted by a local agency pursuant to a memorandum of
24 understanding with the department ~~which~~ *that includes both of the*
25 *following:*

26 (A) The local fees are paid for the current calendar year for
27 which the prepayment is due or the local fees are paid for the
28 preceding calendar year, if fees have not been paid for the current
29 year.

30 (B) The offset is subject to the limitations and requirements
31 specified in subdivision (c) of Section 43152.7.

32 (2) Fifty percent of the generator fee liability paid to the ~~board~~
33 *California Department of Tax and Fee Administration* by site for
34 the preceding calendar year provided the generator paid a generator
35 fee liability to the ~~board~~ *California Department of Tax and Fee*
36 *Administration* for the preceding calendar year for that site.

37 (c) The ~~board~~ *California Department of Tax and Fee*
38 *Administration* shall credit the amount of the prepayment against
39 the amount of the fee due and payable for the calendar year in
40 which the prepayment is due.

1 (d) Notwithstanding any other provision in this section, the
2 prepayment of a generator fee shall not be required for any amount
3 due that is less than five hundred dollars (\$500), or for any other
4 amount due if the ~~board~~ *California Department of Tax and Fee*
5 *Administration* determines that prepayment is not in the best
6 economic interest of the program.

7 (e) Any person required to make a prepayment pursuant to this
8 section who fails to make a prepayment by the due date specified
9 in subdivision (a) shall also pay penalties and interest in accordance
10 with Section 43155.

11 (f) *This section applies only to fees due for the 2021 and earlier*
12 *reporting periods.*

13 (g) *This section shall remain in effect only until January 1, 2022,*
14 *and as of that date is repealed.*

15 *SEC. 103. Section 43152.16 of the Revenue and Taxation Code*
16 *is repealed.*

17 ~~43152.16. (a) The board shall issue refunds, if directed to do~~
18 ~~so by the department, upon making the certification specified in~~
19 ~~subdivision (d), for some, or all, of the fees imposed pursuant to~~
20 ~~Sections 25205.5 and 25205.9 of the Health and Safety Code, for~~
21 ~~hazardous waste generated in 1997.~~

22 ~~(b) The board may issue a refund only to a generator who~~
23 ~~received a credit pursuant to Section 43152.7 or 43152.11 for fees~~
24 ~~paid for hazardous waste generated in 1996.~~

25 ~~(c) The refund made to a generator pursuant to this section shall~~
26 ~~not exceed the generator's credit for hazardous waste generated~~
27 ~~in 1996, or exceed the generator's fee paid to a certified unified~~
28 ~~program agency in 1997, whichever amount is less.~~

29 ~~(d) The board may issue refunds pursuant to this section only~~
30 ~~if the department certifies that funds for these refunds are available.~~

31 *SEC. 104. Section 43153 of the Revenue and Taxation Code*
32 *is repealed.*

33 ~~43153. The board, if it deems it necessary in order to facilitate~~
34 ~~the administration of this part, may require returns and payments~~
35 ~~specified under Section 43151 to be made for periods longer than~~
36 ~~quarterly.~~

37 *SEC. 105. Section 43160 of the Revenue and Taxation Code*
38 *is amended to read:*

39 43160. Every person who is required to file the returns and
40 make the payments specified in Section 43151, 43152.6, 43152.7,

1 43152.9, ~~43152.11~~, 43152.13, ~~43152.14~~, or ~~43153~~ 43152.14 shall,
2 upon transfer or discontinuance of operations, file closing returns
3 on forms prescribed by the board. The closing returns shall be due
4 and payable on the last day of the month following the end of the
5 quarterly period in which the transfer or discontinuance takes place.

6 *SEC. 106. (a) The total sum of eight hundred twenty-two*
7 *million four hundred thousand dollars (\$822,400,000) is hereby*
8 *appropriated from the General Fund and the Toxic Substances*
9 *Control Account established pursuant to Section 25173.6 of the*
10 *Health and Safety Code to the Department of Toxic Substances*
11 *Control to be released according to the following schedule and*
12 *for the following purposes:*

13 *(1) (A) For the 2021–22 fiscal year, four hundred thirty-one*
14 *million four hundred thousand dollars (\$431,400,000).*

15 *(B) Of the amount specified in subparagraph (A), three hundred*
16 *million dollars (\$300,000,000) shall be allocated from the General*
17 *Fund for the following:*

