Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

Board of Directors Meeting

Thursday
March 11, 2021
9:00 A.M.

1215 K St., Suite 1650
Sacramento, CA 95814
916-447-4806
****Meeting to be held virtually via Zoom****

Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – DENISE CARTER, COLUSA COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR – GREG STANTON, EL DORADO COUNTY
PROGRAM MANAGER – STACI HEATON

Rural Counties Environmental Services Joint Powers Authority Board of Directors & Technical Advisory Meeting

1215 K St., Suite 1650
Sacramento, CA 95814

Thursday, March 11, 2021 9:00 a.m. – 2 p.m.

In accordance with Executive Orders N-25-20 and N-29-20, the March 11, 2021 Rural Counties' ESJPA Board of Directors & Technical Advisory Group Meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

The March 11, 2021 Rural Counties' ESJPA Board of Directors & Technical Advisory Group Meeting will be facilitated virtually through Zoom. Members of the public can watch or listen to the meeting using one of the following methods:

1: Join the Zoom meeting application on your computer, tablet or smartphone:
Go to: https://rcrcnet.zoom.us/j/91835691494
Enter Password: 573156

2. Call-in and listen to the meeting:
Dial (669) 900-9128
Enter meeting ID: 918 3569 1494
Passcode: 573156

PUBLIC COMMENT USING ZOOM: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.

EMAIL PUBLIC COMMENT: One may also email public comment to sheaton@rcrcnet.org before or during the meeting. All emailed public comments will be forwarded to all ESJPA Board of Directors members.

DISABLED ACCOMMODATIONS: If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, or an alternative agenda document format, please contact ESJPA at (916) 447-4806 or by email at sheaton@rcrcnet.org by 10:00 a.m. Wednesday, March 10th to ensure arrangements.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff, and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self-Introductions, and Determination of Quorum

A. Overview of Virtual Meeting Procedures – Staci Heaton, ESJPA Program Manager *(5 minutes)*

Special Guest
Rachel Machi Wagoner, Director
California Department of Resources Recycling and Recovery
9:05 a.m. *(30 minutes)*

II. Business Matters **Page 1**

Discussion and possible action related to the following:

A. Administrative Matters – Staci Heaton, ESJPA Program Manager *(5 minutes)*
- 2021 Delegate and Alternate Roster *(page 2)*
- FPPC Form 700

B. Approval of Minutes from the Meeting of December 10, 2020 **(ACTION)** – Supervisor Michael Kobseff, ESJPA Chair *(pp 3-13; 5 minutes)*

C. Approval of Minutes from the Special Meeting of January 13, 2021 **(ACTION)** – Supervisor Michael Kobseff *(pp 14-15; 5 minutes)*

D. Election of the 2021 ESJPA/TAG Chair and Vice Chair – Supervisor Michael Kobseff, Siskiyou County *(page 16; 5 minutes)*

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentations **Page 17**

A. Statewide Commission on Recycling Markets and Curbside Recycling Update – Tedd Ward, Del Norte Solid Waste Management Agency *(pp 18-23; 20 minutes)*

B. Report from CalRecycle – Marshalle Graham, Senior Environmental Scientist, and Julie Trueblood, Environmental Program Manager, CalRecycle *(10 minutes)*

V. Legislative Update **Pp 24-159**

(This item may be heard at any time during the meeting depending upon the availability of staff) Discussion of Legislation – John Kennedy, RCRC Legislative Advocate *(20 minutes)*

Supplemental Package

A. Complete Text of Selected Bills

B. Summary Listing of All Solid Waste Related Bills

****Morning Break**** ***(5 minutes)***

VI. Member County Concerns/Comments *(10 minutes)*

VII. Solid Waste/Regulatory Update **Page 160**

Discussion and possible action related to the following:

A. CalRecycle
- SB 1383 Short-Lived Climate Pollutant Regulations – Mary Pitto, RCRC Regulatory Affairs Advocate and Larry Sweetser, ESJPA Consultant *(pp 161-201; 5 minutes)*
- Senate Bill 212 Pharmaceuticals and Sharps Waste Stewardship Program – Leigh Kammerich, RCRC Regulatory Affairs Specialist *(pp 202-204; 5 minutes)*

B. State Water Resources Control Board
- Water Quality Fees – Larry Sweetser *(pp 205-210; 5 minutes)*

C. Department of Toxic Substances Control
- Photovoltaic Modules – Larry Sweetser *(pp 211-219; 5 minutes)*
- Lithium Batteries Advisory Committee – Larry Sweetser *(pp 220-226; 5 minutes)*

D. California Air Resources Board
- Advanced Clean Fleet Rule – Staci Heaton *(5 minutes)*

E. Extended Producer Responsibility
- California Product Stewardship Council Update – Doug Kobold, Executive Director, CPSC *(5 minutes)*
- Mattress Recycling Council Update – Michael LaRussa, Northern California Program Coordinator and Jennifer Duran, Central California Program Coordinator, Mattress Recycling Council *(5 minutes)*
- PaintCare Update – Daria Kent, Northern California Regional Coordinator, PaintCare *(5 minutes)*

F. Grant Program Update – Larry Sweetser *(5 minutes)*

G. Highlights of December-February CalRecycle Meetings – Larry Sweetser *(pp 227-240; 5 minutes)*

H. Other Regulatory Announcements/Issues of Interest
- Cal EPA CUPA Newsletters *(pp 241-261)*

VIII. Resolutions of Appreciation

IX. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, June 24, 2021.

X. Articles of Interest **Page 262**

XI. Adjournment

Pre-TAG Session BREAK *(10 minutes)*

12:10 PM

Technical Advisory Group Breakout Session

**SB 1383 Implementation **

Mary Pitto, RCRC Regulatory Affairs Advocate, Larry Sweetser, ESJPA Consultant, Staci Heaton, ESJPA Program Manager

Agenda Item II

BUSINESS MATTERS

ESJPA
2021 Delegate and Alternate Roster

County	Delegate	Alternate	2nd Alternate
Alpine	David Griffith	Terry Woodrow	
Amador	Brian Oneto	Jeff Gardner	Jeff Brown
Butte	Doug Teeter	Craig Cissell	Valerie Meza
Calaveras	Jack Garamendi	Benjamin Stopper	
Colusa	Denise Carter	Michael Azevedo	
Del Norte	Gerry Hemmingsen	Tedd Ward	
El Dorado	Lori Parlin	Greg Stanton	Mark Moss
Glenn	Paul Barr	Thomas Arnold	
Imperial	Michael Kelley	Jesus Escobar	John Gay
Inyo	Matt Kingsley	Fred "Cap" Aubrey	
Lake	Moke Simon	Lars Ewing	
Lassen	Aaron Albaugh	Chris Gallagher	
Madera	David Rogers	Leticia Gonzalez	Jared Carter
Mariposa	Miles Menetrey	Mike Healy	Sam Cerveny
Modoc	Geri Byrne	Ned Coe	Chester Robertson
Mono	Stacy Corless	John Peters	Justin Nalder
Nevada	Dan Miller	David Garcia	Trisha Tillotson
Plumas	Kevin Goss	Sharon Thrall	Robert Perreault
Shasta	Les Baugh	Don Renz	Pat Minturn
Sierra	Lee Adams	Peter Huebner	Tim Beals
Siskiyou	Michael Kobseff	Jason Ledbetter	Joy Hall
Tehama	Bob Williams	Rachel Ross-Donaldson	
Trinity	Jeremy Brown	Diane Rader	
Tuolumne	Kathleen Haff	Ryan Campbell	Jaron Brandon

Rural Counties Environmental Services Joint Powers Authority
Board of Directors & Technical Advisory Meeting

1215 K St., Suite 1650
Sacramento, CA 95814

Thursday, December 10, 2020

VOTING MEMBERS PRESENT

Jeff Gardner	Amador County
Jim McHargue	Calaveras County
Denise Carter	Colusa County
Tedd Ward	Del Norte County
Mark Moss	El Dorado County
Talia Richardson	Glenn County
Ed Delgado	Imperial County
Fred Aubrey	Inyo County
Lars Ewing	Lake County
Jared Carter	Madera County
Samuel Cerveny	Mariposa County
Chester Robertson	Modoc County
Justin Nalder	Mono County
Michael Kobseff	Siskiyou County
Rachel Ross-Donaldson	Tehama County
Diane Rader	Trinity County

STAFF IN ATTENDANCE

Staci Heaton, Program Manager	Rural Counties ESJPA
Larry Sweetser, ESJPA Consultant	Sweetser and Associates, Inc.
John Kennedy, Legislative Affairs Advocate	RCRC Governmental Affairs
Leigh Kammerich, Regulatory Affairs Specialist	RCRC Governmental Affairs
Mary Pitto, Regulatory Affairs	RCRC Governmental Affairs
Milena De Melo, Controller	RCRC

GUEST SPEAKERS

Cara Morgan, CalRecycle	Taylor Grimes, MRC
Marshalle Graham, CalRecycle	Nichole Dorr, PaintCare
Doug Kobold, CPSC	Lisa Mekis, CARE
Michael LaRussa, MRC	

OTHERS IN ATTENDANCE

Debbie Burkett, Alpine County
Craig Cissell, Butte County
Michael Azevedo, Colusa County
Tim Engle, El Dorado County
Jose Castaneda, Imperial County
David Garcia, Nevada County
Heidi Putnam, Plumas County
Madison Bible, Shasta County
Tom Ramont, Shasta County
Jason Ledbetter, Siskiyou County
Paul Freund, Tehama County
Kim MacFarlane, Tuolumne County
Diane Green, Tuolumne County
Jeff McFarland, Tuolumne County
Mark Rappaport, City of Folsom
Alex Souza, CalRecycle
Joe Rasmussen, CalRecycle
Jill Larner, CalRecycle
John Duke, CalRecycle
Emily Wang, CalRecycle
Spencer Fine, CalRecycle
Jeffory McDaniel, CalRecycle
Julie Trueblood, CalRecycle
Malia Helms, CalRecycle
Harnack Samra, CalRecycle
Melissa Vargas, CalRecycle
Nate Pelczar, CPSC
Curt Fujii, Fujji Civil Engineering
Anne Snider, CalRecycle
Christina Hanson, Placer County
Diana Suarez-Arguelles, CalRecycle
Pinar Kose, CalRecycle
Jill Firch, CalRecycle
Haley Aumiller, CalRecyle
Matt Gray, CalRecycle
Ward Danner, CalRecycle

MEMBERS NOT REPRESENTED BY VOTING DELEGATES

Alpine, Butte, Lassen, Nevada, Plumas, Shasta, Sierra, and Tuolumne counties.

I. Call to Order, Self-Introductions, and Determination of Quorum

The meeting was called to order at 9:04am. Attendance was taken by a roll call and a quorum was determined.

II. Business Matters

A. Approval of Minutes from the Meeting of October 15, 2020.

A motion to approve the October 15, 2020 meeting minutes was made by Ted Ward, Del Norte County, and seconded by Jim McHargue, Calaveras County. A roll call vote was taken and the motion passed unanimously.

B. Review and approval of the 2021 Contract Services Agreement between ESJPA and RCRC.

Staci Heaton, ESJPA Program Manager, gave an overview of the 2021 Contract Services Agreement between ESJPA and RCRC. RCRC provides staff services, advocacy, and oversees grant opportunities to ESJPA. A motion for approval was made by Tedd Ward, Del Norte County, and seconded by Diane Rader, Trinity County. The motion passed by a unanimous roll-call vote.

C. Review of RCRC Solid Waste Policy Principles

Ms. Heaton requested the ESJPA review the RCRC policy principles, specifically the solid waste section, and let RCRC staff (Maggie Chui) know if you have input, updates or changes by January 1, 2021. These policy principles guide RCRC and ESJPA on legislative and regulatory advocacy for the year. Tedd Ward, Del Norte county suggested an additional focus on EPR models and strategies to manage waste. No action was taken.

III. Public Comment

None offered.

IV. Presentations

A. Statewide Commission on Recycling Markets and Curbside Recycling Update

Tedd Ward, Del Norte Solid Waste Management Agency, provided a summary of the status and various activities of the Statewide Commission on Recycling Markets and Curbside Recycling:

- Working on a draft report to the Legislature, which was extended to July 1st;
- There is a public comment portal on CalRecycle's website and Google Drive. Draft report is viewable as its being compiled.
- Commission agreed to focus the message on "First let's stop the fires" with problematic things currently in the waste stream. For example, it includes a precautionary principle proposal, problem products proposal (e.g. flushable wipes; triggered by a survey), EPR for HHW (e.g. batteries), and small propane cylinders proposal.
- Have additional proposals such as consolidated permitting, recycling design (e.g. shrink sleeves, clear PET bottles), bottle bill (convenience zones, grocer responsibilities), food recovery, compostable plastics, etc.
- Other proposals will be coming, such as those on RMDZ loans, carpet, carbon farming, right to repair, and organics infrastructure.

Doug Kobold, CPSC, asked about the Right to Repair proposal and if its just a manual or if the device has to be designed to be able to repair (without breaking). Mr. Ward welcomed additional input given this proposal has not been fully developed.

Larry reemphasized that this report will be presented to the Legislature. Could take many different forms, such as new laws or regulations.

Supervisor Kobseff mentioned a new UC Davis report on food recovery. It identifies produce and seafood as the largest organic waste nationwide, not necessarily meat. Will forward it.

B. Review and approval of the 2021 ESJPA Budget (ACTION).

Milena De Melo, RCRC Controller, presented the proposed 2021 ESJPA budget. Ms. De Melo highlighted that 2020 is an odd year for expenditures, staff hasn't been out in the field. Anticipating $259,000 in expenditures for 2021. It is the second year in a row ESJPA had negative income. But 2020 to date we're close to break even between income and expenditures. Should be the case in 2021. Most of the [expenditures over revenue] is driven by the 50% membership dues discount/forgiven. But overall, ESJPA is in a financially stable position. If budgeted numbers are realized in 2021, RCRC can absorb them. ESJPA hasn't had to use a loan from RCRC in several years, but has the authority to do so for cash shortages.

Jim McHargue, Calaveras County motioned for approval of the 2021 ESJPA budget, which was seconded by Chester Robertson, Modoc County. The motion was unanimously approved by a roll-call vote.

C. Report from CalRecycle

Marshalle Graham, Senior Environmental Scientist, reported that SB 1383 regulations were approved and CalRecycle published a new webpage. The next phase, such as tools, are coming as well. At the September CalRecycle public meeting, they reduced the threshold for covered businesses from 4 cubic yards to 2 cubic yards of solid waste, significantly expanding the pool of covered businesses. This change was based on AB 1826 language that required a 50% reduction. CalRecycle would have already contacted jurisdictions about this change that do not have a rural exemption. Additionally, Ms. Graham discussed upcoming deadlines for grant programs:

- Local government waste tire grant applications are due January 14, 2021.
- Recycled fiber, plastic and glass grant program applications due January 14, 2021.
- Beverage container recycling city/county payments program grant applications due January 19, 2021. A portion of beverage container programs can be used for refillable water stations and other technologies.
- Tire derived aggregate program, applications due January 27, 2021.
- Farm and ranch clean up and abatement due February 4, 2021
- On a continuous basis, applications are open for beverage container redemption pilot project program, as well as the greenhouse gas reduction loan program, and market development loan program.

Supervisor Kobseff asked if CalRecycle is considering that businesses and local government are not operating under normal circumstances given the shutdown orders. Ms. Graham said CalRecycle cannot change statutory and regulatory

deadlines, but staff is working with individual jurisdictions to develop plans to take these challenges into consideration. A number of jurisdictions have informal plans with dates that can be adjusted. Seek a pathway to compliance with assistance. Mr. Kobseff posed whether ESJPA should contact the Legislature to identify some problems that need to be addressed [that CalRecycle doesn't have the discretion to].

Mary Pitto asked CalRecycle for clarification about informal implementation plans—which has taken counties off guard. Are these informal plans a pathway to give leeway for jurisdictions give the challenges? Ms. Graham said yes, with the understanding to identify steps toward compliance. Even with some flexibility, there are still clear expectations and a timeline to meet what's required.

Paul Freund, Tehama County asked Ms. Graham about new 2021 eligible expenses for the beverage container recycling program for city and county payments and if there are examples of what other jurisdictions have done and proportionately spent. Ms. Graham will follow up and email Staci Heaton with an answer in writing. Don't have a list currently prepared.

Doug Kobold, CPSC asked about COVID-19 and rates. For example, Sacramento County rejected a rate increase due to COVID and will reconsider at another time Will there be consideration for that? CalRecycle has always said you can raise rates, but as you can see it's not that easy. Cara Morgan, CalRecycle answered that in many cases, it makes sense for counties to defer rate increases now. Need to look at the entire county for context. But need to determine if they have a plan to raise rates in the near future, not in a few years.

Larry Sweetser added that there's still no answer if Board of Supervisors approve a rate increase, but it's rejected by the voters per Prop 218. Ms. Morgan responded that CalRecycle would have to defer these scenarios until they come into fruition since its still hypothetical.

Supervisor Kobseff spoke about the continuing regulatory atmosphere, but hardships of local businesses (being shut down, many closed permanently). Asked CalRecycle for help so that communities can be grass roots enough to apply what works best locally and be given the flexibility to do so. Ms. Morgan said COVID-19 is unprecedented and a statewide issue. Some communities are better positioned than others, for a variety of reasons, to meet SB 1383 requirements. CalRecycle has been communicating through guidance documents since August to help jurisdictions understand the flexibility of these regulations. While the regulations aren't heavy handed, the enforcement is. CalRecycle is asking jurisdictions to do what they can do with what they have. There are many tools to address the challenges of a jurisdiction, such as Corrective Action plans. CalRecycle feels they have the flexibility in the regulations [with enforcement discretion]. Focusing on ESJPA issues, what you're exempt from entirely.

Tedd Ward conveyed that it's hard to have the bandwidth on the discussion. So many agencies are involved that aren't used to working together. It's very slow

going to start the conversation. Many are overwhelmed, there's a lack of resources, and many are in survival mode. Not getting a lot of traction on these conversations. Ms. Morgan responded that paradigm shifts take time and it's important to initiate the conversation with Boards of Supervisors. CalRecycle is developing tools to help with this. Lastly, Mr. Ward suggested CalRecycle undertake an effort to get compostable garbage bags because, without them, it will be a problem statewide for organic food collection.

D. SB 1383 Reducing Short-Lived Climate Pollutants in California

Cara Morgan, CalRecycle Branch Chief, gave a presentation on SB 1383 Organic Waste Reduction Requirements for ESJPA counties. Organic waste is the largest waste stream in California, with food waste at 18% of that. Prior to COVID-19, 1 in 5 Californians were food insecure; these numbers have doubled and tripled in some communities. SB 1383 is designed to reduce methane gas, a super pollutant, that contributes to climate change. According to NASA satellite imaging, California landfills are the third largest methane producer. There are numerous benefits to the environment to reduce this super pollutant and fight climate change.

With regard to SB 1383 regulations and ESJPA counties:

- CalRecycle issued a rural exemption, low-population waiver (unincorporated census tracks with less than 75 people per square mile per 2020 census data), and a high-elevation waiver (any portion of an unincorporated census tract is above 4500 feet).
- A similar waiver for SB 1383 is available for jurisdictions that already have AB 1826 waivers and is available until 2026. In 2026, the jurisdictions that received a SB 1383 rural exemption can apply to CalRecycle for a low-population or high-elevation waiver. Certain portions of the county may qualify, but the entire county may not.
- Even with a low population waiver, jurisdictions are subject to other requirements such as procurement and edible food recovery. Further, AB 341 and AB 1826 requirements are still in effect.
- Once a low population waiver is granted, it is good for five years regardless of future population changes during that five-year time period.
- Jurisdictions with high elevation waivers are not subject to food and food-soil paper collection to generators [in the census track]. Other organic materials such as green waste and wood waste would have to be collected. Still required to implement AB 1826, however, some businesses (with approximately 2-4 cubic yards of waste) could qualify for a waiver of extraordinary and unforeseen circumstances and forgo food and food-soil paper collection requirements.
- Waiver requests will be acted upon by CalRecycle within 90 days of receipt.
- 19 ESJPA counties have an AB 1826 waivers. The 5 ESJPA counties that do not qualify for a rural exemption will have to determine which census tracks qualify for a low population waiver. Non-qualifying areas of the county are subject to SB 1383 regulations.

- Counties may grant de minimus waivers from residential and commercial green cart and blue cart collection requirements but must establish a process for doing so (outside of allowing self-haul).
- CalRecycle will have an early review period for waiver requests beginning in September 2021. 2020 U.S. Census data will be released in April 2021; this is the data CalRecycle will use to determine low-population waivers.
- Training webinars will be released on CalRecycle's waiver process.
- Regulatory requirements for rural county waivers:
    - Exempt from Article 3 (collection requirements, container colors, labeling); generators are not subject to Article 3.
    - Exempt from some outreach and education requirements in Article 4, such as information to generators.
    - Exempt from Article 7 regarding haulers and self-haulers.
    - NOT exempt from passing a model ordinance to cover other elements, such as edible food recovery. All rural counties have to do edible food recovery capacity planning.
    - Exempt from Article 11, capacity planning. If a rural county is exempt, so are rural cities.
    - Article 12, procurement requirements, are delayed until 2026.
    - Exempt from implemented Article 14, route reviews and waste evaluations.

Paul Freund, Tehama County asked about how the Article 14 route reviews exemptions would impact current route reviews for yard waste. Ms. Morgan responded that you can continue doing what you're doing.

Tedd Ward asked about the model resolution. Ms. Morgan is working with ESJPA on a template.

Ms. Morgan continued with requirements in place for low-population waivers—you have to do some things that rural (exemptions) don't have to do in the part of the county where the census tracks exceed 75 people per square mile. Jurisdiction responsibilities include 1) providing organics collection service to all residents and businesses, 2) establish edible food recovery program, 3) conduct education and outreach to community, 4) procure recyclable and recovered organic products, 5) secure access to recycling and edible food recovery capacity, and 6) monitor compliance and conduct enforcement.

David Garcia, Nevada County discussed 1) his surprise over the mandatory collection requirement, and 2) asked about procurement calculation, specifically when a jurisdiction is exempt from certain requirements whether it will be factored into the procurement calculation. Ms. Morgan answered yes, there are mandatory services and collection requirements for organics. If you can't procure your targets, you can get a reduction. Ashley Yee, CalRecycle, clarified that organics procurement uses D.O.S. data, which calculates population based on city plus county.

Larry Sweetser wanted to clarify collection services—it does not have to be curbside pick-up; it can also be self-haul. Ms. Morgan said that is incorrect, it is curbside.

Doug Kobold, CPSC discussed container color scheme and labeling requirements. There is only a little more than a year left to purchase these new containers in the right color scheme. Ms. Morgan said CalRecycle released model labeling signage. Functional containers that are replaced (after January 1, 2022) must comply with new colors.

Mary Pitto thanked Ms. Morgan for her time on clarifying these regulations for ESJPA.

******ESJPA took a break at 11:29am and reconvened at 11:39am******

V. Legislative Update

John Kennedy, RCRC Legislative Advocate, discussed that while not a lot has been introduced so far, it will be an eventful year on solid waste and recycling. RCRC testified at a legislative informational hearing on plastics and recycling. Had a successful presentation, thanked ESJPA counties for their feedback. Painted a picture of that we don't know what this looks like. Key themes include the need more manufacturer engagements for recyclable ability and products. Need to create markets. Talked at length last year about SB 54 and AB 1080. Senator Allen reintroduced his bill. It is a vehicle for to work out a solution. Recology initiative out there that could be on the ballot. Lots of money being put on the table for recycling infrastructure. Rachel Wagoner moved from the Governor's Horseshoe to CalRecycle and is the new Director. RCRC presented comments on the U.S. EPA Draft National Recycling Strategy along with CSAC and League of Cities.

Treated Wood Waste is a major problem due to the veto of SB 68, which would have extended the sunset date. There is no plan in place for what we do now. Actively working on a legislation solution, which will not help in the short term. Refining language now. The legislative process will be more irregular, harder to get urgency bills in place by mid-year.

Working with local government organizations, such as CSAC and the League of Cities on SB 1383 legislation. Looking for an alternative program, good faith considerations—a delay may not be enough.

The Governor vetoed AB 995 on DTSC governance and fiscal reform. Legislature interested, AB 1 (C. Garcia)—largely a reintroduction of AB 995. Had concerns last year about cost exposure to local HHW programs. Expect DTSC reform proposal by the Governor in January.

VI. Member County Concerns/Comments

Justin Nalder, Mono County, informed ESJPA of the Mountainview fire on Nov 17th. Working on recovery efforts, would appreciate advice on contractors for clean-up.

VII. Solid Waste/Regulatory Update

A. CalRecycle

- SB 1383 Short-Lived Climate Pollutant Regulations
  Larry Sweetser and Mary Pitto said they will discuss the update more in depth for the afternoon TAG Session.

- Illegal Dumping Technical Advisory Committee Update

  Larry Sweetser said there was full meeting in November. Split into 4 subcommittees: Strategy, Outreach, Standards, and Enforcement. Made significant progress on developing guidance and tools. Will be meeting quarterly.

  Tedd Ward applauded Mr. Sweetser's efforts, added that this is an unfunded program at CalRecycle. Efforts from committee members like Larry are very valuable.

B. State Water Resources Control Board

- Industrial Storm Water Permit Wildfire Compliance

  Staci Heaton pointed to page 38 of the Board packet. SWRCB issued guidance on who has to comply with the industrial storm water permit, such as landfills. Guidance includes sampling and analysis that may have been affected by wildfire debris and sediment so you don't get unfairly penalized from the samples. It's a good document to take a look out to ward off a penalty.

C. Department of Toxic Substances Control

- Treated Wood Waste/Senate Bill 68

  Larry Sweetser discussed the need to let customers know the landfill cannot accept treated wood waste if you were accepting it previously, will also affect load checking program. HHW is likely the only option that can accept this waste. Will get expensive, there are logistical issues. There are no outlets beginning January 1st.

  Tedd Ward asked for advice on communicating the message on Treated Wood Waste. Mr. Sweetser suggested leading off with "due to changes in state law" to minimize local blowback.

  Mark Moss, El Dorado County, asked for quotes for how much it will cost. Mr. Sweetser responded that he has gotten quotes in the range of $300-700 per ton.

John Kennedy spoke about minimizing burdens on locals given the Governor's veto. Trying to glean DTSC's short- and long-term remedies, such as the use of variances. Discussions are underway and ESJPA will provide updates in the future.

- Photovoltaic Modules

  Larry Sweetser said starting on January 1st, can start treating PV modules as universal waste. Don't have pricing yet. Easier to manage, but still need to find someone to take it. Have to apply; need to file a notice 30 days before receiving. Portal is not open yet, but suggests doing so now. DTSC will have upcoming workshops on a variety of topics, including e-waste. Doug Kobold added his agreement that it will be hard to find facilities to take these materials.

D. Extended Producer Responsibility
   - California Product Stewardship Council Update

     Doug Kobold, CPSC discussed CPSC's legislative platform. Re-doing battery bill (AB 1509). Will have all battery chemistries, including embedded batteries, but does not include solar lithium-ion or lithium ion. Will be a full EPR bill to convene collection statewide. Assemblymember Mullin will not author it again, looking for another legislator to champion.

     Illegal dumping bill, expanding to include large and small appliances and e-waste. This is a problem that needs more robust funding so it isn't illegally dumped with costs borne to local government.

     SB 38 (Wieckowski) was introduced, which is a re-do of SB 372 on bottle bill reform. Had some concerns last year because it is primarily based on the Oregon model that don't fit nicely in California (e.g. curbside programs).

   - Mattress Recycling Council Update –

     Michael LaRussa, Mattress Recycling Council said there is a new site in Imperial County. He introduced new special projects coordinator, Taylor Grimes. Ms. Grimes will focus on Environmental Justice initiatives. She said illegally dumped mattress collection initiative will begin, which offers $20 per unit payment to participating rural counties (less than 200,000 tons of waste annually). The payment is retroactive for 2019. Payments will be issued beginning in February 2021. Her email address is tgrimes@mattressrecyclingcouncil.org.

   - PaintCare Update

     Nichole Dorr, PaintCare, shared highlights of their Annual Report. She reported there are 793 year-around collection sites in California. Collected 3.5 million gallons of paint, 53% is recovered through cities and county programs. Most paint is being recycled. CalRecycle requested more reuse opportunities.

PaintCare started an outreach campaign for Habitat for Humanity Re-Stores as a collection site for reuse. Continue to offer city and county infrastructure improvements (through reimbursement funds) for reuse programs. Had 469 large volume pickups last year, which was down a little due to some early COVID-19 shutdowns. Events require 90-day lead time, understand your HHW programs may be overwhelmed.

- CARE

Lisa Mekis, CARE, extended her appreciation for the partnership with ESJPA. Demand for post-consumer carpet is increasing, manufacturing can't keep up. CARE is only capturing 30% of carpet waste and welcomes ideas to increase this. There are infrastructure and equipment grants available to increase gross collections. There are 83 public drop offs serving 53 counties. Will be adding more sites based on volume and convenience. New carpet recycler (Aqualfill) opening in Northern California (Woodland). Aquafill made 2-minute video, helps explain processing aspects of carpet recycling (available on YouTube, search "Prada re-nylon episode 1"). Eager to bring unserved counties on board. Onboarding is simple and consists of short form and 1 hour webinar training.

E. Grant Program Update

Larry Sweetser said he is continuing with OPP and Tire Amnesty grants. End of period is coming this summer. Last time to spend funds on TA5. Form 303s must be submitted, were previously extended due to COVID-19.

F. Highlights of October and November CalRecycle Meetings

Larry Sweetser continued that a new Director of CalRecycle was appointed, Rachel Wagoner. She was previously a Deputy Legislative Secretary for the Governor. In October, $15,000 Farm and Ranch grants were awarded in Butte County and in November HHW grants were awarded to Mariposa, Glenn, Tehama, El Dorado and Lake counties. In December, CalRecycle will announce OPP awards among other updates.

G. Other Regulatory Announcements/Issues of Interest

None mentioned.

VIII. Agenda Suggestions, Member County Presentation Volunteer, Workshop Topics for Next ESJPA Board Meeting Scheduled Thursday, March 11, 2021.

None suggested.

IX. Adjournment

Was called at 12:37pm.

Rural Counties Environmental Services Joint Powers Authority
Board of Directors & Technical Advisory Meeting

1215 K St., Suite 1650
Sacramento, CA 95814

Wednesday, January 13, 2021

VOTING MEMBERS PRESENT

David Griffith	Alpine County
Jeff Gardner	Amador County
Doug Teeter	Butte County
Jack Garamendi	Calaveras County
Denise Carter	Colusa County
Lori Parlin	El Dorado County
Paul Barr	Glenn County
Michael Kelley	Imperial County
Matt Kingsley	Inyo County
Lars Ewing	Lake County
Aaron Albaugh	Lassen County
Miles Menetrey	Mariposa County
Chester Robertson	Modoc County
Stacy Corless	Mono County
David Garcia	Nevada County
Lee Adams	Sierra County
Michael Kobseff	Siskiyou County
Bob Williams	Tehama County
Kathleen Haff	Tuolumne County

STAFF IN ATTENDANCE

Staci Heaton, Program Manager	Rural Counties ESJPA
Arthur Wylene, General Counsel	RCRC
Larry Sweetser, ESJPA Consultant	Sweetser and Associates, Inc.

OTHERS IN ATTENDANCE

Michael Azevedo, Colusa County
John Gay, Imperial County
John Peters, Mono County
Justin Nalder, Mono County

MEMBERS NOT REPRESENTED BY VOTING DELEGATES
Del Norte, Madera, Modoc, Plumas, Shasta

I. Call to Order, Self-Introductions, and Determination of Quorum

The meeting was called to order at 1:49 pm. Attendance was taken by a roll call and a quorum was determined.

II. Public Comment

None offered.

III. ESJPA Closed Session

The Board of Directors of the Rural Counties Environmental Services Joint Powers Authority in closed session, January 13, 2021, authorized the counsel to represent ESJPA as amicus curiae in *City of Los Angeles v. County of Inyo, et al.,* California Court of Appeal, Fifth District, Case No. F081389. The substance of the litigation matter concerns a California Environmental Quality Act challenge to Inyo County's initiation of eminent domain proceedings to acquire three properties owned by the Los Angeles Department of Water and Power.

The vote was as follows (counties in blue were absent for the vote):

ALPINE	Aye	IMPERIAL	Aye	NEVADA	Aye
AMADOR	Aye	INYO	Aye	PLUMAS	
BUTTE		LAKE	Aye	SHASTA	
CALAVERAS	Aye	LASSEN	Aye	SIERRA	Aye
COLUSA	Aye	MADERA		SISKIYOU	Aye
DEL NORTE		MARIPOSA	Aye	TEHAMA	Aye
EL DORADO	Aye	MODOC	Aye	TRINITY	
GLENN	Aye	MONO	Aye	TUOLUMNE	Aye

IV. Report of any Action taken under Item III pursuant to Section 54957.1 of the Government Code

Mr. Wylene reported out in open session on the actions taken by the Board in closed session.

V. Adjournment

Was called at 2:10 pm.

Rural Counties
Environmental Services
Joint Powers Authority
ESJPA

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – DENISE CARTER, COLUSA COUNTY
EXECUTIVE DIRECTOR – GREG NORTON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR – GREG STANTON, EL DORADO COUNTY
PROGRAM MANAGER – STACI HEATON

MEMORANDUM

To: ESJPA Board of Directors

From: Staci Heaton, ESJPA Program Manager

Date: February 25, 2021

RE: Election of ESJPA and TAG Chair and Vice Chair

The ESJPA Joint Exercise of Powers Agreement specifies that the Board shall elect its Chair and Vice Chair "from among its properly designate Delegates…who shall serve a term of one year or until their respective successor is elected." Our current Chair is Michael Kobseff, Siskiyou County, and the Vice Chair is Denise Carter, Colusa County.

In December of each year, the RCRC Board elects its Officers and makes a recommendation for the Chair and Vice Chair to the ESJPA for consideration. This year's election occurred at their January Board meeting, where the RCRC Board made a recommendation of Supervisor Michael Kobseff, Siskiyou County for Chair of the ESJPA and Supervisor Lori Parlin, El Dorado County for Vice Chair of the ESJPA.

In addition, each year the ESJPA Board elects a Technical Advisory Group (TAG) Chair and Vice Chair. The TAG is comprised of the Delegate's staff Alternates that may act on behalf of the Delegates in their absence. Our current Chair is Tedd Ward, Del Norte County and Vice Chair is Greg Stanton, El Dorado County.

Staff Recommendations:
Staff recommends the Board of Directors take action to:

1. Elect the 2021 ESJPA Chair/Vice Chair.
2. Appoint the 2021 TAG Chair/Vice Chair.

Agenda Item IV

PRESENTATIONS

February 9, 2021

Members of the California State Legislature
State Capitol
Sacramento, CA 95814

RE: Urgent Actions to Increase Convenience of Consumer Redemption Opportunities

Members of the California Legislature:

On behalf of the Rural County Representatives of California (RCRC), the Rural Counties' Environmental Services Joint Powers Authority (ESJPA), the California State Association of Counties (CSAC), and the League of California Cities, we urge your prompt action to make several urgent changes to the Beverage Container Recycling Program to address the lack of convenient redemption opportunities in many parts of the state.

With the closure of many certified recycling centers, "convenient" beverage container redemption opportunities do not exist for many Californians in rural and even urban areas. According to data from the California Department of Resources Recycling and Recovery (CalRecycle), 31 of California's 58 counties have five or fewer recycling centers. Three of those counties have NO recycling centers, seven have only a single recycling center, and six only have two recycling centers. In five counties, each recycling center serves residents living in an area of over 3,000 square miles. There are also several counties in which there is one recycling center for each 100,000 residents (three of those counties have one center per 200,000+ residents).

Without convenient redemption opportunities, the Beverage Container Recycling Program can easily become a regressive tax that disproportionately impacts lower-income Californians. These concerns are even more acute during the coronavirus (COVID-19) pandemic, when many more Californians are struggling to make ends meet.

Furthermore, the lack of adequate redemption opportunities, combined with the global downturn in recycling markets, has resulted in many beverage containers ending up in the landfill or littered in the environment.

We recognize that the Statewide Commission on Recycling Markets recently suggested eight emergency legislative actions to increase the convenience of redemption opportunities and believe that many of those ideas will meaningfully improve the state's beverage container recycling efforts and redemption opportunities.

We take this opportunity to suggest the following actions:

- Allocate additional funding to facilitate the opening or reopening of recycling centers in rural and underserved areas.
- Use penalty funds and retailer Public Resources Code Section 14571.6 in-lieu payments to assist in the siting and operation of recycling centers in rural and underserved areas.
- Allow the Director of CalRecycle to authorize flexibility in the required hours of operation for redemption centers in rural and underserved areas.
- Allow the Director of CalRecycle to authorize recycling centers to temporarily operate by appointment where high customer demand, weather, and/or health concerns merit alternative operating conditions.
- Allow the Director of CalRecycle to temporarily increase daily load limits for dealers during the COVID-19 pandemic and in rural areas where longer distances to recycling centers necessitate fewer trips with larger quantities of containers.
- Allow the Director of CalRecycle to increase processing and handling payments to recycling centers in rural and underserved areas to account for the higher costs of recycling and transportation in those areas.
- Explore options to make redemption centers whole for the cost of redeeming beverage containers from consumers.
- Allow retailers to redeem consumer beverage containers at the store site rather than in-store.
- Reevaluate convenience zone exemption criteria in the absence of local redemption centers.

These changes should be implemented regardless of any discussions about longer-term changes to the Beverage Container Recycling Program. They will help to quickly increase the number and convenience of redemption opportunities in rural and underserved areas of the state.

If you should have any questions, please do not hesitate to contact John Kennedy of RCRC and ESJPA at jkennedy@rcrcnet.org or (916) 447-4806, Catherine Freeman of CSAC at cfreeman@counties.org or (916) 662-6400, or Derek Dolfie of League of California Cities at ddolfie@cacities.org or (916) 658-8218.

Sincerely,

JOHN KENNEDY
Legislative Advocate
Rural County Representatives
of California
Rural Counties' Environmental Services
Joint Powers Authority

CATHERINE FREEMAN
Legislative Representative
California State Association
of Counties

DEREK DOLFIE
Legislative Representative
League of California Cities

cc: The Honorable Gavin Newsom, Governor, State of California
Jared Blumenfeld, Secretary, California Environmental Protection Agency
Caroline Godkin, Deputy Secretary, Environmental Policy and Emergency Response, California Environmental Protection Agency
Rachel Wagoner, Director, California Department of Resources Recycling and Recovery
Mindy McIntyre, Deputy Director of Legislative Affairs, California Department of Resources Recycling and Recovery
Elizabeth MacMillan, Consultant, Assembly Natural Resources Committee
Susan Chan, Consultant, Assembly Budget Committee
Genevieve Wong, Consultant, Senate Environmental Quality Committee
Joanne Roy, Consultant, Senate Budget & Fiscal Review Committee

February 3, 2021

Governor Newsom
California State Capitol, Suite 1173
Sacramento, CA 95814

Governor Newsom and Members of the California Assembly and Senate:

SUBJECT: URGENT REQUEST TO INCREASE CONVENIENCE TO REDEEM BOTTLE DEPOSITS

Dear Governor Newsom, Senators, Assembly Members, and staff:

The recycling crisis, recycling centers closing, and lack of convenient California Redemption Value (CRV) redemption centers in California is well documented. With major unserved areas within California where consumers are unable to redeem their CRV deposits without driving over 10, 20, or more miles or stand in long lines, increasingly Californians view the State's CRV program as a **TAX**, rather than a program designed to reduce littering, provide convenient recycling opportunities and to help the environment.

Due to the combined closure of over 1,000 CRV redemption locations due to poor market conditions and the impact of State's COVID-19 stay-at-home orders, the Beverage Container Recycling Fund (BCRF) has increased by over $120 million in unredeemed CRV deposits in the past 14 months (calculation was based on the CalRecycle raw data by Jeff Donlevy).

The Statewide Commission on Recycling Markets recognizes that the Bottle Bill must be fixed, however, the legislative and regulatory process will take 2-3 years for reform to stimulate change and increase convenience. **The people of California deserve a more urgent fix as they struggle to put food on the table during the time of both a health and economic crisis**.

The Commission respectfully requests that emergency action by the Governor and Legislature to implement an urgency measure to authorize the new Director of CalRecycle, Rachel Machi Wagoner, the authority to use bottle bill funds to open recycling centers and other redemption methods such as reverse vending machines and bag drops in underserved areas.

The recommended emergency actions include:

1. Provide $10 million per fiscal year in the Budget, for three years, to allow the Director of CalRecycle to assist the opening or reopening of other redemption opportunities and provide funding of up to $10,000 per month, per newly certified location, for two years, in underserved and rural areas.
2. Allow the Director to use Penalty Account funds and Option B payments, paid by dealers, to assist recycling centers and dealers in underserved and rural areas to purchase equipment used for redemption by consumers.

