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AB-181 Hazardous waste: cost reimbursement. (2019-2020)

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Assembly Bill No. 181

CHAPTER 797

An act to amend Section 25205.7 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 181, Maienschein. Hazardous waste: cost reimbursement.

Existing law, as part of the hazardous waste control laws, 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 a person who applies for, or requests, among other things, a hazardous waste facilities permit or a renewal of an existing hazardous waste facilities permit, to enter into a written agreement with the department to reimburse the department for the costs incurred by the department in processing the application or responding to the request, as provided. Existing law requires that agreement to provide for at least 25% of the reimbursement to be made in advance of the processing of the application or the response to the request.

This bill would exempt from that requirement relating to advanced reimbursement an agreement entered into by a facility owned by a federal agency.

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

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

SECTION 1. Section 25205.7 of the Health and Safety Code is amended to read:

25205.7. (a) (1) A person who applies for, or requests, any of the following shall enter into a written agreement with the department pursuant to which that person shall reimburse the department, pursuant to Article 9.2 (commencing with Section 25206.1), for the costs incurred by the department in processing the application or responding to the request:

- (A) A new hazardous waste facilities permit, including a standardized permit.
- (B) A hazardous waste facilities permit for postclosure.
- (C) A renewal of an existing hazardous waste facilities permit, including a standardized permit or postclosure permit.
- (D) A class 2 or class 3 modification of an existing hazardous waste facilities permit or grant of interim status, including a standardized permit or grant of interim status or a postclosure permit.
- (E) A variance.

(F) A waste classification determination.

(2) (A) Except as provided in subparagraph (B), an agreement required pursuant to paragraph (1) shall provide for at least 25 percent of the reimbursement to be made in advance of the processing of the application or the response to the request. The 25-percent advance payment shall be based upon the department's total estimated costs of processing the application or response to the request.

(B) Subparagraph (A) shall not apply with regard to an agreement entered into by a facility owned by a federal agency.

(3) An agreement entered into pursuant to this section shall, if applicable, include costs of reviewing and overseeing corrective action as set forth in subdivision (b).

(b) An applicant pursuant to paragraph (1) of subdivision (a) and the owner and the operator of the facility shall pay the department's costs in reviewing and overseeing any corrective action program described in the application for a standardized permit pursuant to subparagraph (C) of paragraph (2) of subdivision (c) of Section 25201.6 or required pursuant to subdivision (b) of Section 25200.10, and in reviewing and overseeing any corrective action work undertaken at the facility pursuant to that corrective action program.

(c) (1) An applicant pursuant to paragraph (1) of subdivision (a) and the owner and the operator of the facility shall, pursuant to Section 21089 of the Public Resources Code, pay all costs incurred by the department for purposes of complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), in conjunction with an application or request for any of the activities identified in subdivision (a), including any activities associated with correction action.

(2) Paragraph (1) does not apply to projects that are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) Reimbursements received pursuant to this section shall be placed in the Hazardous Waste Control Account for appropriation in accordance with Section 25174.

(e) Subdivision (a) does not apply to a variance granted pursuant to Article 4 (commencing with Section 66263.40) of Chapter 13 of Division 4.5 of Title 22 of the California Code of Regulations.

(f) Subdivision (a) does not apply to any of the following:

(1) A variance issued to a public agency to transport wastes for purposes of operating a household hazardous waste collection facility or to transport waste from a household hazardous waste collection facility, which receives household hazardous waste or hazardous waste from conditionally exempted small quantity generators pursuant to Article 10.8 (commencing with Section 25218).

(2) A permanent household hazardous waste collection facility.

(3) A variance issued to a public agency to conduct a collection program for agricultural wastes.

(g) Fees imposed pursuant to this section shall be administered and collected by the department.

(h) (1) The changes made in this section by Chapter 340 of the Statutes of 2016 apply to applications and requests submitted to the department on and after April 1, 2016.

(2) If, on and after April 1, 2016, an applicant has submitted an application and paid a fee pursuant to subdivision (d), as that subdivision read on April 1, 2016, but before September 13, 2016, the department shall determine the difference between the amount paid by the applicant and the amount due pursuant to subdivision (a), and that applicant shall be liable for that amount.