18 *(i) The discovery, cleanup, and investigation of contaminated*
19 *properties with a priority on sites that are in communities with*
20 *high cumulative environmental burdens and proximity to sensitive*
21 *receptors. The Department of Toxic Substances Control shall, to*
22 *the extent feasible, require the use of community benefit agreements*
23 *for those sites where a responsible party has been identified and*
24 *is available.*

25 *(ii) A grant program, modeled after the grant program*
26 *established under Section 9604(k) of Title 42 of the United States*
27 *Code, to fund response actions, as defined by Section 25323.3 of*
28 *the Health and Safety Code, at brownfield sites.*

29 *(iii) A job and development training program prioritizing local*
30 *hires to promote public health and community engagement,*
31 *promote equity and environmental justice, and support the local*
32 *economy.*

33 *(iv) A program to provide technical assistance grants to groups*
34 *of individuals in communities impacted by a release or a potential*
35 *release of a hazardous material. The goal of these grants is to*
36 *provide community members with technical information to*
37 *understand and contribute to response actions that comply with*
38 *applicable laws. The Department of Toxic Substances Control may*
39 *award the grants to pay for any of the following:*

1 (I) A qualified, independent entity to assist in the creation or
2 interpretation of information on the nature of the hazard or
3 potential hazard of a release or potential release of a hazardous
4 material.

5 (II) A qualified, independent entity to assist in the interpretation
6 of information produced as part of a site investigation or as part
7 of any other type of response action for a release or potential
8 release, including the operation and maintenance of a response
9 action.

10 (III) A qualified, independent entity to conduct confirmation
11 sampling related to a release or potential release of a hazardous
12 material.

13 (v) To assist in the development of a forum that represents
14 communities across California impacted by the Department of
15 Toxic Substances Control's programs and activities and to provide
16 environmental justice advice, consultation, and recommendations
17 to the Director of Toxic Substances Control and the Board of
18 Environmental Safety.

19 (vi) To implement Section 25135 of the Health and Safety Code
20 in the 2021–22 fiscal year.

21 (C) Of the amount specified in subparagraph (A), the Director
22 of Finance may transfer up to one hundred thirty-one million four
23 hundred thousand dollars (\$131,400,000) as a loan from the
24 General Fund to the Toxic Substances Control Account. The loaned
25 moneys are hereby appropriated in that same amount from the
26 account for use by the Department of Toxic Substances Control
27 for the following purposes:

28 (i) Activities related to the cleanup and investigation of
29 properties contaminated with lead in the communities surrounding
30 the former Exide Technologies facility in the City of Vernon.

31 (ii) Notwithstanding Section 25173.6 of the Health and Safety
32 Code, job training activities related to the cleanup and
33 investigation of the properties contaminated with lead in the
34 communities surrounding the former Exide Technologies facility
35 in the City of Vernon.

36 (2) (A) For the 2022–23 fiscal year, two hundred million dollars
37 (\$200,000,000).

38 (B) Of the amount specified in subparagraph (A), one hundred
39 million dollars (\$100,000,000) shall be allocated from the General
40 Fund for the following:

1 (i) *The discovery, cleanup, and investigation of contaminated*
2 *properties with a priority on sites that are in communities with*
3 *high cumulative environmental burdens and proximity to sensitive*
4 *receptors. The Department of Toxic Substances Control shall, to*
5 *the extent feasible, require the use of community benefit agreements*
6 *for those sites where a responsible party has been identified and*
7 *is available.*

8 (ii) *A grant program, modeled after the grant program*
9 *established under Section 9604(k) of Title 42 of the United States*
10 *Code, to fund response actions, as defined by Section 25323.3 of*
11 *the Health and Safety Code, at brownfield sites.*

12 (C) *Of the amount specified in subparagraph (A), the Director*
13 *of Finance may transfer up to one hundred million dollars*
14 *(\$100,000,000) as a loan from the General Fund to the Toxic*
15 *Substances Control Account. The loaned moneys are hereby*
16 *appropriated in that same amount from the account for use by the*
17 *Department of Toxic Substances Control for the following*
18 *purposes:*

19 (i) *Activities related to the cleanup and investigation of*
20 *properties contaminated with lead in the communities surrounding*
21 *the former Exide Technologies facility in the City of Vernon.*

22 (ii) *Notwithstanding Section 25173.6 of the Health and Safety*
23 *Code, job training activities related to the cleanup and*
24 *investigation of the properties contaminated with lead in the*
25 *communities surrounding the former Exide Technologies facility*
26 *in the City of Vernon.*