3. Allow the Director to authorize Handling Fee payments to new and existing recycling centers not on dealers' sites in underserved and rural areas. Recycling Centers paying scrap value for CRV material would be ineligible to receive Handling fee payments.
4. Allow Grocers and dealers redeeming beverage containers in store to be made whole for CRV payments made to consumers and receive Handling fees for material delivered to approved processors or recycling centers.
5. Allow the Director to authorize certified recycling centers to temporarily operate by appointment to manage inbound customer and material volume for example when there is incremental weather or to accommodate health concerns. The Director should explore potential for approving modified operating hours if that will increase availability of redemption opportunities.
6. Allow the Director of CalRecycle to authorize flexibility in service hours and/or increases to Processing and Handling payments - possibly under a tiered structure - to recycling centers in specific rural and underserved regions by up to 35 percent higher than statewide rates.
7. Allow the Director to redirect AB 54 Pilot Project funds for any program unfunded by May 1st, 2021 and quickly move the funds to expedite creation of new redemption opportunities in underserved areas.
8. Allocation of requested funds should not negatively impact existing programs.

For questions, please contact:

Chair, Heidi Sanborn at heidi@nsaction.us
Vice-Chair Richard Valle at rvalle@tri-ced.com
Co-Author/Commissioner Jeff Donlevy at jeff@mingsrecycling.com

Thank you in advance for your timely consideration, which acknowledges the urgency of the situation, and for your leadership.

Kindest Regards,

The Commission on Recycling Markets and Curbside Recycling

John Bouchard	Teamsters 350, Principal Officer
Deborah Cadena	Kern County Recycling
John Davis	Mojave Desert and Mountain Recycling Authority
Jan Dell	The Last Beach Cleanup, Founder
Jeff Donlevy	Ming's Recycling, General Manager
Laura Ferrante	Waste Alternatives, Owner
Joseph Kalpakoff	Mid Valley Disposal, CEO
Nick Lapis	Californians Against Waste, Director of Advocacy
Manuel Medrano	City of Chula Vista, Environmental Services Manager
Alex Oseguera	Waste Management, Director of Government Affairs
Eric Potashner	Recology, Senior Director of Strategic Affairs
Heidi Sanborn	National Stewardship Action Council

Ann Schneider	Mayor - City of Millbrae
Coby Skye	LA County Public Works, Assistant Deputy Director
Sara Toyoda	City of Indio, Environmental Programs Coordinator
Richard Valle	Tri-CED Community Recycling, CEO
Tedd Ward	Del Norte Solid Waste Management Director

cc: League of California Cities

California State Association of Counties

Rural County's Environmental Services Joint Powers Authority (ESJPA)

Agenda Item V

Legislative Update

SECTION 1. Section 25110.3 of the Health and Safety Code is amended and renumbered to read:

~~25110.3.~~ 25110.4. "Buffer zone" means an area of land which that surrounds a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

SEC. 2. Section 25110.3 is added to the Health and Safety Code, to read:

25110.3. "Board" means the Board of Environmental Safety established pursuant to Section 25125.

SEC. 3. Article 2.1 (commencing with Section 25125) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:
Article 2.1. Board of Environmental Safety

25125. (a) The Board of Environmental Safety is hereby established in the department consisting of five members appointed by the Governor as follows:
(1) A member who is an attorney admitted to the practice of law in this state who is qualified in the field of environmental law pertaining to hazardous waste, hazardous substances, or site remediation.
(2) A member who is an environmental scientist qualified in the fields of toxicology, chemistry, geology, industrial hygiene, or engineering specific to the statutory responsibilities of the board.
(3) A member who is an expert in public health.
(4) A member who has expertise in cumulative impact assessment and management.
(5) A member selected from the general public.
(b) The board members shall represent the general public interest.
(c) Three board members consist a quorum for the transaction of business of the board.
(d) (1) Except as provided in paragraph (2), a board member shall be appointed for a term of four years. A vacancy in the board shall be immediately filled by the Governor for the unexpired portion of the term in which the vacancy occurs.
(2) The terms of the board members shall be staggered. Two initial members shall serve a two-year term and three initial members shall serve a four-year term. The Governor shall determine which initial members shall serve two-year terms and which shall serve four-year terms.
(e) A board member may be removed by the Governor for neglect of duty, misconduct, or malfeasance in office. Before removal from office, a member shall be provided with a written statement of the charges and an opportunity to be heard.
(f) The board shall adopt rules for the conduct of its affairs. The rules are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
(g) (1) The Attorney General shall represent the board in litigation concerning the affairs of the board unless the Attorney General represents another state agency that is a

party to the action, in which case, the Attorney General may represent the board with the written consent of the board and the other state agency.
(2) If the Attorney General is not representing the board, the board may contract for the service of private counsel to represent the board subject to Section 11040 of the Government Code or legal counsel of the board may represent the board.
(h) The chairperson of the board, who is appointed by the Governor, shall serve full time and shall receive the salary provided for in Section 11553 of the Government Code. All other members of the board shall serve half time and shall receive one-half of the salary provided for in Section 11553.5 of the Government Code. Board members may travel within or out of state on the board's business, if necessary.

25125.2. (a) Beginning January 1, 2022, the board shall conduct no fewer than six public meeting per year, at least three of which shall be held outside the greater Sacramento area.
(b) The board shall do all of the following:
(1) Set fees pursuant to Sections 25205.2.1, 25205.5.01, and 25205.6.1.
(2) Hear and decide appeals of hazardous waste facility permit decisions.
(3) Provide opportunities for public hearings on individual permitted or remediation sites.
(4) Review and approve the director's annual priorities for each program under the department at a public hearing, including clear performance metrics. The director shall provide annual updates on progress towards meeting the priorities.
(c) Develop, in consultation with the director and with consideration of available resources, a multiyear schedule for the discussion of long-term goals for the following departmental activities:
(1) The department's processing of hazardous waste facility permits and proposals to improve the efficiency of the permitting process.
(2) The department's duties and responsibilities in law and proposals to improve the department's ability to meet those duties and responsibilities.
(3) The site mitigation program and proposals for the prioritization of the cleanup of contaminated properties.
(4) The department's implementation of its enforcement activities.

25125.4. The board shall have the authority to adopt regulations to carry out its duties and responsibilities established under this article, including the authority to adopt regulations establishing fees as required pursuant to paragraph (1) of subdivision (b) of Section 25125.2.

25125.6. The director, or a designee, shall present and respond to the board, if requested by the board, on any issue or item brought forward by a member of the public, the ombudsperson, or a board member.

25125.7. The board shall annually prepare and transmit to the Secretary for Environmental Protection an annual review of the department's performance as compared to its objectives, including, but not limited to, the performance of the director.

25125.8. (a) There is established within the board an office of the ombudsperson. The board shall appoint an ombudsperson who shall serve full time at the pleasure of the board.
(b) The office of the ombudsperson shall serve as an impartial resource to the public by doing the following:
(1) Receive complaints and suggestions from the public.
(2) Evaluate complaints.
(3) Report findings and make recommendations to the director and the board.
(4) Render assistance to the public, when appropriate.
(c) The board, in consultation with the director, may determine the activities, in addition to those specified in subdivision (b), the ombudsperson can undertake.
(d) The board shall establish procedures for the ombudsperson that include all of the following:
(1) Methods to encourage the public to submit complaints or suggestions and safeguards to ensure confidentiality.
(2) Forms the public can use to submit complaints and suggestions to the ombudsperson.
(3) Criteria for prioritization of complaints and suggestions submitted to the ombudsperson.
(4) Access to information and resources to help the public understand the department's activities and to become involved in the department's regulatory processes.
(e) A member of the public may submit a complaint or make a suggestion to the ombudsperson regarding any action, program, or policy of the department.

25125.9. Except as provided in subdivision (f) of Section 25125, a regulation adopted pursuant to this article 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 purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of 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, and 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 board pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law, and shall remain in effect until repealed by the board.

2021-22 Governor's Budget Trailer Bill Language
Department of Toxic Substances Control Fee Reform

SECTION .5

The sum of three-hundred million dollars ($300,000,000) is hereby appropriated from the General Fund to the Department of Toxic Substances Control and shall be available for encumbrance until June 30, 2025 and expenditure until June 30, 2027. The moneys shall be used for the following:

(a) The discovery, cleanup, and investigation of contaminated properties.

(b) A grant program, similar to the grant program established under the federal brownfields law (42 U.S.C. § 9604(k)), to fund response actions, as defined by section 25323.3 of the Health and Safety Code, at brownfields sites.

(1)The Department of Toxic Substances Control shall consult with the Department of Housing and Community Development in the development of guidelines adopted pursuant to subdivision (d) to implement this subdivision.

(c) A job and development training program to promote public health and community engagement, equity and environmental justice, and support the local economy.

(d) The Department of Toxic Substances Control may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC 1. Section 6103.10 of the Government Code is amended to read:

6103.10. (a) Section 6103 does not apply to any fee or charges required to be paid to the State Director of ~~Health Services~~ Toxic Substances Control or to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration pursuant to Chapter 6.5 (commencing with Section 25100) of, and Chapter 6.8 (commencing with Section 25300) of, Division 20 of the Health and Safety Code, except as otherwise provided in paragraph (1) of subdivision (a) of Section 25174.7, subdivision (b) of Section 25205.1 of, ~~subdivision (n) of Section 25205.7,~~ ~~subdivision (d) of Section 25205.8, and subdivision (e) of Section 25205.9.~~ and Section 25205.7 of, the Health and Safety Code.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 2. Section 6103.10 is added to the Government Code, to read:

6103.10. (a) Section 6103 does not apply to any fee or charges required to be paid to the State Director of Toxic Substances Control or to the California Department of Tax and Fee Administration pursuant to Chapter 6.5 (commencing with Section 25100) of, and Chapter 6.8 (commencing with Section 25300) of, Division 20 of the Health and Safety Code, except as otherwise provided in subdivision (b) of Section 25205.1 of, and Section 25205.7 of, the Health and Safety Code.

(b) This section shall become operative on January 1, 2022.

SEC. 3. Section 25144.6 of the Health and Safety Code is amended to read:

25144.6. (a) As used in this section, "reusable soiled textile materials" means

textile items, including, but not limited to, shop towels, uniforms, gloves, and linens and towels which may become soiled with hazardous waste during commercial or industrial use, and are made reusable by laundering or comparable methods of cleaning.

(b) Reusable soiled textile materials ~~which~~ that meet all of the following requirements are exempt from Section 25205.5 and from Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1):

(1) The materials or the management of the materials are not otherwise regulated by the United States Environmental Protection Agency pursuant to the federal act.

(2) The materials are not used to clean up or control a spill or release that is required to be reported to any state or federal agency.

(3) No hazardous waste has been added after the materials' original use.

(4) No free liquids, as defined by Section 22-66260.10 of Title 26 of the California Code of Regulations, are released during transportation or storage of the materials.

(5) The facility laundering or cleaning the materials maintains records of the date, type, and quantities by piecework or weight of the materials collected and laundered.

(6) The facility laundering or cleaning the materials prepares a contingency plan ~~which~~ that specifies procedures for handling both onsite and offsite emergencies involving the materials, and employees are trained in the execution of the plan.

(c) Notwithstanding Sections 25201 and 25245, a facility laundering or using comparable methods of cleaning reusable soiled textile materials and performing the pretreatment necessary to remove metals and organics from the wastewater that results from the wash process is not required to obtain a hazardous waste facilities permit or other grant of authorization, and is exempt from the requirements of Article 12 (commencing with Section 25245), if the facility meets all of the following requirements:

(1) Management procedures are in place to ensure that the reusable soiled textile materials are managed in accordance with all the requirements specified in subdivision (b).

(2) The waste washwater conveyances and containers are constructed of materials to ensure that they are impervious under the conditions of use, and are visually inspected at least twice a year to ensure that waste washwater is not leaking into the underlying soil. A facility ~~which~~ that is in compliance with this paragraph is not subject to the requirements of Section 22-66264.193 of Title 26 of the California Code of Regulations.

(3) The sludge collected from the washing process is managed in accordance with this chapter.

(4) The facility has a training program in place that ensures that the facility personnel are able to safely and properly handle and clean the reusable soiled textile materials and to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems.

(5) The facility is in compliance with the requirements of paragraphs (2) to (6), inclusive, and paragraphs (8) and (10), of subdivision (d) of Section 25201.5.

(6) (A) The facility complies with the notification requirements of paragraph of subdivision (d) of Section 25201.5.

(B) Except as provided in Section 25404.5, the generator submits a fee in the amount required by Section ~~25205.14~~ 25205.2. The generator shall submit that fee within 30 days of the date that the fee is assessed by the ~~State Board of Equalization,~~ California Department of Tax and Fee Administration, in the manner

specified by Section ~~43152.10~~ 43152.6 of the Revenue and Taxation Code.

(d) This section does not affect the application of Section 25143.2 to reusable soiled textile materials.

SEC. 4. Section 25160 of the Health and Safety Code is amended to read:

25160.(a) For purposes of this chapter, the following definitions apply:

(1) "Manifest" means a shipping document originated and signed by a generator of hazardous waste that contains all of the information required by the department and that complies with all applicable federal and state regulations, and includes any of the following:

(A) A California Uniform Hazardous Waste Manifest, which was a manifest document printed and supplied by the state for a shipment initiated on or before September 4, 2006.

(B) A Uniform Hazardous Waste Manifest, which is United States Environmental Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A (Manifest Continuation Sheet), printed by a source registered with the United States Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

(C) (i) An electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the electronic manifest system and transmitted electronically to the system, that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(ii) A printed copy of the manifest from thee-Manifest system.

(2) "Electronic manifest system" or "e-Manifest system" means the United States Environmental Protection Agency's national information technology system through which an electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest, and to regulatory agencies.

(3) For purposes of this section and Section 25205.15, a shipment is initiated on the date when the ~~manifest,~~ manifest is signed by the first transporter and the hazardous waste leaves the site where it is generated.

(b)(1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall complete a manifest ~~prior to the time~~ before the waste is transported or offered for transportation, and shall designate on that manifest the facility to which the waste is to be shipped for the handling, treatment, storage, disposal, or combination thereof. The manifest shall be completed as required by the department. The generator shall provide the manifest to the person who will transport the hazardous waste, who is the driver, if the hazardous waste will be transported by vehicle, or the person designated by the railroad corporation or vessel operator, if the hazardous waste will be transported by rail or vessel.

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) A manifest shall only be used for the purposes specified in this chapter, including,

but not limited to, identifying materials that the person completing the manifest reasonably believes are hazardous waste.

(C) Within 30 days from the date of transport, or submission for transport, of hazardous waste, each generator of that hazardous waste using a paper manifest shall submit to the department a legible copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, outside of the state, shall complete, whether or not the waste is determined to be hazardous by the importing country or state, a manifest in accordance with both of the following conditions:

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) The generator shall submit a legible printed copy of any paper manifest used in accordance with subparagraph (A) to the department within 30 days from the date of the transport, or submission for transport, of the hazardous waste. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(3) Within 30 days from the date of transport, or submission for transport, of hazardous waste out of state, each generator of that hazardous waste using a paper manifest shall submit to the department a legible printed copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the initial transporter. If within 35 days from the date of the initial shipment, or for exports by water to foreign countries 60 days after the initial shipment, the generator has not received a copy of the manifest signed by all transporters and the facility operator or received verification through the e-Manifest system that the shipment has been received by the designated facility, the generator shall contact the owner or operator of the designated facility to determine the status of the hazardous waste and to request that the owner or operator immediately provide a signed copy of the manifest to the generator. Except as provided otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the date of the initial shipment or, for exports by water to foreign countries, 90 days from the date of the initial shipment, the generator has not received a copy of the signed manifest or verification through the e-Manifest system from the facility owner or operator that the shipment has been received and the manifest has been signed by the designated facility, the generator shall submit an exception report to the department.

(4) For shipments of waste that do not require a manifest pursuant to Title 40 of the Code of Federal Regulations, the department, by regulation, may require that a manifest be used.

(5)(A) Notwithstanding any other provision of this section, except as provided in subparagraph (B), the generator is not required to submit a copy of the manifest to the department for any waste transported in compliance with the consolidated manifest

procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when the transporter is operating pursuant to a variance issued by the department pursuant to Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section 25160.2, if the generator, transporter, and facility are all identified as the same company on the hazardous waste manifest. If multiple identification numbers are used by a single company, all of the company's identification numbers shall be included in its annual transporter registration application, if those numbers will be used with the consolidated manifest procedure. ~~Nothing in this paragraph affects~~ This paragraph does not affect the obligation of a facility operator to submit information regarding the shipment it receives through a consolidated manifest into the e-Manifest system.

(B) If the waste subject to subparagraph (A) is transported out of state, the generator shall submit a legible copy of the paper manifest to the department that contains the signatures of the generator and the initial transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(c)(1) The department shall determine the form and manner in which a manifest shall be completed and the information that the manifest shall contain. The form of each manifest and the information requested on each manifest shall be the same for all hazardous wastes, regardless of whether the hazardous wastes are also regulated pursuant to the federal act or by regulations adopted by the United States Department of Transportation. However, the form of the manifest and the information required shall be consistent with federal regulations.

(2) Pursuant to federal regulations, the department may require information on the manifest in addition to the information required by federal regulations.

(d)(1) A person who transports hazardous waste in a vehicle shall either have a legible copy of the paper manifest in their possession while transporting the hazardous waste or shall have an electronic manifest accessible during transportation that the person forwarded to the person or persons who are scheduled to receive delivery of the waste shipment. To the extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires transporters of hazardous materials to carry a paper document, a hazardous waste transporter shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The manifest shall be shown upon demand to any representative of the department, any officer of the Department of the California Highway Patrol, any local health officer, any certified unified program agency, or any local public officer designated by the director. If the hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers any information concerning the hazardous waste that the department may require.

(2) Any person who transports a waste, as defined by Section 25124, and who is provided with a manifest for that waste shall, while transporting that waste, comply with all requirements of this chapter, and the regulations adopted pursuant thereto, concerning the transportation of hazardous waste.

(3) A person who transports hazardous waste shall transfer a copy of the manifest to the facility operator at the time of delivery, or to the person who will subsequently transport the hazardous waste in a vehicle. A person who transports hazardous waste and then transfers custody of that hazardous waste to a person who will subsequently transport that waste by rail or vessel shall transfer a copy of the manifest to the person

designated by the railroad corporation or vessel operator, as specified by Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The transfer of a manifest under this paragraph may be completed by either the transfer of a paper manifest or a transfer by electronic manifest transmitted to the facility operator by submission to the e-Manifest system.

(4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify to the department, at the time of initial registration and at the time of renewal of that registration pursuant to this article, that the transporter is familiar with the requirements of this section, the department regulations, and federal laws and regulations governing the use of manifests.

(e)(1) A facility operator in the state who receives hazardous waste for handling, treatment, storage, disposal, or any combination thereof, which was transported with a manifest pursuant to this section, shall comply with the requirements of Section 264.71 or 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of that shipment.

(2) Any treatment, storage, or disposal facility receiving hazardous waste generated outside this state may only accept the hazardous waste for treatment, storage, disposal, or any combination thereof, if the hazardous waste is accompanied by a completed paper or electronic manifest.

(3) A facility operator may accept hazardous waste generated offsite that is not accompanied by a properly completed and signed paper or electronic manifest if the facility operator meets both of the following conditions:

(A) The facility operator is authorized to accept the hazardous waste pursuant to a hazardous waste facilities permit or other grant of authorization from the department.

(B) The facility operator is in compliance with the regulations adopted by the department specifying the conditions and procedures applicable to the receipt of hazardous waste under these circumstances.

(4) This subdivision applies only to shipments of hazardous waste for which a manifest is required pursuant to this section and the regulations adopted pursuant to this section.

(f) The department shall make available for review, by any interested party, the department's plans for revising and enhancing its system for tracking hazardous waste for-the purposes of protecting human health and the environment, enforcing laws, collecting revenue, and generating necessary reports.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 5. Section 25160 is added to the Health and Safety Code, to read:

25160. (a) For purposes of this chapter, the following definitions apply:

(1) "Manifest" means a shipping document originated and signed by a generator of hazardous waste that contains all of the information required by the department and that complies with all applicable federal and state regulations, and includes any of the following:

(A) A California Uniform Hazardous Waste Manifest, which was a manifest document printed and supplied by the state for a shipment initiated on or before September 4, 2006.

(B) A Uniform Hazardous Waste Manifest, which is United States Environmental Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A (Manifest

Continuation Sheet), printed by a source registered with the United States Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

(C)(i) An electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the electronic manifest system and transmitted electronically to the system, that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(ii) A printed copy of the manifest from thee-Manifest system.

(2) "Electronic manifest system" or "e-Manifest system" means the United States Environmental Protection Agency's national information technology system through which an electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest, and to regulatory agencies.

(3) For purposes of this section, a shipment is initiated on the date when the manifest is signed by the first transporter and the hazardous waste leaves the site where it is generated.

(b)(1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall complete a manifest before the waste is transported or offered for transportation, and shall designate on that manifest the facility to which the waste is to be shipped for the handling, treatment, storage, disposal, or combination thereof. The manifest shall be completed as required by the department. The generator shall provide the manifest to the person who will transport the hazardous waste, who is the driver, if the hazardous waste will be transported by vehicle, or the person designated by the railroad corporation or vessel operator, if the hazardous waste will be transported by rail or vessel.

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) A manifest shall only be used for the purposes specified in this chapter, including, but not limited to, identifying materials that the person completing the manifest reasonably believes are hazardous waste.

(C) Within 30 days from the date of transport, or submission for transport, of hazardous waste, each generator of that hazardous waste using a paper manifest shall submit to the department a legible copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, outside of the state, shall complete, whether or not the waste is determined to be hazardous by the importing country or state, a manifest in accordance with both of the following conditions:

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste

manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) The generator shall submit a legible printed copy of any paper manifest used in accordance with subparagraph (A) to the department within 30 days from the date of the transport, or submission for transport, of the hazardous waste. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(3) Within 30 days from the date of transport, or submission for transport, of hazardous waste out of state, each generator of that hazardous waste using a paper manifest shall submit to the department a legible printed copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the initial transporter. If within 35 days from the date of the initial shipment, or for exports by water to foreign countries 60 days after the initial shipment, the generator has not received a copy of the manifest signed by all transporters and the facility operator or received verification through the e-Manifest system that the shipment has been received by the designated facility, the generator shall contact the owner or operator of the designated facility to determine the status of the hazardous waste and to request that the owner or operator immediately provide a signed copy of the manifest to the generator. Except as provided otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the date of the initial shipment or, for exports by water to foreign countries, 90 days from the date of the initial shipment, the generator has not received a copy of the signed manifest or verification through the e-Manifest system from the facility owner or operator that the shipment has been received and the manifest has been signed by the designated facility, the generator shall submit an exception report to the department.

(4) For shipments of waste that do not require a manifest pursuant to Title 40 of the Code of Federal Regulations, the department, by regulation, may require that a manifest be used.

(5)(A) Notwithstanding any other provision of this section, except as provided in subparagraph (B), the generator is not required to submit a copy of the manifest to the department for any waste transported in compliance with the consolidated manifest procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when the transporter is operating pursuant to a variance issued by the department pursuant to Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section 25160.2, if the generator, transporter, and facility are all identified as the same company on the hazardous waste manifest. If multiple identification numbers are used by a single company, all of the company's identification numbers shall be included in its annual transporter registration application, if those numbers will be used with the consolidated manifest procedure. This paragraph does not affect the obligation of a facility operator to submit information regarding the shipment it receives through a consolidated manifest into the e-Manifest system.

(B) If the waste subject to subparagraph (A) is transported out of state, the generator shall submit a legible copy of the paper manifest to the department that contains the signatures of the generator and the initial transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(c)(1) The department shall determine the form and manner in which a manifest shall be completed and the information that the manifest shall contain. The form of each

manifest and the information requested on each manifest shall be the same for all hazardous wastes, regardless of whether the hazardous wastes are also regulated pursuant to the federal act or by regulations adopted by the United States Department of Transportation. However, the form of the manifest and the information required shall be consistent with federal regulations.

(2) Pursuant to federal regulations, the department may require information on the manifest in addition to the information required by federal regulations.

(d) (1) A person who transports hazardous waste in a vehicle shall either have a legible copy of the paper manifest in their possession while transporting the hazardous waste or shall have an electronic manifest accessible during transportation that the person forwarded to the person or persons who are scheduled to receive delivery of the waste shipment. To the extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires transporters of hazardous materials to carry a paper document, a hazardous waste transporter shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The manifest shall be shown upon demand to any representative of the department, any officer of the Department of the California Highway Patrol, any local health officer, any certified unified program agency, or any local public officer designated by the director. If the hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers any information concerning the hazardous waste that the department may require.

(2) Any person who transports a waste, as defined by Section 25124, and who is provided with a manifest for that waste shall, while transporting that waste, comply with all requirements of this chapter, and the regulations adopted pursuant thereto, concerning the transportation of hazardous waste.

(3)A person who transports hazardous waste shall transfer a copy of the manifest to the facility operator at the time of delivery, or to the person who will subsequently transport the hazardous waste in a vehicle. A person who transports hazardous waste and then transfers custody of that hazardous waste to a person who will subsequently transport that waste by rail or vessel shall transfer a copy of the manifest to the person designated by the railroad corporation or vessel operator, as specified by Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The transfer of a manifest under this paragraph may be completed by either the transfer of a paper manifest or a transfer by electronic manifest transmitted to the facility operator by submission to thee-Manifest system.

(4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify to the department, at the time of initial registration and at the time of renewal of that registration pursuant to this article, that the transporter is familiar with the requirements of this section, the department regulations, and federal laws and regulations governing the use of manifests.

(e)(1) A facility operator in the state who receives hazardous waste for handling, treatment, storage, disposal, or any combination thereof, which was transported with a manifest pursuant to this section, shall comply with the requirements of Section 264.71 or 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of that shipment.

(2) Any treatment, storage, or disposal facility receiving hazardous waste generated outside this state may only accept the hazardous waste for treatment, storage,

disposal, or any combination thereof, if the hazardous waste is accompanied by a completed paper or electronic manifest.

(3) A facility operator may accept hazardous waste generated offsite that is not accompanied by a properly completed and signed paper or electronic manifest if the facility operator meets both of the following conditions:

(A) The facility operator is authorized to accept the hazardous waste pursuant to a hazardous waste facilities permit or other grant of authorization from the department.

(B) The facility operator is in compliance with the regulations adopted by the department specifying the conditions and procedures applicable to the receipt of hazardous waste under these circumstances.

(4) This subdivision applies only to shipments of hazardous waste for which a manifest is required pursuant to this section and the regulations adopted pursuant to this section.

(f) The department shall make available for review, by any interested party, the department's plans for revising and enhancing its system for tracking hazardous waste for purposes of protecting human health and the environment, enforcing laws, collecting revenue, and generating necessary reports.

(g) This section shall become operative on January 1, 2022 and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 6. Section 25173.6 of the Health and Safety Code is amended to read:

25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which shall be administered by the director. In addition to any other money that may be appropriated by the Legislature to the Toxic Substances Control Account, all of the following shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.6.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section ~~25300)~~ 25300), or Chapter 6.86 (commencing with Section 25396).

(3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396), except as directed otherwise by Section 25192.

(4) Interest earned upon money deposited in the Toxic Substances Control Account.

(5) All money recovered pursuant to Section 25360, except any amount recovered on or before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

(6) All money recovered pursuant to Section 25380.

(7) All penalties recovered pursuant to Section 25214.3, except as provided by Section 25192.

(8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section 25192.

(9) All penalties recovered pursuant to Section 25215.82, except as provided by Section 25192.

(10) Reimbursements for funds expended from the Toxic Substances Control Account for services provided by the department, including, but not limited to, reimbursements required pursuant to Sections 25201.9 and 25343.

(11) Money received from the federal government pursuant to the federal

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(12) Money received from responsible parties for remedial action or removal at a specific site, except as otherwise provided by law.

(b) The funds deposited in the Toxic Substances Control Account may be appropriated to the department for the following purposes:

(1) The administration and implementation of the following:

(A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be expended from the Toxic Substances Control Account for purposes of Section 25354.5.

(B) Chapter 6.86 (commencing with Section 25396).

(C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public Utilities Code, to the extent the department has been delegated responsibilities by the ~~Secretary for Environmental Protection~~ secretary for implementing that article.

(D) Activities of the department related to pollution prevention and technology development, authorized pursuant to this chapter.

(E) Green chemistry (Article 14 (commencing with Section 25251).

(2) The administration of the following units, and successor organizations of those units, within the department, and the implementation of programs administered by those units or successor organizations:

(A) The Human and Ecological Risk Office.

(B) The Environmental Chemistry Laboratory.

(C) The Office of Pollution Prevention and Technology Development.

(D) The Safer Consumer Products Program.

(3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to an interagency agreement, to assist the department as needed in administering the programs described in subparagraphs (A) and (B) of paragraph (1).

(4) For allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

(5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(6) For the purchase by the state, or by a local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(7) For payment of all costs of removal and remedial action incurred by the state, or by a local agency with the approval of the director, in response to a release or threatened release of a hazardous substance, to the extent the costs are not reimbursed by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(8) For payment of all costs of actions taken pursuant to subdivision (b) of Section 25358.3, to the extent that these costs are not paid by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(9) For all costs incurred by the department in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of

1980, as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in a single fiscal year. However, these actions shall not duplicate reasonably available federal actions and studies.

(10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5 (commencing with Section 25385) of Chapter 6.8.

(11) Direct site remediation costs.

(12) For the department's expenses for staff to perform oversight of investigations, characterizations, removals, remediations, or long-term operation and maintenance.

(13) For the administration and collection of the fees imposed pursuant to Section 25205.6.

(14) For allocation to the office of the Attorney General, pursuant to an interagency agreement or similar mechanism, for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8 (commencing with Section 25300) and Chapter 6.86 (commencing with Section 25396).

(15) For funding the California Environmental Contaminant Biomonitoring Program established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division 103.

(16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with Section 25214.11).

(17) For costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) The funds deposited in the Toxic Substances Control Account may be appropriated by the Legislature to the Office of Environmental Health Hazard Assessment and the State Department of Public Health for the purposes of carrying out their duties pursuant to the California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing with Section 105440) of Part 5 of Division 103).

(d) The director shall expend federal funds in the Toxic Substances Control Account consistent with the requirements specified in Section 114 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were provided to the state.

(e) Money in the Toxic Substances Control Account shall not be expended to conduct removal or remedial actions if a significant portion of the hazardous substances to be removed or remedied originated from a source outside the state.

(f) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(g) The Toxic Substances Control Account established pursuant to subdivision (a) is the successor fund of all of the following:

(1) The Hazardous Substance Account established pursuant to Section 25330, as that section read on June 30, 2006.

(2) The Hazardous Substance Clearing Account established pursuant to Section 25334, as that section read on June 30, 2006.

(3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as

that section read on June 30, 2006.

(4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that section read on June 30, 2006.

(h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances Control Account, as provided by Section 16346 of the Government Code. All existing appropriations from these accounts, to the extent encumbered, shall continue to be available for the same purposes and periods from the Toxic Substances Control Account.

(i) Notwithstanding Section 10231.5 of the Government Code, the department, on or before February 1 of each year, shall report to the Governor and the Legislature on the prior fiscal year's expenditure of funds within the Toxic Substances Control Account for the purposes specified in subdivision (b).

(j) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 7. Section 25173.6 is added to the Health and Safety Code, to read:

25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which shall be administered by the director. In addition to any other money that may be appropriated by the Legislature to the Toxic Substances Control Account, all of the following shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.6.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396).

(3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Chapter 6.86 (commencing with Section 25396), except as directed otherwise by Section 25192.

(4) Interest earned upon money deposited in the Toxic Substances Control Account.

(5) All money recovered pursuant to Section 25360, except any amount recovered on or before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

(6) All money recovered pursuant to Section 25380.

(7) All penalties recovered pursuant to Section 25214.3, except as provided by Section 25192.

(8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section 25192.

(9) All penalties recovered pursuant to Section 25215.82, except as provided by Section 25192.

(10) Reimbursements for funds expended from the Toxic Substances Control Account for services provided by the department, including, but not limited to, reimbursements required pursuant to Sections 25201.9 and 25343.

(11) Money received from the federal government pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.)

(12) Money received from responsible parties for remedial action or removal at a specific site, except as otherwise provided by law.

(b) The funds deposited in the Toxic Substances Control Account may be appropriated to the department for the following purposes:

(1) The administration and implementation of the following:

(A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be expended from the Toxic Substances Control Account for purposes of Section 25354.5.

(B) Chapter 6.86 (commencing with Section 25396).

(C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public Utilities Code, to the extent the department has been delegated responsibilities by the secretary for implementing that article.

(D) Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(E) Green chemistry (Article 14 (commencing with Section 25251)).

(2) The administration of the following units, and successor organizations of those units, within the department, and the implementation of programs administered by those units or successor organizations:

(A) The Human and Ecological Risk Office.

(B) The Environmental Chemistry Laboratory.

(C) The Office of Pollution Prevention and Technology Development

(D) The Safer Consumer Products Program.

(3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to an interagency agreement, to assist the department as needed in administering the programs described in subparagraphs (A) and (B) of paragraph (1).

(4) For allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

(5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(6) For the purchase by the state, or by a local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(7) For payment of all costs of removal and remedial action incurred by the state, or by a local agency with the approval of the director, in response to a release or threatened release of a hazardous substance, to the extent the costs are not reimbursed by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(8) For payment of all costs of actions taken pursuant to subdivision (b) of Section 25358.3, to the extent that these costs are not paid by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(9) For all costs incurred by the department in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds

appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in a single fiscal year. However, these actions shall not duplicate reasonably available federal actions and studies.

(10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5 (commencing with Section 25385) of Chapter 6.8.

(11) Direct site remediation costs.

(12) For the department's expenses for staff to perform oversight of investigations, characterizations, removals, remediations, or long-term operation and maintenance.

(13) For the administration and collection of the fees imposed pursuant to Section 25205.6.

(14) For allocation to the office of the Attorney General, pursuant to an interagency agreement or similar mechanism, for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8 (commencing with Section 25300), Chapter 6.86 (commencing with Section 25396), Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(15) For funding the California Environmental Contaminant Biomonitoring Program established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division 103.

(16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with Section 25214.11).

(17) For the costs of performance or review of analyses of past, present, or potential environmental public health effects related to extremely hazardous waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

(18) For costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) The funds deposited in the Toxic Substances Control Account may be appropriated by the Legislature to the Office of Environmental Health Hazard Assessment and the State Department of Public Health for purposes of carrying out their duties pursuant to the California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing with Section 105440) of Part 5 of Division 103).

(d) The director shall expend federal funds in the Toxic Substances Control Account consistent with the requirements specified in Section 114 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were provided to the state.

(e) Money in the Toxic Substances Control Account shall not be expended to conduct removal or remedial actions if a significant portion of the hazardous substances to be removed or remedied originated from a source outside the state.

(f) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code

and the interest provisions of Section 16314 of the Government Code.

(g) The Toxic Substances Control Account established pursuant to subdivision is the successor fund of all of the following:

(1) The Hazardous Substance Account established pursuant to Section 25330, as that section read on June 30, 2006.

(2) The Hazardous Substance Clearing Account established pursuant to Section 25334, as that section read on June 30, 2006.

(3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as that section read on June 30, 2006.

(4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that section read on June 30, 2006.

(h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances Control Account, as provided by Section 16346 of the Government Code. All existing appropriations from these accounts, to the extent encumbered, shall continue to be available for the same purposes and periods from the Toxic Substances Control Account.

(i) This section shall become operative on January 1, 2022.

SEC. 8. Section 25174 of the Health and Safety Code is amended to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25174.1, 25205.2, 25205.5, 25205.15, and 25205.16.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the administration and implementation of this chapter.

(2) To the department for allocation to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Sections 43051 and 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) that are deposited into the Hazardous Waste Control Account.

(3) To the department for the costs of performance or review of analyses of past, present, or potential environmental public health effects related to toxic substances, including extremely hazardous waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

(4)(A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of this chapter.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph and paragraph (14) of subdivision (b) of Section 25173.6. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph ~~(C)~~ (B) shall require the Attorney General to report on any confidential or investigatory matter.

(5) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(c) (1) Expenditures from the Hazardous Waste Control Account for support of state agencies other than the department shall, upon appropriation by the Legislature to the department, be subject to an interagency agreement or similar mechanism between the department and the state agency receiving the support.

(2) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b) and in paragraph (3) of subdivision (b) of Section 25173.6, for the upcoming fiscal year.

(3) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) With respect to expenditures for the purposes of paragraphs (1) and (3) of subdivision (b) and paragraphs (1) and (2) of subdivision (b) of Section 25173.6, the department shall, at the time of the release of the annual Governor's Budget, also make available the budgetary amounts and allocations of staff resources of the department proposed for the following activities:

(1) The department shall identify, by permit type, the projected allocations of budgets and staff resources for hazardous waste facilities permits, including standardized permits, closure plans, and postclosure permits.

(2) The department shall identify, with regard to surveillance and enforcement activities, the projected allocations of budgets and staff resources for the following types of regulated facilities and activities:

(A) Hazardous waste facilities operating under a permit or grant of interim status issued by the department, and generator activities conducted at those facilities. This information shall be reported by permit type.

(B) Transporters.

(C) Response to complaints.

(3) The department shall identify the projected allocations of budgets and staff resources for both of the following activities:

(A) The registration of hazardous waste transporters.

(B) The operation and maintenance of the hazardous waste manifest system.

(4) The department shall identify, with regard to site mitigation and corrective action, the projected allocations of budgets and staff resources for the oversight and implementation of the following activities:

(A) Investigations and removal and remedial actions at military bases.

(B) Voluntary investigations and removal and remedial actions.

(C) State match and operation and maintenance costs, by site, at joint state and federally funded National Priority List Sites.

(D) Investigation, removal and remedial actions, and operation and maintenance at the Stringfellow Hazardous Waste Site.

(E) Investigation, removal and remedial actions, and operation and maintenance at the Casmalia Hazardous Waste Site.

(F) Investigations and removal and remedial actions at nonmilitary, responsible party lead National Priority List Sites.

(G) Preremedial activities under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

(H) Investigations, removal and remedial actions, and operation and maintenance at state-only orphan sites.

(I) Investigations and removal and remedial actions at nonmilitary, non-National Priority List responsible party lead sites.

(J) Investigations, removal and remedial actions, and operation and maintenance at Expedited Remedial Action Program sites pursuant to former Chapter 6.85 (commencing with Section 25396).

(K) Corrective actions at hazardous waste facilities.

(5) The department shall identify, with regard to the regulation of hazardous waste, the projected allocation of budgets and staff resources for the following activities:

(A) Determinations pertaining to the classification of hazardous wastes.

(B) Determinations for variances made pursuant to Section 25143.

(C) Other determinations and responses to public inquiries made by the department regarding the regulation of hazardous waste and hazardous substances.

(6) The department shall identify projected allocations of budgets and staff resources needed to do all of the following:

(A) Identify, remove, store, and dispose of, suspected hazardous substances or hazardous materials associated with the investigation of clandestine drug laboratories.

(B) Respond to emergencies pursuant to Section 25354.

(C) Create, support, maintain, and implement the railroad accident prevention and immediate deployment plan developed pursuant to Section 7718 of the Public Utilities Code.

(7) The department shall identify projected allocations of budgets and staff resources for the administration and implementation of the unified hazardous waste and hazardous materials regulatory program established pursuant to Chapter 6.11

(commencing with Section 25404).

(8) The department shall identify the total cumulative expenditures of the Regulatory Structure Update and Site Mitigation Update projects since their inception, and shall identify the total projected allocations of budgets and staff resources that are needed to continue these projects.

(9) The department shall identify the total projected allocations of budgets and staff resources that are necessary for all other activities proposed to be conducted by the department.

(e) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds that are required to be deposited into the Hazardous Waste Control Account or the Toxic Substances Control Account, the department, with the approval of the ~~Secretary for Environmental Protection,~~ secretary may take any of the following actions:

(1) Assume responsibility for, or enter into a contract with a private party or with another public agency, other than the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, for the collection of any fees, surcharges, fines, penalties and funds described in subdivision (a) or otherwise described in this chapter or Chapter 6.8 (commencing with Section 25300), for deposit into the Hazardous Waste Control Account or the Toxic Substances Control Account.

(2) Administer, or by mutual agreement, contract with a private party or another public agency, for the making of those determinations and the performance of functions that would otherwise be the responsibility of the ~~State Board of Equalization~~ California Department of Tax and Fee Administration pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if those activities and functions for which the ~~State Board of Equalization~~ California Department of Tax and Fee Administration would otherwise be responsible become the responsibility of the department or, by mutual agreement, the contractor selected by the department.

