

AMENDED IN ASSEMBLY SEPTEMBER 2, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 654

Introduced by Senator De León

February 27, 2015

An act to amend Section 25200 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 654, as amended, De León. Hazardous waste: facilities permitting.

(1) Existing law, as part of the hazardous waste control law, requires facilities handling hazardous waste to obtain a permit from the Department of Toxic Substances Control. Existing law requires an owner or operator of a facility intending to renew the facility's permit to submit a complete Part A application for a permit renewal prior to the expiration of the permit. Existing law requires the owner or operator to submit a complete Part B application when requested by the department. Existing law requires the department to issue a permit if the facility meets specified requirements. A violation of the hazardous waste control law is a crime.

This bill would instead require the owner or operator of a facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. The bill would provide that, when a complete renewal application has been submitted before the end of a permit's fixed term, the permit shall be deemed extended for a period not to exceed 36 months until the renewal application is approved or denied and the owner or operator has

exhausted all applicable rights of appeal. The bill would specify alternative timelines and rules relating to renewal for permits that expire before January 1, 2019. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(2) 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.

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

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

1 SECTION 1. Section 25200 of the Health and Safety Code is
2 amended to read:

3 25200. (a) The department shall issue hazardous waste
4 facilities permits to use and operate one or more hazardous waste
5 management units at a facility that in the judgment of the
6 department meet the building standards published in the State
7 Building Standards Code relating to hazardous waste facilities and
8 the other standards and requirements adopted pursuant to this
9 chapter. The department shall impose conditions on each hazardous
10 waste facilities permit specifying the types of hazardous wastes
11 that may be accepted for transfer, storage, treatment, or disposal.
12 The department may impose any other conditions on a hazardous
13 waste facilities permit that are consistent with the intent of this
14 chapter.

15 (b) The department may impose, as a condition of a hazardous
16 waste facilities permit, a requirement that the owner or operator
17 of a hazardous waste facility that receives hazardous waste from
18 more than one producer comply with any order of the director that
19 prohibits the facility operator from refusing to accept a hazardous
20 waste based on geographical origin that is authorized to be accepted
21 and may be accepted by the facility without extraordinary hazard.

22 (c) (1) (A) A hazardous waste facilities permit issued by the
23 department shall be for a fixed term, which shall not exceed 10
24 years for any land disposal facility, storage facility, incinerator,
25 or other treatment facility.

1 (B) (i) The owner or operator of a facility intending to extend
2 the term of the facility’s permit shall submit complete Part A and
3 Part B applications for a permit renewal at least two years prior to
4 the expiration date of the permit. Any other relevant information
5 shall be submitted as and when requested by the department. *A*
6 *copy of an application for a permit renewal shall also be submitted*
7 *to the independent review panel established within the department*
8 *pursuant to Section 57014.*

9 (ii) Notwithstanding clause (i), the owner or operator of a facility
10 intending to extend the term of a permit that expires before January
11 1, 2018, shall submit complete Part A and Part B applications for
12 a permit renewal before January 1, 2018.

13 (C) (i) To the extent not inconsistent with the federal act, when
14 an owner or operator satisfies clause (ii) of subparagraph (B), or
15 a complete renewal application, and any other requested
16 information, has been submitted before the end of a permit’s fixed
17 term, the permit shall be deemed extended until the renewal
18 application is approved or denied and the owner or operator has
19 exhausted all applicable rights of appeal, except that this extension
20 shall not exceed 36 months.

21 (ii) Notwithstanding clause (i), for a facility with a permit that
22 expires before January 1, 2016, and for which an application for
23 a permit renewal has been submitted before January 1, 2016, the
24 permit shall be deemed extended until the renewal application is
25 approved or denied and the owner or operator has exhausted all
26 applicable rights of appeal, except that this extension shall not
27 extend beyond December 31, 2018.

28 (D) This section does not limit or restrict the department’s
29 authority to impose any additional or different conditions on an
30 extended permit that are necessary to protect human health and
31 the environment.

32 (E) In adopting new conditions for an extended permit, the
33 department shall follow the applicable permit modification
34 procedures specified in this chapter and the regulations adopted
35 pursuant to this chapter.

36 (F) When prioritizing pending renewal applications for
37 processing and in determining the need for any new conditions on
38 an extended permit, the department shall consider any input
39 received from the public.

1 (2) The department shall review each hazardous waste facilities
 2 permit for a land disposal facility five years after the date of
 3 issuance or reissuance, and shall modify the permit, as necessary,
 4 to ensure that the facility continues to comply with the currently
 5 applicable requirements of this chapter and the regulations adopted
 6 pursuant to this chapter.

7 (3) This subdivision does not prohibit the department from
 8 reviewing, modifying, or revoking a permit at any time during its
 9 term.

10 (d) (1) When reviewing an application for a permit renewal,
 11 the department shall consider improvements in the state of control
 12 and measurement technology as well as changes in applicable
 13 regulations.

14 (2) Each permit issued or renewed under this section shall
 15 contain the terms and conditions that the department determines
 16 necessary to protect human health and the environment.

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

26 SEC. 2. No reimbursement is required by this act pursuant to
 27 Section 6 of Article XIII B of the California Constitution because
 28 the only costs that may be incurred by a local agency or school
 29 district will be incurred because this act creates a new crime or
 30 infraction, eliminates a crime or infraction, or changes the penalty
 31 for a crime or infraction, within the meaning of Section 17556 of
 32 the Government Code, or changes the definition of a crime within
 33 the meaning of Section 6 of Article XIII B of the California
 34 Constitution.

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