27 (3) (A) *For the 2023–24 fiscal year, one hundred ninety-one*
28 *million dollars (\$191,000,000).*

29 (B) *Of the amount specified in subparagraph (A), one hundred*
30 *million dollars (\$100,000,000) shall be allocated from the General*
31 *Fund for the following:*

32 (i) *The discovery, cleanup, and investigation of contaminated*
33 *properties with a priority on sites that are in communities with*
34 *high cumulative environmental burdens and proximity to sensitive*
35 *receptors. The Department of Toxic Substances Control shall, to*
36 *the extent feasible, require the use of community benefit agreements*
37 *for those sites where a responsible party has been identified and*
38 *is available.*

39 (ii) *A grant program, modeled after the grant program*
40 *established under Section 9604(k) of Title 42 of the United States*

1 *Code, to fund response actions, as defined by Section 25323.3 of*
2 *the Health and Safety Code, at brownfield sites.*

3 *(C) Of the amount specified in subparagraph (A), the Director*
4 *of Finance may transfer up to ninety-one million dollars*
5 *(\$91,000,000) as a loan from the General Fund to the Toxic*
6 *Substances Control Account. The loaned moneys are hereby*
7 *appropriated in that same amount from the account for use by the*
8 *Department of Toxic Substances Control for the following*
9 *purposes:*

10 *(i) Activities related to the cleanup and investigation of*
11 *properties contaminated with lead in the communities surrounding*
12 *the former Exide Technologies facility in the City of Vernon.*

13 *(ii) Notwithstanding Section 25173.6 of the Health and Safety*
14 *Code, job training activities related to the cleanup and*
15 *investigation of the properties contaminated with lead in the*
16 *communities surrounding the former Exide Technologies facility*
17 *in the City of Vernon.*

18 *(b) (1) All funds recovered from potentially responsible parties*
19 *for the former Exide Technologies facility in the City of Vernon*
20 *shall be used to repay the loans made pursuant to subdivision (a).*
21 *If the amount of moneys received from the cost recovery efforts is*
22 *insufficient to fully repay the loans made pursuant to subdivision*
23 *(a), the Director of Finance may forgive any remaining balance*
24 *if, at least 90 days before forgiving any balance, the Director of*
25 *Finance submits a notification to the Joint Legislative Budget*
26 *Committee.*

27 *(2) Notwithstanding any other law, the funding appropriated*
28 *in this subdivision shall be available for encumbrance for three*
29 *fiscal years after the fiscal year in which the funds are released.*

30 *(c) The Department of Toxic Substances Control may review,*
31 *adopt, amend, and repeal guidelines to implement uniform*
32 *standards or criteria that supplement or clarify the terms,*
33 *references, or standards set forth in this section. Any guidelines*
34 *or terms adopted pursuant to this subdivision are not subject to*
35 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
36 *3 of Title 2 of the Government Code.*

37 *(d) It is the intent of the Legislature that the funds appropriated*
38 *pursuant to subdivision (a) be used to decrease environmental*
39 *burdens on disadvantaged communities and not create an increased*
40 *obligation to the state to fund the cleanup of orphan sites.*

1 (e) *The Board of Environmental Safety shall conduct an analysis*
2 *of the expenditure of funds allocated by the Department of Toxic*
3 *Substances Control for the purposes specified in subparagraph*
4 *(B) of paragraph (1) of, subparagraph (B) of paragraph (2) of,*
5 *and subparagraph (B) of paragraph (3) of, subdivision (a), on an*
6 *annual basis until the funds have been entirely liquidated by the*
7 *Department of Toxic Substances Control. This analysis shall*
8 *include the subsequent uses of the sites that have undergone*
9 *investigation or cleanup in order to make recommendations to the*
10 *Legislature on future expenditures of state funds for cleanup. In*
11 *its analysis, the board shall also evaluate the public health benefits*
12 *that those investigations or cleanups have created for the*
13 *communities in which the sites are located.*

14 (f) *This section does not expand any obligation of the state to*
15 *provide resources for cleanup of orphan sites beyond the funds*
16 *appropriated in subdivision (a).*

17 SEC. 107. *No reimbursement is required by this act pursuant*
18 *to Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

26 SEC. 108. *This act is a bill providing for appropriations related*
27 *to the Budget Bill within the meaning of subdivision (e) of Section*
28 *12 of Article IV of the California Constitution, has been identified*
29 *as related to the budget in the Budget Bill, and shall take effect*
30 *immediately.*

31 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
32 ~~changes relating to the Budget Act of 2021.~~