(f) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, the department shall be responsible for ensuring that persons who are subject to the fees specified in subdivision (e) have equivalent rights to public notice and comment, and procedural and substantive rights of appeal, as afforded by the procedures of the ~~State Board of Equalization~~ California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the administrative adjustment of fee rates and the administrative appeal of any fees or penalty assessments made pursuant to this section may only be assigned by the department to a public agency.

(g) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, the department shall have equivalent authority to make collections and enforce judgments as provided to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Unpaid amounts, including penalties

and interest, shall be a perfected and enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

(h) The department, with the concurrence of the ~~Secretary for Environmental Protection,~~ secretary, shall determine which administrative functions should be retained by the ~~State Board of Equalization~~ California Department of Tax and Fee Administration, administered by the department, or assigned to another public agency or private party pursuant to subdivisions (e), (f), and (g).

(i) The department may adopt regulations to implement subdivisions (e) to (h), inclusive.

(j) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(k) The department shall establish, within the Hazardous Waste Control Account, a reserve of at least one million dollars ($1,000,000) each year to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls.

(l) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 9. Section 25174 is added to the Health and Safety Code, to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.5.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act to pay for department costs at sites or activities at sites other than those operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for costs to administer and implement this chapter, but not including the costs of regulatory activities at sites operated by a hazardous waste facility authorized to operate under this chapter, and not including regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section

25214.11), Article 10.5 (commencing with Section 25215),Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department ofTax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.5 that are deposited into the Hazardous Waste Control Account.

(3)(A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, consistent with Section 3 of Article XIII A of the California Constitution, but not for purposes related to a site operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, and not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(5) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c)(1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual

Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.5, and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon the request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(e)This section shall become operative on January 1, 2022.

SEC. 10. Section 25174.01 is added to the Health and Safety Code, to read:

25174.01 (a) The Hazardous Waste Facilities Account is established within the Hazardous Waste Control Account and shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Facilities Account pursuant to this chapter, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25205.2.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Facilities Account.

(4) Any money received from the federal government pursuant to the federal act to pay department costs at sites operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Facilities Account for services provided by the department pursuant to this chapter at a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Facilities Account may be appropriated by the Legislature for expenditure as follows:

(1) To the department for the costs to administer and implement this chapter at sites operated by a hazardous waste facility authorized to operate under this chapter, but not for the costs of regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.2 that are deposited into the Hazardous Waste

Facilities Account.

(3)(A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, consistent with Section 3 of Article XIII A of the California Constitution, at sites operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, but not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c)(1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.2 and deposited in the Hazardous Waste Facilities Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Hazardous Waste Facilities Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government

Code and the interest provisions of Section 16314 of the Government Code.

(e)This section shall become operative on January 1, 2022.

SEC. 11. Section 25174.02 is added to the Health and Safety Code, to read:

25174.02. (a) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds that are required to be deposited into the Hazardous Waste Control Account, the Hazardous Waste Facilities Account, or the Toxic Substances Control Account, the department, with the approval of the secretary, may take either of the following actions:

(1) Assume responsibility for, or enter into a contract with a private party or with another public agency, other than the California Department of Tax and Fee Administration, for the collection of any fees, surcharges, fines, penalties and funds described in Chapter 6.8 (commencing with Section 25300), for deposit into the Toxic Substances Control Account.

(2) Administer, or by mutual agreement, contract with a private party or another public agency, for the making of those determinations and the performance of functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration pursuant to Chapter 6.8 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if those activities and functions for which the California Department of Tax and Fee Administration would otherwise be responsible become the responsibility of the department or, by mutual agreement, the contractor selected by the department.

(b) If, pursuant to subdivision (a), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall be responsible for ensuring that persons who are subject to the fees specified in subdivision (a) have equivalent rights to public notice and comment, and procedural and substantive rights of appeal, as afforded by the procedures of the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the administrative adjustment of fee rates and the administrative appeal of any fees or penalty assessments made pursuant to this section may only be assigned by the department to a public agency.

(c) If, pursuant to subdivision (a), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall have equivalent authority to make collections and enforce judgments as provided to the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Unpaid amounts, including penalties and interest, shall be a perfected and enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

(d) The department, with the concurrence of the secretary, shall determine which

administrative functions should be retained by the California Department of Tax and Fee Administration, administered by the department, or assigned to another public agency or private party pursuant to subdivisions (a), (b), and (c).

(e) The department may adopt regulations to implement this section.

(f) This section shall become operative on January 1, 2022.

SEC. 12. Section 25174.1 of the Health and Safety Code is amended to read:

25174.1. (a) Each person who disposes of hazardous waste in this state shall pay a fee for the disposal of hazardous waste to land, based on the type of waste placed in a disposal site, in accordance with this section and Section 25174.6.

(b) "Disposal fee" means the fee imposed by this section.

(c) For purposes of this section, "dispose" and "disposal" include "disposal," as defined in Section 25113, including, but not limited to, "land treatment," as defined in subdivision (n) of Section 25205.1.

(d) Each operator of ~~an authorized hazardous waste facility,~~ a hazardous waste facility authorized to operate under this chapter, at which hazardous wastes are disposed, shall collect a fee from any person submitting hazardous waste for disposal and shall transmit the fees to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration for the disposal of those wastes. The operator shall be considered the taxpayer for purposes of Section 43151 of the Revenue and Taxation Code. The facility operator is not required to collect and transmit the fee for a hazardous waste if the operator maintains written evidence that the hazardous waste is eligible for the exemption provided by Section 25174.7 or otherwise exempted from the fees pursuant to this chapter. The written evidence may be provided by the operator or by the person submitting the hazardous waste for disposal, and shall be maintained by the operator at the facility for a minimum of three years from the date that the waste is submitted for disposal. If the operator submits the hazardous waste for disposal, the operator shall pay the same fee as would any other person.

(e) Notwithstanding subdivision (d), the disposal facility shall not be liable for the underpayment of any disposal fees for hazardous waste submitted for disposal by a person other than the operator, if the person submitting the hazardous waste to the disposal facility has done either of the following:

(1) Mischaracterized the hazardous waste.

(2) Misrepresented any exemptions pursuant to Section 25174.7 or any other exemption from the disposal fee provided pursuant to this chapter.

(f)(1) Any additional payment of disposal fees that are due to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration as a result of a mischaracterization of a hazardous waste, a misrepresentation of an exemption, or any other error, shall be the responsibility of the person making the mischaracterization, misrepresentation, or error.

(2) In the event of a dispute regarding the responsibility for a mischaracterization, misrepresentation, or other error, for which additional payment of disposal fees are due, the ~~State Board of Equalization~~ California Department of Tax and Fee Administration shall assign responsibility for payment of the fee to that person, or those persons, it determines responsible for the mischaracterization, misrepresentation, or other error, provided that the person, or persons, has the right to a public hearing and comment, and the procedural and substantive rights of appeal pursuant to Part 22

(commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(3) Any generator, transporter, or owner or operator of a disposal facility shall report to the department and the ~~State Board of Equalization~~ California Department of Tax and Fee Administration any information regarding any such mischaracterization, misrepresentation, or error, which could affect the disposal fee, within 30 days of that information first becoming known to that person.

(g) The ~~State Board of Equalization~~ California Department of Tax and Fee Administration shall deposit the fees collected pursuant to this section in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature.

(h) The operator of the facility that disposes of the hazardous waste to land shall provide to every person who submits hazardous waste for disposal at the facility a statement showing the amount of hazardous waste fees payable pursuant to this section.

(i) Any person who disposes of hazardous waste at any site that is not ~~an authorized hazardous waste facility~~ a hazardous waste facility authorized to operate under this chapter shall be responsible for payment of fees pursuant to this section and shall be the taxpayer for purposes of Section 43151 of the Revenue and Taxation Code.

~~(j) Any administrative savings that are derived by the state as a result of changes made to this section during the 1995-96 Regular Session of the Legislature shall be made available to the department and reflected in the annual Budget Act.~~

(j) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(k) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 13. Section 25174.2 of the Health and Safety Code is amended to read:

25174.2. (a) The base rate for the hazardous wastes specified in Section 25174.6 which are disposed of or submitted for disposal in the state is eighty-five dollars and twenty-four cents ($85.24) per ton for disposal of hazardous waste to land.

(b) The base rate specified in subdivision (a) is the base rate for the period of January 1, 1997, to December 31, 1997. Beginning with calendar year 1998, and for each year thereafter, the ~~State Board of Equalization~~ California Department of Tax and Fee Administration shall adjust the base rate annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency.

~~(c)This section shall become operative on January 1, 2001.~~

(c) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(d) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 14. Section 25174.6 of the Health and Safety Code is amended to read:

25174.6. (a) The fee provided pursuant to Section 25174.1 shall be determined as a percentage of the base rate, as adjusted by the ~~State Board of Equalization,~~ California Department of Tax and Fee Administration, pursuant to Section 25174.2, or as otherwise provided by this section. The procedure for determining these fees is as follows:

(1) The following fees shall be paid for each ton, or fraction ~~thereof~~ of a ton, for up to the first 5,000 tons of the following hazardous wastes disposed of, or submitted for disposal, in the state at each specific offsite facility by each producer, or at each specific onsite facility, per month, if the hazardous wastes are not otherwise subject to the fee specified in paragraph (3) or (4) and are not otherwise exempt from the fees imposed pursuant to this article:

(A) For non-RCRA hazardous waste, excluding asbestos, generated in a remedial action, a removal action, or a corrective action taken pursuant to this chapter, Chapter 6.7 (commencing with Section 25280), Chapter 6.75 (commencing with Section 25299.10), or Chapter 6.8 (commencing with Section 25300), or generated in any other required or voluntary cleanup, removal, or remediation of a hazardous substance or non-RCRA hazardous waste, a fee of five dollars and seventy-two cents ($5.72) per ton.

(B) For all other non-RCRA hazardous waste, a fee of 16.31 percent of the base rate for each ton.

(2) Thirteen percent of the base rate for each ton, or fraction ~~thereof,~~ of a ton, shall be paid for up to the first 5,000 tons of hazardous waste disposed of, or submitted for disposal, in the state, at each specific offsite facility by each producer, or at each specific onsite facility, per month, which result from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and the overburden from the mining of uranium ore and ~~which~~ that is not otherwise subject to the fee specified in paragraph (3) or (4).

(3) Two hundred percent of the base rate shall be paid for each ton, or fraction ~~thereof,~~ of a ton, of extremely hazardous waste disposed of, or submitted for disposal, in the state.

(4) Two hundred percent of the base rate shall be paid for each ton, or fraction ~~thereof,~~ of a ton, of restricted hazardous wastes listed in subdivision (b) of Section 25122.7 disposed of, or submitted for disposal, in the state.

(5) Forty and four-tenths percent of the base rate shall be paid for each ton, or fraction ~~thereof,~~ of a ton, of hazardous waste disposed of, or submitted for disposal, in the ~~state, which~~ state that is not otherwise subject to the fees specified in paragraph (1), (2), (3), (4), or (6).

(6) Five percent of the base rate shall be paid for each ton, or fraction ~~thereof,~~ of a ton, of hazardous waste disposed of, or submitted for disposal, in the ~~state,~~ state that is a solid hazardous waste residue resulting from incineration or dechlorination. ~~No fees~~ Fees shall not be imposed pursuant to this paragraph on a solid hazardous waste residue resulting from incineration or dechlorination ~~which~~ that is disposed of, or submitted for disposal, outside of the state.

(7) Fifty percent of the fee that would otherwise be paid for each ton, or fraction ~~thereof,~~ of a ton, of hazardous waste disposed of in the ~~state,~~ state that is a solid hazardous waste residue resulting from treatment of a treatable waste by means of a designated treatment technology, as defined in Section 25179.2. ~~No fees~~ Fees shall not be imposed pursuant to this paragraph on a solid hazardous waste residue resulting from treatment of a treatable waste by means of a designated treatment technology that is not a hazardous waste or ~~which~~ that is disposed of, or submitted for disposal, outside of the state.

(b) The amount of fees payable to the ~~State Board of Equalization~~ California Department of Tax and Fee Administration pursuant to this section shall be calculated using the total wet weight, measured in tons or fractions ~~thereof,~~ of a ton, of the

hazardous waste in the form in which the hazardous waste existed at the time of disposal, submission for disposal, or application to land using a land disposal method, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, if all of the following apply:

(1) The weight of any nonhazardous reagents or treatment additives added to the waste, after it has been submitted for disposal, for purposes of rendering the waste less hazardous, shall not be included in those calculations.

(2) Except as provided by paragraph (7) of subdivision (a), any RCRA hazardous waste received, treated, and disposed at the disposal facility shall be subject to a disposal fee pursuant to this section as if it were a non-RCRA hazardous waste, if the waste, due to treatment, is no longer a RCRA hazardous waste at the time of disposal.

(c) All fees imposed by this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

~~(d) This section shall become operative on January 1, 2001.~~

(d) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(e) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 15. Section 25174.7 of the Health and Safety Code is amended to read:

25174.7. (a) The fees provided for in Sections 25174.1 and 25205.5 do not apply to any of the following:

(1) Hazardous wastes ~~which~~ that result when a government agency, or its contractor, removes or remedies a release of hazardous waste in the state caused by another person.

(2) Hazardous wastes generated or disposed of by a public agency operating a household hazardous waste collection facility in the state pursuant to Article 10.8 (commencing with Section 25218), including, but not limited to, hazardous waste received from conditionally exempt small quantity commercial generators, authorized pursuant to Section 25218.3.

(3) Hazardous wastes generated or disposed of by local vector control agencies ~~which~~ that have entered into a cooperative agreement pursuant to Section 116180 or by county agricultural commissioners, if the hazardous wastes result from their control or regulatory activities and if they comply with the requirements of this chapter and regulations adopted pursuant ~~thereto~~ this chapter.

(4) Hazardous waste disposed of, or submitted for disposal or treatment, by any person, which is discovered and separated from solid waste as part of a load checking program.

(b)Notwithstanding paragraph (1) of subdivision (a), any person responsible for a release of hazardous ~~waste, which~~ waste that has been removed or remedied by a government agency, or its contractor, shall pay the fee pursuant to Section 25174.1.

(c) Any person who acquires land for the sole purpose of owner-occupied single-family residential use, and who acquires that land without actual or constructive notice or knowledge that there is a tank containing hazardous waste on or under that property, is exempt from the fees imposed pursuant to Sections ~~25174.1, 25205.5, and 25345~~ 25174.1 and 25205.5, in connection with the removal of the tank.

(d) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(e) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 16. Section 25174.11 of the Health and Safety Code is repealed.

~~25174.11. Section 25174.1 does not apply to the previous disposal of mining waste that is subsequently classified as nonhazardous pursuant to the department's California Assessment Manual criteria regulations set forth in Article 2 (commencing with Section 66300) of Chapter 30 of Division 4 of Title 22 of the California Administrative Code, which became effective October 27, 1984, and disposal fees shall not be assessed pursuant to Section 25174.1 for that waste if the waste previously disposed of is not significantly different from the waste classified as nonhazardous.~~

SEC. 17. Section 25175 of the Health and Safety Code is amended to read:

25175. (a) (1) The department shall prepare and adopt, by regulation, a list, and on or before January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified hazardous wastes that the department finds are economically and technologically feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state, taking into consideration various factors that shall include, but are not limited to, the quantities of, concentrations of, and potential contaminants in, these hazardous wastes, the number and location of recycling facilities, and the proximity of these facilities to hazardous waste generators.

(2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is transported offsite for disposal, the department may request, in writing, by certified mail with return receipt requested, and the generator of that waste shall supply the department with a formal, complete, and detailed statement justifying why the waste was not ~~recycled,~~ recycled. The generator shall supply the statement in writing, by certified mail with return receipt requested, within 30 calendar days of receipt of the department's request. This statement shall include the generator's assessment of the economic and technological feasibility of recycling the wastes and may include, but ~~is not required to~~ need not be limited to, the generator's good faith determination that sending the hazardous waste to any recycling facility where it is feasible to recycle that hazardous waste would constitute an unacceptable environmental or business risk. This determination by the generator shall be based upon an environmental audit or other reasonably diligent investigation of the environmental and other relevant business practices of the recycling facility or facilities where it would otherwise be feasible to recycle the waste. If the request is made of any entity listed in Section 25118 other than an individual, the statement shall be issued by the responsible management of that entity. The department shall keep confidential any trade secrets contained in that statement.

(3) On or before January 1, 2002, the department shall establish a procedure for the department to independently verify whether any hazardous waste identified in the list adopted pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before January 1, 2002, prepare and adopt those regulations that the department finds necessary to ensure that it can fully perform its duties pursuant to subdivisions (k) and (l) of Section 25170 to encourage the exchange of hazardous waste and to establish and maintain an information clearinghouse of hazardous wastes that may be recyclable.

(4) On or before July 1, 2000, the department shall establish an advisory committee to advise the department on the development of the regulations required or authorized by this section and on the department's implementation of this section. The advisory committee shall consist of representatives of generators, hazardous waste facility operators, environmental organizations, the Legislature, and other interested parties.

(5) In determining to which generators the department will send the request specified in paragraph (2), the department shall give priority to notifying generators transporting offsite for disposal more than 1000 pounds per year of the type of hazardous waste that would be the subject of the request, to the extent this prioritization is feasible within the information management capabilities of the department.

(b)(1) If, after the department receives a statement from a generator pursuant to paragraph (2) of subdivision (a), the department finds the recycling of a hazardous waste to be economically and technologically feasible, the department shall inform the generator, in writing, by certified mail, return receipt requested, that 30 days after the date the generator receives notice of the department's finding, any of the generators' hazardous waste transported offsite to which the department's finding applies shall, after that date, be recycled. The department may establish procedures for rescinding or modifying any finding made by the department pursuant to this paragraph if there is a pertinent change in circumstances related to that finding.

(2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous waste to be economically and technologically feasible if a generator includes a good faith determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous waste constitutes an unacceptable environmental or business risk.

(c) A generator who does not recycle a hazardous waste after the generator receives a notice of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically and technologically feasible to recycle is subject to five times the disposal fee that would otherwise apply to the disposal of that hazardous waste pursuant to Section 25174.1.

(d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set forth in subdivision (a) of Section 25121.1.

(e) This section applies only to fees due for the 2021 and earlier reporting periods.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 18. Section 25175 is added to the Health and Safety Code, to read:

25175. (a) (1) The department shall prepare and adopt, by regulation, a list, and on or before January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified hazardous wastes that the department finds are economically and technologically feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state, taking into consideration various factors that shall include, but are not limited to, the quantities of, concentrations of, and potential contaminants in, these hazardous wastes, the number and location of recycling facilities, and the proximity of these facilities to hazardous waste generators.

(2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is transported offsite for disposal, the department may request, in writing, by certified mail with return receipt requested, and the generator of that waste shall

supply the department with, a formal, complete, and detailed statement justifying why the waste was not recycled. The generator shall supply the statement in writing, by certified mail with return receipt requested, within 30 calendar days of receipt of the department's request. This statement shall include the generator's assessment of the economic and technological feasibility of recycling the wastes and may include, but need not be limited to, the generator's good faith determination that sending the hazardous waste to any recycling facility where it is feasible to recycle that hazardous waste would constitute an unacceptable environmental or business risk. This determination by the generator shall be based upon an environmental audit or other reasonably diligent investigation of the environmental and other relevant business practices of the recycling facility or facilities where it would otherwise be feasible to recycle the waste. If the request is made of any entity listed in Section 25118 other than an individual, the statement shall be issued by the responsible management of that entity. The department shall keep confidential any trade secrets contained in that statement.

(3) On or before January 1, 2002, the department shall establish a procedure for the department to independently verify whether any hazardous waste identified in the list adopted pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before January 1, 2002, prepare and adopt those regulations that the department finds necessary to ensure that it can fully perform its duties pursuant to subdivisions (k) and (l) of Section 25170 to encourage the exchange of hazardous waste and to establish and maintain an information clearinghouse of hazardous wastes that may be recyclable.

(4) On or before July 1, 2000, the department shall establish an advisory committee to advise the department on the development of the regulations required or authorized by this section and on the department's implementation of this section. The advisory committee shall consist of representatives of generators, hazardous waste facility operators, environmental organizations, the Legislature, and other interested parties.

(5) In determining to which generators the department will send the request specified in paragraph (2), the department shall give priority to notifying generators transporting offsite for disposal more than 1000 pounds per year of the type of hazardous waste that would be the subject of the request, to the extent this prioritization is feasible within the information management capabilities of the department.

(b)(1) If, after the department receives a statement from a generator pursuant to paragraph (2) of subdivision (a), the department finds the recycling of a hazardous waste to be economically and technologically feasible, the department shall inform the generator, in writing, by certified mail, return receipt requested, that 30 days after the date the generator receives notice of the department's finding, any of the generators' hazardous waste transported offsite to which the department's finding applies shall, after that date, be recycled. The department may establish procedures for rescinding or modifying any finding made by the department pursuant to this paragraph if there is a pertinent change in circumstances related to that finding.

(2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous waste to be economically and technologically feasible if a generator includes a good faith determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous waste constitutes an unacceptable environmental or business risk.

(c) A generator who does not recycle a hazardous waste after the generator

receives a notice of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically and technologically feasible to recycle is subject to five times the generation and handling fee that would otherwise apply to the generation and handling of that hazardous waste pursuant to Section 25205.5.

(d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set forth in subdivision (a) of Section 25121.1.

(e) This section shall become operative on January 1, 2022 and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 19. Section 25178.1 of the Health and Safety Code is amended to read:

25178.1. (a) The ~~State Board of Equalization~~ California Department of Tax and Fee Administration shall provide quarterly reports to the Legislature on the fees collected pursuant to Sections ~~25174.1,~~ 25205.2, ~~and~~ 25205.5 and 25205.6. The reports shall be due on the 15th day of the second month following each quarter.

(b) The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 20. Section 25201.5 of the Health and Safety Code is amended to read:

25201.5. (a) Notwithstanding any other ~~provision of~~ law, a hazardous waste facilities permit is not required for a generator who treats hazardous waste of a total weight of not more than 500 pounds, or a total volume of not more than 55 gallons, in any calendar month, if both of the following conditions are met:

(1) The hazardous waste is not an extremely hazardous waste and is listed in Section 67450.11 of Title 22 of the California Code of Regulations, as in effect on January 1, 1992, as eligible for treatment pursuant to the regulations adopted by the department for operation under a permit-by-rule and the treatment technology used is approved for that waste stream in Section 67450.11 of Title 22 of the California Code of Regulations for treatment under a permit-by-rule.

(2) The generator is not otherwise required to obtain a hazardous waste facilities permit or other grant of authorization for any other hazardous waste management activity at the facility.

(b) Notwithstanding any other ~~provision of~~ law, treatment in the following units is ineligible for exemption pursuant to subdivision (a) or (c):

(1) Landfills.

(2) Surface impoundments.

(3) Injection wells.

(4) Waste piles.

(5) Land treatment units.

(6) Thermal destruction units.

(c) Notwithstanding any other ~~provision of~~ law, a hazardous waste facilities permit or other grant of authorization is not required to conduct the following treatment activities, if the generator treats the following hazardous waste streams using the treatment technology required by this subdivision:

(1) The generator mixes or cures resins mixed in accordance with the manufacturer's instructions, including the mixing or curing of multicomponent and preimpregnated

resins in accordance with the manufacturer's instructions.

(2) The generator treats a container of 110 gallons or less capacity, which is not constructed of wood, paper, cardboard, fabric, or any other similar absorptive material, for the purposes of emptying the container as specified by Section 66261.7 of Title 22 of the California Code of Regulations, as revised July 1, 1990, or treats the inner liners removed from empty containers that once held hazardous waste or hazardous material. The generator shall treat the container or inner liner by using the following technologies, if the treated containers and rinseate are managed in compliance with the applicable requirements of this chapter:

(A) The generator rinses the container or inner liner with a suitable liquid capable of dissolving or removing the hazardous constituents ~~which~~ that the container held.

(B) The generator uses physical processes, such as crushing, shredding, grinding, or puncturing, that change only the physical properties of the container or inner liner, if the container or inner liner is first rinsed as provided in subparagraph (A) and the rinseate is removed from the container or inner liner.

(3) The generator conducts drying by pressing or by passive or heat-aided evaporation to remove water from wastes classified as special wastes by the department pursuant to Section 66261.124 of Title 22 of the California Code of Regulations.

(4) The generator conducts magnetic separation or screening to remove components from wastes classified as special wastes by the department pursuant to Section 66261.124 of Title 22 of the California Code of Regulations.

(5) The generator neutralizes acidic or alkaline wastes ~~which~~ that are hazardous solely due to corrosivity or toxicity resulting from the presence of acidic or alkaline material from food or food byproducts, and alkaline or acidic waste, other than wastes containing nitric acid, at SIC Code Major Group 20, food and kindred product facilities, ~~a~~as defined in subdivision (p) of Section 25501, if both of the following conditions are met:

(A) The neutralization process does not result in the emission of volatile hazardous waste constituents or toxic air contaminants.

(B) The neutralization process is required in order to meet discharge or other regulatory requirements.

(6) Except as provided for specific waste streams in Section 25200.3, the generator conducts the separation by gravity of the following, if the activity is conducted in impervious tanks or containers constructed of noncorrosive materials, the activity does not involve the addition of heat or other form of treatment, or the addition of chemicals other than flocculants and demulsifiers, and the activity is managed in compliance with applicable requirements of federal, state, or local agency or treatment works:

(A) The settling of solids from waste where the resulting aqueous stream is not hazardous.

(B) The separation of oil/water mixtures and separation sludges, if the average oil recovered per month is less than 25 barrels.

(7) The generator is a laboratory ~~which~~ that is certified by the State ~~Department of Health Care Services~~ Water Resources Control Board or operated by an educational institution, and treats wastewater generated onsite solely as a result of analytical testing, or is a laboratory ~~which~~ that treats less than one gallon of hazardous waste, which is generated onsite, in any single batch, subject to the following:

(A) The wastewater treated is hazardous solely due to corrosivity or toxicity that

results only from the acidic or alkaline material, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, or is excluded from the definition of hazardous waste by subparagraph (E) of paragraph (2) of subsection (a) of Section 66261.3 of Title 22 of the California Code of Regulations, or both.

(B) The treatment meets all of the following requirements, in addition to all other requirements of this section:

(i) The treatment complies with all applicable pretreatment requirements.

(ii) Neutralization occurs in elementary neutralization units, as defined in Section 66260.10 of Title 22 of the California Code of Regulations; wastes to be neutralized do not contain any more than 10 percent acid or base concentration by weight, or any other concentration limit ~~which~~ that may be imposed by the department; and vessels and piping for neutralization are constructed of materials that are compatible with the range of temperatures and pH levels, and subject to appropriate pH temperature controls.

(iii) Treatment does not result in the emission of volatile hazardous waste constituents or toxic air contaminants.

(8) The hazardous waste treatment is carried out in a quality control or quality assurance laboratory at a facility that is not an offsite hazardous waste facility and the treatment activity otherwise meets the requirements of paragraph (1) of subdivision (a).

(9) Any waste stream technology combination certified by the department, pursuant to Section 25200.1.5, as suitable for authorization pursuant to this section, that operates pursuant to the conditions imposed on that certification.

(10) The generator uses any technology that is certified by the department, pursuant to Section 25200.1.5, as effective for the treatment of formaldehyde or glutaraldehyde solutions used in health care facilities that are operated pursuant to the conditions imposed on the certification and ~~which~~ that makes the operation appropriate to this tier. The technology may be certified using a pilot certification process until the department adopts regulations pursuant to Section 25200.1.5. This paragraph shall be operative only until April 11, 1996.

(d) A generator conducting treatment pursuant to subdivision (a) or (c) shall meet all of the following conditions:

(1) The waste being treated is generated onsite, and a residual material from the treatment of a hazardous waste generated offsite is not a waste that has been generated onsite.

(2) The treatment does not require a hazardous waste facilities permit pursuant to the federal act.

(3) The generator prepares and maintains written operating instructions and a record of the dates, amounts, and types of waste treated.

(4) The generator prepares and maintains a written inspection schedule and log of inspections conducted.

(5) The records specified in paragraphs (3) and (4) are maintained onsite for a period of three years.

(6) The generator maintains adequate records to demonstrate that it is in compliance with all applicable pretreatment standards and with all applicable industrial waste discharge requirements issued by the agency operating the publicly owned treatment works into which the wastes are discharged.

(7)(A) Not less than 60 days before commencing treatment of hazardous waste pursuant to this section, the generator shall submit a notification, in person or by

certified mail, with return receipt requested, to the department and to one of the following:

(i) The CUPA, if the generator is under the jurisdiction of a CUPA.

(ii) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(B) Upon demonstration of good cause by the generator, the department may allow a shorter time ~~period,~~ period than the 60 days required by subparagraph ~~(A),~~ (A) between notification and commencement of hazardous waste treatment pursuant to this section.

(C) The notification submitted pursuant to this paragraph shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to permit applications, shall be on a form prescribed by the department, and shall include, but not be limited to, all of the following information:

(i) The name, identification number, site address, mailing address, and telephone number of the generator to whom the conditional exemption applies.

(ii) A description of the physical characteristics and chemical composition of the hazardous waste to which the conditional exemption applies.

(iii) A description of the hazardous waste treatment activity to which the conditional exemption applies, including, but not limited to, the basis for determining that a hazardous waste facilities permit is not required under the federal act.

(iv) A description of the characteristics and management of any treatment residuals.

(D) The development and publication of the notification form required under this paragraph is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall hold at least one public workshop concerning the development of the notification form.

(E) Any notification submitted pursuant to this paragraph shall supersede any prior notice of intent submitted by the same generator in order to obtain a permit-by-rule under the regulations adopted by the department. This subparagraph does not require the department to refund any fees paid for any application in conjunction with the submission of a notice of intent for a permit-by-rule.

(8)(A) Upon terminating operation of any treatment process or unit exempted pursuant to this section, the generator who conducted the treatment shall remove or decontaminate all waste residues, containment system components, soils, and other structures or equipment contaminated with hazardous waste from the unit. The removal of the unit from service shall be conducted in a manner that does both of the following:

(i) Minimizes the need for further maintenance.

(ii) Eliminates the escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or waste decomposition products to the environment after treatment process is no longer in operation.

(B) Any owner or operator who permanently ceases operation of a treatment process or unit that is conditionally exempted pursuant to this section shall, upon completion of all activities required under this subdivision, provide written notification in person or by certified mail, with return receipt requested, to the department and to one of the following:

(i) The CUPA, if the generator is under the jurisdiction of a CUPA.

(ii) If the generator is not under the jurisdiction of a CUPA, the notification shall be

submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(9) The waste is managed in accordance with all applicable requirements for generators of hazardous waste under this chapter and the regulations adopted by the department pursuant to this chapter.

(10) Except as provided in Section 25404.5, the generator submits a fee in the amount required by Section ~~25205.14,~~ 25205.2, unless the generator is subject to a fee under a permit-by-rule or a grant of conditional authorization pursuant to Section 25200.3. The generator shall submit that fee within 30 days of the date that the fee is assessed by the ~~State Board of Equalization,~~ California Department of Tax and Fee Administration, in the manner specified by Section ~~43152.10~~ of the Revenue and Taxation Code.

(e)(1) Unless otherwise required by federal law, ancillary equipment for a tank or container treating hazardous wastes solely pursuant to this section is not subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the ancillary equipment's integrity is attested to pursuant to Section 66265.191 of Title 22 of the California Code of Regulations every two years from the date that retrofitting requirements would otherwise apply.

(2)(A) The Legislature hereby finds and declares that, in the case of underground, gravity-pressured sewer systems, integrity testing is often not feasible.

(B) The department shall, by regulation, determine the best feasible leak detection measures ~~which~~ that are sufficient to ensure that underground gravity-pressured sewer systems, for which it is not feasible to conduct integrity testing, do not leak.

(C) If it is not feasible for an operator's ancillary equipment, or a portion ~~thereof,~~ of that equipment, to undergo integrity testing, the operator shall not be subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the operator implements the best feasible leak detection measures that are determined to be sufficient by the department in those regulations, and those leak detection measures do not reveal any leaks emanating from the operator's ancillary equipment. Any ancillary equipment found to leak shall be retrofitted by the operator to meet the full secondary containment standards of Section 66265.196 of Title 22 of the California Code of Regulations.

(f) ~~Nothing in this~~ This section shall not abridge any authority granted to the department, a unified program agency, or local health officer or local public officer designated pursuant to Section 25180, by any other ~~provision of~~ law to impose any further restrictions or limitations upon facilities subject to this section, that the department, a unified program agency, or local health officer or local public officer designated pursuant to Section 25180, determines to be necessary to protect human health or the environment.

(g) A generator that would otherwise be subject to this section may contract with the operator of a transportable treatment unit who is operating pursuant to this section to treat the generator's waste. If treatment of the generator's waste takes place under such a contract, the generator is not otherwise subject to the requirements of this section, but shall comply with all other requirements of this chapter that apply to generators. The operator of the transportable treatment unit shall comply with all of the applicable requirements of this section and, for purposes of this section, the operator of the transportable treatment unit shall be deemed to be the generator.

(h) A generator conducting activities ~~which~~ that are exempt from this chapter pursuant to Section 66261.7 of Title 22 of the California Code of Regulations, as that section read on January 1, 1993, is not required to comply with this section.

(i)(1) Within 30 days of any change in operation ~~which~~ that necessitates modifying

any of the information submitted in the notification required pursuant to paragraph (7) of subdivision (d), a generator shall submit an amended notification, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(A) The CUPA, if the generator is under the jurisdiction of a CUPA.

(B) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) Each amended notification made pursuant to this subdivision shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to hazardous waste facilities permit applications.

(j) A person who submitted a notification to the department pursuant to paragraph of subdivision (d) shall be deemed to be operating pursuant to this section, and, except as provided in Section 25404.5, shall be subject to the fee set forth in subdivision of Section 25205.14 until that person submits a certification that the generator has ceased all treatment activities of hazardous waste streams authorized pursuant to this section in accordance with the requirements of paragraph (8) of subdivision (d). The certification required by this subdivision shall be submitted, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(1) The CUPA, if the generator is under the jurisdiction of a CUPA.

(2) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph of subdivision (c) of Section 25404.

SEC. 21. Section 25205.2 of the Health and Safety Code is amended to read:

25205.2. (a) Except as provided in subdivisions (c) and (h), in addition to the fees specified in Section 25174.1, each operator of a facility shall pay a facility fee for each reporting period, or any portion ~~thereof,~~ of a reporting period, to the ~~board~~ California Department of Tax and Fee Administration based on the size and type of the facility, as specified in Section 25205.4. On or before January 31 of each calendar year, the department annually shall notify the ~~board~~ California Department of Tax and Fee Administration of all known facility operators by facility type and size. The department shall also notify the ~~board~~ California Department of Tax and Fee Administration of any operator who is issued a permit or grant of interim status within 30 days from the date that a permit or grant of interim status is issued to the operator. The fee specified in this section does not apply to facilities exempted pursuant to Section 25205.12.

(b) The ~~board~~ California Department of Tax and Fee Administration shall deposit all fees collected pursuant to subdivision (a) in the Hazardous Waste Control Account in the General Fund. The fees so deposited may be expended by the department, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25174.

(c) Notwithstanding subdivision (a), a person who is issued a variance by the department from the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not subject to the fee, for any reporting period following the

reporting period in which the variance was granted by the department.

(d) Operators subject to facility fee liability pursuant to this section shall pay the following amounts:

(1) The operator shall pay the applicable facility fee for each reporting period in which the facility actually engaged in the treatment, storage, or disposal of hazardous waste.

(2) The operator shall pay the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in that treatment or storage. For the 1994 reporting period and thereafter, the facility's size for that additional reporting period shall be deemed to be the largest size at which the facility has ever been subject to the fee. If the department previously approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed to be its largest size since the department granted the approval.

(3) The operator of a disposal facility shall pay twice the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in disposal of hazardous waste.

(4) For the 1994 reporting period and thereafter, a facility shall not be deemed to have stopped treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has notified the department of its intent to close.

(5) If the reporting period which immediately followed the final reporting period in which a facility actually engaged in the treatment, storage, or disposal of the hazardous waste was the six-month period from July 1, 1991, through December 31, 1991, the operator shall be subject to twice the fee otherwise applicable to that operator for that reporting period under paragraphs (2) and (3).

(e) ~~No~~ A facility shall not be subject to a facility fee for treatment, storage, or disposal, if that activity ceased before July 1, 1986, and if the fee for the activity was not paid ~~prior to~~ ~~before~~ January 1, 1994.

(f) Notwithstanding any other provision of this section, a person who ceased actual treatment, storage, or disposal of hazardous waste, whether generated onsite or received from offsite, before July 1, 1986, and who paid facility fees for any reporting period after that date pursuant to a decision of the ~~State Board of Equalization,~~ California Department of Tax and Fee Administration, and who filed a claim for refund of those fees on or before January 1, 1994, shall be entitled to a refund of those amounts.

(g) Facility operators who treated, stored, or disposed of hazardous waste on or after July 1, 1986, shall be subject to the provisions of this section ~~which~~ that were in effect ~~prior to~~ before January 1, 1994, as to payments ~~which~~ that their operators made ~~prior to~~ before January 1, 1994. The operators shall be subject to subdivision (d) as to any other liability for the facility fee.

(h) A treatment facility is not subject to the facility fee established pursuant to this section, if the facility engages in treatment exclusively to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency pursuant to the federal act or in accordance with an order issued by the department pursuant to Section 25187, if the facility was put in operation solely for purposes of complying with that order. The department shall instead assess a fee for that facility for the actual time spent by the department for the inspection and oversight of that facility. The department shall base the fee on the department's work standards and shall assess the fee on an hourly basis.

(i) Notwithstanding subdivision (a), a facility operating pursuant to a standardized permit

or grant of interim status, as specified in Section 25201.6, shall receive a credit for the annual facility fee imposed by this section for a period of time equal to the number of years that the facility lawfully operated ~~prior to~~ before September 21, 1993, pursuant to a hazardous waste facilities permit or other grant of authorization and paid facility fees for the operation of the facility pursuant to this section.

(j) This section applies only to fees due through the first prepayment of the 2022 reporting period and earlier reporting periods.

(k) This section shall remain in effect only until June 30, 2022, and as of that date is repealed.

SEC. 22. Section 25205.2 is added to the Health and Safety Code, to read:

25205.2. (a) (1) Except as provided in subdivisions (h) and (k), the operator of a facility shall pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility, as specified in this section. The rate of the payment shall be the rate established for the fiscal year in which the payment is due. The payment shall be made in two equal installments on the dates specified in Section 43152.6 of the Revenue and Taxation Code. On or before October 1 of each calendar year, the department annually shall notify the California Department of Tax and Fee Administration of all known facility operators by facility type and size. The department shall also notify the California Department of Tax and Fee Administration of any operator who is issued a permit or grant of interim status within 30 days from the date that a permit or grant of interim status is issued to the operator.

(2) The rates established in this section are for the 2022-23 fiscal year. Commencing July 1, 2023, the rates established pursuant to Section 25205.2.1 shall apply.

(3)(A) The rates established in this section also apply to the period from January 1, 2022, to June 30, 2022, inclusive, and the prepayment due on February 28, 2022.

(B) This paragraph applies only to fees due for the first prepayment of the 2022 reporting period.

(C) This paragraph shall become inoperative on June 30, 2022.

(b)(1) The base rate for the fee imposed by this section is ninety-four thousand nine hundred ten dollars ($94,910).

(2) Except as provided in subdivision (c), in computing the facility fees, all of the following shall apply:

(A) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

(B) The fee to be paid by a small storage facility shall equal the base facility rate.

(C) The fee to be paid by a large storage facility shall equal twice the base facility rate.

(D) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility rate.

(E) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

(F) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.

(G) The fee to be paid by a large offsite treatment facility shall equal three times the base facility rate

(H) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

(c) The fee to be paid by a facility with a postclosure permit during the first five

years of the postclosure period shall be:

(1) Twenty-six thousand nine hundred eighty dollars ($26,980) annually for a small facility.

(2) Fifty-three thousand nine hundred sixty dollars ($53,960) annually for a medium facility.

(3) Eighty thousand nine hundred forty dollars ($80,940) annually for a large facility.

(d) The fee to be paid by a facility with a postclosure permit after the first five years of the postclosure care period shall be:

(1) Fourteen thousand three hundred seventy-five dollars ($14,375) annually for a small facility.

(2) Twenty-eight thousand seven hundred fifty dollars ($28,750) annually for a medium facility.

(3) Forty-eight thousand five hundred fifty dollars ($48,550) annually for a large facility.

