

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Office of Policy
1001 "I" Street
Sacramento, CA 95812

Project Title: Disaster Victims Hazardous Waste Fee Exemption Regulation

Project Location: Statewide

County: Statewide

Project Description: Section 66269.2 of the California Code of Regulations Title 22, Division 4.5, Chapter 19, authorizes the Department of Toxic Substances Control (DTSC) to exempt victims of disaster, as described in Health & Safety Code section 25205.5.1, from paying state hazardous waste generator and disposal fees resulting from the cleanup of hazardous wastes generated as a result of a disaster in a geographical area identified in a state of emergency proclamation issued by the Governor.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exemption Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
 Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
 Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
 Categorical Exemption: [State type and section number]
 Statutory Exemptions: PRC Section 21080(b)(8)
 General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: Modification of Charges by a Public Agency Collected for the Purpose of Meeting Operating or Other Enumerated Expenses.

Reasons Why Project is Exempt: The regulation exempts victims of disasters from paying hazardous waste disposal and generator fees, under certain circumstances. As such, for purposes of a CEQA analysis only, it amounts to a modification or a restructuring of a rate or charge by a public agency. DTSC hereby incorporates the following findings into the record of this CEQA proceeding in accordance with Cal. Code Regs., tit. 14, § 15273(c):

Findings of Fact

1. The hazardous waste generator and disposal fees that are the subject of the proposed fee exemption regulation are collected by DTSC for deposit into the Hazardous Waste Control Account (HWCA) pursuant to Health and Safety Code section 25174(a)(1).
2. Funds from the HWCA are expended by DTSC for the administration and implementation of the Hazardous Waste Control Law (HWCL) (Chapter 6.5 of Division 20 of the Health and Safety Code) pursuant to Health and Safety Code section 25174(b)(1).
3. Department expenditures to be budgeted under the HWCA include allocations of budgets and staff resources for the various functions of DTSC in carrying out the HWCL's regulatory oversight and enforcement functions. (See Health and Safety Code section 25174 generally).
4. The funds in the HWCA are for the purpose of allowing DTSC to meet operating expenses, purchase equipment and meet financial reserve needs and requirements specified under Health and Safety Code section 25175(k).

Based upon the foregoing Findings of Fact, the proposed regulation seeking to modify hazardous waste disposal and generator fees by way of application of a fee exemption to victims of disaster under certain circumstances, qualifies for the CEQA exemption specified in subdivision (a) of § 15273 of Cal. Code Regs., tit. 14 and Public Resources Code section 21080(b)(8).

Krysia Von Burg Project Manager Name	Regulations Analyst Project Manager Title	916-322-2543 Phone #
Branch Chief Signature		Date
Jon Cordova Supervisor Name	Regulations Manager Supervisor Title	916-324-7193 Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: