

AMENDED IN SENATE MAY 27, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 274**

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**Introduced by Committee on Environmental Safety and Toxic Materials (Assembly Members Alejo (Chair), Dahle (Vice Chair), Gonzalez, Gray, McCarty, and Ting)**

February 11, 2015

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An act to add Section 25269.9 to the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 274, as amended, Committee on Environmental Safety and Toxic Materials. Oversight costs: uncollectible accounts.

Existing law requires the Department of Toxic Substances Control to comply with specified procedures when recovering oversight costs for corrective action taken pursuant to the hazardous waste control laws or for ~~removal or remedial~~ *certain other* actions taken pursuant to the Carpenter-Presley-Tanner Hazardous Substances Account Act. The department is required to take specified actions with regard to uncollectible accounts, including reviewing all current outstanding receivables and making an appropriate adjustment for estimated uncollectible amounts. The department is authorized, if warranted, to write off or write down those receivable amounts.

This bill would define the term "uncollectible account" ~~and, in addition to the authority specified above,~~ and would authorize the department not to pursue an uncollectible account and to write off *or write down* that uncollectible ~~account~~ *account, as specified*.

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 25269.9 is added to the Health and Safety  
2 Code, to read:

3 25269.9. (a) The Legislature finds and declares both of the  
4 following:

5 (1) The department should prioritize its cost recovery efforts to  
6 make the most efficient use of its resources available for that  
7 activity.

8 (2) It is not cost effective or practicable to seek recovery of an  
9 uncollectible account, as defined in subdivision (b).

10 (b) For purposes of this section, “uncollectible account” means  
11 ~~an oversight cost that meets~~ *response action, corrective action, or*  
12 *oversight costs, including accrued interest, incurred by the*  
13 *department that meet* all of the following conditions:

14 (1) ~~The oversight cost was~~ *response action, corrective action,*  
15 *or oversight costs were* incurred by the department on or after July  
16 1, 1987, but not later than December 31, 2013, while overseeing  
17 ~~a cleanup action pursuant to the authority specified in subdivision~~  
18 ~~(a) of Section 25269.2.~~ *or carrying out a response or corrective*  
19 *action pursuant to Chapter 6.5 (commencing with Section 25100)*  
20 *or Chapter 6.8 (commencing with Section 25300).*

21 (2) ~~The amount of the uncollected cost is~~ *response action,*  
22 *corrective action, or oversight costs are* not more than five  
23 thousand dollars (\$5,000).

24 (3) The department will not incur further ~~oversight costs with~~  
25 ~~regard to that cleanup action.~~ *response action, corrective action,*  
26 *or oversight costs related to the site for which the costs were*  
27 *incurred.*

28 (4) The department’s estimated cost to pursue the oversight  
29 costs exceeds the value of the oversight costs.

30 (c) ~~In addition to the authority specified in Section 25269.8, the~~  
31 *The* department is not required to pursue an uncollectible account  
32 and may write off *or write down* that uncollectible ~~account.~~ *account*  
33 *pursuant to Section 25269.8.*

34 (d) The requirements of Chapter 5 (commencing with Section  
35 13940) of Part 4 of Division 3 of Title 2 of the Government Code

- 1 shall not apply to any action taken by the department pursuant to
- 2 subdivision (c).

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