(e) If a facility falls into more than one category listed in either subdivision (b) or (d), or any combination of categories, or if multiple operations under a single hazardous waste facilities permit or grant of interim status fall into more than one category listed in subdivision (b) or (d), or any combination of categories, the facility operator shall pay only the rate for the facility category that is the highest rate.

(f) Notwithstanding subdivision (b), the fee for a facility that has been issued a standardized permit shall be as follows:

(1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be fifty-five thousand two hundred eighty dollars ($55,280).

(2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be twenty-five thousand nine hundred ten dollars ($25,910).

(3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be twenty-one thousand seven hundred sixty dollars ($21,760).

(4) The fee for a facility that has been issued a Series C standardized permit is ten thousand eight hundred eighty dollars ($10,880) if the facility meets all of the following conditions:

(A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.

(B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.

(C) If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(g) The California Department of Tax and Fee Administration shall deposit all fees collected pursuant to this section into the Hazardous Waste Facilities Account in the Hazardous Waste Control Account. The fees so deposited may be expended by the department, upon appropriation by the Legislature, for the purposes specified in Section 25174.01.

(h) Notwithstanding subdivision (a), a person who is issued a variance by the department from the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not subject to the fee, for any reporting period following the reporting period in which the variance was granted by the department.

(i) Operators subject to facility fee liability pursuant to this section shall pay the following amounts:

(1) The operator shall pay the applicable facility fee for each reporting period in which the facility actually engaged in the treatment, storage, or disposal of hazardous

waste.

(2) The operator shall pay the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in that treatment or storage. The facility's size for that additional reporting period shall be deemed to be the largest size at which the facility has ever been subject to the fee. If the department previously approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed to be its largest size since the department granted the approval.

(3) The operator of a disposal facility shall pay twice the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in disposal of hazardous waste.

(4) A facility shall not be deemed to have stopped treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has notified the department of its intent to close.

(j)(1) Except as provided in Section 25404.5, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period, or portion of a reporting period. The fee for the 2022 reporting period shall be four thousand six hundred dollars ($4,600). The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known owners or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or operator is authorized.

(2) Except as provided in Section 25404.5, a generator operating under a grant of conditional authorization pursuant to Section 25200.3 shall pay a fee to the California Department of Tax and Fee Administration per facility for each reporting period, or portion of a reporting period, unless the generator is subject to a fee under a permit-by-rule. The fee for the 2022 reporting period shall be four thousand six hundred dollars ($4,600). The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known generators operating pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator authorized to operate under a grant of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of notification.

(3) Except as provided in Section 25404.5, the fee for a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 for the 2022 reporting period shall be one hundred eighty dollars ($180) to the California Department of Tax and Fee Administration per facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known facilities performing treatment conditionally exempted by Section 25144.6 or

subdivision (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator who notifies the department that the generator is conducting a conditionally exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of the notification.

(k) A treatment facility is not subject to the facility fee established pursuant to this section, if the facility engages in treatment exclusively to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency pursuant to the federal act or in accordance with an order issued by the department pursuant to Section 25187, or if the removal or remedial action is carried out pursuant to a removal action work plan or a remedial action plan prepared pursuant to Section 25356.1 and is authorized to operate pursuant to Section 25358.9, if the facility was put in operation solely for purposes of complying with that order. The department shall instead assess a fee for that facility for the actual time spent by the department for the inspection and oversight of that facility. The department shall base the fee on the department's work standards and shall assess the fee on an hourly basis.

(l) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(m) This section shall become operative on January 1, 2022 and shall apply to the annual facility fees due for the 2022-23 fiscal year, and each fiscal year thereafter, including the prepayments due during the reporting period and the fee due and payable by February 28 of the year following the reporting period, and as specified in paragraph (3) of subdivision (a).

SEC. 23. Section 25205.2.1 is added to the Health and Safety Code, to read:

25205.2.1. (a) (1) The Board of Environmental Safety shall establish, by regulation, a schedule of rates for the fee authorized by Section 25205.2, to be applicable commencing July 1, 2023, and may adjust the schedule of rates no more frequently than once per year thereafter and no later than October 1 of any year in which the Board of Environmental Safety adopts the schedule of rates.

(2) No later than October 1 of each year, the Board of Environmental Safety shall provide the California Department of Tax and Fee Administration the fee rates that have been established pursuant to this section.

(b)(1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the Hazardous Waste Facilities Account for that fiscal year.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Facilities Account for expenditure, as authorized pursuant to Section 25174.01.

(3) The rates shall allow for a reserve in the Hazardous Waste Facilities Account each year at an amount determined by the Board of Environmental Safety to be sufficient to ensure that all programs funded by the Hazardous Waste Facilities Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.

(c)(1) The rates established pursuant to subdivision (a) shall not exceed the following rates:

(A) The base rate in paragraph (1) of subdivision (b) of Section 25205.2 shall not exceed one hundred eighty-nine thousand eight hundred twenty dollars ($189,820).

(B) The rate for a small facility with a postclosure permit in the first five years of the postclosure period established in paragraph (1) of subdivision (c) of Section 25205.2 shall not exceed fifty-three thousand nine hundred sixty dollars ($53,960).

(C) The rate for a medium facility with a postclosure permit in the first five years of the postclosure period established in paragraph (2) of subdivision (c) of Section 25205.2 shall not exceed one hundred seven thousand nine hundred twenty dollars ($107,920).

(D) The rate for a large facility with a postclosure permit in the first five years of the postclosure period established in paragraph (3) of subdivision (c) of Section 25205.2 shall not exceed one hundred sixty-one thousand eight hundred eighty dollars ($161,880).

(E) The rate for a small facility with a postclosure permit after the first five years of the postclosure period established in paragraph (1) of subdivision (d) of Section 25205.2 shall not exceed twenty-eight thousand seven hundred fifty dollars ($28,750).

(F) The rate for a medium facility with a postclosure permit after the first five years of the postclosure period established in paragraph (2) of subdivision (d) of Section 25205.2 shall not exceed fifty-seven thousand five hundred dollars ($57,500).

(G) The rate for a large facility with a postclosure permit after the first five years of the postclosure period established in paragraph (3) of subdivision (d) of Section 25205.2 shall not exceed ninety-seven thousand one hundred dollars ($97,100).

(H) The rate for a facility that has been issued a Series A standardized permit established in paragraph (1) of subdivision (f) of Section 25205.2 shall not exceed one hundred ten thousand five hundred sixty dollars ($110,560).

(I) The rate for a facility that has been issued a Series B standardized permit established in paragraph (2) of subdivision (f) of Section 25205.2 shall not exceed fifty-one thousand eight hundred twenty dollars ($51,820).

(J) The rate for a facility that has been issued a Series C standardized permit established in paragraph (3) of subdivision (f) of Section 25205.2 shall not exceed forty-three thousand five hundred twenty dollars ($43,520).

(K) The rate for a facility that has been issued a Series C standardized permit established in paragraph (4) of subdivision (f) of Section 25205.2 shall not exceed twenty-one thousand seven hundred sixty dollars ($21,760).

(L) The rate for a transportable treatment unit operating pursuant to a permit-by-rule established in paragraph (1) of subdivision (j) of Section 25205.2 shall not exceed nine thousand two hundred dollars ($9,200).

(M) The rate for a generator operating under a grant of conditional authorization established in paragraph (2) of subdivision (j) of Section 25205.2 shall not exceed nine thousand two hundred dollars ($9,200).

(N) The rate for a generator performing conditionally exempted treatment established in paragraph (3) of subdivision (j) of Section 25205.2 shall not exceed three hundred sixty dollars ($360).

(2) The rate limits established in this subdivision are the limits for the 2023-24 fiscal year. Beginning with the 2024-25 fiscal year, and for each fiscal year thereafter, the rate limit shall be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) If the Board of Environmental Safety determines the fee revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed by the Board of Environmental Safety shall be adjusted to compensate for the over or under collection of revenue.

(e) 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, and 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. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

(f) This section shall become operative on January 1, 2022.

SEC. 24. Section 25205.3 of the Health and Safety Code is amended to read:

25205.3. The following facilities are exempt from the fees imposed by this article:

(a) Any household hazardous waste collection facility operated pursuant to Article 10.8 (commencing with Section 25218).

(b) Any facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency, ~~which~~ that is used for wastes ~~which~~ that meet the requirements of paragraph (3) of subdivision (a) of Section 25174.7.

(c) That portion of a solid waste facility permitted pursuant to Chapter 3 (commencing with Section 44001) of Part 4 of Division 30 of the Public Resources Code, ~~which~~ that is used for the segregation, handling, and storage of hazardous waste separated from solid waste loads received by the facility, pursuant to a load checking program.

(d) A facility used solely for the treatment, storage, disposal, or recycling of hazardous waste ~~which~~ that results when a public agency or its contractor investigates, removes, or remedies a release of hazardous waste caused by another person.

(e)(1) For purposes of fees assessed in any reporting period beginning July 1, 1990, or subsequently, a facility ~~which~~ that has been issued a permit for the purpose of storing hazardous waste onsite, and whose permit has expired, if all of the following has occurred:

(A) The facility has received no waste from offsite since the permit expired.

(B) The owner or operator gave the department timely notification of intent to close the facility, pursuant to regulations adopted by the department.

(C) At least 90 days have elapsed since the owner or operator gave the department that notification.

(D) The department did not complete its review of the closure plan within 90 days of receiving the notification.

(2) This exclusion shall take effect the reporting period following the reporting period in which the facility first satisfied the requirements of paragraph (1) and did not

accumulate waste onsite for more than 90 consecutive days.

(f) This section applies only to fees due for the 2021 and earlier reporting periods.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 25. Section 25205.4 of the Health and Safety Code is amended to read:

25205.4. (a) The base rate for the ~~1997~~ 2021 reporting period for the facility fee imposed by Section 25205.2 is ~~nineteen thousand seven hundred sixty-one dollars ($19,761). Commencing with the 1998 reporting period, and for each reporting period thereafter, the board shall adjust the base rate annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.~~ thirty-five thousand nine hundred forty-two dollars ($35,942).

(b) The determination of the facility fee pursuant to this section, including the redetermination of the base rate, is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Except as provided in subdivision (e), in computing the facility fees, all of the following shall apply:

(1) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

(2) The fee to be paid by a small storage facility shall equal the base facility rate.

(3) The fee to be paid by a large storage facility shall equal twice the base facility base facility rate.

(4) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility rate.

(5) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

(6) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.

(7) The fee to be paid by a large offsite treatment facility shall be as follows:

(A) The annual facility fees for 1998, 1999, and 2000 shall equal 2.25 times the base facility rate.

(B) Beginning with the annual facility fee for 2001, the annual facility fee shall equal three times the base facility rate

(8) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

(9)(A) The fee to be paid by a facility with a postclosure permit shall be five thousand seven hundred twenty-five dollars ($5,725) annually for a small facility, eleven thousand four hundred fifty dollars ($11,450) annually for a medium facility, and seventeen thousand one hundred seventy-five dollars ($17,175) for a large facility during the first five years of the postclosure period. The fee to be paid by a facility with a postclosure permit during the remaining years of the postclosure care period shall be three thousand fifty dollars ($3,050) annually for a small facility, six thousand one hundred dollars ($6,100) annually for a medium facility, and ten thousand three hundred dollars ($10,300) annually for a large facility.

(B) The fees required by subparagraph (A) shall be reduced by 50 percent for any facility for which an agency, other than the department, is the lead agency pursuant to paragraph (1) of subdivision (b) of Section 25204.6.

(d) If a facility falls into more than one category listed in either subdivision (c) or (e), or any combination ~~thereof,~~ of categories, or if multiple operations under a single hazardous waste facilities permit or grant of interim status fall into more than one category listed in subdivision (c) or (e), or any combination ~~thereof,~~ of categories, the facility operator shall pay only the rate for the facility category ~~which~~ that is the highest rate.

(e) Notwithstanding subdivision (c), the facility fee for a facility that has been issued a standardized permit shall be as follows:

(1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be eleven thousand seven hundred thirty dollars ($11,730).

(2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be five thousand four hundred ninety-seven dollars ($5,497).

(3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be four thousand six hundred seventeen dollars ($4,617).

(4) The fee for a facility that has been issued a Series C standardized permit is two thousand three hundred eight dollars ($2,308) if the facility meets all of the following conditions:

(A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.

(B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.

(C) If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(f) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(g) This section applies only to fees due for the 2021 and earlier reporting periods.

(h) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 26. Section 25205.5 of the Health and Safety Code is amended to read:

25205.5. (a) In addition to the fee imposed pursuant to Section 25174.1, every generator of hazardous waste, in the amounts specified in subdivision (c), shall pay the ~~board~~ California Department of Tax and Fee Administration a generator fee for each generator site for each calendar year, or portion ~~thereof,~~ of a calendar year, unless the generator has paid a facility fee or received a credit, as specified in Section 25205.2, for each specific site, for the calendar year for which the generator fee is due.

(b) The base fee rate for the fee imposed pursuant to subdivision (a) is ~~two thousand seven hundred forty-eight dollars ($2,748).~~ five thousand dollars ($5,000).

(c)(1) Each generator who generates an amount equal to, or more than, five tons, but less than 25 tons, of hazardous waste during the prior calendar year shall pay 5 percent of the base rate.

(2) Each generator who generates an amount equal to, or more than, 25 tons, but less than 50 tons, of hazardous waste during the prior calendar year shall pay 40 percent of the base rate.

(3) Each generator who generates an amount equal to, or more than, 50 tons, but less than 250 tons, of hazardous waste during the prior calendar year shall pay the base rate.

(4) Each generator who generates an amount equal to, or more than, 250 tons, but

less than 500 tons, of hazardous waste during the prior calendar year shall pay five times the base rate.

(5) Each generator who generates an amount equal to, or more than, 500 tons, but less than 1,000 tons, of hazardous waste during the prior calendar year shall pay 10 times the base rate.

(6) Each generator who generates an amount equal to, or more than, 1,000 tons, but less than 2,000 tons, of hazardous waste during the prior calendar year shall pay 15 times the base rate.

(7) Each generator who generates an amount equal to, or more than, 2,000 tons of hazardous waste during the prior calendar year shall pay 20 times the base rate.

(d) The base rate established pursuant to subdivision (b) ~~was~~ is the base rate for the ~~1997~~ 2021 calendar ~~year and the board shall adjust the base rate annually to reflect increases or decreases in the cost of living, during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.~~ year.

(e) The establishment of the annual ~~operating~~ generator fee pursuant to this section is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) The following materials are not hazardous wastes for purposes of this section:

(1) Hazardous materials ~~which~~ that are recycled, and used onsite, and are not transferred offsite.

(2) Aqueous waste treated in a treatment unit operating, or which subsequently operates, pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit which subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or 25201.5 is hazardous waste for purposes of this section.

(g) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(h)(1) A generator who pays a hazardous waste generator inspection fee to a certified unified program ~~agency~~ agency, ~~which~~ agency that is imposed as part of a single fee system and fee accountability program that are both in compliance with the requirements of Section ~~25404.5,~~ 25404.5 shall be eligible for a refund of all, or part of, the generator fee paid pursuant to subdivision (a) if both of the following conditions apply:

(A) The generator received a credit pursuant to Section 43152.7 or 43152.11 of the Revenue and Taxation Code for fees paid for hazardous waste generated in 1996.

(B) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are available to pay all or part of the refund.

(2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an application for that refund to the ~~board~~ California Department of Tax and Fee Administration by September 30 following the fiscal year during which the generator paid the generator fee pursuant to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be processed by the ~~board~~ California Department of Tax and Fee Administration, and shall be returned to the applicant.

(i)(1) A generator who transfers hazardous materials to an offsite facility for recycling at that offsite facility or another offsite facility shall be eligible for a refund of all, or part of, the generator fee paid pursuant to subdivision (a) if all of the following conditions apply:

(A) The offsite facility to which the hazardous materials are manifested pays a facility

fee pursuant to Section 25205.2.

(B) The amount of hazardous materials transferred to the offsite facility and recycled there, when deducted from the total tonnage of hazardous waste generated at the generator's site, results in the generator becoming eligible for a generator fee that is lower than the fee paid pursuant to subdivision (a).

(C) The hazardous materials transferred to the offsite facility are not burned in a boiler, industrial furnace, or an incinerator, as those terms are defined in Section 260.10 of Title 40 of the Code of Federal Regulations, used in a manner constituting disposal, or used to produce products that are applied to land.

(D) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are available to pay all or part of the refund.

(2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an application for that refund to the ~~board~~ California Department of Tax and Fee Administration by September 30 following the fiscal year during which the generator paid the generator fee pursuant to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be processed by the ~~board~~ California Department of Tax and Fee Administration, and shall be returned to the applicant.

(j)(1) The amendment of this section made by Chapter 1125 of the Statutes of 1991 does not constitute a change in, but is declaratory of, existing law.

(2) The amendment of subdivision (a) of this section made by Chapter 259 of the Statutes of 1996 does not constitute a change in, but is declaratory of, existing law.

(k) This section applies only to fees due for the 2021 and earlier reporting periods, including the prepayments due during each reporting period and the fee due and payable by February 28 of the year following each reporting period.

(l) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 27. Section 25205.5 is added to the Health and Safety Code, to read:

25205.5. (a)(1) Except as otherwise provided in this section, a generator of hazardous waste shall pay to the California Department of Tax and Fee Administration for each generator site that generates an amount equal to, or more than, five tons for each calendar year, or portion of the calendar year, a generation and handling fee of forty-six dollars ($46.00) for each ton or fraction of a ton of hazardous waste generated in the prior calendar year. The fee rates established in this section are for the 2022-23 fiscal year and apply to hazardous waste generated in calendar year 2021. Commencing July 1, 2023, the fee rates established pursuant to Section 25205.5.01 shall apply.

(2) For purposes of calculating the amount of the fee imposed pursuant to paragraph (1), a generator of hazardous waste that is issued a hazardous waste facilities permit from the department and that pays the annual facility fee, as specified in Section 25205.2, may deduct, from the amount of hazardous waste otherwise subject to this subdivision that is generated per calendar year, the amount of hazardous waste that is stored, bulked, or transferred solely through the location of the permitted hazardous waste facility and that is in route to another facility that is authorized to do any of the following:

(A) Manage the hazardous waste for reclamation and recovery, including fuel blending before energy recovery at another site.

(B) Manage the hazardous waste through destruction methods or treatment before disposal at another site.

(C) Manage the hazardous waste by any form of treatment.

(D) Dispose of the hazardous waste.

(b) The following materials are not hazardous wastes for purposes of this section:

(1) Hazardous materials that are recycled, and used onsite, and are not transferred offsite.

(2) Aqueous waste treated in a treatment unit operating, or that subsequently operates, pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit that subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or 25201.5 is hazardous waste for purposes of this section.

(c) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(d) This section shall become operative on January 1, 2022 and shall apply to the annual generation and handling fees imposed pursuant to subdivision (a) due for the 2022 reporting period and thereafter.

SEC. 28. Section 25205.5.01 is added to the Health and Safety Code, immediately following Section 25205.5, to read:

25205.5.01. (a)(1) The Board of Environmental Safety shall establish, by regulation, a schedule of rates for the fee authorized by Section 25205.5, to be applicable commencing July 1, 2023, and may adjust the schedule of rates no more frequently than once per year thereafter and no later than October 1 of any year in which the Board of Environmental Safety adopts the schedule of rates.

(2) No later than October 1 of each year, the board shall provide the California Department of Tax and Fee Administration the fee rates that have been modified pursuant to this section.

(b)(1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the Hazardous Waste Control Account for that purpose.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Control Account for expenditure as authorized pursuant to Section 25174.

(3) The rates shall allow for a reserve in the Hazardous Waste Control Account each year at an amount determined by the Board of Environmental Safety to be sufficient to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.

(c)(1) The rate established by the Board of Environmental Safety pursuant to subdivision (a) shall not exceed ninety-two dollars ($92.00).

(2) The rate limit established in this subdivision is the limit for the 2023-24 fiscal year. Beginning with the 2024-25 fiscal year, and for each fiscal year thereafter, the rate limit shall be adjusted annually to reflect increases or decreases in the cost of living during

the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) If the Board of Environmental Safety determines the fee revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed by the Board of Environmental Safety shall be adjusted to compensate for the over or under collection of revenue.

(e) 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, and 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. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

(f) This section shall become operative on January 1, 2022.

SEC. 29. Section 25205.5.1 of the Health and Safety Code is amended to read:

25205.5.1. Notwithstanding Sections 25174.1 and 25205.5, the department may adopt regulations exempting victims of disasters from the hazardous waste disposal fee imposed pursuant to Section 25174.1 and the generator fee imposed pursuant to Section 25205.5. The regulations may allow that exemption if all of the following apply:

(a) 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.

(b) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster.

(c) 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 Section 25158.

(d) The victim meets any other condition or limitation on eligibility specified by the department.

(e) <u>This section shall remain in effect only until January 1, 2022, and as of that date is repealed.</u>

SEC. 30. Section 25205.5.1 is added to the Health and Safety Code, to read:

25205.5.1. Notwithstanding Section 25205.5, the department may adopt regulations exempting victims of disasters from the generation and handling fee imposed pursuant to Section 25205.5. The regulations may allow that exemption if all of the following apply:

(a) 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.

(b) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster.

(c) 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 of Section 25158.

(d) The victim meets any other condition or limitation on eligibility specified by the department.

(e) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 31. Section 25205.6 of the Health and Safety Code is amended to read:

25205.6. (a) For purposes of this section, "organization" means a corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship.

(b) On or before November 1 of each year, the department shall provide the ~~board~~ California Department of Tax and Fee Administration with a schedule of ~~codes,~~ codes that consists of the types of organizations that use, generate, store, or conduct activities in this state related to hazardous materials, as defined in Section 25501, including, but not limited to, hazardous waste. The schedule shall consist of identification codes from one of the following classification systems, as deemed suitable by the department:

(1) The Standard Industrial Classification (SIC) system established by the United States Department of Commerce.

(2) The North American Industry Classification System (NAICS) adopted by the United States Census Bureau.

(c) Each organization of a type identified in the schedule adopted pursuant to subdivision (a) shall pay an annual fee, which shall be set in the following amounts:

(1) ~~Two hundred dollars ($200)~~ Three hundred fifty-seven dollars ($357) for those organizations with 50 or more employees, but fewer than 75 employees

(2) ~~Three hundred fifty dollars ($350)~~ Six hundred twenty-seven dollars ($627) for those organizations with 75 or more employees, but fewer than 100 employees.

(3) ~~Seven hundred dollars ($700)~~ One thousand two hundred forty-four dollars ($1,244) for those organizations with 100 or more employees, but fewer than 250 employees.

(4) ~~One thousand five hundred dollars ($1,500)~~ Two thousand six hundred Sixty-nine dollars ($2,699) for those organizations with 250 or more employees, but fewer than 500 employees.

(5) ~~Two thousand eight hundred dollars ($2,800)~~ Four thousand nine hundred eighty-five dollars ($4,985) for those organizations with 500 or more employees, but fewer than 1,000 employees.

(6) ~~Nine thousand five hundred dollars ($9,500)~~ Sixteen thousand nine hundred eleven dollars ($16,911) for those organizations with 1,000 or more employees.

(d) The fee imposed pursuant to this section shall be paid by each organization that is identified in the schedule adopted pursuant to subdivision (a) in accordance with Part 22

(commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be deposited in the Toxic Substances Control Account. The revenues shall be available, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

(e) For purposes of this section, the number of employees employed by an organization is the number of persons employed in this state for more than 500 hours during the calendar year preceding the calendar year in which the fee is due.

(f) The fee rates specified in subdivision (c) are the rates for the ~~1998~~ 2021 calendar year. ~~Beginning with the 1999 calendar year, and for each calendar year thereafter, the State Board of Equalization shall adjust the rates annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.~~

(g)(1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial actions carried out pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(h) This section does not apply to a nonprofit corporation primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition.

~~(i) The changes made to this section by the act of the 2005-06 Regular Session of the Legislature amending this section shall not increase fee revenues in the 2006-07 fiscal year.~~

(i) This section applies only to fees due for the 2021 and earlier reporting periods, including the fee due and payable by February 28 of the year following each reporting period.

(j)This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 32. Section 25205.6 is added to the Health and Safety Code, to read:

25205.6. (a) For purposes of this section, "organization" means a corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship.

(b) On or before October 1 of each year, the department shall provide the California Department of Tax and Fee Administration with a schedule of codes that consists of the types of organizations that use, generate, store, or conduct activities in this state related to hazardous materials, as defined in Section 25501, including, but not limited to, hazardous waste. The schedule shall consist of identification codes from one of the following classification systems, as deemed suitable by the department:

(1) The Standard Industrial Classification (SIC) system established by the United States Department of Commerce.

(2) The North American Industry Classification System (NAICS) adopted by the United States Census Bureau.

(c) Each organization of a type identified in the schedule adopted pursuant to subdivision (a) shall pay an annual fee in the fiscal year in which it is assessed. The fee amounts for the 2022-23 fiscal year, which are due on or before December 31, 2022, shall be set at the following amounts:

(1) One thousand two hundred sixty-one dollars ($1,261) for those organizations with 100 or more employees, but fewer than 250 employees.

(2) Two thousand seven hundred six dollars ($2,706) for those organizations with 250 or more employees, but fewer than 500 employees.

(3) Sixteen thousand five hundred dollars ($16,500) for those organizations with 500 or more employees, but fewer than 1,000 employees.

(4) Fifty-six thousand dollars ($56,000) for those organizations with 1,000 or more employees.

(d) The fee imposed pursuant to this section shall be paid by each organization that is identified in the schedule adopted pursuant to subdivision (b) in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be deposited in the Toxic Substances Control Account. The revenues shall be available, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

(e) For purposes of this section, the number of employees employed by an organization is the number of persons employed in this state for more than 500 hours during the calendar year preceding the calendar year in which the fee is due.

(f)(1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial actions carried out pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(g) This section does not apply to a nonprofit corporation primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition.

(h) The fee rates specified in subdivision (c) may be adjusted in accordance with Section 25205.6.1.

(i) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 33. Section 25205.6.1 is added to the Health and Safety Code, to read:

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25205.6.1. (a) (1) The Board of Environmental Safety may establish, by regulation, a schedule of rates for the fees authorized by Section 25205.6, no more frequently than once per year and no later than October 1 of any year in which the board adopts the schedule of rates.

(2) No later than October 1 of each year, the Board of Environmental Safety shall provide the California Department of Tax and Fee Administration the fee rates that have been modified pursuant to this section.

(b) (1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the account for that fiscal year.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Toxic Substances Control Account for expenditure as authorized pursuant to Section 25173.6.

(3) The rates shall allow for a reserve in the Toxic Substances Control Account each year at an amount determined by the board to be sufficient to ensure that all programs funded by the Toxic Substances Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of the authorized expenditure levels.

(c)(1) The rates established pursuant to subdivision (a) shall be set for the following categories, and shall not exceed the levels noted:

(A) Organizations with 100 or more employees, but fewer than 250 employees. This fee shall not exceed two thousand five hundred twenty-two dollars ($2,522).

(B) Organizations with 250 or more employees, but fewer than 500 employees. This fee shall not exceed five thousand four hundred twelve dollars ($5,412).

(C) Organizations with 500 or more employees, but fewer than 1000 employees. This fee shall not exceed thirty-three thousand dollars ($33,000).

(D) Organizations with 1000 or more employees. This fee shall not exceed one hundred twelve thousand dollars ($112,000).

(2) The rate limits established in this subdivision are the limits for the 2022 calendar year. Beginning with the 2023 calendar year, and for each calendar year thereafter, the rate limits shall be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) 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, and 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. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

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SEC. 34. Section 25205.9 of the Health and Safety Code is repealed.

~~25205.9 (a) On or before June 30 of each year, the department shall determine if there are surplus funds in the Hazardous Waste Control Account and shall, upon appropriation by the Legislature, allocate these surplus funds to pay refunds in the following order of priority:~~

~~(1) To pay refunds to generators pursuant to subdivision (c).~~

~~(2) To pay refunds to generators pursuant to subdivision (d). However, the department shall not pay refunds pursuant to subdivision (d) until all applications for refunds pursuant to subdivision (c) have first been paid.~~

~~(b) The department shall certify the amount of the surplus in the Hazardous Waste Control Account to the board and shall direct the board to pay refunds to generators pursuant to subdivisions (c) and (d) to the extent funds permit. If funds are not sufficient to pay all the refunds for which the board receives applications pursuant to subdivision (h) of Section 25205.5, the department shall direct the board to pay refunds pursuant to subdivision (c) on a pro rata basis. If funds are sufficient to pay all refunds for which applications are received pursuant to subdivision (h) of Section 25205.5 but not sufficient to pay all refunds for which applications were received by the board pursuant to subdivision (i) of Section 25205.5, the department shall direct the board to pay refunds pursuant to subdivision (d) on a pro rata basis.~~

~~(c)(1) If the department certifies that there are sufficient funds to do so, the board shall issue refunds, in the manner directed by the department pursuant to subdivision (b), to hazardous waste generators who are eligible for refunds pursuant to paragraph (1) of subdivision (h) of Section 25205.5.~~

~~(2) The refund made to a generator pursuant to this subdivision shall not exceed the fee paid by the generator pursuant to Section 25205.5, or exceed the hazardous waste generator inspection fee paid to the certified unified program agency for the previous calendar year, whichever is less.~~

~~(3) The board may issue refunds pursuant to this section only if the department certifies, pursuant to subdivision (b), that funds for these refunds are available.~~

~~(d)(1) If the department certifies that there are sufficient funds to do so, the board shall issue refunds, in the manner directed by the department pursuant to subdivision (b), to hazardous waste generators who are eligible for refunds pursuant to paragraph (1) of subdivision (i) of Section 25205.5.~~

~~(2) The refund made to a generator pursuant to this subdivision shall be equal to the difference between the amount of the generator fee paid by the generator pursuant to Section 25205.5 and the amount the generator would have paid if the amount of hazardous materials transferred to an offsite facility for recycling had been deducted from the total tonnage of hazardous waste generated at the generator's site. However, if a generator receives a refund pursuant to subdivision (c), the generator may not receive a refund pursuant to this subdivision that exceeds the difference between the amount of the generator fee paid pursuant to Section 25205.5 and the amount of the refund received pursuant to subdivision (c).~~

~~(3) The board may issue refunds pursuant to this subdivision only if the department certifies, pursuant to subdivision (b), that funds for these refunds are available.~~

~~(e) For purposes of this section, "surplus" means the amount in the Hazardous Waste Control Account on June 30 of each year that is in excess of the reserve required by subdivision (k) of Section 25174.~~

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SEC. 35. Section 25205.12 of the Health and Safety Code is amended to read:

~~25205.12. (a)~~

25205.12. The owner of a hazardous waste facility authorized to operate pursuant to a permit-by-rule, authorized under a grant of conditional authorization pursuant to Section 25200.3, exempted pursuant to subdivision (a) or (c) of Section 25201.5, or exempted pursuant to Section 25144.6 ~~or 25201.14~~ is exempt from the facility fee specified in Section 25205.2 for any activities authorized by the permit-by-rule, under a grant of conditional authorization pursuant to Section 25200.3, exempted pursuant to subdivision (a) or (c) of Section 25201.5, or exempted pursuant to Section 25144.6 or 25201.14 at that facility for any year or reporting period during which the facility is operating.

~~(b) The retroactive portion of the facility fee exemption provided by subdivision (a) does not apply to any facility that was authorized by the department to operate on or before June 1, 1991, for any fees paid or billed prior to September 1, 1992.~~

~~(c) The operator of a hazardous waste facility authorized by the department to clean and recycle excavated underground storage tanks is exempt from the facility fee specified in Section 25205.2 with regard to those activities conducted before January 1, 1994, and those activities conducted after that date, until the effective date of a regulation adopted by the department governing the statewide requirements for the issuance of a permit for tank cleaning and recycling facilities.~~

~~(d) The operator of a hazardous waste facility operating pursuant to a standardized permit or a grant of interim status, as specified in Section 25201.6, is exempt from the facility fee specified in Sections 25205.2 and 25205.4 for any year or reporting period prior to January 1, 1993, during which the facility operated, if the hazardous waste treatment or storage activity was conducted prior to January 1, 1993, and the owner or operator is in compliance with the notification and application requirements of Section 25201.6, as amended in the 1993–94 Regular Session of the Legislature, or as amended thereafter, and either of the following circumstances apply:~~

~~(1) The owner or operator was not authorized by the department before July 1, 1993, to conduct the eligible treatment or storage activity.~~

~~(2) The owner or operator did not pay a hazardous waste facility fee, as specified in Section 25205.2, for that year or reporting period prior to July 1, 1993, for the facility that is the subject of the standardized permit.~~

SEC. 36. Section 25205.14 of the Health and Safety Code is amended to read:

25205.14. (a) Except as provided in Section 25404.5, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the ~~board~~ California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period, or portion ~~thereof.~~ of a reporting period. The fee for the 1997 reporting period shall be nine hundred fifty-eight dollars ($958). Until July 1, 1998, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall also pay a fee in the amount of 50 percent of the fee specified in this subdivision for each modification of the notification required by Sections 67450.2 and 67450.3 of Title 22 of the California Code of Regulations, as those sections read on January 1, 1995, or as those sections may subsequently be amended. Thereafter, the fee shall be adjusted annually by the ~~board~~ California Department of Tax and Fee Administration to reflect increases and decreases in the cost of living, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the ~~board~~ California Department of Tax and Fee Administration of all known owners or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the ~~board~~ California Department of Tax and Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or operator is authorized.

(b) Except as provided in Section 25404.5, a generator operating under a grant of conditional authorization pursuant to Section 25200.3 shall pay a fee to the ~~board~~ California Department of Tax and Fee Administration per facility for each reporting period, or portion ~~thereof,~~ of a reporting period, unless the generator is subject to a fee under a permit-by-rule. The fee for the 1997 reporting period shall be nine hundred fifty-eight dollars ($958). Thereafter, the fee shall be adjusted annually by the ~~board~~ California Department of Tax and Fee Administration to reflect increases and decreases in the cost of living, during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency. The reporting period shall begin January I of each calendar year. On or before January 31 of each calendar year, the department shall notify the ~~board~~ California Department of Tax and Fee Administration of all known generators operating pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the ~~board~~ California Department of Tax and Fee Administration of any generator authorized to operate under a grant of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of notification.

(c) Except as provided in Section 25404.5, a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay thirty-eight dollars ($38) to the ~~board~~ California Department of Tax and Fee Administration per facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. Until July 1, 1998, a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay one hundred dollars

($100) to the ~~board~~ California Department of Tax and Fee Administration per facility for the initial operating period, or portion ~~thereof,~~ of an initial reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the ~~board~~ California Department of Tax and Fee Administration of all known facilities performing treatment conditionally exempted by Section 25144.6 or subdivision (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the ~~board~~ California Department of Tax and Fee Administration of any generator who notifies the department that the generator is conducting a conditionally exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of the notification.

(d) The fees imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 37. Section 25205.15 of the Health and Safety Code is amended to read:

25205.15. (a) Except for the first four manifests used in a calendar year by a business with less than 100 employees, and except as provided in paragraph (2), in addition to any fees to cover printing and distribution costs, the department shall impose a manifest fee of seven dollars and fifty cents ($7.50) for each manifest form or electronic equivalent used by any person, in the following manner:

(1) The department shall bill generators for each manifest form or electronic equivalent. The billing frequency specified by the department may range from monthly to annually, with the payment by the generator required within 30 days from the date of receipt of the billing, and shall be determined based on consultation with the regulated community. In preparing the bills, the department shall distinguish between manifests used solely for recycled hazardous wastes and those used for nonrecycled hazardous wastes. In determining the billing frequency, the department may take into account each person's volume of manifest usage.

(2)(A) The manifest fee shall not be collected on the use of manifest forms that are used solely for hazardous wastes that are recycled.

(B) The manifest fee for each manifest form or electronic equivalent used solely for hazardous waste derived from air compliance solvents, shall be three dollars and fifty cents ($3.50). This is in addition to any fees charged to cover printing and distribution costs.

(3) The department shall implement a system for the use of manifest forms that distinguishes among recycling manifests used solely for hazardous wastes that are to be recycled, manifests used solely to transport hazardous waste derived from air compliance solvents, and general manifests that may be used for transporting waste for any purpose.

(4) (A) If a person erroneously reports on a manifest form or electronic equivalent that the manifest is being used for the transport of hazardous wastes that are being shipped for recycling or for the transport of hazardous wastes derived from air compliance solvents rather than the transport of other types of hazardous waste, the person shall pay the seven dollars and fifty cents ($7.50) manifest fee and an

additional error correction fee of twenty dollars ($20) per manifest, as required pursuant to Section 25160.5.

(B) Notwithstanding subparagraph (A) the department shall provide the manifest user with a reasonable opportunity to notify the department of any incorrect use of the recycling manifest, as described in subparagraph (A), and to provide the department with the appropriate manifest fee payment without additional fines, penalties, or payment of the error correction fee.

(5) The department may adopt regulations to implement and administer the manifest fee system imposed pursuant to this subdivision.

(b) For purposes of subdivision (a), "manifest" has the same meaning as defined in paragraph (1) of subdivision (a) of Section 25160.

(c) The manifest fees collected pursuant to this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature.

(d) For purposes of this section, "air compliance solvent" means a solvent, including aqueous solutions, that are required or approved for use by regulations adopted by the State Air Resources Board, an air pollution control district, or an air quality management district, to meet air emission standards adopted by that board or district and, pursuant to those regulations, is required to be used instead of another solvent that was used and recycled ~~prior to~~ before the adoption of those regulations.

(e) This section applies only to fees due for the 2021 and earlier reporting periods.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 38. Section 25205.16 of the Health and Safety Code is amended to read:

25205.16. (a)(1) The department may impose an annual verification fee upon all generators, transporters, and facility operators with 50 or more employees that possess a valid identification number issued either by the department or by the United States Environmental Protection Agency. The fee charged shall be one hundred fifty dollars ($150) for each generator, transporter, and facility operator with 50 or more employees, but ~~less~~ fewer than 75 employees; one hundred seventy-five dollars ($175) for each generator, transporter, and facility operator with 75 or more employees, but ~~less~~ fewer than 100 employees; two hundred dollars ($200) for each generator, transporter, and facility operator with 100 or more employees, but ~~less~~ fewer than 250 employees; two hundred twenty-five dollars ($225) for each generator, transporter, and facility operator with 250 or more employees, but ~~less~~ fewer than 500 employees; two hundred fifty dollars ($250) for each generator, transporter, and facility operator with 500 or more employees. However, no generator, transporter, or facility operator shall be assessed fees pursuant to this section that exceed, in total, five thousand dollars ($5,000).

(2) The generator, transporter, or facility operator subject to the fee shall submit payment of the fee within 30 days from the date of receiving a notice of assessment from the department. The notice shall be sent once during each fiscal year to each holder of a valid identification number. The fee imposed by this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature. For purposes of this section, "employee" shall have the same meaning set forth in Section 25205.6.

(b) The department shall establish an identification number certification system to

biennially verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. However, if the number of identification numbers issued since the previous certification exceeds 20 percent of the active identification numbers, the department may implement an annual certification. Each entity issued an identification number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, ~~State Board of Equalization~~ California Department of Tax and Fee Administration identification number, SIC code, ~~electronic mail~~ email address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization's identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

(7) If the firm or organization is a generator, a statement of whether the generator produces RCRA hazardous waste or non-RCRA hazardous waste.

(8) An identification of any of the following hazardous waste activities in which the firm or organization is engaged:

(A) Generation.

(B) Transportation.

(C) Onsite treatment, storage, or disposal.

(9) The waste codes associated with the four largest hazardous waste streams, by volume, of the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and the California waste code shall be verified for non-RCRA hazardous waste.

(c) Any generator, transporter, and facility operator who fails to comply with this section, or who fails to provide information required by the department to verify the accuracy of hazardous waste activity data, shall be subject to suspension of any and all identification numbers assigned to the generator, transporter, or facility operator and to any other authorized enforcement action.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 39. Section 25205.16 is added to the Health and Safety Code, to read:

25205.16. (a) The department shall establish an identification number certification system to annually verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. Each entity issued an identification number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, California Department of Tax and Fee Administration identification number, SIC code, email address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization's identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

(7) If the firm or organization is a generator, a statement of whether the generator produces RCRA hazardous waste or non-RCRA hazardous waste.

(8) An identification of any of the following hazardous waste activities in which the firm or organization is engaged:

(A) Generation.

(B) Transportation.

(C) Onsite treatment, storage, or disposal.

(9) The waste codes associated with the four largest hazardous waste streams, by volume, of the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and the California waste code shall be verified for non-RCRA hazardous waste.

(b) Any generator, transporter, and facility operator who fails to comply with this section, or who fails to provide information required by the department to verify the accuracy of hazardous waste activity data, shall be subject to suspension of any and all identification numbers assigned to the generator, transporter, or facility operator and to any other authorized enforcement action.

