

66269.2 Disaster Victims Hazardous Waste Fee Exemption

(a)

Victims of disasters shall be exempt from the hazardous waste disposal fee imposed pursuant to Health and Safety Code section 25174.1 and the generator fee imposed pursuant to Health and Safety Code section 25205.5, if all of the following apply: (1) The hazardous waste is generated in a geographical area identified in a state of emergency proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire, flood, storm, earthquake, riot, or civil unrest. (2) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster. (3) (A) The hazardous waste is not hazardous waste that is routinely produced as part of a manufacturing or commercial business or that is managed by a hazardous waste facility or a facility operated by a generator of hazardous waste who files a hazardous waste notification statement with the department pursuant to subdivision (a) of Health and Safety Code section 25158. (B) For purposes of this paragraph "routinely produced" means a waste type that is regularly generated in the normal course of that business' operations. However, if a regularly generated waste type is generated as a direct result of the disaster and not in the normal course of business then that waste is eligible for this exemption. (4) The hazardous waste is disposed of within 365 days from the date an emergency proclamation was first issued by the Governor for the disaster which occurred in that geographical area.

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(2)

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(3)

(A) The hazardous waste is not hazardous waste that is routinely produced as part of a manufacturing or commercial business or that is managed by a hazardous waste facility or a facility operated by a generator of hazardous waste who files a hazardous waste notification statement with the department pursuant to subdivision (a) of Health and Safety Code section 25158. (B) For purposes of this paragraph "routinely produced" means a waste type that is regularly generated in the normal course of that business' operations. However, if a regularly generated waste type is generated as a direct result of the disaster and not in the normal course of business then that waste is eligible for this exemption.

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(B)

For purposes of this paragraph "routinely produced" means a waste type that is regularly generated in the normal course of that business' operations. However, if a regularly generated

waste type is generated as a direct result of the disaster and not in the normal course of business then that waste is eligible for this exemption.

(4)

The hazardous waste is disposed of within 365 days from the date an emergency proclamation was first issued by the Governor for the disaster which occurred in that geographical area.

(b)

A person claiming an exemption from the disposal fee shall certify their eligibility for the exemption by providing written evidence to the operator of an authorized hazardous waste facility at which the hazardous waste is disposed in accordance with subdivision (d) of Health and Safety Code section 25174.1. A person who has paid a disposal fee to the state on hazardous waste meeting the criteria specified in subdivision (a) may claim a refund in accordance with Chapter 5 (commencing with Section 43451) of Part 22 of Division 2 of the Revenue and Taxation Code.

(c)

A person claiming an exemption from the generator fee shall exclude hazardous waste meeting the criteria specified in subdivision (a) from the calculation of the generator fee due pursuant to Health and Safety Code section 25205.5. A person who has paid a generator fee to the state on hazardous waste meeting the criteria specified in subdivision (a) may claim a refund in accordance with Chapter 5 (commencing with Section 43451) of Part 22 of Division 2 of the Revenue and Taxation Code.