

AMENDED IN SENATE APRIL 13, 1998

**SENATE BILL**

**No. 2111**

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**Introduced by Senators Costa and Alpert**

February 20, 1998

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An act to add Section 25143.13 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 2111, as amended, Costa. Non-RCRA hazardous waste: silver.

(1) Existing law defines the term "non-RCRA hazardous waste" as meaning hazardous waste that is regulated by the state, other than hazardous waste subject to the federal Resource Conservation and Recovery Act of 1976 (RCRA). Under existing law, the Department of Toxic Substances Control is required to develop and adopt by regulation criteria and guidelines for the identification of hazardous waste. A violation of the regulations governing hazardous waste is a crime.

This bill would require silver and silver compounds that are hazardous waste under RCRA to be subject to regulation solely to the extent these materials are regulated under the federal act. The bill would exempt silver and silver compounds from regulation under the hazardous waste control laws if these materials are not subject to regulations as RCRA hazardous waste.

The bill would require the department to adopt regulations to implement the bill's requirements and would provide that until the department adopts these regulations, the applicable

federal regulations *pertaining to the regulation of silver and silver compounds* would be deemed to be the regulations of the department. Since a violation of these regulations 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. The Legislature hereby finds and  
2 declares all of the following:

3 (a) In January 1991, the Environmental Protection  
4 Agency deleted the national primary drinking water  
5 standard for silver, based on its finding that silver posed  
6 no risks to human health. *In November of 1994, the State*  
7 *Department of Health Services also deleted the primary*  
8 *maximum drinking water contaminant level for silver.*

9 (b) Certain silver and silver compounds are excluded  
10 from regulation or are subject to minimal regulation  
11 under the federal act.

12 (c) Silver has a high positive economic value that  
13 minimizes the risk of mismanagement.

14 (d) The management of silver and silver compounds  
15 in the state does not warrant additional and more  
16 stringent regulatory oversight under Chapter 6.5  
17 (commencing with Section 25100) of Division 20 of the  
18 Health and Safety Code.

19 SEC. 2. Section 25143.13 is added to the Health and  
20 Safety Code, to read:

21 25143.13. (a) Notwithstanding any other provision of  
22 law, silver and silver compounds that are RCRA  
23 hazardous wastes are subject to regulation under this  
24 chapter solely to the extent that these silver and silver



1 compounds are subject to regulation by the  
2 Environmental Protection Agency under the federal act.

3 (b) Notwithstanding any other provision of law, silver  
4 and silver compounds are exempt from regulation under  
5 this chapter if the silver and the silver compounds are not  
6 subject to regulation under the federal act as RCRA  
7 hazardous waste.

8 (c) The department shall adopt new or revised  
9 regulations, as necessary, to implement this section. Until  
10 the department adopts these regulations, the applicable  
11 regulations adopted by the Environmental Protection  
12 Agency pursuant to the federal act, ~~including, but not~~  
13 ~~limited to, Section 261.6(a)(2)(iii) of, and Section 266.70~~  
14 ~~of, Title 40 of the Code of Federal Regulations, shall be~~  
15 *pertaining to the regulation of silver and silver*  
16 *compounds shall be* deemed to be the regulations of the  
17 department.

18 SEC. 3. No reimbursement is required by this act  
19 pursuant to Section 6 of Article XIII B of the California  
20 Constitution because the only costs that may be incurred  
21 by a local agency or school district will be incurred  
22 because this act creates a new crime or infraction,  
23 eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section  
25 17556 of the Government Code, or changes the definition  
26 of a crime within the meaning of Section 6 of Article  
27 XIII B of the California Constitution.

28 Notwithstanding Section 17580 of the Government  
29 Code, unless otherwise specified, the provisions of this act  
30 shall become operative on the same date that the act  
31 takes effect pursuant to the California Constitution.