(c) This section shall become operative on January 1, 2022.

SEC. 40. Section 25205.20 of the Health and Safety Code is repealed.

~~25205.20. (a) In issuing a variance, the department may, for purposes of the annual facility fee only, make the variance retroactive to not earlier than one year after the date of the variance application's submittal to the department, or January 1, 1994, whichever is later.~~

~~(b) A facility which is subject to the annual facility fee shall pay such fee while the variance application is pending. Within one year of the issuance of the variance, the board shall issue a refund of facility fees paid for all reporting periods following the period to which the variance is retroactive. The refund shall not include interest.~~

~~(c) Variance, for purposes of this section, means a variance from the requirement of obtaining a hazardous waste facilities permit or grant of interim status.~~

SEC. 41. Section 25205.21 of the Health and Safety Code is amended to read:

25205.21. (a) Notwithstanding Section 25205.4, a disposal facility operator ~~which~~ that is a government agency shall be subject to a maximum facility fee of ten thousand dollars ($10,000) for any reporting period of 12 months and five thousand dollars ($5,000) for any reporting period of six months, for that disposal facility for any

reporting period in which it did not at any time dispose of hazardous waste ~~therein.~~ during the reporting period. This section shall apply to all reporting periods since the inception of the facility fee up to and including the reporting period ending December 31, 1998.

~~(b) Prior to January 1, 1998, no interest or penalty shall accrue on any amount owed by an operator pursuant to subdivision (a).~~

~~(c)~~

(b) This section shall not affect the imposition of the annual postclosure facility ~~fee.~~ fee imposed pursuant to Section 25205.2.

SEC. 42. Section 25205.22 of the Health and Safety Code is amended to read:

25205.22. (a) ~~Prior to~~ Before January 1, 1996, any person transporting, importing, or receiving non-RCRA hazardous waste imported into this state for purposes of treatment, recycling, or disposal shall be considered the generator of that waste and the facility shall be considered the site of generation for purposes of payment of the generator fee pursuant to Section 25205.5, and the facility operator shall pay the applicable generator fee even if the operator has also paid a facility fee, but ~~no~~ a generator fee shall not be assessed for non-RCRA hazardous waste imported ~~prior to~~ before January 1, 1994.

(b) Notwithstanding subdivision (c), any fees due pursuant to this chapter for calendar year 1995 and ~~which~~ that are due and payable in calendar year 1996 shall be paid in 1996 in accordance with Section 43152.7 of the Revenue and Taxation Code.

(c) On and after January 1, 1996, any person transporting, importing, or receiving non-RCRA hazardous waste imported into this state for purposes of treatment, recycling, or disposal shall be exempt from the payment of the generator fee imposed pursuant to Section 25205.5 and the generator surcharge imposed pursuant to Section 25205.9.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 43. Section 25205.22 is added to the Health and Safety Code, to read:

25205.22. (a) On and after January 1, 2022, for hazardous waste imported into this state for purposes of treatment, recycling, or disposal, the operator of the facility receiving the imported hazardous waste shall pay the applicable generation and handling fee.

(b) This section shall become operative on January 1, 2022, and shall apply to the generation and handling fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable by February 28 of the year following the reporting period.

SEC. 44. Section 25207.12 of the Health and Safety Code is amended to read:

25207.12. (a) Any eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection in a program established pursuant to this article is exempt from the fees and reimbursements required by Sections 25174.1,

25205.2, 25205.5, and 25205.7, with regard to the wastes submitted for collection.

(b) An eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection is exempt from the hazardous waste facilities permit requirements of Section 25201 with regard to the management of the wastes submitted for collection.

(c) A county operating a collection program in compliance with this article shall not be held liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste ~~which~~ that has been properly handled and transported to an authorized hazardous waste treatment or disposal facility, in compliance with this chapter, at a location other than that of the collection program.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 45. Section 25207.12 is added to the Health and Safety Code, to read:

25207.12. (a) An eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection is exempt from the hazardous waste facilities permit requirements of Section 25201 with regard to the management of the wastes submitted for collection.

(b) A county operating a collection program in compliance with this article shall not be held liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste that has been properly handled and transported to an authorized hazardous waste treatment or disposal facility, in compliance with this chapter, at a location other than that of the collection program.

(c) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 46. Section 25218.6 of the Health and Safety Code is amended to read:

25218.6. The fees imposed by Article 7 (commencing with Section 25170) and Article 9.1 (commencing with Section 25205.1) do not apply to either of the following:

(a) Hazardous wastes generated or disposed of by a public agency, or its contractor, operating a household hazardous waste collection facility, including, but not limited to, hazardous waste received from CESQGs.

(b) A household hazardous waste collection facility operated in accordance with this article.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 47. Section 25250.24 of the Health and Safety Code is amended to read:

25250.24. (a) Except as provided in subdivision (b), any person who generates, receives, stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall comply with all provisions of this chapter.

(b) Used oil ~~which~~ that is removed from a motor vehicle and ~~which~~ that is

subsequently ~~recycled,~~ recycled by a recycler who is permitted pursuant to this ~~article,~~ article shall not be included in the calculation of the amount of hazardous waste generated for purposes of the generator fee imposed pursuant to Section 25205.5.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 48. Section 25250.24 is added to the Health and Safety Code, to read:

25250.24. (a) A person who generates, receives, stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall comply with all provisions of this chapter.

(b) This section shall become operative on January 1, 2022, and used oil subject to the provisions of this chapter shall be included in the calculation of the amount of hazardous waste generated for purposes of the generation and handling fee imposed pursuant to Section 25205.5 for the fees due for the 2022 reporting period and thereafter, including the prepayments due following the reporting period and the fee due and payable following the reporting period.

SEC. 48.5. Section 25404.5 of the Health and Safety Code is amended to read:

25404.5. (a) (1) Each certified unified program agency shall institute a single fee system, which shall replace the fees levied pursuant to Sections 25201.14 and ~~25205.14~~ 25205.2, except for transportable treatment units permitted under Section 25200.2, and which shall also replace any fees levied by a local agency pursuant to Sections 25143.10, 25287, 25513, and 25535.5, or any other fee levied by a local agency specifically to fund the implementation of the provisions specified in subdivision (c) of Section 25404. The single fee system shall additionally include the fee established pursuant to Section 25270.6. Notwithstanding Sections 25143.10, 25201.14, 25287, 25513, and 25535.5, a person who complies with the certified unified program agency's "single fee system" fee shall not be required to pay any fee levied pursuant to those sections, except for transportable treatment units permitted under Section 25200.2.

(2)(A) The governing body of the local certified unified program agency shall establish the amount to be paid by each person regulated by the unified program under the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the certified unified program agency and by any participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3.

(B) The secretary shall establish the amount to be paid when the unified program agency is a state agency.

(3) The fee system may also be designed to recover the necessary and reasonable costs incurred by the certified unified program agency, or a participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3, in administering provisions other than those specified in subdivision (c) of Section 25404, if the implementation and enforcement of those provisions has been incorporated as part of the unified program by the certified unified program agency pursuant to subdivision (b) of Section 25404.2, and if the single fee system replaces any fees levied as of January 1, 1994, to fund the implementation of those

additional provisions.

(4) The amount to be paid by a person regulated by the unified program may be adjusted to account for the differing costs of administering the unified program with respect to that person's regulated activities.

(b) (1) Except as provided in subdivision (d), the single fee system instituted by each certified unified program agency shall include an assessment on each person regulated by the unified program of a surcharge, the amount of which shall be determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under this chapter. The secretary may adjust the amount of the surcharge to be collected by different certified unified program agencies to reflect the different costs incurred by the state agencies in supervising the implementation of the unified program in different jurisdictions, and in supervising the implementation of the unified program in those jurisdictions for which the secretary has waived the assessment of the surcharge pursuant to subdivision (d). The certified unified program agency may itemize the amount of the surcharge on any bill, invoice, or return that the agency sends to a person regulated by the unified program. Each certified unified program agency shall transmit all surcharge revenues collected to the secretary on a quarterly basis. The surcharge shall be deposited in the Unified Program Account, which is hereby created in the General Fund and which may be expended, upon appropriation by the Legislature, by state agencies for the purposes of implementing this chapter.

(2) On or before January 10, 2001, the secretary shall report to the Legislature on whether the number of persons subject to regulation by the unified program in any county is insufficient to support the reasonable and necessary cost of operating the unified program using only the revenues from the fee. The secretary's report shall consider whether the surcharge required by subdivision (a) should include an assessment to be used to supplement the funding of unified program agencies that have a limited number of entities regulated under the unified program.

(c) Each certified unified program agency and the secretary shall, before the institution of the single fee system and the assessment of the surcharge, implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and surcharge are assessed. The fee accountability programs shall include those elements of the requirements of the plan adopted pursuant to former Section 25206, as it read on January 1, 1995, that the secretary determines are appropriate.

(d) The secretary may waive the requirement for a county to assess a surcharge pursuant to subdivision (b), if both of the following conditions apply:

(1) The county meets all of the following conditions:

(A) The county submits an application to the secretary for certification on or before January 1, 1996, that incorporates all of the requirements of this chapter, and includes the county's request for a waiver of the surcharge, and contains documentation that demonstrates, to the satisfaction of the secretary, both of the following:

(i) That the assessment of the surcharge will impose a significant economic burden on most businesses within the county.

(ii) That the combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(B) The application for certification, including the information required by

subparagraph (A), is determined by the secretary to be complete, on or before April 30, 1996. The secretary, for good cause, may grant an extension of that deadline of up to 90 days.

(C) The county is certified by the secretary on or before December 31, 1996.

(D) On or before January 1, 1994, the county completed the consolidation of the administration of the hazardous waste generator program, the hazardous materials release response plans and inventories program, and the underground storage tank program, referenced in paragraphs (1), (3), and (4) of subdivision (c) of Section 25404, into a single program within the county's jurisdiction.

(E) The county demonstrates that it will consolidate the administration of all programs specified in subdivision (c) of Section 25404, and that it will also consolidate the administration of at least one additional program that regulates hazardous waste, hazardous substances, or hazardous materials, as specified in subdivision (d) of Section 25404.2, other than the programs specified in subdivision (c) of Section 25404, into a single program to be administered by a single agency in the county's jurisdiction at the time that the county's certification by the secretary becomes effective.

(2) The secretary makes all of the following findings:

(A) The county meets all of the criteria specified in paragraph (1).

(B) The assessment of the surcharge would impose a significant economic burden on most businesses within the county.

(C) The combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) would exceed the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(D) The waiver of the surcharge for those counties applying for and qualifying for a waiver, and the resulting increase in the surcharge for other counties, would not, when considered cumulatively, impose a significant economic burden on businesses in any other county that does not apply for, or does not meet the criteria for, a waiver of the surcharge.

(e) The secretary shall review all of the requests for a waiver of the surcharge made pursuant to subdivision (d) simultaneously, so as to adequately assess the cumulative impact of granting the requested waivers on businesses in those counties that have not applied, or do not qualify, for a waiver, and shall grant or deny all requests for a waiver of the surcharge within 30 days from the date that the secretary certifies all counties applying, and qualifying, for a waiver. If the secretary finds that the grant of a waiver of the surcharge for all counties applying and qualifying for the waiver will impose a significant economic burden on businesses in one or more other counties, the secretary shall take either of the following actions:

(1) Deny all of the applications for a waiver of the surcharge.

(2) Approve only a portion of the waiver requests for counties meeting the criteria set forth in subdivision (d), to the extent that the approved waivers, when taken as a whole, meet the condition specified in subparagraph (D) of paragraph (2) of subdivision (d). In determining which of the counties' waiver requests to grant, the secretary shall consider all of the following factors:

(A) The relative degree to which the assessment of the surcharge will impose a significant economic burden on most businesses within each county applying and qualifying for a waiver.

(B) The relative degree to which the combined dollar amount of the surcharge and the single fee system to be assessed, pursuant to subdivision (a), by each county

applying and qualifying for a waiver exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(C) The relative extent to which each county applying and qualifying for a waiver has incorporated, or will incorporate, upon certification, additional programs pursuant to subdivision (d) of Section 25404.2, into the unified program within the county's jurisdiction.

(f) The secretary may, at any time, terminate a county's waiver of the surcharge granted pursuant to subdivisions (d) and (e) if the secretary determines that the criteria specified in subdivision (d) for the grant of a waiver are no longer met.

SEC. 49. Section 43002.3 of the Revenue and Taxation Code is amended to read:

43002.3. (a) For purposes of the collection of the fees specified in subdivision (a) of Section 25174 and the fee imposed pursuant to Section 25174.1 of the Health and Safety Code, a determination by the Department of Toxic Substances Control that a waste is nonhazardous shall be effective only for wastes disposed of, or submitted for disposal, commencing with the month during which the Department of Toxic Substances Control receives a completed application for that determination.

(b) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(c) This section shall become inoperatiye on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 50. Section 43002.3 is added to the Revenue and Taxation Code, to read:

43002.3. (a) For purposes of the collection of the fees specified in subdivision (a) of Section 25174 of the Health and Safety Code, a determination by the Department of Toxic Substances Control that a waste is nonhazardous shall be effective only for wastes generated and handled commencing with the month during which the Department of Toxic Substances Control receives a completed application for that determination.

(b) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due following the reporting period and the fee due and payable following the reporting period.

SEC. 51. Section 43005.5 of the Revenue and Taxation Code is repealed.

~~43005.5. The penalty provisions of Sections 43155 and 43201 shall not apply to the fees imposed pursuant to Section 25174 of the Health and Safety Code for those disposals which occurred prior to September 25, 1981.~~

SEC. 52. Section 43012 of the Revenue and Taxation Code is amended to read:

43012. (a) For purposes of this part, "taxpayer" means any person liable for the payment of a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and Safety Code or subdivision (a) of Section 25174 of the Health and Safety ~~Code or subdivision (e) of Section 25221 of the Health and Safety~~ Code, or imposed by Section 25174.1 or 105310 ~~or 25174.1~~ of the Health and Safety Code.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 53. Section 43012 is added to the Revenue and Taxation Code, to read:

43012. (a) For purposes of this part, "taxpayer" means a person liable for the payment of a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and Safety Code, paragraph (1) of subdivision (a) of Section 25174 of the Health and Safety Code, paragraph (1) of subdivision (a) of Section 25174.01 of the Health and Safety Code, or imposed by Section 105310 of the Health and Safety Code.

(b) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 54. Section 43051 of the Revenue and Taxation Code is amended to read:

43051. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code shall be administered and collected by the ~~board~~ California Department of Tax and Fee Administration in accordance with this part.

(b) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(c) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 55. Section 43053 of the Revenue and Taxation Code is amended to read:

43053. The fees imposed pursuant to Sections ~~25205.2, 25205.5, and 25205.14~~ 25205.2 and 25205.5 of the Health and Safety Code shall be administered and collected by the ~~board~~ California Department of Tax and Fee Administration in accordance with this part.

2021-22 Governor's Budget Trailer Bill Language
Department of Toxic Substances Control Fee Reform

SEC. 56. Section 43054 of the Revenue and Taxation Code is amended to read:

43054. The fees imposed pursuant to Section 25205.6 of the Health and Safety Code shall be administered and collected by the ~~board~~ California Department of Tax and Fee Administration in accordance with this part.

SEC. 57. Section 43055 of the Revenue and Taxation Code is repealed.

~~43055. The surcharge imposed pursuant to Section 25205.9 of the Health and Safety Code, as that section read on December 31, 1997, and was repealed by Section 24 of Chapter 870 of the Statutes of 1997, shall be administered and collected by the board in accordance with this part, with regards to any amounts due and payable on or before February 28, 1998.~~

SEC. 58. Section 43101 of the Revenue and Taxation Code is amended to read:

43101. Every person, as defined in Section 25118 of the Health and Safety Code, who is subject to the fees specified in ~~subdivision (a) of Section 25173.6 of the Health and Safety Code, subdivision (a) of Section 25174 of the Health and Safety Code,~~ Section 105190 of the Health and Safety ~~Code,~~ Code or imposed pursuant to Section ~~25205.14~~ 25205.2, 25205.5, or 25205.6 of the Health and Safety Code shall register with the ~~board~~ California Department of Tax and Fee Administration onforms provided by the ~~board.~~ California Department of Tax and Fee Administration.

SEC. 59. Section 43151 of the Revenue and Taxation Code is amended to read:

43151. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code, which is a tax collected and administered under Section 43051, is due and payable to the ~~board~~ California Department of Tax and Fee Administration monthly on or before the last day of the third calendar month following the end of the calendar month for which the fee is due. Each taxpayer shall, on or before the last day of the third calendar month following the end of the calendar month for which the fee is due, make out a tax return
for the calendar month, in the form as prescribed by the ~~board~~ California Department of Tax and Fee Administration which may include, but not be limited to, electronic media in accordance with subdivision (c). The taxpayer shall deliver the return, together with a remittance of the amount of fee due, to the office of the ~~board~~ California Department of Tax and Fee Administration on or before the last day of the third calendar month following the end of the calendar month for which the fee is due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the ~~board~~ California Department of Tax and Fee Administration.

(b) With the approval of the ~~board,~~ California Department of Tax and Fee Administration, a taxpayer who has more than one facility subject to the taxes collected and administered under this chapter, may file a combined tax return covering operations at more than one, or all, of those facilities.

(c) The form required to be submitted by the taxpayer pursuant to this section shall show, for the taxpayer and for each person from whom the taxpayer accepted hazardous waste for disposal, all of the following:

(1) The total amount of hazardous waste subject to the tax and the amount of the tax for the period covered by the return.

(2) The amount of hazardous waste disposed during the tax period that is in each of the fee categories described in Section 25174.6 of the Health and Safety Code, and the amount of disposal fees paid for each of those categories.

(3) The amount of hazardous waste received for disposal by the taxpayer's facility or facilities that is exempt from the payment of disposal fees pursuant to Section 25174.7 of the Health and Safety Code, including a copy of any written documentation provided for any shipment or shipments of hazardous waste received by a facility.

(4) The amount of RCRA hazardous waste ~~which~~ that is treated by the taxpayer so that the waste is considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to paragraph (2) of subdivision (b) of Section 25174.6.

(d)(1) Each taxpayer shall maintain records documenting all of the following information for each person who has submitted hazardous waste for disposal by the taxpayer during each calendar month and shall make those records available for review and inspection at the request of the ~~board~~ California Department of Tax and Fee Administration or the department:

(A) The tonnage of hazardous waste submitted for disposal.

(B) The type of hazardous waste disposed as specified by Section 25174.6 of the Health and Safety Code, including both of the following:

(i) Any characterization of the hazardous waste made by the person submitting the hazardous waste for disposal.

(ii) Any other documentation which the taxpayer maintains regarding the type of hazardous waste disposed to land.

(C) Any representation made by the person submitting the hazardous waste regarding any exemptions that may be applicable to the payment of disposal fees.

(D) For any RCRA hazardous waste ~~which~~ that is treated by the taxpayer so that the waste is considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to paragraph (2) of subdivision (b) of Section 25174.6, all of the following information:

(i) The tonnage and type of hazardous waste.

(ii) The method or methods used to treat the hazardous waste.

(iii) Operating records documenting the treatment activity.

(iv) Representative and statistical waste sampling and analysis data demonstrating that the waste is no longer RCRA hazardous waste at the time of disposal.

(2) If the hazardous wastes submitted for disposal were accompanied by a manifest, the information specified in paragraph (1) shall be maintained by manifest number for each calendar month.

(e)This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(f) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 60. Section 43152 of the Revenue and Taxation Code is amended to read:

43152. (a) The ~~board~~ California Department of Tax and Fee Administration shall establish and annually submit to each ~~generator of hazardous waste~~ taxpayer a consolidated statement of fees required to be paid by the ~~generator~~ taxpayer to the ~~board~~ California Department of Tax and Fee Administration pursuant to Sections

25205.2, 25205.5, ~~25205.6, and 25205.9~~ and 25205.6 of the Health and Safety Code.

(b) Notwithstanding any other ~~provision of~~ law, any return or other document that is required to be submitted by a ~~generator of hazardous waste~~ taxpayer to the ~~board~~ California Department of Tax and Fee Administration in connection with the payment of any fee specified in subdivision (a) shall instead be submitted together with the consolidated statement made pursuant to subdivision (a).

SEC. 61. Section 43152.6 of the Revenue and Taxation Code is amended to read:

43152.6. (a) The fee imposed pursuant to Section 25205.2 of the Health and Safety Code ~~which~~ that is collected and administered under Section 43053 of this code is due and payable to the ~~board~~ California Department of Tax and Fee Administration annually on or before the last day of the second month following the end of the calendar year.

(b) Every operator of a facility subject to the fee imposed pursuant to Section 25205.2 of the Health and Safety Code shall file an annual return in the form as prescribed by the ~~board,~~ California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the ~~board.~~ California Department of Tax and Fee Administration.

(c) For purposes of subdivision (a), ~~except as provided in subdivision (d),~~ the operator of a facility shall pay the applicable fee based on the type and size of the facility, as specified in ~~Sections 25205.1 and 25205.4~~ Section 25205.2 of the Health and Safety Code. ~~The board shall credit the prepayment of the fee made pursuant to Section 43152.12 against the amount due with the annual return.~~

~~(d) Notwithstanding subdivision (c), the fee for the 1991 reporting period, which is from July 1, 1991, to December 31, 1991, inclusive, is 50 percent of the fee specified in Section 25205.4 of the Health and Safety Code, based on the type and size of the facility, as specified in Section 25205.4 of the Health and Safety Code.~~

(d) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 62. Section 43152.6 is added to the Revenue and Taxation Code to read:

43152.6. (a) The fee imposed pursuant to Section 25205.2 of the Health and Safety Code that is collected and administered under Section 43053 of this code is due and payable to the California Department of Tax and Fee Administration in two equal installments, on or before on or before November 30 and February 28 of each fiscal year.

(b) Every operator of a facility subject to the fee imposed pursuant to Section 25205.2 of the Health and Safety Code shall file an annual return accompanying the second installment payment required pursuant to subdivision (a), in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) For purposes of subdivision (a), the operator of a facility shall pay the applicable fee based on the type and size of the facility, as specified in Section 25205.2 of the Health and Safety Code.

(d) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 63. Section 43152.7 of the Revenue and Taxation Code is amended to read:

43152.7 (a) The fee imposed pursuant to Section 25205.5 of the Health and Safety Code ~~which~~ that is collected and administered under Section 43053 is due and payable ~~on the last day of the second month following the end of the calendar year.~~ in two equal installments, on or before November 30 and February 28 of each fiscal year.

(b) Every generator subject to the fee imposed pursuant to Section 25205.5 of the Health and Safety Code shall file an annual return accompanying the second installment payment required pursuant to subdivision (a), in the form as prescribed by the ~~board,~~ California Department of Tax and Fee which may include, but not be limited to, electronic media and pay the proper amount of fee due. ~~The board shall credit the prepayment made pursuant to Section 43152.15 against the amount due with the annual return.~~ Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the ~~board.~~ California Department of Tax and Fee Administration.

~~(c) The fee imposed by Section 25205.5 of the Health and Safety Code shall be offset by any fees paid by the generator for the preceding calendar year for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the department. The amount of the credit provided under this subdivision shall not exceed an amount equal to the fees paid to the local agency or the generator fee due under Section 25205.5 of the Health and Safety Code, whichever is less. The credit for local fees paid shall not include fees required under Chapter 6.7 (commencing with Section 25280) or Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.~~

(c) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 64. Section 43152.8 of the Revenue and Taxation Code is amended to read:

43152.8. ~~(a)~~

The department shall notify the ~~board~~ California Department of Tax and Fee Administration of the occurrence of-any either of the following:

~~(1)~~

(a) The issuance of a hazardous waste facilities permit or grant of interim status to any facility operator, who has not previously been granted interim status, within 30 days after the facility permit or grant of interim status is issued.

~~(2)~~

(b) When any facility changes size ~~category pursuant to~~ or type specified in Section ~~25205.4~~ 25205.2 of the Health and Safety Code.

~~(b) This section shall become operative July 1, 1991.~~

SEC. 65. Section 43152.9 of the Revenue and Taxation Code is amended to read:

43152.9. (a) The fee imposed pursuant to Section 25205.6 of the Health and Safety Code, which is collected and administered under Section 43054, is due and payable on ~~the last day of the second month following the end of the calendar~~ or before December 31 of each year.

(b) Every corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship subject to the fee imposed pursuant to Section 25205.6 of the Health and Safety Code shall file an annual return in the form as prescribed by the ~~board,~~ California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the ~~board.~~ California Department of Tax and Fee Administration.

(c) This section applies only to fees due for the 2021 and earlier reporting periods, including the return and fee due and payable by February 28 of the year following each reporting period.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 66. Section 43152.9 is added to the the Revenue and Taxation Code to read:

43152.9. (a) The fee imposed pursuant to Section 25205.6 of the Health and Safety Code, which is collected and administered under Section 43054, is due and payable on or before December 31 of each year.

(b) Every corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship subject to the fee imposed pursuant to Section 25205.6 of the Health and Safety Code shall file an annual return in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 67. Section 43152.11 of the Revenue and Taxation Code is repealed.

~~43152.11. (a) The surcharge imposed pursuant to Section 25205.9 of the Health and Safety Code, which is collected and administered under Section 43055, is due and payable to the board on the last day of the second month following the end of the calendar year.~~

~~(b) The surcharge shall be incorporated into the return form prescribed by the board, which every operator subject to the fee imposed by Section 25205.5 of the Health and Safety Code is required to file and pay annually, in accordance with Section 43152.7. The surcharge shall be in addition to the fee imposed by Section 25205.5 of the Health and Safety Code.~~

~~(c) The surcharge imposed by Section 25205.9 of the Health and Safety Code shall be offset by any fees paid by the generator during the preceding calendar year for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the department. The offset provided for under this subdivision shall be allowed to the same extent as the offset provided in subdivision (c) of Section 43152.7.~~

SEC. 68. Section 43152.12 of the Revenue and Taxation Code is amended to read:

43152.12. (a) In addition to the requirements imposed pursuant to Section 43152.6, every operator of a facility subject to the fee specified in Section 25205.2 of the Health and Safety Code shall make two prepayments of the fee to the board, which are due and payable on or before the last day of February and the last day of August of each calendar year. Each prepayment shall be accompanied by a prepayment return in a form prescribed by the board.

(b) For purposes of subdivision (a), the amount of each prepayment shall be not less than 50 percent of the applicable fee imposed on the facility, based on the facility's type and size, as stated on the hazardous waste facilities permit, interim status document, or Part A application, or as specified in ~~Sections 25205.1 and 25205.4~~ Section 25205.2 of the Health and Safety Code.

(c) The board shall credit the amount of the prepayments against the amount of the fee due and payable for the reporting period in which the prepayments are due.

(d) Any person required to make a prepayment pursuant to this section who fails to make a prepayment by the due dates specified in subdivision (a) shall also pay the penalties and interest in accordance with Section 43155.

(e) This section applies only to fees due through the first prepayment of the 2022 reporting period and for earlier reporting periods.

(f) This section shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 69. Section 43152.15 of the Revenue and Taxation Code is amended to read:

43152.15. (a) In addition to the requirements imposed pursuant to ~~Sections 43152.7 and 43152.11, every~~ Section 43152.7, a generator subject to the fees specified in Sections 25205.5 and 25205.9 of the Health and Safety Code shall make a prepayment of the fee by site to the ~~board which~~ California Department of Tax and Fee Administration that is due and payable on or before the last day of August of each calendar year. The prepayment shall be accompanied by a prepayment return in a

form prescribed by the ~~board.~~ California Department of Tax and Fee Administration.

(b) For purposes of subdivision (a), the amount of the prepayment shall be not less than either of the following:

(1) One hundred percent of the applicable fee imposed on the generator, based on the generator's fee category as specified in Section 25205.5 of the Health and Safety Code for the total volume of hazardous waste generated by site during the period January 1 to June 30, inclusive, of the current calendar year in which the prepayment is due. The prepayment may be offset by fees paid by the generator for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the department ~~which~~ that includes both of the following:

(A) The local fees are paid for the current calendar year for which the prepayment is due or the local fees are paid for the preceding calendar year, if fees have not been paid for the current year.

(B) The offset is subject to the limitations and requirements specified in subdivision (c) of Section 43152.7.

(2) Fifty percent of the generator fee liability paid to the ~~board~~ California Department of Tax and Fee Administration by site for the preceding calendar year provided the generator paid a generator fee liability to the ~~board~~ California Department of Tax and Fee Administration for the preceding calendar year for that site.

(c) The ~~board~~ California Department of Tax and Fee Administration shall credit the amount of the prepayment against the amount of the fee due and payable for the calendar year in which the prepayment is due.

(d) Notwithstanding any other provision in this section, the prepayment of a generator fee shall not be required for any amount due that is less than five hundred dollars ($500), or for any other amount due if the ~~board~~ California Department of Tax and Fee Administration determines that prepayment is not in the best economic interest of the program.

(e) Any person required to make a prepayment pursuant to this section who fails to make a prepayment by the due date specified in subdivision (a) shall also pay penalties and interest in accordance with Section 43155.

(f) This section applies only to fees due for the 2021 and earlier reporting periods.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 70. Section 43152.16 of the Revenue and Taxation Code is repealed.

~~43152.16. (a) The board shall issue refunds, if directed to do so by the department, upon making the certification specified in subdivision (d), for some, or all, of the fees imposed pursuant to Sections 25205.5 and 25205.9 of the Health and Safety Code, for hazardous waste generated in 1997.~~

~~(b) The board may issue a refund only to a generator who received a credit pursuant to Section 43152.7 or 43152.11 for fees paid for hazardous waste generated in 1996.~~

~~(c) The refund made to a generator pursuant to this section shall not exceed the generator's credit for hazardous waste generated in 1996, or exceed the generator's fee paid to a certified unified program agency in 1997, whichever amount is less.~~

~~(d) The board may issue refunds pursuant to this section only if the department certifies that funds for these refunds are available.~~

SEC. 71. Section 43153 of the Revenue and Taxation Code is repealed.

~~43153. The board, if it deems it necessary in order to facilitate the administration of this part, may require returns and payments specified under Section 43151 to be made for periods longer than quarterly.~~

SEC. 72. Section 43160 of the Revenue and Taxation Code is amended to read:

43160. Every person who is required to file the returns and make the payments specified in Section 43151, 43152.6, 43152.7, 43152.9, ~~43152.11,~~ 43152.13, ~~43152.14, or 43153~~ or 43152.14 shall, upon transfer or discontinuance of operations, file closing returns on forms prescribed by the board. The closing returns shall be due and payable on the last day of the month following the end of the quarterly period in which the transfer or discontinuance takes place.

2021-22 Governor's Budget Trailer Bill Language
Department of Toxic Substances Control Trailer Bill Language

SECTION 1. Section 25135 of the Health and Safety Code is repealed.

SEC. 2. Section 25135 is added to the Health and Safety Code to read:

25135. (a) The department shall, by March 1, 2027, and every three years thereafter, prepare a state hazardous waste management plan and present it to the board for approval. The state hazardous waste management plan shall be based on the report prepared pursuant to subdivision (b) and any other relevant sources of information and shall serve as a comprehensive planning document for the management of hazardous waste in the state, as a useful informational source to guide state and local hazardous waste management efforts, and as a guide for the department's implementation of its hazardous waste management program.

(b) By March 1, 2025, and every three years thereafter, the department shall prepare a report that includes an analysis of available data related to hazardous waste, including all of the following components:

(1) An analysis of the hazardous waste streams produced in the state, including the sources of the data and any limitations of that data. The report shall present waste stream information for the waste types currently being generated, historically generated, and expected to be generated in the future. In addition to statewide data, the report shall also present the waste stream information in the following categories:

(A) The county in which each waste stream is generated.

(B) The destination to which each waste stream is shipped.

(C) The amount of hazardous waste disposed to land, both inside the state as well as in other states.

(D) The amount of hazardous waste treated, both inside the state and in other states.

(E) The amount of hazardous waste that is regulated under the federal act, and the amount of hazardous waste that is regulated only in the state.

(F) An estimate of the type and volumes of hazardous waste that are generated but are not required to be manifested and therefore are not included in the department's Hazardous Waste Tracking System, including wastes that are:

(i) Treated onsite.

(ii) Recycled onsite.

(iii) Identified as universal wastes.

(iv) Eligible to be managed under a management standard that is an alternative to full hazardous waste regulation.

(2) Information on hazardous waste management facilities that operate in the state, including all of the following:

(A) Information on hazardous waste facilities, including a description of each facility, the amount of hazardous waste each is permitted to receive annually, and the amount of hazardous waste managed by each facility that is received from in-state versus out-of-state generators. The information provided pursuant to this subparagraph shall include information on both of the following:

(i) Hazardous waste facilities that have been issued a permit to operate by the department.

(ii) Any other hazardous waste management facilities that are receiving any type of hazardous wastes from offsite that do not require a hazardous waste facilities permit to operate, such as universal waste handlers or temporary transfer stations.

(B) An analysis of the location of each destination facility, including an assessment of the area in which the facility is located. This analysis shall include zoning and other geographic information, and the CalEnviroScreen score for facilities located in the state. For facilities located in other states the analysis is to include an estimate of an equivalent CalEnviroScreen score or a similar assessment of the environmental conditions or vulnerability to environmental pollutants of the population surrounding the facilities.

(C) An analysis of the transportation of hazardous waste generated in the state, including information on the distance between the destination facilities and the generators that are sending waste to those facilities, the transportation options available to transport hazardous wastes to each facility, and the cost for transportation to each facility, including a calculated estimate of cost per mile traveled.

(c) Before publishing the report required by subdivision (b), the department shall conduct workshops to present the draft report and receive comments from the public. The department shall consider the comments received from the public and revise the report as it deems appropriate.

(d) The state hazardous waste management plan prepared pursuant to subdivision (a) shall include, but is not limited to, all of the following:

(1) A baseline of the amount and types of hazardous waste generated, disposed in the state, and disposed of in other states from which recommendations can be drawn and changes to waste management practices, including the reduction in the amount of hazardous waste generated or disposed, can be measured.

(2) Recommended goals for the reduction in the amount of hazardous waste generated or disposed, including, but not limited to, all of the following:

(A) Goals based on statewide total amounts of hazardous waste.

(B) Goals based on total amounts of particular hazardous waste streams or waste types.

(C) Goals based on amounts of particular hazardous waste streams or waste types generated or disposed by specific industry types or sectors.

(3) Recommendations for achieving the recommended goals, including, but not limited to, all of the following:

(A) Recommendations for techniques to measure hazardous waste being generated to account for variability in manufacturing production or other economic factors.

(B) Recommendations for additional steps to be taken to accomplish all of the following:

(i) Reducing the use of hazardous materials and increasing the use of less hazardous or nonhazardous alternatives to the maximum extent feasible.

(ii) Reducing the amount of hazardous waste disposed.

(iii) Reducing the amount of hazardous waste being generated.

(iv) Reducing the risk of exposure to communities threatened by releases of hazardous substances and hazardous waste.

(v) Reducing the risk of exposure to communities near sites contaminated by hazardous substances and hazardous waste.

(4) Recommendations for modifications to hazardous waste-related fees or financial incentives to encourage additional reduction in waste generation.

(5) Recommendations for incorporating external or long-term costs into waste management decision-making.

(6) Recommendations for allowing for public comment and input into source reduction evaluation review and plans prepared by generators pursuant to Section 25244.19, and hazardous waste management performance reports prepared by generators pursuant to Section 25244.20.

(7) Recommendations for changes to the department's implementation of Article 11.8 (commencing with Section 25244) and Article 11.9 (commencing with Section 25244.12).

(8) Recommendations for appropriate roles and responsibilities for the department, other agencies, local unified program agencies and green business programs in achieving the goals of the plan.

(9) Recommendations for changes to statutes and regulations that may create impediments to waste reduction and achieving the recommended goals.

(10) Recommendations for changes to statutes that enhance or facilitate accomplishment of the recommended goals.

(11) Any other recommendations that would further the department's implementation of its hazardous waste management program and the goals of this section.

(e) Before approving the plan, the board shall hold at least three public hearings in various parts of the state to receive comments from the public. The board and the department shall consider the comments received from the public and revise the plan as they deem appropriate.

SEC. 3. Section 25135.1 of the Health and Safety Code is repealed.

SEC. 4. Section 25135.2 of the Health and Safety Code is repealed.

SEC. 5. Section 25135.3 of the Health and Safety Code is repealed.

SEC. 6. Section 25135.4 of the Health and Safety Code is repealed.

SEC. 7. Section 25135.5 of the Health and Safety Code is repealed.

SEC. 8. Section 25135.6 of the Health and Safety Code is repealed.

SEC. 9. Section 25135.7 of the Health and Safety Code is repealed.

SEC. 10. Section 25135.7.5 of the Health and Safety Code is repealed.

SEC. 11. Section 25135.8 of the Health and Safety Code is repealed.

SEC. 12. Section 25135.9 of the Health and Safety Code is repealed.

SEC. 13. Section 25187.3 is added to the Health and Safety Code, to read:

25187.3. (a) When submitting a corrective measures study for a hazardous waste facility to the department pursuant to an order or agreement under Section 25187 for a release, as defined in Chapter 6.8 (commencing with Section 25300), of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility, an owner or operator shall include a corrective action cost estimate in the corrective measures study.

(b) The owner or operator shall demonstrate financial assurance within 90 days of the department's approval of a corrective measures study and a corrective action cost estimate and shall maintain financial assurance throughout the period of time necessary to complete all required corrective actions.

(c) (1) For purposes of subdivision (b), an owner or operator shall demonstrate and maintain one or more of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) As an alternative to the requirement of paragraph (1), an owner or operator may demonstrate and maintain financial assurance by means of a financial assurance mechanism other than those described in paragraph (1), if the alternative financial assurance mechanism has been submitted to, and approved by, the department as

being at least equivalent to the financial assurance mechanisms described in paragraph (1). The department shall evaluate the equivalency of the proposed alternative financial assurance mechanism principally in terms of the certainty of the availability of funds for required corrective action activities and the amount of funds that will be made available. The department shall require the owner or operator to submit any information necessary to make a determination as to the equivalency of the proposed alternative financial assurance mechanism.

(d) The department may waive the financial assurance required by subdivision (b) if the owner or operator is a federal, or state or local government entity.

SEC. 14. Section 25200 of the Health and Safety Code is amended to read:

25200. (a) The department shall issue hazardous waste facilities permits to use and operate one or more hazardous waste management units at a facility that in the judgment of the department meet the building standards published in the State Building Standards Code relating to hazardous waste facilities and the other standards and requirements adopted pursuant to this chapter. The department shall impose conditions on each hazardous waste facilities permit specifying the types of hazardous wastes that may be accepted for transfer, storage, treatment, or disposal. The department may impose any other conditions on a hazardous waste facilities permit that are consistent with the intent of this chapter.

(b) The department may impose, as a condition of a hazardous waste facilities permit, a requirement that the owner or operator of a hazardous waste facility that receives hazardous waste from more than one producer comply with any order of the director that prohibits the facility operator from refusing to accept a hazardous waste based on geographical origin that is authorized to be accepted and may be accepted by the facility without extraordinary hazard.

(c) (1) (A) Any hazardous waste facilities permit issued by the department, including standardized permits issued pursuant to section 25201.6 shall be for a fixed term, which shall not exceed 10 years for any ~~land disposal facility, storage facility, incinerator, or other treatment~~ facility.

(B) ~~Before the fixed term of a permit expires, the owner or operator of a facility intending to extend the term of the facility's permit shall submit a complete Part A application for a permit renewal. At any time following the submittal of the Part A application, the owner or operator of a facility shall submit a complete Part B application, or any portion thereof, as well as any other relevant information, as and when requested by the department.~~ To the extent not inconsistent with the federal act, when a ~~complete~~ Part A ~~renewal application~~ and Part B application for the renewal of an existing hazardous waste facilities permit has been deemed complete as specified in subparagraph (4) of this subdivision, a signed written cost reimbursement agreement and 25-percent advance payment required pursuant to Section 25205.7, if applicable, have been submitted to and received by the department, and any other requested information~~,~~ has been submitted before the ~~end of the permit's fixed term,~~

~~the~~ end of the permit's fixed term, the permit is deemed extended until the renewal application is approved ~~or denied and the owner or operator has~~ and the new hazardous waste facilities permit is effective or the application for the renewal of an existing hazardous waste facilities permit has been denied and all parties have exhausted all applicable rights of appeal.

(C) For a facility with a permit that expires before January 1, 2025, to file a renewal, the owner or operator shall submit a Part A and Part B application at least 180 days before the end of the permit's fixed term. The department shall post on its internet website the estimated date for a permit decision for all permits subject to this subparagraph and shall update this information at least monthly. The department shall issue a permit decision on a permit meeting this criteria within three years of the enactment of this section or within three years of the permit expiration date, whichever is later.

