

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1362

Introduced by Senator Correa

February 21, 2014

~~An act to amend Section 21041 of the Public Contract Code, relating to public contracts.~~ *An act to amend Section 25113 of the Health and Safety Code, relating to hazardous waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as amended, Correa. ~~Public contracts: Orange County Water District. Hazardous waste: disposal: exemption.~~

Existing law prohibits the management of hazardous waste except in accordance with the hazardous waste control laws and prohibits the disposal of hazardous waste except at a disposal site or at a facility of an owner or operator who holds a valid hazardous waste facilities permit or other grant of authorization from the Department of Toxic Substances Control to use and operate the site or facility. Existing law defines the term "disposal" for purposes of the hazardous waste control laws as including the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on any land.

This bill would exclude, from the definition of the term "disposal" under those laws, the onsite movement of soil at an active outdoor sport shooting range, as defined, if this movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the shooting range and the residual soil is replaced within the area from which it was originally removed.

~~Existing law governs the contracts of the Orange County Water District as provided in a specified statute and further provides that the district is not bound by any contract unless the same is made in writing~~

approved by a resolution of the board of directors and properly executed by its officers who have been authorized to do so.

~~This bill would make technical, nonsubstantive changes in that provision.~~

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

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

1 *SECTION 1. The Legislature finds and declares all of the*
 2 *following:*

3 *(a) The current regulatory framework of the Department of*
 4 *Toxic Substances Control does not allow active outdoor shooting*
 5 *ranges to remove and recycle spent ammunition in soil after the*
 6 *spent ammunition materials, including casings or projectiles, have*
 7 *been recovered from the residual soil for recycling, unless that*
 8 *residual soil is managed as a hazardous waste.*

9 *(b) The state’s current regulations applicable to recycling spent*
 10 *ammunition at active outdoor shooting ranges do not incorporate*
 11 *the United States Environmental Protection Agency’s “Military*
 12 *Munitions Rule,” as applicable to nonmilitary ranges pursuant to*
 13 *the guidance document “Best Management Practices for Lead at*
 14 *Outdoor Shooting Ranges,” which does not consider as disposal*
 15 *the replacement of residual soil on active shooting ranges after*
 16 *recovering and recycling the spent ammunition from it.*

17 *(c) The additional cost of managing the residual soil as*
 18 *hazardous waste is a significant financial burden on active outdoor*
 19 *shooting ranges and may result in a disincentive to actively*
 20 *implement best management practices endorsed by the United*
 21 *States Environmental Protection Agency, including the*
 22 *management of spent ammunition by means of recovering and*
 23 *recycling the spent ammunition at active outdoor shooting ranges.*

24 *SEC. 2. Section 25113 of the Health and Safety Code is*
 25 *amended to read:*

26 25113. (a) (1) “Disposal” means either of the following:

27 (±)

28 (A) The discharge, deposit, injection, dumping, spilling, leaking,
 29 or placing of any waste so that the waste or any constituent of the
 30 waste is or may be emitted into the air or discharged into or on

1 any land or waters, including groundwaters, or may otherwise
2 enter the environment.

3 ~~(2)~~

4 (B) The abandonment of any waste.

5 (2) (A) *“Disposal” does not include the onsite movement of*
6 *soil at an active outdoor sport shooting range if this movement is*
7 *done to facilitate the removal and recycling of spent ammunition*
8 *materials existing on the site as a result of the normal use of the*
9 *shooting range and the residual soil is replaced within the area*
10 *from which it was originally removed.*

11 (3) *For purposes of this section, “sport shooting range” has*
12 *the same meaning as in paragraph (2) of subdivision (a) of Section*
13 *3482.1 of the Civil Code.*

14 (b) The amendment of ~~the this section made at~~ *by Section 2 of*
15 *Chapter 1436 of the 1989-90 Regular Session Statutes of the*
16 *Legislature 1989* does not constitute a change in, but is declaratory
17 of, the existing law.

18 ~~SECTION 1. Section 21041 of the Public Contract Code is~~
19 ~~amended to read:~~

20 ~~21041. The district shall not be bound by any contract except~~
21 ~~as hereinafter provided unless the same shall be made in writing~~
22 ~~approved by resolution of the board of directors and properly~~
23 ~~executed by its officers who have been so authorized to do so by~~
24 ~~the district. The approval of the form of all contracts shall be~~
25 ~~endorsed thereon by an attorney for the district.~~