

ASSEMBLY BILL

No. 1371

Introduced by Assembly Member Ruskin

February 23, 2007

An act to amend Sections 25189 and 25189.2 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1371, as introduced, Ruskin. Hazardous waste: civil penalty.

Existing law authorizes the Department of Toxic Substances Control to impose civil penalties or administrative civil penalties against a person who intentionally or negligently disposes or causes the disposal of hazardous waste at an unauthorized site.

This bill would, in addition, impose a specified civil penalty or an administrative civil penalty against a person who intentionally or negligently treats or stores, or causes the treatment or storage of, a hazardous waste at an unauthorized site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 25189 of the Health and Safety Code is
2 amended to read:
3 25189. (a) Any person who intentionally or negligently makes
4 any false statement or representation in any application, label,
5 manifest, record, report, permit, or other document filed,
6 maintained, or used for purposes of compliance with this chapter,
7 shall be liable for a civil penalty not to exceed twenty-five thousand

1 dollars (\$25,000) for each separate violation or, for continuing
2 violations, for each day that violation continues.

3 (b) Except as provided in subdivision (c) ~~or~~, (d), *or* (e), any
4 person who intentionally or negligently violates any provision of
5 this chapter or any permit, rule, regulation, standard, or requirement
6 issued or promulgated pursuant to this chapter, shall be liable for
7 a civil penalty not to exceed twenty-five thousand dollars (\$25,000)
8 for each violation of a separate provision or, for continuing
9 violations, for each day that violation continues.

10 (c) Any person who intentionally disposes or causes the disposal
11 of any hazardous or extremely hazardous waste at a point which
12 is not authorized according to the provisions of this chapter shall
13 be subject to a civil penalty of not less than one thousand dollars
14 (\$1,000) or more than twenty-five thousand dollars (\$25,000) for
15 each violation and may be ordered to disclose the fact of this
16 violation or these violations to those persons as the court may
17 direct. Each day on which the deposit remains and the person has
18 knowledge thereof is a separate additional violation, unless the
19 person immediately files a report of the deposit with the department
20 and is complying with any order concerning the deposit issued by
21 the department, a hearing officer, or a court of competent
22 jurisdiction for the cleanup.

23 (d) Any person who negligently disposes or causes the disposal
24 of any hazardous or extremely hazardous waste at a point which
25 is not authorized according to the provisions of this chapter shall
26 be subject to a civil penalty of not more than twenty-five thousand
27 dollars (\$25,000) for each violation and may be ordered to disclose
28 the fact of this violation or these violations to those persons as the
29 court may direct. Each day on which the deposit remains and the
30 person had knowledge thereof is a separate additional violation,
31 unless the person immediately files a report of the deposit with
32 the department and is complying with any order concerning the
33 deposit issued by the department, a hearing officer, or a court of
34 competent jurisdiction for the cleanup.

35 (e) *A person who intentionally or negligently treats or stores,*
36 *or causes the treatment or storage of, a hazardous waste at a point*
37 *that is not authorized according to this chapter, shall be liable for*
38 *a civil penalty not to exceed twenty-five thousand dollars (\$25,000)*
39 *for each separate violation or, for continuing violations, for each*
40 *day that the violation continues.*

1 ~~(e)~~—

2 (f) Each civil penalty imposed for any separate violation
3 pursuant to this section shall be separate and in addition to any
4 other civil penalty imposed pursuant to this section or any other
5 provision of law.

6 ~~(f)~~—

7 (g) No person shall be liable for a civil penalty imposed under
8 this section and for a civil penalty imposed under Section 25189.2
9 for the same act or failure to act.

10 SEC. 2. Section 25189.2 of the Health and Safety Code is
11 amended to read:

12 25189.2. (a) Any person who makes any false statement or
13 representation in any application, label, manifest, record, report,
14 permit, or other document, filed, maintained, or used for purposes
15 of compliance with this chapter, is liable for a civil penalty not to
16 exceed twenty-five thousand dollars (\$25,000) for each separate
17 violation or, for continuing violations, for each day that the
18 violation continues.

19 (b) Except as provided in subdivision (c), any person who
20 violates any provision of this chapter or any permit, rule,
21 regulation, standard, or requirement issued or adopted pursuant to
22 this chapter, is liable for a civil penalty not to exceed twenty-five
23 thousand dollars (\$25,000) for each violation of a separate
24 provision or, for continuing violations, for each day that the
25 violation continues.

26 (c) Any person who disposes, or causes the disposal of, any
27 hazardous or extremely hazardous waste at a point which is not
28 authorized according to the provisions of this chapter is liable for
29 a civil penalty of not more than twenty-five thousand dollars
30 (\$25,000) for each violation and may be ordered to disclose the
31 fact of this violation or these violations to those persons as the
32 court or, in the case of an administrative action, a hearing officer,
33 may direct. Each day on which the deposit remains is a separate
34 additional violation, unless the person immediately files a report
35 of the deposit with the department and is complying with any order
36 concerning the deposit issued by the department, a hearing officer,
37 or a court of competent jurisdiction for the cleanup.

38 (d) *A person who treats or stores, or causes the treatment or*
39 *storage of, a hazardous waste at a point that is not authorized*
40 *according to this chapter, shall be liable for a civil penalty not to*

1 *exceed twenty-five thousand dollars (\$25,000) for each separate*
2 *violation or, for continuing violations, for each day that the*
3 *violation continues.*

4 ~~(d)~~

5 (e) No person may be liable for a civil penalty imposed under
6 this section and for a civil penalty imposed under Section 25189
7 for the same act or failure to act.

8 ~~(e)~~

9 (f) Liability under this section may be imposed in a civil action
10 or liability may be imposed administratively pursuant to Section
11 25187.