(D) For a facility with a permit that expires on or after January 1, 2025, to file a renewal, the owner or operator shall submit a Part A and Part B application at least two years before the end of the permit's fixed term. The department shall post on its internet website the estimated date for a permit decision for all permits subject to this subparagraph and shall update this information at least monthly. The department shall issue a decision on a permit meeting this criteria no later than one year after the end of the permit's fixed term.

~~(C)~~ (E) This section does not limit or restrict the department's authority to impose any additional or different conditions on an extended permit that are necessary to protect human health and the environment.

~~(D)~~ (F) In adopting new conditions for an extended permit, the department shall follow the applicable permit modification procedures specified in this chapter and the regulations adopted pursuant to this chapter.

~~(E)~~ (G) When prioritizing pending renewal applications for processing and in determining the need for any new conditions on an extended permit, the department shall consider any input received from the public.

(2) The department shall review each hazardous waste facilities permit for a land disposal facility five years after the date of issuance or reissuance, and shall modify the permit, as necessary, to assure that the facility continues to comply with the currently applicable requirements of this chapter and the regulations adopted pursuant to this chapter.

(3) This subdivision does not prohibit the department from reviewing, modifying, or revoking a permit at any time during its term.

(4) For purposes of this section, an application for the renewal of an existing hazardous waste facilities permit shall be deemed complete when the department has

notified the applicant in writing that the application is complete in accordance with subdivision (c) of Section 66271.2 of Title 22 of the California Code of Regulations.

(d) (1) When reviewing any application for a permit renewal, the department shall consider improvements in the state of control and measurement technology as well as changes in applicable regulations.

(2) Each permit issued or renewed under this section shall contain the terms and conditions that the department determines necessary to protect human health and the environment.

(e) A permit issued pursuant to the federal act by the United States Environmental Protection Agency in the state for which no state hazardous waste facilities permit has been issued shall be deemed to be a state permit enforceable by the department until a state permit is issued. In addition to complying with the terms and conditions specified in a federal permit deemed to be a state permit pursuant to this section, an owner or operator who holds that permit shall comply with the requirements of this chapter and the regulations adopted by the department to implement this chapter.

SEC. 15. Section 25200.05 is added to the Health and Safety Code, to read:

25200.05. (a) No later than 90 days after receiving an application for a hazardous waste facility's permit pursuant to Section 25200 or Section 25201.6, the department shall post on its internet website a timeline with the estimated dates of key milestones in the application review process, which shall include, but not be limited to, the dates of public meetings and the date for issuance of a draft decision. The department shall note on its internet website that these dates are estimates and shall update the dates as needed.

(b) On or before March 31, 2023, the department shall post a timeline, as described in subdivision (a), for a hazardous waste facility permit application under review as of January 1, 2023.

SEC. 16. Section 25200.25 is added to the Health and Safety Code, to read:

25200.25. (a) If a final permit decision has not been issued by the department by the applicable permit decision deadline pursuant to Section 25200 or Section 25201.6, the department shall issue a report, which shall be released to the public, that includes the reasons why the final permit decision was not made on time and a proposed schedule for issuing the final permit decision. The department's report shall specifically address all of the following:

(1) The current status of work completed by the department on the permit application.

(2) The actions and information needed to make a final permit decision and the department's proposed schedule for issuing the final permit decision.

(3) Information supporting any determination by the department that the hazardous waste facility's failure to provide complete or timely information caused or contributed

to the department's failure to issue a final permit decision within the applicable permit decision deadline.

(b) The report shall be prepared no later than 60 days after the applicable permit decision deadline has expired. The department shall provide a copy of the report to the hazardous waste facility that is the subject of the report.

(c) This section applies to a permit for an operating facility of a treatment, storage, or disposal facility and does not apply to a permit for a facility undergoing closure, or to a closure or postclosure permit.

SEC. 17. Section 25200.27 is added to the Health and Safety Code, to read:

25200.27. (a) After the preparation of a report pursuant to Section 25200.25, the department shall do all of the following:

(1) Request that the board schedule a hearing for the department to present the report.

(2) Provide an opportunity for the hazardous waste facility to submit a written brief and present to the board a proposed schedule for issuing the final permit decision.

(b) The board shall accept or modify the schedule proposed in the report.

SEC. 18. Section 25201.6 of the Health and Safety Code is amended to read:

25201.6. (a) For purposes of this section and Section 25205.2, the following terms have the following meaning:

(1) "Series A standardized permit" means a permit issued to a facility that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 50,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 100,000 pounds per calendar month.

(C) The total facility storage design capacity is greater than 500,000 gallons for liquid hazardous waste.

(D) The total facility storage design capacity is greater than 500 tons for solid hazardous waste.

(E) A volume of liquid or solid hazardous waste is stored at the facility for more than one calendar year.

(2) "Series B standardized permit" means a permit issued to a facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not exceed any of the upper volume limits specified in subparagraphs (A) to (D), inclusive, and that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 5,000 gallons, but does not exceed 50,000 gallons, per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 10,000 pounds, but does not exceed 100,000 pounds, per calendar month.

(C) The total facility storage design capacity is greater than 50,000 gallons, but does not exceed 500,000 gallons, for liquid hazardous waste.

(D) The total facility storage design capacity is greater than 100,000 pounds, but does not exceed 500 tons, for solid hazardous waste.

(3) "Series C standardized permit" means a permit issued to a facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not conduct thermal treatment of hazardous waste, with the exception of evaporation, and that either meets the requirements of paragraph (3) of subdivision (g) or meets all of the following conditions:

(A) The total influent volume of liquid hazardous waste treated does not exceed 5,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated does not exceed 10,000 pounds per calendar month.

(C) The total facility storage design capacity does not exceed 50,000 gallons for liquid hazardous waste.

(D) The total facility storage design capacity does not exceed 100,000 pounds for solid hazardous waste.

(b) The department shall adopt regulations specifying standardized hazardous waste facilities permit application forms that may be completed by a non-RCRA Series A, B, or C treatment, storage, or treatment and storage facility, in lieu of other hazardous waste facilities permit application procedures set forth in regulations. The department shall not issue permits under this section to specific classes of facilities unless the department finds that doing so will not create a competitive disadvantage to a member or members of that class that were in compliance with the permitting requirements which were in effect on September 1, 1992.

(c) The regulations adopted pursuant to subdivision (b) shall include all of the following:

(1) Require that the standardized permit notification be submitted to the department on or before October 1, 1993, for facilities existing on or before September 1, 1992, except for facilities specified in paragraphs (2) and (3) of subdivision (g). The standardized permit notification shall include, at a minimum, the information required for a Part A application as described in the regulations adopted by the department.

(2) Require that the standardized permit application be submitted to the department within six months of the submittal of the standardized permit notification. The standardized permit application shall require, at a minimum, that the following information be submitted to the department for review ~~prior to~~ before the final permit determination:

(A) A description of the treatment and storage activities to be covered by the permit, including the type and volumes of waste, the treatment process, equipment description, and design capacity.

(B) A copy of the closure ~~plan~~ plan, as required by paragraph (13) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(C) A description of the corrective action program, as required by Section 25200.10.

(D) Financial responsibility documents specified in paragraph (17) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(E) A copy of the topographical ~~map~~ map, as specified in paragraph (18) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(F) A description of the individual container, and tank and containment system, and of the engineer's certification, as specified in Sections 66270.15 and 66270.16 of Title 22 of the California Code of Regulations.

(G) Documentation of compliance, if applicable, with the requirements of Article 8.7 (commencing with Section 25199).

(3) Require that a facility operating pursuant to a standardized permit comply with the liability assurance requirements in Section 25200.1.

(4) Specify which of the remaining elements of the permit application, as described in subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations, shall be the subject of a certification of compliance by the applicant.

(5) Establish a procedure for imposing an administrative penalty pursuant to Section 25187, in addition to any other penalties provided by this chapter, upon an owner or operator of a treatment or storage facility that is required to obtain a hazardous waste facilities permit and that meets the criteria for a Series A, B, or C permit listed in subdivision (a), who does not submit a standardized permit notification to the department on or before the submittal deadline specified in paragraph (1) or the submittal deadline specified in paragraph (2) or (3) of subdivision (g), whichever date is applicable, and who continues to operate the facility without obtaining a hazardous waste facilities permit or other grant of authorization from the department after the applicable deadline for submitting the notification to the department. In determining the amount of the administrative penalty to be assessed, the regulations shall require the amount to be based upon the economic benefit gained by that owner or operator as a result of failing to comply with this section.

(6) Require that a facility operating pursuant to a standardized permit comply, at a minimum, with the interim status facility operating requirements specified in the regulations adopted by the department, except that the regulations adopted pursuant to this section may specify financial assurance amounts necessary to adequately respond to damage claims at levels that are less than those required for interim status facilities if the department determines that lower financial assurance levels are appropriate.

(d) (1) Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) On and before January 1, 1995, the adoption of the regulations pursuant to paragraph (1) is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(e) The department ~~may~~ shall not grant a permit under this section unless the department has determined the adequacy of the material submitted with the application and has conducted an inspection of the facility and determined all of the following:

(1) The treatment process is an effective method of treating the waste, as described in the permit application.

(2) The corrective action plan is appropriate for the facility.

(3) The financial assurance is sufficient for the facility.

(f) (1) Interim status shall not be granted to a facility that does not submit a standardized permit notification on or before October 1, 1993, unless the facility is subject to paragraph (2) or (3) of subdivision (g).

(2) Interim status shall be revoked if the permit application is not submitted within six months of the permit notification.

(3) Interim status granted to any facility pursuant to this section and Sections 25200.5 and 25200.9 shall terminate upon a final permit determination or January 1, 1998, whichever date is earlier. This paragraph shall apply retroactively to facilities for which a final permit determination is made on or after September 30, 1995.

(4) A treatment, storage, or treatment and storage facility operating pursuant to interim status that applies for a permit pursuant to this section shall pay fees to the department in an amount equal to the fees established by subdivision (e) of Section 25205.4 for the same size and type of facility.

(g) (1) Except as provided in paragraphs (2), (3), and (4), a facility treating used oil or solvents, or that engages in incineration, thermal destruction, or any land disposal activity, is not eligible for a standardized permit pursuant to this section.

(2) (A) Notwithstanding paragraph (1), an offsite facility treating solvents is eligible for a standardized permit pursuant to this section if all of the following conditions are met:

(i) The facility exclusively treats solvent wastes, and is not required to obtain a permit pursuant to the federal act.

(ii) The solvent wastes that the facility treats are only the types of solvents generated from dry cleaning operations.

(iii) Ninety percent or more of the solvents that the facility receives are from dry cleaning operations.

(iv) Ninety percent or more of the solvents that the facility receives are recycled and sold by the facility, excluding recycling for energy recovery, provided that the facility does not produce more than 15,000 gallons per month of recycled solvents.

~~(B) A facility that is eligible for a standardized permit pursuant to this paragraph is also eligible for the fee exemption provided in subdivision (d) of Section 25205.12 for any year or reporting period prior to January 1, 1995, if the owner or operator complies with the notification and application requirements of this section on or before March 1, 1995.~~

~~(C)~~ (B) A facility treating solvents pursuant to this paragraph shall clearly label all recycled solvents as recycled prior to subsequent sale or distribution.

~~(D)~~ (C) Notwithstanding that a facility eligible for a standardized permit pursuant to this paragraph meets the eligibility requirements for a Series C standardized permit specified in paragraph (3) of subdivision (a), the facility shall obtain and meet the requirements for a Series B standardized permit specified in paragraph (2) of subdivision (a).

~~(E)~~ (D) Notwithstanding any other provision of this chapter, for purposes of this paragraph, if the recycled material is to be used for dry cleaning, "recycled" means the removal of water and inhibitors from waste solvent and the production of dry cleaning solvent with an appropriate inhibitor for dry cleaning use. The removal of inhibitors is not required if all of the solvents received by the facility that are recycled for dry cleaning use are from dry cleaners.

(3) ~~(A)~~ -Notwithstanding paragraph (1), an owner or operator with a surface impoundment used only to contain non-RCRA wastes generated onsite, that holds those wastes for not more than one 30-day period in any calendar year, and that meets the criteria specified in ~~paragraphs (i)~~ subparagraphs (A) to ~~(iii),~~ (C), inclusive, may submit a Series C standardized permit application to the department. A surface impoundment is eligible for operation under the Series C standardized permit tier if all of the following requirements are met:

~~(i)~~ (A) The waste and any residual materials are removed from the surface impoundment within 30 days of the date the waste was first placed into the surface impoundment.

~~(ii)~~ (B) The owner or operator has, and is in compliance with, current waste discharge requirements issued by the appropriate ~~California~~ regional water quality control board for the surface impoundment.

~~(iii)~~ (C) The owner or operator complies with all applicable groundwater monitoring requirements of the regulations adopted by the department pursuant to this chapter.

~~(B) A facility that is eligible for a standardized permit pursuant to this paragraph is also eligible for the fee exemption provided in subdivision (d) of Section 25205.12 for any year or reporting period prior to January 1, 1996, if the owner or operator complies with the notification and application requirements of this section on or before March 1, 1996.~~

(4) For purposes of this subdivision, treating solvents and thermal destruction do not include the destruction of nonmetal constituents in a thermal treatment unit that is operated solely for the purpose of the recovery of precious metals, if that unit is operating pursuant to a standardized permit issued by the department and the unit is in compliance with the applicable requirements of Division 26 (commencing with Section 39000). This paragraph does not prohibit the department from specifying, in the standardized permit for such a unit, a maximum concentration of nonmetal constituents, if the department determines that this requirement is necessary for protection of human health or safety or the environment.

(h) Facilities operating pursuant to this section shall comply with Article 4 (commencing with Section 66270.40) of Chapter 20 of Division 4.5 of Title 22 of the California Code of Regulations.

(i) (1) When a Part A and Part B application for the renewal of an existing hazardous waste facilities permit has been deemed complete as specified in subparagraph (4) of this subdivision, a signed written cost reimbursement agreement and 25-percent advance payment required pursuant to Section 25205.7, if applicable, have been submitted to and received by the department,, and any other requested information, has been submitted before the end of the permit's fixed term, the permit is deemed extended until the renewal application is approved and the new hazardous waste facilities permit is effective or the application for the renewal of an existing hazardous waste facilities permit has been denied and all parties have exhausted all applicable rights of appeal.

(2) For a facility with a standardized permit that expires before January 1, 2025, to file a renewal, the owner or operator shall submit a Part A and Part B application for the renewal of an existing hazardous waste facilities permit at least 180 days before the end of the permit's fixed term. The department shall post on its internet website the estimated date for a permit decision for all permits subject to this subparagraph and shall update this information at least monthly. The department shall issue a permit decision on a permit meeting this criteria within three years of the enactment of this section or within three years of the permit expiration date, whichever is later.

(3) For a facility with a standardized permit that expires on or after January 1, 2025, to file a renewal, the owner or operator shall submit a Part A and Part B application at least two years before the end of the permit's fixed term. The department shall post on its internet website the estimated date for a permit decision for all permits subject to this subparagraph and shall update this information at least monthly. The department shall issue a decision on a permit meeting this criteria no later than one year after the end of the permit's fixed term.

(4) For purposes of this subdivision, an application for the renewal of an existing standardized permit shall be deemed complete when the department has notified the applicant in writing that the application is complete in accordance with subdivision (c) of Section 66271.2 of Title 22 of the California Code of Regulations.

~~(i)~~ (j) (1) The department shall require an owner or operator applying for a standardized permit to complete and file a phase I environmental assessment with the application. However, if a RCRA facility assessment has been performed by the department, the assessment shall be deemed to satisfy the requirement of this subdivision to complete and file a phase I environmental assessment, and the facility shall not be required to submit a phase I environmental assessment with its application.

(2) (A) For purposes of this subdivision, the phase I environmental assessment shall include a preliminary site assessment, as described in subdivision (a) of Section 25200.14, except that the phase I environmental assessment shall also include a certification, signed, except as provided in subparagraph (B), by the owner, and also by the operator if the operator is not the owner, of the facility and an independent professional engineer or geologist registered in the state, or environmental assessor.

(B) Notwithstanding subparagraph (A), the certification for a permanent household waste collection facility may be signed by any professional engineer or geologist registered in ~~this~~ the state, or environmental assessor, including, but not limited to, such a person employed by the governmental entity, but if the facility owner is not a governmental entity, the engineer, geologist, or assessor signing the certification shall not be employed by, or be an agent of, the facility owner.

(3) The certification specified in paragraph (2) shall state whether evidence of a release of hazardous waste or hazardous constituents has been found.

(4) If evidence of a release has been found, the facility shall complete a detailed site assessment to determine the nature and extent of any contamination resulting from the release and shall submit a corrective action plan to the department, within one year of submittal of the standardized permit application.

~~(j)~~ (k) The department shall establish an inspection program to identify, inspect, and bring into compliance any treatment, storage, or treatment and storage facility that is eligible for, and is required to obtain, a standardized hazardous waste facilities permit pursuant to this section, and that is operating without a permit or other grant of authorization from the department for that treatment or storage activity.

~~(k)~~ (l) A treatment, storage, or treatment and storage facility authorized to operate pursuant to a hazardous waste facilities permit issued pursuant to Section 25200, that meets the criteria listed in subdivision (a) for a standardized permit, may operate pursuant to a Series A, B, or C standardized permit by completing the appropriate permit modification procedure specified in the regulations for such a modification.

SEC. 19. Section 25205 of the Health and Safety Code is amended to read:

25205. (a) Except as provided in Section 25245.5, 25245.4, the department shall not issue or renew a permit to operate a hazardous waste facility pursuant to Section 25200 or Section 25201.6 unless the owner or operator of the facility establishes and maintains the financial assurances required pursuant to Article 12 (commencing with Section 25245), including, but not limited to, financial assurances for the costs of corrective action, closure, and postclosure.

(b) The grant of interim status of a facility, or any portion thereof, of a facility, that is operating under a grant of interim status pursuant to Section 25200.5, based on the facility having been in existence on November 19, 1980, shall terminate on July 1, 1997, unless the department certifies, on or before July 1, 1997, that the facility is in compliance with the financial assurance requirements of Article 12 (commencing with Section 25245) for a facility in operation since November 19, 1980, for all units, tanks, and equipment for which the facility has authorization to operate pursuant to its grant of interim status.

(c) The department shall review, at least once every five years, the financial assurances required to operate a permitted hazardous waste facility and the cost estimates used to establish the amount of the financial assurances required, and may revise the financial assurances and the cost estimates more often, at the department's discretion. If the department's review finds that the cost estimates forming the basis for the financial assurances for a facility are inadequate for any reason, including, but not limited to, underestimated potential costs, the department shall notify the owner or operator of the facility of that finding. Within 90 days of that notification, the owner or operator shall provide an updated cost estimate for the financial assurances and a request to adjust the financial assurance amount to incorporate a new cost estimate. Within 60 days of the department's approval of the revised cost estimate, the owner or operator shall establish financial assurance mechanisms for the approved revised cost estimate amounts.

SEC. 20. Section 25245 of the Health and Safety Code is amended to read:

25245. (a) The department shall adopt, and revise when appropriate, standards and regulations which shall do both of the following:

(1) Specify the financial assurances to be provided by the owner or operator of a hazardous waste facility that are necessary to respond adequately to damage claims arising out of the operation of that type of facility and to provide for the cost of closure and subsequent maintenance of the facility, including, but not limited to, the monitoring of groundwater and other aspects of the environment after closure. If the facility is required to obtain a permit under the federal act, the financial assurance shall be ~~a trust fund, surety bond, letter of credit, insurance, or any other~~ ~~mechanism~~ one of the mechanisms authorized under the federal act and the regulations adopted pursuant to the federal act except that a facility may not use a financial test and guarantee or similar mechanism. If the facility is not required to obtain a permit under the federal act, the financial assurance mechanisms authorized by the department may include any other equivalent financial arrangement deemed acceptable to the department, except that the financial assurance mechanisms authorized by the department shall not include a financial test and guarantee or similar mechanism.

(2) Provide that every hazardous waste facility can be closed and maintained for at least 30 years subsequent to its closure in a manner that protects human health and the environment and minimizes or eliminates the escape of hazardous waste constituents, leachate, contaminated rainfall, and waste decomposition products to ground and surface waters and to the atmosphere.

(b) In adopting regulations pursuant to subdivision (a), to carry out the purposes of this chapter, the department may specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing evidence of financial responsibility.

(1) If an owner or operator is in bankruptcy pursuant to Title 11 of the United States Code, or where, with reasonable diligence, jurisdiction in any state or federal court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which this section requires evidence of financial responsibility may be asserted directly against the guarantor who provided the evidence of financial responsibility.

(2) The total liability of any guarantor is limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this chapter.

(3) This subdivision does not limit any other state or federal statutory, contractual, or common law liability of a guarantor to the owner or operator, including, but not limited to, the liability of the guarantor for bad faith in either negotiating or in failing to negotiate the settlement of any claim.

(4) This subdivision does not diminish the liability of any person under Section 107 or 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Secs. 9607 and 9611).

(5) For purposes of this subdivision, "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this section.

SEC. 21. Section 25246.1 is added to the Health and Safety Code, to read:

25246.1. (a) After the department has identified a release or releases of a hazardous waste or a hazardous waste constituent into the environment from a hazardous waste facility, and the source of the release is a facility, or hazardous waste management unit, or an activity that is regulated by the department pursuant to this chapter, and the department determines that corrective action is necessary at the facility, either during the active life of the facility or pursuant to an order or agreement for corrective action, the department shall 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 the corrective action based on available data, history of releases, and site activities of the facility.

(b) Other than an obligation for corrective action described in subdivision (a), if the department determines that corrective action is necessary at any site undergoing a response action overseen by the department pursuant to its authority in any of the circumstances identified in subdivision (c), the department shall request an owner, operator, respondent, or proponent of a hazardous waste facility to submit to the department for review and approval a written cost estimate to cover activities associated with corrective action based on available data, history of releases, and site activities of that facility for which corrective action is needed.

(c) The requirements of subdivision (b) apply in any of the following circumstances:

(1) The department has issued an order, entered into an agreement, or otherwise initiated action, with respect to the release at the site pursuant to Section 25355, 25355.5, or 25358.3.

(2) The source of the release is a facility or hazardous waste management unit or an activity that is, or was, regulated by the department pursuant to this chapter.

(3) The department is conducting, or has conducted, oversight of the site investigation and remedial action at the site at the request of the responsible party.

SEC. 22. Section 25246.2 is added to the Health and Safety Code, to read:

25246.2. (a) If corrective action financial assurance is required under Section 25246.1 the requirements of this section shall apply.

(b) The corrective action cost estimate shall be based on, and be no less stringent than, the ASTM International Standard E2150.

(c) (1) The owner or operator of a facility shall submit the corrective action cost estimate to the department within 60 days of the department's request.

(2) If the department determines that the corrective action cost estimate is substantially incomplete or includes substantially unsatisfactory information, the department shall provide a notice of deficiency to the owner or operator of the facility within 60 days of receipt of the corrective action cost estimate.

(3) The owner or operator of the facility shall submit a revised corrective action cost estimate based on the information provided in the notice of deficiency within 30 days.

(4) The department shall approve or deny the revised corrective action cost estimate within 30 days.

(5) If the corrective action cost estimate does not address the information provided in the notice of deficiency, as determined by the department, the department shall deny the revised corrective action cost estimate and shall, within 60 days, develop its own corrective action cost estimate that will be the approved estimate for the facility.

(d) The owner or operator of a facility, within 90 days of the approval of a corrective action cost estimate, shall fund the approved corrective action cost estimate, or shall enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action.

(e) If the owner or operator of a hazardous waste facility is required to submit a financial assurance mechanism for corrective action, the financial assurance shall be in the form of a trust fund, surety bond, letter of credit, insurance, or any other mechanism authorized under the federal act and the regulations adopted by the department for financial assurance mechanisms.

(f) The financial assurance for an owner or operator of a facility that is required to submit a financial assurance mechanism for corrective action shall be governed by Section 25355.3.

(g) The department may adopt, and revise, when appropriate, standards and regulations to implement this section. Additionally, the department may adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to implement this section. The adoption of these regulations shall be declared an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code.

SEC. 23. Section 25355.3 is added to the Health and Safety Code, to read:

25355.3. (a) The department shall require any responsible party who is required to undertake corrective action obligations pursuant to a determination issued pursuant to Section 25246.1 to demonstrate and to maintain financial assurance in accordance with this section.

(b) The responsible party shall demonstrate financial assurance within 90 days of the department's approval of a feasibility study and shall maintain it throughout the period of time necessary to complete all required response actions.

(c) When submitting a feasibility study, a responsible party shall include a response action cost estimate.

(d) (1) For purposes of subdivision (b), the responsible party shall demonstrate and maintain one or more of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) As an alternative to the requirement of paragraph (1), a responsible party may demonstrate and maintain financial assurance by means of a financial assurance mechanism other than those described in paragraph (1), if the alternative financial assurance mechanism has been submitted to, and approved by, the department or a regional water quality control board as being at least equivalent to the financial assurance mechanisms described in paragraph (1). The department or the regional board shall evaluate the equivalency of the proposed alternative financial assurance mechanism principally in terms of the certainty of the availability of funds for required operation and maintenance activities and the amount of funds that will be made available. The department or the regional board shall require the responsible party to submit any information necessary to make a determination as to the equivalency of the proposed alternative financial assurance mechanism.

(e) If the source of the release is not regulated by the department pursuant to Chapter 6.5 (commencing with Section 25100), the department or a regional water quality control board shall waive the financial assurance required by subdivision (a) if the department or the regional board makes one of the following determinations:

(1) The responsible party is a small business and has demonstrated all of the following:

(A) The responsible party cannot qualify for any of the financial assurance mechanisms set forth in subdivisions (b), (c), and (d) of Section 66265.143 of Title 22 of the California Code of Regulations.

(B) The responsible party financially cannot meet the requirements of subdivision (a) of Section 66265.143 of Title 22 of the California Code of Regulations.

(C) The responsible party is not capable of meeting the eligibility requirements set forth in subdivision (e) of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) The responsible party is a small business and has demonstrated that the responsible party financially is not capable of establishing one of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations while at the same time financing the response action applicable to the site.

(3) The responsible party is not separately required to demonstrate and maintain a financial assurance mechanism for response actions at a site because all of the following conditions apply:

(A) The site is a multiple responsible party site.

(B) Financial assurance that response action at the site will be carried out is demonstrated and maintained by a financial assurance mechanism established jointly by all, or some, of the responsible parties.

(C) The financial assurance mechanism specified in subparagraph (B) meets the requirements of subdivisions (a) and (b).

(4) The responsible party is a federal, state, or local government entity.

(f) The department shall withdraw a waiver granted pursuant to subdivision (e) if the department determines that the responsible party that obtained the waiver no longer meets the eligibility requirements for the waiver.

(g) The department's duties to implement this section are contingent upon an appropriation by the Legislature for purposes of implementing the requirements of this section.

Environmental Fee

Element	Required Fee Revenue	Percent Increase
2022 Revenues (estimated)	**$56,493,000**	--
GF Backfill	$13,000,000	
Board and Ombudsperson	$1,500,000	
Total with GF Backfill, Board and Ombudsperson	**$70,993,000**	
Level of Service Increases		
Safer Consumer Products Program Buildout	$10,000,000	
Site Cleanup Staffing	$21,500,000	
IT Infrastructure and Security	$2,500,000	
Legal/Enforcement Resources	$2,500,000	
Subtotal for Level of Service Increases*	**$36,500,000**	
Prudent Fund Reserve	$3,600,000	
Total with BY+1 Service Level Increases and Prudent Fund Reserve	**$111,093,000**	**97%**

**The amounts projected for additional service levels are estimates, and will be validated as part of BY +1 budget change proposals to be submitted requesting appropriations for those additional services.*

Environmental Fee
Proposed Rates

Number of Employees	2022 Estimated Fee Rate (Current Rate/CPI Only)*	Proposed 2022 Fee Rates	Proposed Rate Cap
50-74 Employees	**$362**	**$0**	**$0**
75-99 Employees	**$636**	**$0**	**$0**
100-249 Employees	**$1,261**	**$1,261**	**$2,522**
250-499 Employees	**$2,706**	**$2,706**	**$5,412**
500-999 Employees	**$5,054**	**$16,500**	**$33,000**
1,000 or More Employees	**$17,144**	**$56,000**	**$112,000**

**2022 Environmental Fee rate estimates calculated using 2021 rates and applying additional CPI adjustment of 1.38%.*

Facility Fee
Proposed Rates

Element	Required Fee Revenue	Percent Increase
2022 Revenues (Estimated)	**$5,637,000**	--
Shift of Facility-Related Program Costs	**$2,000,000**	
GF Backfill (Facility Fee Portion)	**$3,700,000**	
Board and Ombudsperson (Facility Fee Portion)	**$250,000**	
Total with Cost Shift, GF Backfill, Board and Ombudsperson	**$11,600,000**	
Level of Service Increases		
Hazardous Waste Management Plan (Facility Fee Portion)	**$250,000**	
Permitting Process Costs (VSP)	**$1,500,000**	
Legal Resources	**$400,000**	
Information Technology Resources	**$400,000**	
Subtotal for Level of Service Increases*	**$2,550,000**	
Prudent Fund Reserve	**$470,000**	
Total with Cost Shift, GF Backfill, Board and Ombudsperson, Service Levels Increases and Prudent Fund Reserve	**$14,620,000**	**160.5%**

**The amount projected for additional service levels are estimates, and will be validated as part of BY +1 budget change proposals to be submitted requesting appropriations for those additional services.*

2022 Proposed Facility Fee Rates and Rate Caps
Full Permit Facility Fee

		Projected Base Fee Rate 2022	Proposed 2022 Base Fee Rate	Proposed Fee Rate Cap
		$36,438	**$94,910**	**$189,800**
		Projected Rates (Calculated)	**Proposed Rates (Calculated)**	
Mini Storage	0.25 x base rate	$9,110	**$23,728**	
Small Storage	1 x base rate	$36,438	**$94,910**	
Large storage	2 x base rate	$72,877	**$189,820**	
Mini treatment	0.5 x base rate	$18,219	**$47,455**	
Small treatment	2 x base rate	$72,877	**$189,820**	
Large treatment	3 x base rate	$109,315	**$284,730**	
Disposal facility	10 x base rate	$364,383	**$949,100**	

Postclosure Permit Facility Fee

	Current Rates 2021 (No CPI)	Proposed 2022 Rate*	Proposed Fee Rate Caps
Small Facility (<5 Years)	$5,725	**$26,980**	**$54,000**
Medium Facility (<5 Years)	$11,450	**$53,960**	**$107,900**
Large Facility (<5 Years)	$17,175	**$80,940**	**$161,900**
Small Facility (>5 Years)	$3,050	**$14,375**	**$28,700**
Medium Facility (>5 Years)	$6,100	**$28,750**	**$57,500**
Large Facility (>5 Years)	$10,300	**$48,550**	**$97,100**

**The proposed 2022 Rate was calculated by first applying annual CPI from 1998 through present, then applying the identified percentage increase*

Standardized Permit Facility Fee

	Current Rates 2021 (No CPI)	Proposed 2022 Rate*	Proposed Fee Rate Caps
Series A	$11,730	**$55,280**	**$110,600**
Series B	$5,497	**$25,910**	**$51,800**
Series C	$4,617	**$21,760**	**$43,500**
Small Quantity Series C	$2,308	**$10,880**	**$21,800**

**The proposed 2022 Rate was calculated by first applying annual CPI from 1998 through present, then applying the identified percentage increase*

Transportable Treatment Unit Fee

	Current Rates 2021	Proposed 2022 Rate	Proposed Fee Rate Caps
Permit by Rule	$1,743	**$4,600**	**$9,200**
Conditional Authorization	$1,743	**$4,600**	**$9,200**
Conditional Exemption*	$38	**$180**	**$360**

**The proposed 2022 Rate for Conditional Exemption was calculated by first applying annual CPI from 1998 through present, then applying the identified percentage increase*

FY 2021/22 Fee Reform Trailer Bill Language

Section by Section Key

Sections 1 and 2: [GC 6103.10] – Code cleanup to update or remove obsolete references.

Section 3 – [HSC 25144.6] – Modifies to reference the updated Facility Fee section, and other code cleanup.

Section 4 and 5: [HSC 25160] – Removes reference to the Manifest Fee section, which is being repealed.

Sections 6 and 7: [HSC 25173.6] – Modifies the section governing the Toxic Substances Control Account:

- Adds the following to the list of activities authorized to be funded from TSCA
    - Implementation of the Green Chemistry statute
    - Implementation of product authorities
    - Administration of the Safer Consumer Products Program
- Adds Board activities to the list of activities to be funded by TSCA.
- Eliminates the requirement to provide the TSCA report by February 1 each year
- Removes obsolete provisions

Sections 8 and 9: [HSC 25174] – Modifies the section governing the Hazardous Waste Control Account:

- Removes references to the fees that are being repealed (Disposal Fee, the Manifest Fee and the EPA ID Verification Fee) from the list of fees and revenues deposited into HWCA
- Limits the fee revenues to be deposited into HWCA to only the Generation and Handling Fee
- Limits activities to be funded by HWCA to only those hazardous waste regulatory activities that are not associated with authorized (permitted) facilities, and specifically excludes DTSC's products related authorities.
- Adds Board activities to the list of activities eligible to be funded by HWCA.

Section 10: [HSC 25174.01] – Adds a section establishing the Hazardous Waste Facilities Account within the Hazardous Waste Control Account and governing its use:

- Fee revenues to be deposited into HWFA include the Facility Fee and Permitting Fee for Service
- Limits activities to be funded by HWFA to only those hazardous waste regulatory activities that are associated with authorized (permitted) facilities.
- Includes Board activities as activities eligible to be funded by HWFA.

Section 11: [HSC 25174.02] – Adds section allowing DTSC to assume responsibility for fee collection (provisions relocated from HSC 25174, and broadened to apply to the collection of all DTSC fees)

Section 12: [HSC 25174.1] – Repeals the section establishing the Disposal Fee (fee to be retained through June 2022)

Section 13: [HSC 25174.2] – Repeals the section establishing the base rate for the Disposal Fee (fee to be retained through June 2022)

Section 14: [HSC 25174.6] – Repeals the section establishing the various Disposal Fee rates (fee to be retained through June 2022)

Section 15: [HSC 25174.7] – Repeals fee exemptions (exemptions to be retained through June 2022)

- Government agency generated wastes from removal of releases caused by another person
- Household hazardous waste and small quantity generator wastes collected by HHWCFs
- Hazardous wastes generated or disposed of by local vector control agencies or county agricultural commissioners
- Hazardous wastes separated from solid waste in load check programs
- Underground storage tank related waste at innocent single-family owner-occupied sites.

Section 16: [HSC 25174.11] – Repeals obsolete section related to the Disposal Fee and mining wastes.

Sections 17 and 18: [HSC 25175] –Modifies section establishing penalties on generators that fail to recycle recyclable waste modified to reference the Generation and Handling Fee instead of the Disposal Fee which is being repealed

Section 19: [HSC 25178.1] – Amends to remove reference to the Disposal Fee that is being repealed

Section 20: [HSC 25205.1] – Amends to update reference the revised Facility Fee section, and other code cleanup.

Sections 21 and 22: [HSC 25205.2] – Revises the section establishing the Facility Fee and setting its rates

- Combines the elements of this section and Sections 25205.4 and 25204.14 into a single section related to the Facility Fee for all forms of permits, including full permits, standardized permits, post-closure permits, and lower tier (CA, CE, and PBR) permits.
- Revises section to reflect the current effective CPI adjusted rates
- Sunsets the current rates as of December 31, 2021
- Establishes new rates based on amounts that will generate revenues sufficient to support DTSC level of service expected in FY 2022/23 and begins to establish a prudent reserve.
- Authorizes the fee rates to be modified by the Board by regulation.
- Removes reference to the Disposal Fee and eliminates obsolete provisions in the section.
- Retains the Facility Fee exemption for treatment facilities operating solely under a Corrective Action Order or under a removal or remedial action overseen by DTSC

Section 23: [HSC 25205.2.1] - Adds a section authorizing the Board to modify the Facility Fee rates as of July 1, 2022.

- Fees rates are to be adopted no later than October 1
- Fee levels to provide revenue to conform to the amount appropriated by the Legislature from the Hazardous Waste Facilities Account for the fiscal year and building toward a 10 percent reserve.
- Establishes maximum rate (cap) for each fee rate that the Board cannot exceed (set at 2x the fee rates in HSC 25205.2)
- Requires the Board to adjust rates if more or less revenues collected than amount appropriated by Legislature
- Authorizes the rates to be adopted by the Board to be adopted as emergency regulations.

Section 24: [HSC 25205.3] – Repeals additional exemptions from the Facility Fee

- Household hazardous waste collection facilities
- Local government operated facilities used to handle wastes from local vector control agencies or county agricultural commissioners
- The portion of solid waste facilities used to segregate hazardous wastes as part of a load check program.
- A facility used solely to treat, store, dispose or recycle hazardous wastes generated by a public agency remedying releases caused by another person

[Note that the above listed facilities would continue to be exempted from the Facility Fee in accordance with HSC 25404.5 if they are paying into the single fee system administered by a CUPA]

Sections 25: [HSC 25205.4] – Repeals the section that establishes the Facility Fee base rate and postclosure and standardized permit fees (which were incorporated into Section 16)

Section 26 & 27: [HSC 25205.5] – Repeals the existing Generator Fee section and enacts a new Generation and Handling Fee

- Revises section to reflect the current effective CPI adjusted base rate
- Sunsets the current rates as of December 31, 2021
- Eliminates tiers and establishes new per ton rate.
- Makes the fee rate applicable to the amount of hazardous waste generated in the prior calendar year.
- Continues to exempt generators of less than 5 tons annually.
- Exempts hazardous wastes that are transferred only (manifested to a permitted facility, unloaded, then reloaded and remanifested) – avoids double counting the same waste.
- Continues exemption for hazardous wastes generated and recycled and used onsite, and aqueous hazardous wastes generated and treated onsite in a treatment unit operating under one of the lower authorization tiers (PBR, CA or CE).
- Establishes new rate based on amounts that will generate revenues sufficient to support DTSC level of service expected in FY 2022/23 and begins to establish a prudent reserve
- Authorizes the fee rate to be modified by the Board by regulation.

Section 28: [HSC 25205.5.01] - Adds a section authorizing the Board to modify the Generation and Handling Fee rates

- Fees rates are to be adopted no later than October 1
- Fee levels to provide revenue to conform to the amount appropriated by the Legislature from HWCA for the fiscal year and building toward a 10 percent reserve
- Establishes a maximum per ton rate that the Board cannot exceed
- Annually adjusts the rate limits for CPI
- Requires the Board to adjust rates if more or less revenues collected than amount appropriated by Legislature
- Rates to be adopted in accordance with emergency regulation provisions.

Section 29 and 30: [HSC 25205.5.1] – Removes reference to the Disposal Fee from the fee exemption for victims of disasters.

Section 31 and 32: [HSC 25205.6] – Updates the Environmental Fee statute

- Revises section to reflect the current effective CPI adjusted rates
- Sunsets the current rates as of December 31, 2021
- Exempts businesses with less than 100 employees entirely from the fee
- Increases the fee on businesses with 100 – 499 employees with only a CPI increase from the 2021 rates (current law).
- Establishes new rates for businesses with 500 – 999 employees, and for businesses with 1000 or more employees based on amounts that will generate revenues sufficient to support DTSC level of service expected in FY 2022/23 and begins to establish a prudent reserve.
- Authorizes the fee rates to be modified by the Board by regulation.

Section 33: [HSC 25205.6.1] – Adds a section authorizing the Board to modify the Environmental Fee rates.

- Fees rates are to be adopted no later than October 1
- Fee levels to provide revenue to conform to the amount appropriated by the Legislature from TSCA for the fiscal year and building toward a 10 percent reserve
- Establishes maximum rate (cap) for each tier that the Board cannot exceed
- Annually adjusts the rate limits (cap) for CPI
- Requires the Board to adjust rates if more or less revenues collected than amount appropriated by Legislature.
- Rates to be adopted in accordance with emergency regulation provisions.

Section 34: [HSC 25205.9] – Eliminates generator refund provisions in the case of a surplus (would be replaced by the Board's fee setting authority)

Section 35: [HSC 25205.12] – Repeals the section that exempted PBR, CA and CE facilities from the full Facility Fee

Section 36: [HSC 25205.14] – Repeals the section that establishes the Facility Fee for PBR, CA and CE facilities (which were incorporated into Section 25205.2)

Section 37: [HSC 25205.15] – Repeals the Manifest User Fee

Sections 38 & 39: [HSC 25205.16] – Eliminates the EPA ID Verification Fee [but retains DTSC's responsibility to annually verify ID numbers]

Section 40: [HSC 25205.20] – Repeals obsolete provision related to the Facility Fee and variances.

