DISASTER VICTIMS HAZARDOUS WASTE FEE EXEMPTION (R-2011-05)
OFFICE OF ADMINISTRATIVE LAW REGULATORY ACTION NUMBER: Z-2012-0328-01
FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9, subsection (d), the Department of Toxic Substances Control (DTSC) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the public hearing and 45-day comment period.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

DTSC has determined that no alternative would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons and equally effective in implementing than the proposed regulations. The creation of the regulation assists victims of disaster by providing authority to make the exemption available to them. This regulation essentially adopts statutory language from Health and Safety Code Section 25205.5.1 to new regulation Section 66269.2 of the California Code of Regulations, title 22, division 4.5, chapter 19.

BUSINESS REPORT DETERMINATION

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The proposed regulation will not have a significant statewide adverse economic impact on small businesses. To the contrary, since the regulation exempts victims of disasters, in certain qualifying circumstances, from paying hazardous waste disposal and generator fees, it will instead reduce the negative economic impact on small businesses that a disaster might otherwise cause.

SUMMARY AND RESPONSE TO COMMENTS

DTSC did not receive any written comments during the 45-day public comment period.