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AB-474 Hazardous waste: spent brine solutions. (2017-2018)

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Assembly Bill No. 474

CHAPTER 840

An act to add Section 25143.6 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 474, Eduardo Garcia. Hazardous waste: spent brine solutions.

Existing law exempts from certain requirements of the Hazardous Waste Control Law wastes from the extraction, beneficiation, or processing of ores and minerals that are not subject to regulation under the federal Resource Conservation and Recovery Act of 1976, including spent brine solutions used to produce geothermal energy that meet specified requirements.

This bill would exempt spent brine solutions that are byproducts of the treatment of groundwater to meet California drinking water standards from those same requirements if certain conditions are met, including that the spent brine solutions are transferred for dewatering via a closed piping system to lined surface impoundments regulated by the California regional water quality control boards. The bill would require surface impoundments used for the treatment of spent brine solutions to maintain financial assurances consistent with requirements of the Hazardous Waste Control Law.

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

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

SECTION 1. Section 25143.6 is added to the Health and Safety Code, to read:

25143.6. (a) Spent brine solutions that are byproducts from the treatment of groundwater to meet California drinking water standards are exempt from the requirements of this chapter if all of the following conditions are met:

- (1) The treatment of these spent brine solutions by dewatering via a closed piping system to lined surface impoundments is specifically approved by the applicable regional water quality control board.
- (2) The spent brine solutions are transferred for dewatering via a closed piping system to lined surface impoundments regulated by the California regional water quality control boards.
- (3) The spent brine solutions are treated, prior to transfer to lined surface impoundments, with a technology that renders the spent brine solutions nonhazardous for all contaminants except selenium.
- (4) Mitigation measures, which shall be approved by the Department of Fish and Wildlife, are used to prevent birds from coming into contact with spent brine solutions in lined surface impoundments containing hazardous levels of selenium.

(b) If spent brine solution that is exempt pursuant to subdivision (a) is relocated to an elevated location inside a lined surface impoundment for further dewatering, the waste from that spent brine solution shall be removed from the lined surface impoundment while it still contains sufficient moisture to prevent wind dispersion.

(c) Waste from spent brine solutions exempt pursuant to subdivision (a) shall be deemed generated at the time of removal from a lined surface impoundment and shall be managed pursuant to the requirements of this chapter if determined to be a hazardous waste.

(d) Operators of surface impoundments used for the treatment of spent brine solutions shall maintain financial assurances consistent with the requirements of this chapter.

(e) Untreated spent brine solutions shall be managed in accordance with this chapter.