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# Independent Review Panel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Gideon Kracov, J.D., *Chair*  
Mike Vizzier, *Vice Chair*  
Dr. Arezoo Campbell, *Member*



Edmund G. Brown Jr.  
*Governor*

## Independent Review Panel Report on Pending Legislation Pertaining to DTSC

February 8, 2017

*The following legislation includes measures that may be of interest to the Independent Review Panel (IRP) and is not meant to be a comprehensive list of DTSC-tracked bills. Except for consulting a list of DTSC-tracked bills, IRP support staff prepared this report independently of the Department.*

### **AB 96 (Ting) Budget Act of 2017**

**Introduced:** 1/10/17

**Status:** Referred to Com. on BUDGET 1/19/17

**Summary:** Would make appropriations for the support of state government for the 2017–18 fiscal year.

### **AB 245 (Gomez) Hazardous waste: facilities**

**Introduced:** 1/30/2017

**Status:** Pending referral

**Summary:** Would require DTSC, within 90 days of receiving a renewal application for a hazardous waste facilities permit, to hold a public meeting for specified purposes relating to the renewal in or near the community in which the hazardous waste facility is located. Would require the department to review the financial assurances required to operate a hazardous waste facility at least once every 5 years. If the department's review finds the financial assurances for a facility to be inadequate, the bill would require the department to notify the owner or operator of the facility and would require the owner or operator to update and adopt adequate financial assurances within 90 days. Would require the department, under specified circumstances, to request an owner or operator of a hazardous waste facility to submit to the department for review and approval a written cost estimate to cover activities associated with a corrective action based on available data, history of releases, and site activities, as specified. The bill would require the owner or operator to submit the corrective action cost estimate within 60 days of the department's request. The bill would require the owner or operator, within 90 days of the approval or the imposition of a corrective action cost estimate, as specified, to fund the cost estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action.

### **AB 246 (Santiago) Hazardous waste: facilities: permits**

**Introduced:** 1/30/2017

**Status:** Pending referral

**Summary:** Existing law, as part of the hazardous waste control laws, requires a facility handling hazardous waste to obtain a hazardous waste facilities permit from DTSC. Existing law requires the department to impose certain conditions on each hazardous waste facilities permit and authorizes the department to impose other conditions on a hazardous waste facilities permit, as specified. A violation

of the hazardous waste control laws is a crime. This bill would, as a condition for a new hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, require an applicant to obtain a permit from the air quality management district or local air pollution control district and to maintain compliance with the requirements of that permit.

**AB 247 (Garcia, C.) Public health: childhood lead poisoning: Lead Advisory Taskforce**

**Introduced:** 1/30/2017

**Status:** Pending referral

**Summary:** Would require, by April 1, 2018, the Office of Environmental Health Hazard Assessment to convene a Lead Advisory Taskforce, with a prescribed membership, to review and advise regarding policies and procedures to reduce childhood lead poisoning in the state. The bill would require the taskforce to publish a recommended regulatory agenda that would identify sources of lead and ensure that regulatory standards are protective of health in the state, as specified.

**AB 248 (Reyes) Hazardous waste: facilities: permits.**

**Introduced:** 1/30/2017

**Status:** Pending referral

**Summary:** Existing law, as part of the hazardous waste control law, requires a facility handling hazardous waste to apply for and obtain a hazardous waste facilities permit from DTSC. Existing law requires that a hazardous waste facilities permit be for a fixed term not to exceed 10 years for certain facilities. Existing law requires the owner or operator of a facility intending to extend the facility's permit to submit a complete Part A application for a permit renewal before the fixed term of the permit expires, and, at any time following the submittal of the Part A application, to submit a complete Part B application, or any portion of that application, and other relevant information, if requested by the department. Existing law provides that when a complete Part A renewal application and any other requested information has been submitted before the end of the permit's fixed term, the permit is deemed extended until the application is approved or denied and the owner has exhausted all applicable rights of appeal. This bill would require, for a hazardous waste facilities permit that will expire on or before July 1, 2020, the owner or operator of a facility intending to extend the term of that permit to submit a complete Part A and Part B application for a permit renewal at least 6 months before the fixed term of the permit expires. The bill would require, for a hazardous waste facilities permit that will expire after July 1, 2020, the owner or operator to submit a complete Part A and Part B application for a permit renewal at least 2 years before the fixed term of the permit expires. The bill would provide that when a complete Part A and Part B renewal application and any other requested information has been submitted at least 6 months or at least 2 years, as applicable, before the end of the permit's fixed term, the permit is deemed extended until the application is approved or denied and the owner has exhausted all applicable rights of appeal. The bill would also require the department, no later than 90 days after receiving a completed application for a hazardous waste facilities permit, to post on its Internet Web site a timeline with the estimated dates of key milestones in the application review process, to note on its Internet Web site that these dates are estimates, and to update the dates as needed.

**AB 249 (Gomez) Hazardous waste: civil penalties**

**Introduced:** 1/30/2017

**Status:** Pending referral

**Summary:** Existing law permits DTSC or an agency authorized to implement and enforce certain laws relating to hazardous materials, known as a unified program agency, to enforce the Hazardous Waste

Control Law. Existing law authorizes the department or a unified program agency to issue an order that requires a violation to be corrected and imposes an administrative penalty when there is a violation of the hazardous waste control laws, laws regulating hazardous substances, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to those laws. Under existing law, a person who does not comply with the order is subject to a civil penalty of not more than \$25,000 for each day of noncompliance. In lieu of an administrative penalty, existing law makes any person who intentionally or negligently makes a false statement or representation for purposes of compliance with the hazardous waste control laws, violates a provision of the hazardous waste control laws, disposes or causes the disposal of a hazardous waste at an unauthorized site, or treats or stores a hazardous waste at an unauthorized site liable for a civil penalty not to exceed \$25,000, as specified. This bill would increase these administrative and civil penalties to \$37,500 and would make nonsubstantive changes in these provisions.

**SB 72 (Mitchell) Budget Act of 2017**

**Introduced:** 1/10/17

**Status:** Referred to Com. on BUDGET & FISCAL REVIEW 1/11/17

**Summary:** Would make appropriations for the support of state government for the 2017–18 fiscal year.