Section 41: [HSC 25205.21] – Amends references in section providing discounted Facility Fee maximum rate for government agencies operating disposal facilities, which does not impact the post closure facility fee or fee rates.

Sections 42 and 43: [HSC 25205.22] – Repeals the Generator Fee exemption for wastes generated out-of-state and sent to California for treatment or disposal

Sections 44 and 45 [HSC 25207.12] – Repeals the exemption from all fees for any person that submits banned, unregistered, or outdated agricultural wastes for collection to a program designed to accept those wastes

Section 46 – Repeals fee exemptions for household hazardous waste collection facilities

Sections 47 and 48: [HSC 25250.24] – Amends section to eliminate used oil exemption from the Generation and Handling Fee

Revisions to Revenue and Taxation Code

Sections 49 and 50: [RTC 43002.3] – Repeals section related to the Disposal Fee which is being eliminated

Section 51: [RTC 43005.5] – Repeals section related to the Disposal Fee that is being eliminated

Sections 52 and 53: [RTC 43012] – Amends section to remove reference to the Disposal Fee that is being eliminated and adds reference to the fees specified in the different accounts

Section 54: [RTC 43051] – Repeals section related to the Disposal Fee that is being eliminated

Section 55: [RTC 43053] – Amends section to remove reference to the section related to the Tiered Permitting Facility Fee which is being moved to the Facility Fee section

Section 56: [RTC 43054] – Code cleanup to update the name of CDTFA

Section 57: [RTC 43055] – Repeals a section related to an obsolete fee surcharge provision.

Section 58: [RTC 43101] – Code cleanup to make clear which feepayers are to register with CDTFA, and to update the name of CDTFA

Section 59: [RTC 43151] – Repeals section related to the Disposal Fee that is being eliminated, and code cleanup to update the name of CDTFA

Section 60: [RTC 43152] – Amends section to clarify that not all hazardous waste fees collected by CDTFA are related to generators of hazardous waste, and makes other code cleanup

Sections 61 and 62: [RTC 43152.6] – Amends section to modify the Facility Fee payment schedule to make it due in two equal installments on December 1 and March 1 of each year, and to reflect the revisions to the Facility Fee section in HSC 25205.2, and makes other code cleanup

Section 63: [RTC 43152.7] – Amends section to modify the Generation and Handling Fee payment schedule to make it due in two equal installments on December 1 and March 1 of each year, and to eliminate prepayment provisions

Section 64: [RTC 43152.8] – Amends section to reflect the revisions to the Facility Fee section in HSC 25205.2, and makes other code cleanup

Sections 65 and 66: [RTC 43152.9] – Amends the section to modify the Environmental Fee payment schedule to make it due on December 31 of each year

Section 67: [RTC 43152.11] – Repeals a section related to an obsolete fee surcharge provision.

Section 68: [RTC 43152.12] – Repeals a section related to prepayments of the Facility Fee

Section 69: [RTC 43152.15] – Repeals a section related to prepayments of the Generation and Handling Fee

Section 70: [RTC 43152.16] – Repeals a section related to Generator Fee refunds that has been eliminated

Section 71: [RTC 43153] – Repeals a section related to an obsolete provision related to alternative payment schedules

Section 72: [RTC 43160] – Code cleanup to reflect changes made in other sections

Generation and Handling Fee

Element	Required Fee Revenue	Percentage Increase
Current Combined Fee Revenues	**$40,285,000**	
Shift of Facility-Related Program Costs	**-$2,000,000**	
GF Backfill (G&H Fee Portion)	**$18,800,000**	
Board and Ombudsperson (G&H Fee Portion)	**$1,250,000**	
Total with Cost Shift, GF Backfill, Board and Ombudsperson	**$58,335,000**	
Level of Service Increases		
Hazardous Waste Management Plan	**$1,250,000**	
CEQA Reviews	**$500,000**	
Federal Authorization/Waste Classification	**$4,000,000**	
Additional Criminal Investigations	**$4,000,000**	
Legal Resources	**$2,100,000**	
Information Technology Resources	**$2,100,000**	
Transporter Inspections and CUPA Support	**$6,000,000**	
Subtotal for Level of Service Increases*	**$19,950,000**	
Prudent Fund Reserve	**$2,600,000**	
Total with Cost Shift, GF Backfill, Board and Ombudsperson, Service Level Increases and Prudent Fund Reserve	**$80,885,000**	**105%**

**The amount projected for additional service levels are estimates, and will be validated as part of BY +1 budget change proposals to be submitted requesting appropriations for those additional services.*

2022 Generation and Handling Fee Rate

	2021 Base Rate: $5000		Proposed 2022 Rate Per Ton	Proposed Rate Per Ton Cap
Tons Generated per Year	**Rate**	**Current Fee**		
Less than 5 tons	0% base rate	$0	**$0**	**$0**
Less than 25 tons	5% base rate	$250	**$46.00**	**$92.00**
Greater than 25, less than 50	40% base rate	$2,000		
Greater than 50, less than 250	100% base rate	$5,000		
Greater than 250, less than 500	5 x base rate	$25,000		
Greater than 500, less than 1,000	10 x base rate	$50,000		
Greater than 1,000, less than 2,000	15 x base rate	$75,000		
Greater than 2000	20 x base rate	$100,000		

Current Generator Fee Effective Rates

Botton of Range (in tons)	Rate Per Ton	Top of Range (in tons)	Rate Per Ton
0	$0.00	4.99	$0.00
5	$50.00	24.99	$10.00
25	$80.00	49.99	$40.00
50	$100.00	249.99	$20.00
250	$100.00	499.99	$50.00
500	$100.00	999.99	$50.00
1,000	$75.00	1999.99	$37.50
2,000	$50.00	3999.99**	$25.00

***There is no upper limit on the amount of wastes that could be subject to the fee. 3999.99 tons selected for illustration purposes only.*
[Note: Current Generator Fee Effective Rates do not include Disposal Fee, EPA ID Fee and Manifest Fee rates or payments which are being eliminated]

FY 2021/22 DTSC Governance and Fiscal Reform TBL Overview

Highlighted items are those that are different from the Administration's 2020/21 TBL

- Three Components
  - Establishment of Board of Environmental Safety
  - Fee Reform
  - ***Programmatic Reform***

- Board of Environmental Safety Overview
  - Establishes a 5-member board in DTSC; members appointed by Governor
  - Chairperson full-time, remaining members part-time
  - Duties:
    - Set fees and fee rates
    - Decide permit appeals
    - Provide opportunities for public comment on DTSC's permit and remediation decisions
    - Review and approve Director's annual priorities and performance metrics
    - Long-term goals for DTSC's programs
    - Annual performance review of the Director
  - Establishes Ombudsperson to receive and evaluate complaints and suggestions regarding any action, program, or policy of the department

- Fee Reform Overview
  - Designed to produce sufficient revenues to:
    - Eliminate the need to provide General Fund revenues to fund DTSC's baseline gap
    - Pay the costs of the proposed Board of Environmental Safety, support staff and Ombudsperson
    - ***Pay for an additional $59 million in DTSC costs in BY + 1 to allow DTSC to meet pressing needs and expectations***
    - ***Begin to establish a prudent reserve***

  - Simplifies DTSC's fee system by eliminating 3 fees (Disposal, Manifest User and EPA ID Verification fees)
  - ***Revises the timing of fee payments to coincide with the fiscal year in which the Legislature appropriates DTSC's funding. This will allow for fee revenues to be collected in the same fiscal year as the expenditures are appropriated and the fee rates are set by the Board.***
  - Revises remaining fees, and establishes new rates:
    - **Facility Fee**
      - Revenues deposited into newly created account (Hazardous Waste Facility Account
      - Authorized to be used only for hazardous waste regulatory activities associated with authorized (permitted) facilities
      - All fee exemptions eliminated
      - ***Sets the base rate at $94,910 (currently $35,943), a rate that reflects DTSC level of service expected in FY 2022/23*** **and begins to establish a prudent reserve**

- ***Revises timing of fee payments to correspond to fiscal year when assessed (changed from ½ due in February and ½ due in August (calendar year) to ½ due in December and ½ due in February (fiscal year))***
- Authorizes Board of Environmental Safety to revise fee rates annually to correspond to the amount of annual appropriation from HWFA (up to a specified cap)

- **Generation and Handling Fee**
  - Revenues deposited into Hazardous Waste Control Account.
  - Authorized to be used only for hazardous waste regulatory activities ***not*** associated with authorized (permitted) facilities, and specifically excludes DTSC's products related authorities
  - **Retains Fee exemption for small quantity generators (less than 5 tons per year) to reduce economic impact on small businesses recovering from economic impacts of pandemic**
  - Most fee exemptions eliminated, including:
    - Used oil
    - Government agency wastes from cleanup of others' releases
  - Fee rate and structure modified
    - Changes from tiered rate structure to per ton charge
    - Fee to be assessed on hazardous wastes generated in previous calendar year.
    - ***Rate set at $46.00 per ton (currently between $10 and $100 per ton), a rate that will generate revenues sufficient to support DTSC level of service expected in FY 2022/23 and begins to establish a prudent reserve***
  - ***Revises timing of fee payments to correspond to fiscal year when assessed (changed from ½ due in February and ½ due in August (calendar year) to ½ due in December and ½ due in February (fiscal year))***
  - Authorizes Board of Environmental Safety to revise fee rates annually to correspond to the amount of annual appropriation from HWCA (up to a specified cap)
- **Environmental Fee**
  - Revenues deposited into Toxic Substances Control Account.
  - **Fee rates updated to reduce economic impact on small businesses recovering from economic impacts of pandemic**
    - **Completely exempts businesses with less than 100 employees**
    - **No rate increases for businesses with 100 – 500 employees**
    - **Rates increased on businesses with more than 500 employees to reflect DTSC level of service expected in FY 2022/23 and begins to establish a prudent reserve**
  - ***Revises timing of fee payment to correspond to fiscal year when assessed (changed from payment due in February to payment due in December)***
  - Authorizes Board of Environmental Safety to revise fee rates annually to correspond to the amount of annual appropriation from TSCA (up to a specified cap)

- The 2022-23 rates would be:

Business Size	Current Rate	Proposed Rate
Businesses with 50 – 74 Employees	**$362**	**$0**
Businesses with 75 – 99 Employees	**$636**	**$0**
Businesses with 100 – 249 Employees	**$1,261**	**$1,261**
Businesses with 250 – 499 Employees	**$2,706**	**$2,706**
Businesses with 500 – 999 Employees	**$5,054**	**$16,500**
Businesses with 1,000 or more Employees	**$17,144**	**$56,000**

  - Makes conforming changes throughout Health and Safety Code and Revenue and Taxation Code

- Programmatic Reform Overview (elements that were agreed upon during AB 995 Negotiations in 2020)

  - ***Establishes contemporary Hazardous Waste Management Plan***
    - ***To be presented to the Board of Environmental Safety***
    - ***Recommendations to include:***
      - ***Establishing waste reduction goals***
      - ***Updating DTSC's Pollution Prevention Program***
      - ***Reducing the risk of exposure to communities threatened by releases of hazardous wastes***

  - ***Strengthens financial assurance requirements***
    - ***DTSC to review cost estimates and mechanisms every 5 years***
    - ***Hazardous waste facilities to establish and maintain financial assurance for corrective action (when corrective measures study is prepared)***
    - ***All other sites with releases (hazardous waste or hazardous substances) to establish and maintain financial assurance for cleanup***
    - ***Clarifies procedures for cost estimates and financial assurance (for transparency)***

  - ***Establishes accountability requirements for DTSC's permit renewals***
    - ***Deadline for permit application submittal***
    - ***DTSC to post estimated decision date and milestones***
    - ***Deadline for DTSC to make permit decisions***
    - ***DTSC to report to Board if deadline missed***

Increased Fee Revenues for BY+1 (Dollars in Millions)

	TSCA	HWCA	HWFA (New)	Total
General Fund Backfills	$13.00	$18.80	$3.70	$35.5
Board of Environmental Safety	$1.50	$1.25	$0.25	$3.00
Subtotal for Base Funding	$14.50	$20.05	$3.95	$38.5
Level of Service Increases				
Site Cleanup Staff	$21.50			$21.50
Hazardous Waste Management Plan		$1.25	$0.25	$1.50
Permitting		$0.50	$1.50	$2.00
Federal Requirements/Waste Characterization		$4.00		$4.00
Criminal Investigations		$4.00		$4.00
Legal Services	$2.50	$2.10	$0.40	$5.00
Information Technology Systems	$2.50	$2.10	$0.40	$5.00
Enforcement		$6.00		$6.00
Safer Consumer Products	$10.00			$10.00
Subtotal for Level of Service Increases	$36.50	$19.95	$2.55	$59.00
Prudent Reserve Amounts	$3.60	$2.60	$0.47	$6.70
Total	$54.60	$42.60	$6.97	$104.2

FY 2021/22 Programmatic Reform Trailer Bill Language

Section by Section Key

Sections 1, and Sections 3 through 12: [HSC 25135, 25135.1, 25135.2, 25135.3, 25135.4, 25135.5, 25135.6, 25135.7, 25135.7.5, 25135.8, and 25135.9] – Repeals existing statute regarding the preparation of a Hazardous Waste Management Plan

Section 2 [HSC 25135]: Creates a new section that requires DTSC to produce a report on hazardous waste management activities every 3 years, and based on that report, a Hazardous Waste Management Plan every 3 years.

Section 13 – [HSC 25187.3] – Creates an obligation for hazardous waste facilities with releases to produce a cost estimate and maintain financial assurance when a corrective measures study is prepared.

Section 14: [HSC 25200] – Modifies requirements for permit renewals for full permits

- Limits all permits to a maximum 10-year term
- Clarifies the conditions for extending a permit beyond its fixed term
- Establishes a deadline for permit renewal applications to be submitted to DTSC (180 days prior to the end of the fixed term for permits that expire before 1/1/2025, and two years prior to the end of the fixed term for permits that expire on or after 1/1/2025)
- Requires DTSC to post a permit decision date estimate and update it monthly
- Establishes a deadline by which DTSC is to issue a permit decision
- Clarifies when a permit application is deemed complete

Section 15: [HSC 25200.05] – Requires DTSC to post a timeline for permit application review process

Section 16: [HSC 25200.25] – When permit decisions are not issued by the required deadline, requires DTSC to issue a report with specified information

Section 17: [HSC 25200.27] – Requires DTSC to request a Board hearing on its required report

Section 18: [HSC 25201.6] – Modifies requirements for permit renewals for standardized permits

- Clarifies the conditions for extending a permit beyond its fixed term
- Establishes a deadline for permit renewal applications to be submitted to DTSC (180 days prior to the end of the fixed term for permits that expire before 1/1/2025, and two years prior to the end of the fixed term for permits that expire on or after 1/1/2025)
- Requires DTSC to post a permit decision date estimate and update it monthly
- Establishes a deadline by which DTSC is to issue a permit decision
- Clarifies when a permit application is deemed complete

Section 19: [HSC 25205] –

- Modifies requirements to prohibit DTSC from issuing a permit unless the facility establishes and maintains financial assurance, including financial assurance for corrective action.
- Requires DTSC to review financial assurances and cost estimates for permitted facilities at least once every 5 years

- Requires owners/operators to update cost estimates and financial assurances if notified by DTSC that the cost estimates or mechanisms are inadequate.

Section 20: [HSC 25245] – Prohibits the use of a financial test and guarantee as a financial assurance mechanism for owners or operators of permitted hazardous waste facilities.

Section 21: [HSC 25246.1] – Establishes financial assurance requirements for all sites and facilities where DTSC has identified a release of hazardous waste subject to its Hazardous Waste Control Law authorities, or a release of hazardous substances subject to its Hazardous Substance Account Act authorities.

Section 22: [HSC 25246.2] – Establishes procedures for preparing cost estimates and financial assurance mechanisms for all sites and facilities where financial assurance is required.

Fact Sheet

Management of Treated Wood Waste in California

December 2020 Update, Rev. 12/22

Introduction

The statute (Health and Safety Code (HSC) 25150.7) and regulations (California Code of Regulations, title 22, section 67386.1 et seq.) that authorized treated wood waste (TWW) to be handled with alternative management standards will expire on December 31, 2020. After that date, all TWW that exhibits the hazardous waste characteristic of toxicity will be a fully regulated hazardous waste and will no longer be eligible for disposal in Class II or Class III landfills. The purpose of this fact sheet is to provide information and guidance to generators on procedures for management and disposal of TWW that is a hazardous waste.

What is treated wood?

Wood being removed from a vessel following pressure treatment.

Treated wood is wood that has gone through a treatment process with chemical preservatives to protect it against pests and environmental conditions. Typically, treated wood is used in exterior applications where ground or water contact is likely.

- What qualifies as treated wood?
  - Treated wood means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to

decay of the wood, and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.). These preservatives often include one or more of the following constituents: arsenic, chromium, copper, pentachlorophenol, and creosote.

- What doesn't qualify as treated wood?
  - Natural wood with no chemical preservatives.
  - Natural wood coated in paint or surface finish such as lacquer, shellac, polyurethane and varnish.

What are the different types of treated wood?

There are two main groups of treated wood preservatives, water-based and oil-based. Wood treated with water-based preservatives are widely used and are commonly utilized in residential, commercial, marine, agricultural, recreational, and industrial applications. Wood treated with oil-based preservatives is primarily used for industrial applications such as utility poles, piling, posts, and railroad ties.

- What are some chemicals that are commonly used to treat wood?
  - Water-Based Preservatives
    - Acid Copper Chromate (ACC)
    - Alkaline Copper Quaternary (ACQ)
    - Copper Azole (CA)
    - Chromated Copper Arsenate (CCA)
    - Copper-HDO
  - Oil-Based Preservatives
    - Copper Naphthenate
    - Creosote
    - Pentachlorophenol (PCP)
- How are the treatment chemicals commonly applied to the wood?
  - Pressure Treatment
  - Brief Dipping
  - Cold Soaking and Steeping
  - Diffusion
- What is treated wood commonly used for?
  - Exterior applications
  - Applications where the wood will be in direct contact with soil or water
  - Applications where long life is important
  - Utility industry - electric, gas, or telephone service (see HSC 25143.1.5)
- What are some wood species that are commonly treated?
  - Hem-Fir and Douglas-Fir
  - Pines (e.g. Southern Yellow Pine, Red Pine, Ponderosa Pine)
  - Spruce

Is my wood treated and which type do I have?

Example of pressure treated wood showing indentations from treatment.

Treated wood can often be visually distinguished by its appearance. There are several signs to look out for when determining if a piece of wood has been treated or not.

- What are some things to look for when determining if wood is treated or not?
  - Treated wood end tag
  - Wood manufacturer stamp codes
  - Indentations on the surface of the wood (as seen in the photo above)
  - When cut, staining is visible around the perimeter only
  - Discoloration (e.g. green or dark brown appearance)
  - Odor

Treated wood may have an end tag that looks similar to the figure below.

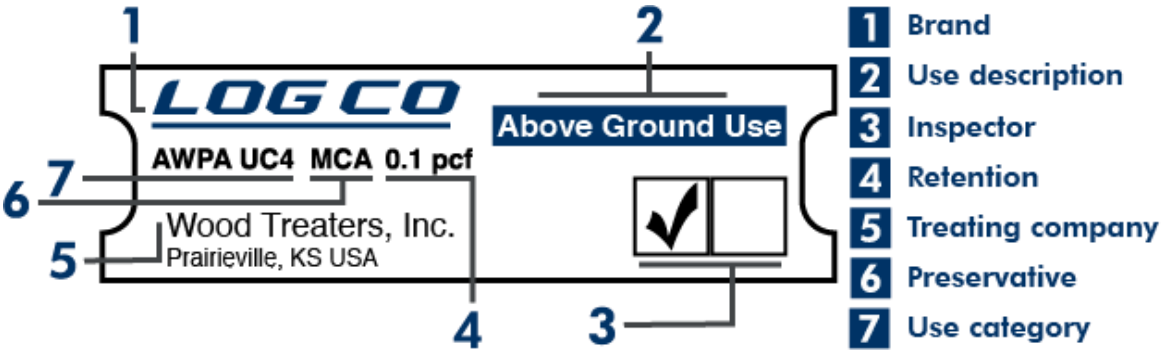


Photo credit: National Pesticide Information Center.

The end tag should have information about the preservative used as well as information about proper use sites (e.g. indoors, outdoors, in water, ground, above ground).

Why is treated wood waste potentially hazardous?

TWW has the potential to be a hazardous waste if it contains elevated levels of one or more of the following constituents: arsenic, chromium, copper, pentachlorophenol, and creosote. If TWW is not properly disposed of, the chemicals it contains can contaminate soil, surface water, and groundwater. This poses a risk to human health and the environment. TWW may exceed California hazardous waste thresholds for non-RCRA waste; studies have shown that TWW is less likely to exceed U.S. EPA hazardous waste thresholds for RCRA waste. In California, TWW that is a hazardous waste is identified with state hazardous waste code 614.

Analysis of representative samples of treated wood has shown that it has the potential to exhibit a hazardous waste characteristic of toxicity under California state standards. Specifically, samples of treated wood may exceed the Total Threshold Limit Concentration (TTLC) values (Cal. Code Regs., tit. 22, § 66261.24 (a)(2)(A).) for metals and may exceed the Soluble Threshold Limit Concentration (STLC) values for metals when subjected to the Waste Extraction Test (WET). Samples of treated wood may also exceed acute aquatic toxicity limits (Cal. Code Regs., tit. 22, § 66261.24(a)(6).).

In 2008, DTSC conducted a study on samples of wood treated with various treatment chemicals including Copper Azole, Alkaline Copper Quaternary, and Creosote. The study showed that certain species of wood treated with these chemicals may be a hazardous waste when discarded. The findings of the study were documented in a report titled “Hazardous Waste Analysis of Copper Azole, Alkaline Copper Quaternary, and Creosote Preserved Wood” which is available on DTSC’s website (Appendix E).

What rules are changing regarding treated wood waste management?

Health and Safety Code section 25150.7. authorized DTSC to promulgate regulations for alternative management standards for non-RCRA hazardous TWW. The regulations that DTSC developed were codified in California Code of Regulations, title 22, division 4.5, chapter 34. However, Health and Safety Code section 25150.7(k) stated that the statute would become inoperative at the end of 2020 and would be repealed on January 1, 2021. Because the statute is sunsetting, the regulations promulgated pursuant to the statutory authority will also no longer be effective. Therefore, the alternate management standards for TWW in California Code of Regulations, title 22, division 4.5, chapter 34 can no longer be utilized as of January 1, 2021.

- What do the changes mean?
  - Hazardous TWW must now be managed as a hazardous waste pursuant to California Code of Regulations, title 22, division 4.5, chapter 12, 13, 14, 15, 16, 18, 20 and Health and Safety Code, division 20, chapter 6.5, article 6, 6.5, 9.

- Hazardous TWW must now be transported to a class I hazardous waste landfill, or to an authorized out of state landfill, for disposal.
- Wood waste removed from electric, gas, or telephone service remains exempt from these requirements pursuant to Health and Safety Code section 25143.1.5.

Is my treated wood a waste?

When treated wood is no longer useful and is discarded, it is regarded as treated wood waste (TWW).

- What is a waste?
  - Pursuant to California Code of Regulations, title 22, section 66261.2, a material is considered to be discarded if it is:
    - **Relinquished** (disposed of; burned or incinerated; accumulated, stored or treated [but not recycled] before, or instead of, being disposed of, burned or incinerated)
    - **Recycled** (accumulated, stored or treated before recycling by being managed in a manner constituting disposal [placed on land], burned for energy recovery, reclaimed, or accumulated for speculative purposes)
    - **Inherently waste-like** when it is recycled (such as RCRA waste codes F020, F021, F023, F026 and F028 [contains dioxins], or a secondary material fed to a halogen acid furnace)
- Which of these apply to treated wood and when does treated wood become a waste?
  - Treated wood is considered a waste when it serves no further purpose and is relinquished (by being disposed or stored with the intent of being disposed).
- Can I reuse or repurpose my treated wood?
  - Yes, used treated wood that is not a waste can be reused.
  - Treated wood should only be reused in an appropriate use application based on the type of preservative used.
- Can, and how, should I store my treated wood?
  - If your treated wood is non-hazardous:
    - Hazardous waste regulations do not apply.
  - If your treated wood is not a waste:
    - Used treated wood that is in good condition may be stored for future reuse. However, storage of treated wood that would be a hazardous waste when discarded simply to avoid disposal costs is prohibited. Used treated wood should be stored in a manner consistent with a valuable resource (e.g., covered, stacked, labeled etc.).
  - If your TWW is hazardous:
    - The waste must be stored in a labeled and closed container.
    - Storage time limits will apply (see later discussion).
- What else should I know about hazardous TWW?
  - A generator of hazardous TWW cannot:
    - Burn it
    - Treat it (e.g. cut or mulch it) after generation

- Put it in the residential garbage
- Store it on the ground (must be containerized)

How do I determine if my treated wood waste is a hazardous waste?

Pursuant to California Code of Regulations, title 22, section 66262.11, the generator of a waste is responsible for making a hazardous waste determination.

Options:

- Assume it's hazardous
  - The generator of TWW has the option to assume that the waste is a hazardous waste and manage it accordingly.
- Apply generator knowledge
  - The generator of TWW can apply their knowledge to determine if the waste is a hazardous waste. For example, the generator could use their knowledge of the waste (e.g., type of wood, treatment chemicals used, age of the wood etc.) to help inform a decision about whether the waste is likely hazardous.
  - If generator knowledge is used to make a hazardous waste determination it is good practice to document how, and on what basis, the decision was made.
- Conduct testing
  - The generator of TWW can submit representative samples of the waste to a laboratory for testing to compile data to support a hazardous waste determination.

TWW that is a hazardous waste should be identified with state hazardous waste code 614 on the hazardous waste manifest.

Code 612 can be used if household origin.

What are my options after I have determined that my treated wood waste is a hazardous waste?

If you have determined that your TWW is a hazardous waste, then it must be handled in accordance with the statutes and regulations referenced below.

For residents that generate TWW incidental to owning and maintaining their own place of residence:

- Pursuant to Health and Safety Code section 25218.4 and California Code of Regulations, title 22, section 66262.10(i), a resident that transports up to 50 lbs of TWW to a household hazardous waste collection facility is not required to obtain and EPA or California EPA ID Number or to use a hazardous waste manifest. Residents are advised to call their local household hazardous waste facility in advance to confirm that they will accept TWW, and learn about any quantity or size limits that may apply.

For small quantity generators (less than 1000 kg of hazardous waste per calendar month):

Increased to 125 pounds if information on safe packaging and transport are provided. HSC 25218.1 - limit is for all hazardous waste to HHW facility. Transport to other facilities is 50 pounds.

- How and where can I store my hazardous TWW?
  - Pursuant to California Code of Regulations, title 22, section 66262.34 and California Code of Regulations, title 22, division 4.5, chapter 15, article 9, hazardous TWW may be stored in either a closed container, on a properly configured drip pad, or inside a hazardous waste storage building.
- How long can I accumulate my hazardous TWW?
  - There is no time limit if you accumulate less than 100 kg total of hazardous waste.
  - If at any point you accumulate more than a total of 100 kg of hazardous waste (TWW and any other hazardous waste), or if you accumulate 1 kg or more of acutely hazardous waste or extremely hazardous waste, then the 90-day accumulation period begins.
  - On January 1, 2021, the 90-day accumulation period begins for generators who have already accumulated more than 100 kg of hazardous TWW prior to this date.
  - If you are generating less than 1,000 kg of hazardous TWW per calendar month you may store your hazardous TWW for up to 180 days pursuant to Health and Safety Code section 25123.3(h)(1). amounts are for all HW
  - If you are generating less than 1,000 kg of hazardous TWW per calendar month and the nearest disposal facility is located more than 200 miles away you may store your hazardous TWW for up to 270 days pursuant to Health and Safety Code section 25123.3(h)(1) as long as you adhere to the following conditions.
    - Never accumulate more than 6,000 kg of any hazardous waste at one time.
    - Never accumulate more than 1 kg of acutely hazardous waste or extremely hazardous waste.
- Does my hazardous TWW need to be labeled or documented?
  - Proper documentation must be maintained pursuant to California Code of Regulations, title 22, section 66262.34(f).
  - Hazardous TWW accumulation areas need to be labeled with the following.
    - Clearly labeled with the words “Hazardous Waste.”
    - If applicable, the date on which 100 kg or more was first accumulated.
    - Composition and physical state of the waste, hazards associated with the waste (e.g. toxic), as well as the name and address of the generator.
- Can I transport my hazardous TWW and what is required?
  - Pursuant to Health and Safety Code section 25163(c) you may self-transport up to 50 pounds of hazardous TWW if you meet the following requirements.
    - The hazardous wastes are transported in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during the transporting.
    - Different hazardous waste materials are not mixed within a container during the transporting.
    - If the hazardous waste is extremely hazardous waste or acutely hazardous waste, the extremely hazardous waste or acutely hazardous

waste was not generated in the course of any business and is not more than 2.2 pounds.
        - The person transporting the hazardous waste is the producer of that hazardous waste, and the person produces not more than 100 kilograms of hazardous waste in any month.
        - The person transporting the hazardous waste does not accumulate more than a total of 1,000 kilograms of hazardous waste onsite at any one time.
    - If you do not meet the requirements outlined above, then starting January 1, 2021, you may only transport your hazardous TWW through a registered hazardous waste transporter.
- Where can I dispose of my hazardous TWW?
    - Starting January 1, 2021, hazardous TWW may only be disposed of in a class I hazardous waste landfill or shipped to an out of state facility for disposal.
- Are there any additional requirements?
    - Pursuant to California Code of Regulations, title 22, section 66262.12 you must get a California ID Number, unless you already have an EPA ID Number. More information can be found here.

For large quantity generators (1000 kg or more per calendar month):

- How and where can I store my hazardous TWW?
    - Pursuant to California Code of Regulations, title 22, section 66262.34 and California Code of Regulations, title 22, division 4.5, chapter 15, article 9, hazardous TWW may be stored in either a closed container designed to hold hazardous waste, on a properly configured drip pad, or inside a hazardous waste storage building.
- How long can I store my hazardous TWW?
    - Pursuant to Health and Safety Code section 25123.3 and California Code of Regulations, section 66262.34, you may store your hazardous TWW for up to 90 days.
    - On January 1, 2021, the 90-day accumulation period begins for generators who have already accumulated more than 100 kg of hazardous TWW prior to this date.
    - If you are generating less than 1,000 kg of hazardous TWW per calendar month you may store your hazardous TWW for up to 180 days pursuant to Health and Safety Code section 25123.3(h)(1). Amounts are for all HW
    - If you are generating less than 1,000 kg of hazardous TWW per calendar month and the nearest disposal facility is located more than 200 miles away you may store your hazardous TWW for up to 270 days pursuant to Health and Safety Code section 25123.3(h)(1) as long as you adhere to the following conditions.
        - Never accumulate more than 6,000 kg of any hazardous waste at one time.
        - Never accumulate more than 1 kg of acutely hazardous waste or extremely hazardous waste.
- Does my hazardous TWW need to be labeled or documented?

    - Proper documentation must be maintained pursuant to California Code of Regulations, title 22, section 66264.34(f).
    - Hazardous TWW in accumulation areas need to be labeled with the following.
        - Clearly labeled with the words “Hazardous Waste.”
        - The date on which 100 kg or more was first accumulated.
        - Composition and physical state of the waste, hazards associated with the waste (e.g. toxic), as well as the name and address of the generator.
- Do I need an emergency procedures/contingency plan?
    - Adhere to the safety standards outlined in California Code of Regulations, title 22, section 66265.31.
- Can I transport my hazardous TWW and what is required?
    - Starting January 1, 2021, hazardous TWW may only be transported by a registered hazardous waste transporter using a U.S. Department of Transportation approved/certified container.
- Where can I dispose of my hazardous TWW?
    - Starting January 1, 2021, hazardous TWW may only be disposed of in a class I hazardous waste landfill or shipped to an out of state facility for disposal.
- Are there any additional requirements?
    - Pursuant to California Code of Regulations, title 22, section 66262.12 you must get a California ID Number, unless you already have an EPA ID Number. More information can be found here.

Recommendations / Best Management Practices

Plan your project in advance so you are prepared to deal with any hazardous TWW that is generated:

- Project timing and disposal timing.
    - If you have the flexibility regarding the timing of your project, you should consider delaying your project to avoid generating TWW in January-March 2021.
    - If you must generate TWW in the January-March 2021 timeframe, you should consider temporarily storing your waste prior to disposal. If you choose to store your TWW you must comply with applicable storage requirements.
    - Beginning in approximately April 2021, additional flexibility and options for transportation and disposal of TWW will be available.
- Can the treated wood be reused?
    - If the treated wood is repurposed, then it is not a waste and is not required to be managed as a hazardous waste. Treated wood should only be reused in an appropriate use application based on the type of treatment chemical used.
    - If used treated wood is being stored for future use, then it must be stored in a manner consistent with a valuable commodity. If the wood is subsequently discarded and becomes a waste, then a hazardous waste determination must be made and the wood must be managed accordingly.
- What if my waste consists of both treated and untreated wood?
    - Plan to separate treated and untreated wood because different rules may apply to the storage, transport, and disposal of the two waste types.

- How do I determine if the TWW is a hazardous waste?
  - Consider in advance of generation whether the TWW is, or could be, a hazardous waste.
- How will the TWW will be generated?
  - Think about the process by which the waste will be generated. For example, it may be advantageous to perform any necessary size reduction at the time of generation, and to place the TWW directly into its an appropriate container for the waste type, to avoid having to handle and treat the waste post-generation.
- How and where will the TWW be accumulated?
  - If the TWW is, or may be, hazardous then you should consider how it will be accumulated. For example, you should consider what container to use, determine how long the waste may be stored, and how to properly label the waste during storage.
  - Keep a closed 55-gallon, or smaller, container near your treated wood cutting station for storage of off-cuts and sawdust. Label the container with the words "Hazardous Waste – Treated Wood Waste", "Accumulation Start Date: MM/DD/20YY", and "California Code of Regulations, title 22, section 66262.34(e)." "T22, 66262.34 (e)" not required on label
- How will the TWW be transported?
  - It is prudent to consider how the waste will be transported to the disposal facility. For example, the choice of container may be impacted by the mode of transportation that will be used.
- How will I dispose of my waste?
  - Think about where the waste will be disposed. Call in advance and confirm that the intended recipient will accept the TWW.

Where can I get additional information?

DTSC website: https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/
Send an email to TWW_help@dtsc.ca.gov
Contact DTSC's Regulatory Assistance Office: 800-728-6942 or RAO@dtsc.ca.gov

- Links:
  - Generator information:
    - Managing Hazardous Waste: https://dtsc.ca.gov/managing-hazardous-waste/
    - Generator Fact Sheet: https://dtsc.ca.gov/hazardous-waste-generator-requirements-fact-sheet/
    - Waste Classification: https://dtsc.ca.gov/defining-hazardous-waste/
  - Transporter information:
    - Managing Hazardous Waste: https://dtsc.ca.gov/transporters/
    - Managing Hazardous Wastes at Transfer Facilities: https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/02/Transportation_FS_Transfer_Facilities.pdf

        - Hazardous Waste Transporter Requirements Fact Sheet: https://dtsc.ca.gov/hazardous-waste-transporter-requirements-fact-sheet/
    - Treated wood information:
        - General Information: http://npic.orst.edu/factsheets/treatedwood.html
        - Treated wood analysis: https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/2019-treated-wood-waste-report.pdf

Department of Toxic Substances Control

CalEPA

TREATED WOOD WASTE VARIANCES

PERMITTING DIVISION

HAZARDOUS WASTE MANAGEMENT PROGRAM

WELCOME AND AGENDA

Presentation is being recorded and will be posted to DTSC's website

- What Has Changed?
- What Does it Mean?
- What Is DTSC Doing About It?
- Variance Application and Process
- CEQA and How It Applies
- Q&A

Rizgar Ghazi, P.E.

DEPUTY DIRECTOR

HAZARDOUS WASTE MANAGEMENT PROGRAM

WHAT HAS CHANGED?

- Senate Bill 68 (Galgiani, 2020) was not signed into law
- Health and Safety Code, Section 25150.7 has sunset
- Alternative management standards for treated wood waste (TWW) in Chapter 34 of DTSC's regulations are no longer in effect
- TWW that is a hazardous waste must be managed as such
- No change to the TWW exemption for utilities (HSC 25143.1.5)

WHAT DOES IT MEAN?

- Municipal landfills are not accepting TWW for disposal
- There is only one hazardous waste landfill in California that is currently accepting TWW
  - Clean Harbors – Buttonwillow, located in the central valley
- Many TWW generators have been understandably frustrated
- Potential for increase in illegal disposal practices e.g. dumping

WHAT IS DTSC DOING ABOUT IT?

- Developed standardized variances for TWW management
- Variances will impose conditions similar to the alternative management standards for TWW that existed previously
- 2/16: start accepting variance applications
- 3/1: start issuing variances
- Variances are only a short-term solution (6 months)
- Proposed legislation: Assembly Bill 332

Ryan Batty, P.E.

SUPERVISING HAZARDOUS SUBSTANCES ENGINEER

PERMITTING DIVISION

HAZARDOUS WASTE MANAGEMENT PROGRAM

WHAT IS A VARIANCE?

- Means a deviation from a provision of regulation or law
- DTSC'S independent variance authority extends only to non-RCRA (California) hazardous waste
  - Treated wood waste is an example of a non-RCRA waste
- Health and Safety Code Section 25143
- A variance can be used to waive requirements or replace them with alternative requirements

STEPS IN THE VARIANCE APPLICATION PROCESS

- **STEP 1 – Determine what type of variance you require (if any)**
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 1A – DETERMINE IF YOU REQUIRE A VARIANCE

- IS MY TWW A HAZARDOUS WASTE?
  - Variance can only apply to non-RCRA hazardous waste
- IS MY TWW EXEMPT FROM REGULATION AS A HAZARDOUS WASTE?
  - Utility exemption; HSC 25143.1.5
- WHERE AND HOW WAS THE TWW GENERATED?
  - Many generator requirements do not apply to hazardous waste produced incidental to owning and maintaining a place of residence

STEP 1A - CONTINUED

- If you hire a contractor to work on your residential property, and if the contractor transports the TWW off-site, you will not require a variance
- The contractor that transports the TWW for you will likely require a variance

STEP 1B – WHAT TYPE OF VARIANCE DO I NEED?

- SMALL QUANTITY GENERATOR, SELF-TRANSPORTER
- LARGE QUANITY GENERATOR, SELF-TRANSPORTER
- TRANSPORTER
- HANDLER / TRANSPORTER
- DISPOSAL FACILITY
- EMERGENCY RESPONSE

STEP 1B - SMALL QUANTITY GENERATOR, SELF-TRANSPORTER VARIANCE

- MUST GENERATE LESS THAN 10,000 POUNDS OF TWW PER CALENDAR YEAR
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
  - This type of variance is expected to commonly apply to either a small business, or other episodic generators of TWW

STEP 1B - LARGE QUANTITY GENERATOR, SELF-TRANSPORTER

- MUST OBTAIN A STATE OR FEDERAL EPA ID NUMBER
  - If you already have an EPA ID number check that it is active
- NO LIMIT ON THE AMOUNT OF TWW MANAGED
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
  - This type of variance is expected to commonly apply to large businesses and entities including, for example, winery's, municipalities, state agencies etc.

