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AB-1793 Hazardous waste: identification: acute aquatic toxicity criterion. (2021-2022)

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Assembly Bill No. 1793

CHAPTER 274

An act to add and repeal Section 25141.1 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1793, Quirk. Hazardous waste: identification: acute aquatic toxicity criterion.

Existing law requires the Department of Toxic Substances Control to regulate the handling and management of hazardous waste. Existing law requires the department to develop and adopt by regulation criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes. Existing law requires the department, by March 1, 2023, and every 3 years thereafter, to prepare, and post on its internet website, a report that includes an analysis of available data related to hazardous waste that includes specified components. Existing law requires the department, by March 1, 2025, and every 3 years thereafter, to prepare a state hazardous waste management plan based on the report, to be presented to the Board of Environmental Safety for approval.

This bill would require the department, subject to an appropriation by the Legislature in the Budget Act of 2022 that implements a proposal to review the department's hazardous waste criteria, and as part of the department's comprehensive evaluation of its criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes, to review its acute toxicity criterion, as provided. The bill would require the department, once the review is completed, to develop recommendations on next steps to consider related to the aquatic toxicity criterion, as specified, and incorporate the recommendations into the department's state hazardous waste management plan.

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

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

SECTION 1. Section 25141.1 is added to the Health and Safety Code, to read:

25141.1. (a) Subject to an appropriation by the Legislature in the Budget Act of 2022 that implements a proposal to review the department's hazardous waste criteria, and as part of the department's comprehensive evaluation of its criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes, the department shall include a review of its acute aquatic toxicity criterion.

(b) The department's evaluation shall consider the continued value and necessity of the aquatic toxicity criterion, the threshold at which wastes are considered hazardous using the aquatic toxicity criterion, and the available test methods, including, but not limited to, calculation-based methods, with which a waste can be tested to determine whether it exhibits the criterion.

(c) Once the review is completed, in addition to any other output or deliverable contemplated by the department as a result of the efforts for which the appropriation has been made by the Legislature in the Budget Act of 2022, the department shall develop recommendations on next steps to consider related to the aquatic toxicity criterion, threshold, and test methods, as well as cost estimates to carry out those recommendations. The department shall incorporate its recommendations into the State Hazardous Waste Management Plan that the department is required to prepare and produce pursuant to subdivision (a) of Section 25135.