



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-2851 Metal shredding facilities: fence-line air quality monitoring. (2023-2024)

SHARE THIS:  

Date Published: 09/30/2024 09:00 PM

Assembly Bill No. 2851

CHAPTER 743

An act to amend Section 25150.84 of, and to add Sections 25150.87 and 41514.6 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2851, Bonta. Metal shredding facilities: fence-line air quality monitoring.

Existing law defines a "fence-line monitoring system," for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts.

Existing law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. Existing law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a subaccount in the Hazardous Waste Control Account. Existing law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department's costs to implement the hazardous waste control laws applicable to metal shredding facilities.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would require, instead of authorize, the department to collect the above-described annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and would require the department to set the fee schedule at a rate sufficient to also reimburse the Office of Environmental Health Hazard Assessment for its costs to implement these provisions, as provided. The bill would make the moneys in the subaccount additionally available, upon appropriation by the Legislature, to the office for its costs to implement these provisions, as provided. The bill would require an air district the jurisdiction of which includes metal shredding facilities, in consultation with the department and the office, on or before January 1, 2027, to develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities, as provided. The bill would require the air district to, among other things, develop threshold levels, in consultation with the office, for airborne contaminants, as specified, and, on or before July 1, 2027, to adopt regulations to implement, interpret, or make specific the requirements of the bill. The bill would authorize the air district to be reimbursed for these costs pursuant to its fee authority. The bill would require the department to require metal shredding facilities to monitor and report to the department hazardous waste constituents requested by the department and would authorize metal shredding facilities to report the results of that monitoring to

local public health departments, as provided. The bill would also require the department to collect and analyze light fibrous material at the fence lines to determine the potential for release of hazardous waste. The bill would require the department, on or before July 1, 2027, to develop a community notification procedure, as provided. By imposing new duties on air districts and local public health departments, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 25150.84 of the Health and Safety Code is amended to read:

25150.84. (a) The department shall collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter or to the alternative management standards adopted pursuant to Section 25150.82. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the costs of the department and the Office of Environmental Health Hazard Assessment to implement this chapter and Section 41514.6, as applicable to metal shredding facilities. The fee schedule established by the department may be updated periodically as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department and the Office of Environmental Health Hazard Assessment to implement this chapter and Section 41514.6, as applicable to metal shredding facilities.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department or Office of Environmental Health Hazard Assessment upon appropriation by the Legislature.

(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:

(A) A fee imposed pursuant to Section 25205.7.

(B) A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.

(C) A facility fee imposed pursuant to Section 25205.2.

(D) A fee imposed pursuant to Section 25205.5.

(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

SEC. 2. Section 25150.87 is added to the Health and Safety Code, to read:

25150.87. (a) (1) The department shall require metal shredding facilities to do both of the following:

(A) Monitor hazardous waste constituents requested by the department.

(B) Report the results of the monitoring required pursuant to subparagraph (A) to the department. The facilities may also report those results to the local public health department.

(2) The department shall collect and analyze light fibrous material at the fence lines to determine the potential for release of hazardous waste.

(b) All metal shredding facilities subject to this section shall implement the facilitywide fence-line hazardous waste constituent monitoring requirements developed pursuant to this section.

(c) On or before July 1, 2027, the department shall develop a procedure for community notification of the public for the area in which the metal shredding facility is located, if monitoring pursuant to paragraph (1) of subdivision (a) indicates any release of light fibrous material.

(d) On or before January 1, 2027, the department shall develop regulations to implement, interpret, or make specific this section.

(e) The department shall oversee and enforce the implementation of subdivision (a) pursuant to Article 8 (commencing with Section 25180).

(f) Any reasonable regulatory costs incurred by the department in implementing this section may be reimbursed by the fee on metal shredding facilities imposed pursuant to subdivision (a) of Section 25150.84.

SEC. 3. Section 41514.6 is added to the Health and Safety Code, to read:

41514.6. (a) On or before January 1, 2027, a district the jurisdiction of which includes metal shredding facilities, in consultation with the Department of Toxic Substances Control and the Office of Environmental Health Hazard Assessment, shall develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities, as defined in Section 25150.82, that are subject to Section 25150.84 and this section.

(b) The requirements developed pursuant to subdivision (a) shall include, but not be limited to, all of the following:

(1) Development of threshold levels, in consultation with the Office of Environmental Health Hazard Assessment, for airborne contaminants, including, but not limited to, lead, zinc, cadmium, and nickel, at the fence lines of metal shredding facilities that are protective of air quality and public health. The threshold levels shall follow health guidance values adopted by the Office of Environmental Health Hazard Assessment, if available.

(2) Development of threshold levels for community notification of potential adverse impact on public health based on the threshold values developed pursuant to paragraph (1).

(3) Development of actions, in consultation with the Department of Toxic Substances Control, to be taken by metal shredding facilities if threshold levels developed pursuant to paragraph (1) are exceeded, and a method of enforcing those actions.

(4) Development of community notification procedures to inform the public in areas in which the metal shredding facility is located, if the monitoring required pursuant to this subdivision indicates the threshold levels developed pursuant to paragraph (2) were exceeded.

(5) Reporting the results of the monitoring required pursuant to this subdivision to the district and the local public health department.

(c) All metal shredding facilities subject to this section shall implement the facilitywide fence-line air quality monitoring developed pursuant to this section.

(d) On or before July 1, 2027, a district the jurisdiction of which includes metal shredding facilities shall adopt regulations to implement, interpret, or make specific the requirements pursuant to this section.

(e) A district the jurisdiction of which includes metal shredding facilities shall oversee and enforce the compliance of metal shredding facilities with regulations adopted pursuant to subdivision (d).

(f) Any reasonable regulatory costs incurred by a district in implementing this section may be reimbursed pursuant to its fee authority.

(g) The Office of Environmental Health Hazard Assessment's costs to implement this section shall be reimbursed from the subaccount established in the Hazardous Waste Control Account pursuant to Section 25150.84.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.