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AB-248 Hazardous waste: facilities: permits. (2017-2018)

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 248

Introduced by Assembly Members Reyes, Cristina Garcia, Gomez, and Santiago

January 30, 2017

An act to amend Section 25200 of, and to add Section 25200.25 to, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, Reyes. Hazardous waste: facilities: permits.

Existing law, as part of the hazardous waste control law, requires a facility handling hazardous waste to apply for and obtain a hazardous waste facilities permit from the Department of Toxic Substances Control. Existing law requires that a hazardous waste facilities permit be for a fixed term not to exceed 10 years for certain facilities. Existing law requires the owner or operator of a facility intending to extend the facility's permit to submit a complete Part A application for a permit renewal before the fixed term of the permit expires, and, at any time following the submittal of the Part A application, to submit a complete Part B application, or any portion of that application, and other relevant information, if requested by the department. Existing law provides that when a complete Part A renewal application and any other requested information has been submitted before the end of the permit's fixed term, the permit is deemed extended until the application is approved or denied and the owner has exhausted all applicable rights of appeal.

This bill would require, for a hazardous waste facilities permit that will expire on or before July 1, 2020, the owner or operator of a facility intending to extend the term of that permit to submit a Part A and Part B application for a permit renewal at least 6 months before the fixed term of the permit expires. The bill would require, for a hazardous waste facilities permit that will expire after July 1, 2020, the owner or operator to submit a Part A and Part B application for a permit renewal at least 2 years before the fixed term of the permit expires. The bill would provide that if a Part A and Part B renewal application and any other requested information has been submitted at least 6 months or at least 2 years, as applicable, before the end of the permit's fixed term, the permit is

deemed extended until the application is approved or denied and the owner has exhausted all applicable rights of appeal. The bill would also require the department, no later than 90 days after receiving an application for a hazardous waste facilities permit, to post on its Internet Web site a timeline with the estimated dates of key milestones in the application review process, to note on its Internet Web site that these dates are estimates, and to update the dates as needed.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

(B) An owner or operator of a facility who intends to extend the term of a hazardous waste facilities permit that expires on or before July 1, 2020, shall submit a Part A and Part B application for a permit renewal at least six months before the fixed term of the permit expires, in order for the department to begin its administrative review of the Part A and Part B application. To the extent not inconsistent with the federal act, if a Part A and Part B renewal application, and any other requested information, has been submitted under this subparagraph at least six months before the end of the permit's fixed term, the permit is deemed extended until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal.

(C) An owner or operator of a facility who intends to extend the term of a hazardous waste facilities permit that expires after July 1, 2020, shall submit a Part A and Part B application for a permit renewal at least two years before the fixed term of the permit expires, in order for the department to begin its administrative review of the Part A and Part B application. To the extent not inconsistent with the federal act, if a Part A and Part B renewal application, and any other requested information, has been submitted under this subparagraph at least two years before the end of the permit's fixed term, the permit is deemed extended until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal.

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

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

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

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

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

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

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

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

SEC. 2. Section 25200.05 is added to the Health and Safety Code, to read:

25200.05. No later than 90 days after receiving an application for a hazardous waste facilities permit, the department shall post on its Internet Web site a timeline with the estimated dates of key milestones in the application review process, which shall include, but not be limited to, the dates of public meetings and the date for issuance of a draft decision. The department shall note on its Internet Web site that these dates are estimates and shall update the dates as needed.