STEP 1B – TRANSPORTER VARIANCE

- MUST TAKE THE TWW DIRECTLY FROM THE GENERATOR TO THE DISPOSAL FACILITY OR TO AN AUTHORIZED RECIPIENT SUCH AS A HANDLER
- MUST NOT HAVE A FIXED LOCATION USED FOR TWW MANAGEMENT
- COMMON APPLICATION:
  - This type of variance is expected to commonly apply to contractors (e.g. fencing contractors), and businesses engaged in waste hauling

STEP 1B - HANDLER /TRANSPORTER VARIANCE

- INTERMEDIARY THAT IS NEITHER THE GENERATOR NOR THE DISPOSAL FACILITY; CAN MANAGE TWW AT A FIXED LOCATION
- MUST BE AUTHORIZED TO OPERATE PURSUANT TO DIVISION 30 OF THE PUBLIC RESOURCES CODE
- MAXIMUM OF TEN LOCATIONS PER APPLICATION
- COMMON APPLICATION:
  - This type of variance is expected to commonly apply to transfer stations that were accepting TWW prior to January 1, 2021

STEP 1B – DISPOSAL FACILITY VARIANCE

- APPLICABLE TO LANDFILLS
- MUST BE CONSTRUCTED WITH A COMPOSITE LINER
- MUST BE AUTHORIZED TO RECEIVE TWW BY THE FACILITY WASTE DISCHARGE REQUIREMENTS
- MAXIMUM OF ONE LOCATION PER APPLICATION
- COMMON APPLICATION:
  - This type of variance is expected to commonly apply to landfills that were receiving TWW prior to January 1, 2021

STEP 1B – EMERGENCY RESPONSE

- TWW MUST BE GENERATED AS A RESULT OF A DECLARED EMERGENCY
- COMMON APPLICATION:
  - This type of variance is expected to apply to scenarios such as contractors performing wildfire debris removal
  - Variance requirement will apply to principal contractors, not sub-contractors (however, the sub-contractors must be identified in the application)

VARIANCE APPLICATION PROCESS STEP 2

- STEP 1 – Determine what type of variance you require (if any)
- **STEP 2 – Review the sample variance language**
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 2A – REVIEW THE VARIANCE LANGUAGE AND REIMBURSEMENT PAYMENT SCHEDULE

- READ AND FAMILIARIZE YOURSELF WITH THE SAMPLE VARIANCE LANGUAGE ON THE WEBSITE
- CONFIRM THAT YOU ARE WILLING AND ABLE TO COMPLY WITH THE TERMS OF THE VARIANCE
- SAMPLE VARIANCE LANGUAGE IS ONLY AN EXAMPLE OF WHAT YOU MAY RECEIVE; DTSC MAY ADD OR REMOVE CONDITIONS

STEP 2B – REIMBURSEMENT SCHEDULE

- DTSC IS REQUIRED BY STATUTE TO RECOVER ITS COSTS FOR ISSUING VARIANCES
- REIMBURSEMENT PAYMENT AMOUNTS ARE DIFFERENT FOR EACH OF THE SIX VARIANCE TYPES BASED ON LEVEL OF REVIEW REQUIRED
- REVIEW REIMBURSEMENT PAYMENT SCHEDULE; CONTACT DTSC WITH ANY QUESTIONS

VARIANCE APPLICATION PROCESS STEP 3

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- **STEP 3 – Prepare to complete the application**
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 3 – PREPARE TO COMPLETE THE APPLICATION

- DOWNLOAD THE APPLICATION QUESTIONS FROM THE WEBSITE
- GATHER THE INFORMATION NECESSARY TO COMPLETE THE APPLICATION
  - The online application cannot be saved so it is important that you have all the information ready to enter
- ENSURE THAT YOU ARE DULY AUTHORIZED TO APPLY FOR A VARIANCE ON BEHALF OF YOUR ORGANIZATION

VARIANCE APPLICATION PROCESS STEP 4

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- **STEP 4 – Complete the application**
- STEP 5 – Make payment and return signed application
- STEP 6 – Variance application decision

STEP 4 – COMPLETE THE ONLINE APPLICATION

- COMPLETE THE ELECTRONIC APPLICATION ON THE WEBSITE
- ANSWER ALL QUESTIONS TO THE BEST OF YOUR ABILITY
- SUBMIT THE APPLICATION
  - After submitting the application, look for an email from "TWW_Variances@dtsc.ca.gov"
  - If you don't receive an email contact DTSC
- YOU ARE NOT DONE YET – MUST COMPLETE STEP FIVE

VARIANCE APPLICATION PROCESS STEP 5

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- **STEP 5 – Make payment and return signed application**
- STEP 6 – Variance application decision

STEP 5 – MAKE REIMBURSEMENT PAYMENT AND RETURN A SIGNED COPY OF THE APPLICATION

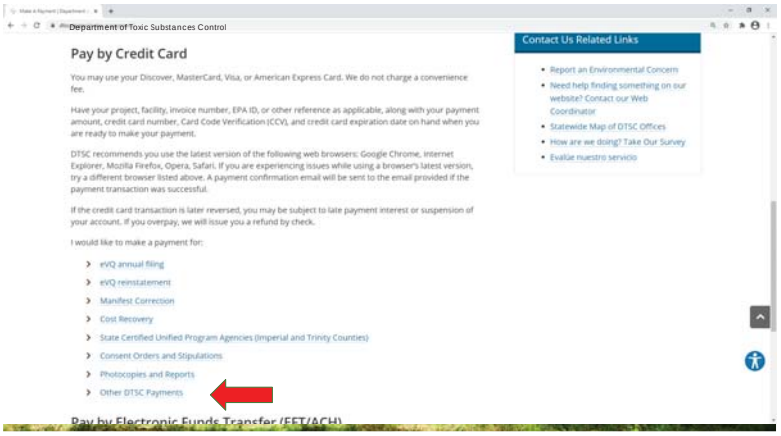
- THE EMAIL YOU RECEIVE FROM DTSC WILL CONTAIN:
  - Unique variance application number
    - e.g. TWW-2021-XX-#####
    - Refer to this number any time you contact DTSC about your application
  - Application questions and responses
  - Calculated reimbursement payment amount
    - Reimbursement payment amount is a function of the type of variance and the number of locations covered by the variance

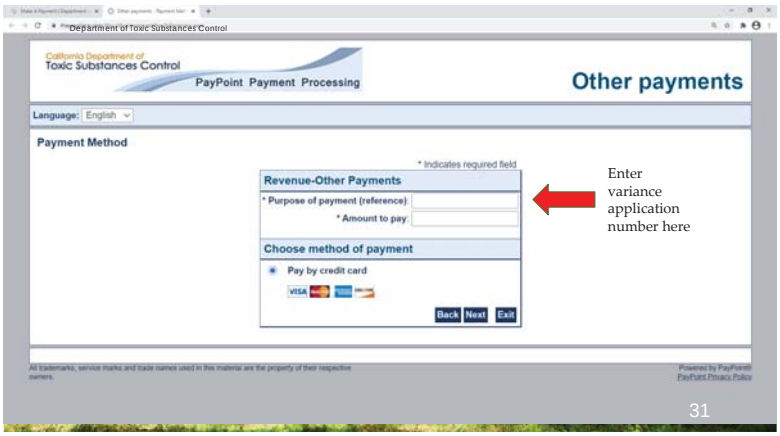
STEP 5A – REIMBURSEMENT PAYMENT

- HOW IS THE REIMBURSEMENT PAYMENT CALCULATED?
  - Reimbursement payment contains two parts
    - Common base cost: $215
    - Processing cost per location: depends on variance type
  - Example, SQG/T variance covering two locations:
    - Reimbursement payment = $215 + 2 x $757 = $1,729

STEP 5A – REIMBURSEMENT PAYMENT CONTINUED

- NAVIGATE TO THE PAYMENTS PAGE ON DTSC'S WEBSITE
  - https://dtsc.ca.gov/make-a-payment/
- SELECT A PAYMENT METHOD
  - If you want to receive your variance sooner you should pay by credit card and use the "Other DTSC Payments" link
- REFERENCE NUMBER
  - Use the unique variance application number
- MAKE A COPY OF THE PAYMENT CONFIRMATION RECEIPT





STEP 5B – SUBMITTING THE APPLICATION

- CHECK APPLICATION
  - Read over the application responses and confirm they are accurate; make any corrections by hand
- SIGN APPLICATION
  - Sign the bottom of the email
  - Scan the signed document
  - Use your phone to take a photograph if you don't have access to a scanner

STEP 5B – SUBMITTING THE APPLICATION CONTINUED

- SEND THE COMPLETED APPLICATION TO DTSC
  - Compose an email to DTSC at "TWW_Variances@dtsc.ca.gov"
  - Put your unique variance application number in the subject line
  - Attach the scanned version of the application with signature
  - Attach the payment confirmation receipt
  - Attach any other relevant information
- AFTER SUBMITTING THE APPLICATION, YOU WILL RECEIVE AN EMAIL CONFIRMING RECEIPT BY DTSC

VARIANCE APPLICATION PROCESS STEP 6

- STEP 1 – Determine what type of variance you require (if any)
- STEP 2 – Review the sample variance language
- STEP 3 – Prepare to complete the application
- STEP 4 – Complete the application
- STEP 5 – Make payment and return signed application
- **STEP 6 – Variance application decision**

STEP 6 – VARIANCE APPLICATION DECISION

- DTSC WILL REVIEW YOUR APPLICATION FOR COMPLETENESS
  - DTSC may contact you if we need additional information
- DTSC WILL CONFIRM RECEIPT OF YOUR PAYMENT
- DTSC WILL MAKE A DECISION TO GRANT OR DENY YOUR REQUEST FOR A VARIANCE
  - If your request for a variance is denied DTSC will contact you and provide an explanation

STEP 6 – RECEIPT OF A VARIANCE

- IF YOUR REQUEST FOR A VARIANCE IS APPROVED YOU WILL RECEIVE THE FOLLOWING BY EMAIL
  - Copy of the variance
  - Copy of the CEQA document
- WHEN YOU RECEIVE YOUR VARIANCE YOU SHOULD THOROUGHLY REVIEW IT AND CHECK IT FOR ACCURACY
- THE VARIANCE WILL BE EFFECTIVE ON THE DATE RECEIVED

OTHER CONSIDERATIONS

- IF YOU DON'T HAVE AN IMMEDIATE NEED FOR A VARIANCE CONSIDER WAITING A FEW WEEKS TO APPLY SO DTSC CAN HELP OTHERS FIRST
- CHECK DTSC'S WEBSITE FOR AN UP-TO-DATE LIST OF DISPOSAL FACILITIES THAT HAVE RECEIVED A VARIANCE
- DO NOT OVERLOOK THE TRAINING PROVISIONS OF THE VARIANCES
- VARIANCES ARE ENFORCEABLE DOCUMENTS

Robert Irving

SUPERVISING ENVIRONMENTAL PLANNER
PERMITTING DIVISION, CEQA UNIT
HAZARDOUS WASTE MANAGEMENT PROGRAM

WHAT IS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)?

- Enacted in 1970
- Statutes codified in Public Resources Code (PRC) Section 21000 et seq.
- Regulations within California Code of Regulations Title 14, Division 6, Chapter 3
- CEQA requires government agencies to consider the environmental consequences of their actions before committing to a course of action on a project.

WHY DOES CEQA APPLY TO TREATED WOOD WASTE VARIANCES?

A variance is a "Project" as defined in PRC 21065 and 14 CCR Section 15378 because:

- it is a discretionary action by DTSC that may result in a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment, and
- it is an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use.

WHY ARE THERE CEQA QUESTIONS IN THE VARIANCE APPLICATION?

- Per PRC Section 21160, "the public agency may require that person [the applicant] to submit data and information which may be necessary to enable the public agency to determine whether the proposed project may have a significant effect on the environment or to prepare an environmental impact report."

ENVIRONMENTAL INFORMATION FORM

- Required to be submitted as part of permit applications
- 12 pages long
- More than 100 questions & checkboxes

CEQA QUESTIONS IN VARIANCE APPLICATION

- Questions are tailored to each variance type
- Includes a maximum of 37 questions
- Removes non-applicable questions based on answers
- It considers many environmental variables statewide
- Staff will review the information provided, but may contact you with additional questions

QUESTIONS & ANSWERS

- Use the **Q&A Button** at the bottom of your screen.
- Further questions can be sent to tww_help@dtsc.ca.gov.

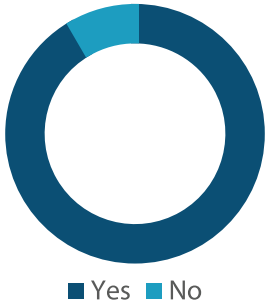
Trash Talk Solid waste and recycling costs on the rise in California

The cost of solid waste disposal and recycling is going up. Cities anticipate rates will increase in the next three years due to new organic waste regulations and the overall cost of recycling. The deadline for local governments to implement new regulatory requirements is quickly approaching. Failure to comply could result in hefty daily penalties.

Cities budgets are still reeling from the economic effects of fighting COVID-19 and the extended pandemic. Without a source of statewide funding and additional time and flexibility to help local governments implement the new organic waste regulations, the costs will be passed on to ratepayers.

California cities of every size anticipate solid waste and recycling rate increases in the next three years.

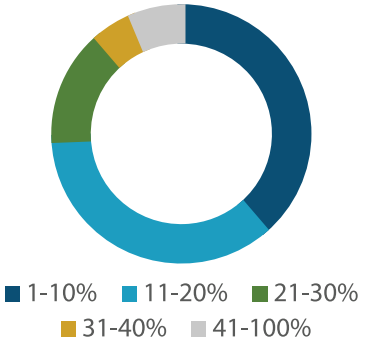
Nearly all cities anticipate a rate increase



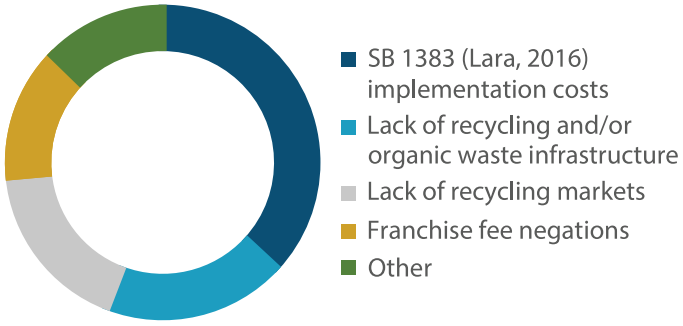
More than 7 out of 10 cities anticipate a **1-20% rate increase**

SB 1383 implementation costs and **lack of associated infrastructure** are top rate increase drivers

Anticipated rate increase by cities



Factors for rate increases



SB 1383 New state organic waste regulations go into effect Jan. 1, 2022, and will add additional cost pressures to solid waste and disposal rates. CalRecycle finalized the SB 1383 regulations in November 2020, leaving cities only about a year to fully implement the ambitious regulations before they take effect.

92 percent of cities indicate that rates will go up in next three years in order to implement SB 1383 regulations and successfully get the program up and running. Cities need additional time, flexibility, and a source of stable statewide funding.

More time and flexibility to implement the new organic waste regulations will help cities realistically achieve shared climate and emission reduction goals, without forcing a one-size-fits-all approach. State funding is also critical so that this $20 billion program does not fall on ratepayers in a time when California residents' budgets are tight.

For more information email ddolfie@cacities.org.

***Data and Assumptions:** 194 cities, encompassing all of California's diverse geographies and city sizes, participated in a Cal Cities' solid waste and recycling rate survey [Dec. 2020]. Respondents provided primary source data on anticipated percentage increases to waste rates in the next three years. Real percentage changes to rates are expected to differ, either higher or lower as reported, as cities go through their formal rate making process. Real dollar amounts of anticipated waste rate increases were not collected.

LEAGUE OF CALIFORNIA CITIES

Agenda Item VII

SOLID WASTE REGULATORY UPDATES

Rural Counties
Environmental Services
Joint Powers Authority

ESJPA

CHAIR – MICHAEL KOBSEFF, SISKIYOU COUNTY
VICE CHAIR – LORI PARLIN, EL DORADO COUNTY
EXECUTIVE DIRECTOR – GREG NORTON
PROGRAM MANAGER – STACI HEATON

TECHNICAL ADVISORY GROUP (TAG)
TAG CHAIR – TEDD WARD, DEL NORTE COUNTY
TAG VICE CHAIR – GREG STANTON, EL DORADO COUNTY

January 28, 2021

Ms. Marshalle Graham
Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery
1001 I St.
Sacramento, California 95814

RE: Request for Clarification on Mandatory Organic Collection Service

Dear Ms. Graham:

On behalf of the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) and its twenty-four member counties, we are seeking clarification on:

Under the SB 1383 regulations, what constitutes mandatory organic collection service?

ESJPA believes that mandatory organic collection service is not the same as mandatory organic collection (requiring curbside/route collection service) to every generator within their jurisdiction. It is clear that where curbside/route collection service is provided, it is mandatory to now include organic collection service as well, using the one, two, or three container provisions of the regulations starting with Article 3, Section 18984 to 18984.3. However, self-haul is also allowed if a jurisdiction allows it and adopts an ordinance or other enforceable mechanism for its implementation (Article 7, Section 18988.1 (b)).

CalRecycle has indicated that the regulations require mandatory curbside/route collection for all generators within the jurisdiction. However, the regulations allow self-haul, which provides the jurisdictions the option to tailor their organic collection service program to the circumstances and needs of the jurisdiction. Even with the low-population waivers, there are still areas of counties that are not accessible for collection services or where route collection is not economically feasible. In rural counties, a large proportion of county-maintained roads are often unpaved gravel roads, many of which may not have been designed to support the weight or frequency of use that accompanies mandatory refuse collection. Other rural roads may not have adequate clearances or opportunities to turn a garbage truck around. These factors, coupled with steep terrain and other hazards, mean that mandatory curbside/route collection could result in significant public safety risks. Many rural areas have seasonal residents that do not need nor will they subscribe to regular service. Furthermore, the low population density and generation levels in many rural communities mean that collection trucks will have to travel much farther and will have smaller

loads, thereby resulting in disproportionately higher costs for residents in rural areas and greater detrimental environmental consequences.

ESJPA and some of our member counties articulated specific concerns about imposing mandatory curbside/route collection service in the regulatory process and commented that self-haul is the predominant means of transporting solid waste and recyclables, which needs to continue in many rural areas. Since the self-haul option was maintained throughout the development of the regulations, it was assumed that it would continue to be an option for jurisdictions to use and CalRecycle did not indicate any disagreement with the self-haul option during the rulemaking.

Since there is no definition of "collection service" in the regulations, one is required to review the use of the term throughout the regulations. We maintain that the regulations support options for a collection *service* to be self-haul or curbside collection. It seems counterintuitive to allow for self-haul of organics but also require mandatory curbside collection.

In support of the self-haul option, we are outlining key points from the rulemaking and the final regulations that indicate allowing self-haul of organics in place of curbside/route collection. Since the comments of all stakeholders, and CalRecycle's responses to those comments are not available yet, our rulemaking discussion is limited to publicly available documents and our submitted comments.

Rulemaking Efforts

Since the February 2017 SB 1383 Regulatory Concepts, self-haulers have been allowed. On page 2, under I. Organic Waste Collection Services, it states, "To decrease landfilling to the level required by 2025, generators must have access to organics collection *opportunities* wherever they go." Under I. A.1. Concepts Identified it states, "local organic waste collection services *provided* to all residential and commercial generators." It does not state curbside/route organic waste collection services are mandatory. In addition, under C. Generator Participation 1, it is stated "Organics collection services *provided* are mandatory." We interpret this as it is mandatory for the organics waste generator to use the organic waste collection service the jurisdiction provides, whether curbside/route collection services, drop-off collection sites, or recycling facilities. It does not say curbside collection/route collection services are mandatory. The second concept states "Allow generators not participating in a jurisdiction's collection services to recycle material on-site or backhaul/self-haul material to a facility that recycles organic waste." A facility that recycles organic waste could include a MRF or a transfer station that includes collection of organic waste separately for subsequent recycling.

In the June 2017 SB 1383 Local Organic Waste Collection Concepts workshop, The Draft Generator Concept Slide 18 allowed "generators to source reduce/prevent organic waste, recycle organics onsite, comply with local jurisdiction mandatory organic waste recycling services, and/or self-haul." This implies the opportunity for a jurisdiction to offer another type of collection service as an alternative to mandatory curbside/route collection, such as community composting or drop off sites that self-haulers are mandated to use. The Draft Hauler Concepts Slide 19 stated "provide (rather than simply offer as part of the service) mandatory recycling services to all *served* generators of organic waste." We interpret this to mean that those areas of the jurisdiction that have curbside/route collection service are *mandated* to include organics waste collection service in addition to their solid waste collection service to their *served* customers. The emphasis is on "served" customers, as opposed to "unserved" customers.

The October 24, 2017 Proposed SLCP Regulations did not include a definition of Mandatory Organic Waste Recycling Service. Section xxx30 Collection of Organic Waste states "every jurisdiction shall be responsible for the collection and recycling of organic waste generated within the territory subject to its authority in a manner that complies with the requirements of this chapter." Section xxx60.2 Self-haulers of Organic Waste allowed self-haulers: (a) "A generator of organic waste may self-haul their own organic waste" and (b) required a generator who is a self-hauler to source separate all organic waste and haul source-separate organic waste to a facility that recycles source-separated organic waste. It is unrealistic to allow for self-haul but also mandate curbside/route collection. A jurisdiction that provides an organic waste collection and recovery service at transfer stations and/or material recovery facility complies with the requirements of the regulation.

In the 5/1/2018 SB 1383 Statutory Background and Primary Regulatory Policies, it states, (B) 1 "jurisdictions and haulers must provide residential and commercial organic waste collection services." We interpret this to mean that the haulers (curbside/route collection) must provide organic waste collection services to their customers. If the jurisdiction allows self-haul, the jurisdiction must provide an organic waste collection service to the self-haulers, which could include organic waste collection and recovery at transfer stations or a material recovery facility or community composting sites.

The actual language of the 5/1/2018 Proposed SLCP Regulations includes the following:

> *Section 70.2 Organic Waste Hauler Requirements (in part)*
> *(a) A jurisdiction shall require haulers providing residential, commercial, or industrial organic waste collection services to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste.*
> *(2) A jurisdiction shall require haulers providing an organic waste collection service to comply with the applicable requirements of Article 3 of this chapter.*

The above section requires haulers providing service to include organic waste collection. It does not mandate hauler agreements. If there is no hauler provided service, the jurisdiction has to provide another option for organics recycling.

> *(b) If a jurisdiction allows generators within its boundaries to self-haul organic waste, it shall adopt an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in Section 70.3 of this article.*
>
> *Section 70.3 Self-haulers of Organic Waste*
> *(a) Generators of organic waste may…self-haul their own organic waste.*
> *(b) A generator who is a self-hauler of organic waste shall comply with the following*
> *(1) The generator shall source-separate all organic waste generated on site…*
> *(2) The generator shall haul source-separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source-separated organic waste.*

This above section clearly allows the option of self-haul. The solid waste facility operation or activity receiving the self-haul organics could be that provided by the jurisdiction, such as at transfer stations or a material recovery facility.

In addition, in the May 2018 SB 1383 Final Informal Regulatory Workshop, Slide 25, Organic Waste Generator Requirements states "generators shall comply with local requirements re: collection of organic waste by:

- Subscribing to jurisdiction's mandatory collection services, and/or
- Self-hauling organics to a facility that processes source-separated organic waste."

Again, we interpret this to mean that if a jurisdiction adopts a self-haul ordinance and provides an organic waste collection service for self-haulers at a transfer station or material recovery facility, the jurisdiction's provision of those services and opportunities meet its requirement to provide collection services.

The 12/12/18 Proposed SLCP Regulations that was submitted to begin the formal regulatory process did not change the language in the above sections.

At the March 12, 2019 public hearing, the Regulation of Self-haulers Slide states "Jurisdictions may allow self-hauling by adopting an ordinance" and self-haulers "shall deliver to correct facility."

The Final Adopted Language:

The final regulations support that the self-haul of organics is allowable without collection at the generator location.

> Chapter 12, General Provisions
> ***Section 18981. 1. Scope of Chapter.***
> *(a) This chapter establishes the regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste disposal reduction targets codified in Section 39730.6 of the Health and Safety Code and Chapter 13.1 of Division 30 of the Public Resources Code.*
>
> ***Section 18981. 2. Implementation Requirement on Jurisdictions.***
> *(a) By January 1, 2022, a jurisdiction shall adopt enforceable ordinance(s), or similarly enforceable mechanisms that are consistent with the requirements of this chapter, to mandate that organic waste generators, haulers, and other entities subject to the requirements of this chapter that are subject to the jurisdiction's authority comply with the requirements of this chapter.*
>
> ***Article 3. Organic Waste Collection Services***
> ***Section 18984. Combined Organic Waste Collection Services.***
> *A jurisdiction may provide any combination of organic waste collection services specified in Sections 18984.1, 18984.2, and 18984.3 to generators subject to its authority.*
>
> A key term in the above section is the term "may provide" which implies these collection services (three, two, and unsegregated) may be provided, or the jurisdiction may provide other methods of collection. If only these collection methods were allowed and not self-haul, the adopted term should have been "shall provide" these services.
>
> ***Section 18984.9 Organic Waste Generator Requirements.***
> *(a) Organic waste generators shall comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste, by either:*
> *(1) Subscribing to and complying with the requirements of the organic waste collection service provided by their jurisdiction; or*

(2) Self-hauling organic waste in a manner that complies with the requirements of Article 7 of this chapter.

The section above and below clearly allows the option of collection or self-haul.

Article 7. Regulation of Haulers
Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers.
(a) A jurisdiction shall require haulers providing residential, commercial, or industrial organic waste collection services to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste.
(1) A jurisdiction shall require haulers to identify the facilities to which they will transport organic waste as a requirement for approval.
(2) A jurisdiction shall require haulers providing an organic waste collection service to comply with the applicable requirements of Article 3 of this chapter.
(b) If a jurisdiction allows generators subject to its authority to self-haul organic waste, it shall adopt an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in Section 18988.3 of this article.
(c) Notwithstanding Subdivision (a), this section is not applicable to:
(1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, transporting source separated organic waste to a community composting site; or
(2) A hauler that is lawfully transporting construction and demolition debris in compliance with Section 18989.1

Section 18988.3. Self-haulers of Organic Waste.
(a) Generators of organic waste may, in compliance with Section 18988.1 of this division, self-haul their own organic waste.
(b) A generator who is a self-hauler of organic waste shall comply with the following:
(1) The generator shall source separate all organic waste generated on site in a manner consistent with Sections 18984.1 and 18984.2 or haul organic waste to a high diversion organic waste processing facility as specified in Section 18984.3.
(2) The generator shall haul source separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source separated organic waste.
(3) The generator shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the jurisdiction.
(A) The records shall include delivery receipts and weight tickets from the entity accepting the waste.
(B) The record shall indicate the amount of material in cubic yards or tons transported by the generator to each entity.
(C) Notwithstanding Subdivision (b)(3)(A), if the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of waste received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.
(4) A residential organic waste generator that self-hauls organic waste is not required to record or report the information identified in Subdivision (b)(3).

It does not make sense that these sections would require detailed compliance for self-haulers but still require a collection service for pick up from their location.

In addition. the Notice of Proposed Rulemaking (NOPR) indicates:

> *"ARTICLE 3. ORGANIC WASTE COLLECTION SERVICES (page 71)*
> *The purpose of this article is to establish the standards for organic waste collection services required under this chapter. The foundational requirement of the SB 1383 rulemaking is the mandate that each jurisdiction, or a designee (typically a hauler) acting on behalf of a jurisdiction, provide organic waste collection services to all generators (residential and commercial) ...The proposed regulations require jurisdictions to provide organic waste collection services to their generators that are responsible for 90 percent of organic waste that is currently disposed."*

This provision requires a collection service for all generators, but it does not limit to curbside/route collection.

The option for either curbside collection or self-haul is clarified in NOPR Section 18984.9 Organic Waste Generator Requirements, subdivision (a) (page 61):

> *The purpose of this section is to ensure that organic waste generators properly sort organic waste for collection as required by the applicable collection service provided by their jurisdiction, or self-haul organic waste to a facility that recovers source-separated organic waste.*

Further, NOPR Section 18984.9 Organic Waste Generator Requirements, Subdivision (a) (page 103) indicates options for a collection service *OR* self-haul:

> *The purpose of this section is to ensure that organic waste generators properly sort organic waste for collection as required by the applicable collection service provided by their jurisdiction, or self-haul organic waste in a manner that complies with Article 7. …*
>
> *The state cannot achieve the required reductions if generators do not recover their organic waste by either complying with the requirements of the jurisdiction's collection service or self-hauling.*

Again, there is allowance for self-haul in place of a curbside/route collection service.

Conclusion

The regulatory rulemaking record and the final regulations provide sufficient evidence that self-hauling of organics is an allowable collection service without mandating curbside/route collection service to all generators in rural areas. Due to the rural nature of many areas of jurisdictions, there are physical constraints that preclude curbside/route collection service from being a viable option within jurisdictions. Many roads are unpaved, rough, too narrow, and/or steep, and cannot accommodate garbage trucks without being a hazard to the travelling public. It is also not economically or environmentally practical to mandate curbside/route collection to these areas given the greater distances involved and lower load levels that can be achieved in a standard shift.

Clearly jurisdictions are mandated to provide organic waste collection *opportunities* to all generators. Where curbside/route collection service is currently provided, organic waste collection must be part of that service. A jurisdiction may choose to mandate curbside/route collection service to all generators, but it may also allow self-hauling opportunities by adopting an

ordinance and ensuring there is a viable solid waste facility operation, activity, or property that processes or recovers source separated organic waste for its generators.

ESJPA appreciates your consideration of our request for clarification and looks forward to continuing to work together throughout the implementation of the SB 1383 organics regulations. If you have any questions, please feel free to contact me or Staci Heaton at (916) 447-4806.

Sincerely,

Staci Heaton
ESJPA Program Manager

CC: ESJPA Board of Directors
Cara Morgan, Branch Chief, CalRecycle Local Assistance and Market Development Branch

ADOPTED REGULATIONS

PHARMACEUTICAL AND SHARPS WASTE STEWARDSHIP PROGRAM

TITLE 14. NATURAL RESOURCES

DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CHAPTER 11. PRODUCT STEWARDSHIP

Start addition to Public Resources Code

ARTICLE 4. PHARMACEUTICAL AND SHARPS WASTE STEWARDSHIP PROGRAM

18972.1. DEFINITIONS.

(a) Except as otherwise noted, the following definitions shall govern the provisions of this Article and supplement the definitions set forth in Chapter 2, (commencing with section 42030) Part 3, Division 30 of the Public Resources Code:

(1) “Administrative and operational costs” means costs to implement and operate a stewardship program, including, but not limited to, collection, transportation, processing, disposal, and education and outreach costs, as well as administrative costs of operating the stewardship organization, pursuant to section 42034 of the Public Resources Code.

(2) “Departmental administrative fees” are fees required to be paid pursuant to section 42034.2 of the Public Resources Code.

(3) “Homebound” has the same meaning as defined in the Medicare Benefit Policy Manual, Chapter 15, 60.4.1 (Chapter revised July 12, 2019, definition issued, effective, and implemented in 2014). The Medicare Benefit Policy Manual, Chapter 15, Section 60.4.1 is incorporated herein by reference.

(4) “Homeless” has the same meaning as “homeless individual” as defined in subsection (5)(A) of subdivision (h) of section 254b of Title 42 of the U.S. Code on Public Health and Welfare.

(5) “Home-generated sharps consolidation point” has the same meaning as defined in Division 104, Part 14, Chapter 3, section 117904 of the Health and Safety Code.

(6) “Local jurisdiction” and “local agency” means a California city, county, city and county, a joint powers authority, or public service district responsible for

household hazardous waste or residential waste management planning or services.

(7) “Minutes, books, and records” means complete, correct, and up-to-date information regarding a program operator’s transactions and activities related to the operation of the stewardship program.

(8) “Prescription” has the same meaning as defined in Division 2, Chapter 9, section 4040 of the Business and Professions Code.

(9) “Point of sale” means the point in time at which an ultimate user purchases a covered drug or sharp at a pharmacy or other retailer, including but not limited to an online retailer.

(10) “Provides or initiates distribution of a sharps waste container and mail-back materials” means one of the following:

(A) To provide a sharps waste container and mail-back materials to the ultimate user, at the point of sale or prior, at no cost to the ultimate user; or,

(B) To arrange, at the point of sale or prior, for a sharps waste container and mail-back materials to be sent to the ultimate user and arrive within five business days at no cost or inconvenience to the ultimate user; or,

(C) Other methods of providing a sharps waste container and mail-back materials to the ultimate user at the point of sale or prior, at no cost to the ultimate user, if the method identified in subpart (A) above is not allowed by law and if the method identified in subpart (B) above is not allowed by law. These methods must be approved by the department in a stewardship plan and result in substantially the same level of convenience to the ultimate user as the methods identified in subparts (A) and (B) above.

(11) “Repeal” means to revoke or annul a law or ordinance in its entirety such that any program mandated by the law or ordinance is permanently dissolved. For the purposes of this Article, a modification of an existing law or ordinance does not constitute a repeal unless the changes fundamentally alter the program to the extent that it no longer meets the definition of a “stewardship program” as defined in subdivision (y) of section 42030 of the Public Resources Code.

Note: Authority cited: Sections 40401, 42031.2, and 40502, Public Resources Code. Reference: Sections 42030, 42031, 42031.2, 42031.4, 42031.6, 42032, 42032.2, 42033, 42033.2, 42033.4, 42033.5, 42033.6, 42034, 42034.2, 42034.4, 42035, 42035.2, 42035.4, 42035.6, 42035.8, 42036, 42036.2 and 42036.4, Public Resources Code; Medicare Benefit Policy Manual, Chapter 15, 60.4.1; 42 U.S.C. Section 254b, U.S. Code on Public Health and Welfare; Section 117904, Health and Safety Code; and Section 4040, Business and Professions Code.

18972.2. CRITERIA FOR DETERMINING A COVERED ENTITY.

The department shall identify the covered entity for any covered products consistent with subdivision (f) of section 42030 of the Public Resources Code.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Section 42030, Public Resources Code.

18973. DOCUMENT SUBMITTALS: STEWARDSHIP PLAN, INITIAL PROGRAM BUDGET, ANNUAL REPORT, AND ANNUAL BUDGET.

A stewardship plan, initial program budget, annual report, annual budget, or any document associated with the foregoing that is submitted to the department shall meet all the requirements outlined in subsections (a) through (e) of this section:

(a) The document is required to be in compliance with section 7405 of the Government Code, and the Web Content Accessibility Guidelines 2.0 published in 2008 by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria to allow for posting on the department's website. The entirety of the Web Content Accessibility Guidelines 2.0 (published in 2008) are incorporated herein by reference.

(b) The document shall be submitted electronically. The date of electronic submittal will be considered the date of receipt by the department.

(c) Any submittals to the department that the program operator believes are confidential in nature shall include a cover letter explaining the justification of confidentiality. Records supplied to the department pursuant to this Article that are, at the time of submission, claimed to be proprietary, confidential, or a trade secret shall be subject to the provisions in Title 14, California Code of Regulations, Division 7, Chapter 1, Article 4 (commencing with section 17041).

(d) The document shall be complete and correct.

(e) The document shall be provided to the department under penalty of perjury. A party, with signatory authority, who is responsible for the contents of the document, shall sign the document and provide the following certification statement: "I hereby declare, under penalty of perjury, that the information provided in this document is true and correct, to the best of my knowledge."

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42032, 42033.2 and 42036.4, Public Resources Code; Section 7405, Government Code; and Section 17041, California Code of Regulations.

18973.1. DOCUMENT APPROVALS: STEWARDSHIP PLAN, INITIAL PROGRAM BUDGET, ANNUAL REPORT, AND ANNUAL BUDGET.

A program operator that submits a stewardship plan, initial program budget, annual report, or annual budget to the department shall meet the following requirements:

(a) A program operator submitting a stewardship plan, initial program budget, annual report, or annual budget shall provide to the department, upon request and by the requested deadline, clarifying information that is necessary to assist the department in its consideration of completeness and/or approval.

(b) Within 30 days of the department's receipt of a document, the department shall determine if a document is complete or incomplete and notify the submitting program operator. The department shall consider a document to be complete if it contains provisions intended to meet each requirement in sections 18973, 18973.1, 18973.2, 18973.3, 18973.4, 18973.5, 18973.6, 18974, 18974.1, 18974.2, and 18974.3 of this Article, as applicable to each document, and if it contains sufficient detail for the department to determine if the requirements in the referenced sections have been met.

(1) If the department determines that the document is complete, the department shall have 90 days from the date of original receipt of the document to approve, conditionally approve, or disapprove the document.

(2) If the department determines that the document is incomplete, the department shall identify for the program operator the required additional information and the program operator shall resubmit the document within 30 days of the department's notification that the document is incomplete. If the department determines, upon resubmittal, that the resubmitted document is complete, the department shall have 90 days from the date of receipt of the resubmitted document to approve, conditionally approve, or disapprove the resubmitted document.

(c) Should it be necessary for the department to consult with or submit a stewardship plan to the State Board of Pharmacy or other agencies for review of completeness or approval, the duration of time this takes the department shall not count toward the 30-day review to determine completeness or 90-day review to determine approval, conditional approval, or disapproval.

(d) The department shall approve a document if it determines that the documents meets all material requirements in sections 18973, 18973.1, 18973.2, 18973.3, 18973.4, 18973.5, 18973.6, 18974, 18974.1, 18974.2, and 18974.3 of this Article, as applicable to each document.

(e) The department shall conditionally approve a document if it determines that the document is substantially compliant with all material requirements in sections 18973, 18973.1, 18973.2, 18973.3, 18973.4, 18973.5, 18973.6, 18974, 18974.1, 18974.2, and 18974.3 of this Article, as applicable to each document, but additional information from and/or additional actions by the program operator are necessary.

(f) The department shall disapprove a document if it determines that the document is not substantially compliant with all material requirements in sections 18973, 18973.1, 18973.2, 18973.3, 18973.4, 18973.5, 18973.6, 18974, 18974.1, 18974.2, and 18974.3 of this Article, as applicable to each document.

(g) If the department conditionally approves a stewardship plan, the department shall identify the condition(s) to be met for approval and provide written notice to the program operator within 30 days of conditional approval. The program operator shall comply with the conditions in that notice as specified. If the conditions are not met, the department shall notify the program operator that the plan is deemed disapproved and the covered entities operating under the stewardship plan are not in compliance until the program operator submits a stewardship plan the department approves.

(h) If the department disapproves a stewardship plan, the department shall explain how the stewardship plan does not comply and provide written notice to the program operator within 30 days of disapproval. The program operator shall resubmit a revised stewardship plan within 60 days of the disapproval date the written notice was issued, and the department will review the revised stewardship plan within 90 days of resubmittal. If a revised stewardship plan is disapproved by the department, the covered entities operating under the stewardship plan are not in compliance until the program operator submits a stewardship plan that the department approves.

(i) A program operator shall submit any significant changes to a stewardship plan in writing for approval by the department, and shall not implement the changes prior to that approval. Any significant changes to an approved stewardship plan shall be submitted to the department in accordance with the requirements of section 18973. The program operator shall also include a re-certification that the stewardship plan containing the significant changes is compliant with all applicable laws and regulations, in accordance with section 18973.2(e)(2) or 18973.3(d)(2), as applicable.

(j) If the department conditionally approves an annual report or program budget, the department shall identify the condition(s) to be met for approval and provide written notice to the program operator within 30 days of conditional approval. The program operator shall comply with the conditions in that written notice within 60 days of the date the written notice was issued, unless the Director of the Department of Resources Recycling and Recovery determines that additional time is needed. If the program operator does not comply and the conditions are not met within 60 days of the date the written notice was issued for a conditional approval, the department shall disapprove the annual report or program budget.

(k) If the department disapproves an annual report or program budget, the department shall identify how the annual report or program budget does not comply and provide written notice to the program operator within 30 days of disapproval. The program operator shall resubmit a revised annual report or program budget and provide any supplemental information requested within 60 days of the date the written notice was issued.

(l) The department's review of any resubmitted documents shall follow the process outlined in subdivisions (a) through (k) above.

(m) A program operator shall fully implement operation of an approved stewardship program no later than 270 days after approval by the department of the stewardship plan that establishes the stewardship program.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42032 and 42033.2, Public Resources Code.

18973.2. STEWARDSHIP PLAN FOR COVERED DRUGS.

Within six months of the adoption date of the regulations in this Article by the department, a program operator shall submit a stewardship plan to the department. To be complete, the stewardship plan shall include the following:

(a) Contact information of the corporate officer, or designee, responsible for submitting and overseeing the stewardship plan on behalf of the program operator, including, but not limited to:

(1) Contact name and title

(2) Name of program operator

(3) Mailing and physical address(es)

(4) Phone number

(5) Email address

(6) Internet website address

(b) Contact information for each covered entity participating in the stewardship plan, including, but not limited to:

(1) Contact name and title

(2) Name of covered entity

(3) Mailing and physical address(es)

(4) Covered entity email address

(5) Covered entity internet website address

(6) Covered entity phone number

(c) List of each covered drug sold or offered for sale by each participating covered entity covered by the stewardship plan.

(d) Authorized Collectors.

(1) Contact information for each participating authorized collector operating a collection site where covered drugs are collected, including, but not limited to, the following:

(A) Contact name and title

(B) Name of authorized collector

(C) Mailing and physical address(es)

(D) List of participating authorized collection sites, with name and physical address, by county

(2) Pursuant to Section 42032.2(b)(1) of the Public Resources Code, list of potential authorized collectors, in the counties in which the program will operate, that were notified of the opportunity to serve as an authorized collector for the proposed stewardship program, and the method(s) by which each potential authorized collector was notified. The notification shall occur at least 120 days before the stewardship plan is submitted to the department.

(3) Pursuant to Section 42032.2(b)(1) of the Public Resources Code, description of the process by which good faith negotiations with potential authorized collectors were and, if applicable, continue to be conducted. If a potential authorized collector expresses interest in participating in a stewardship program, the program operator shall commence good faith negotiations with the potential authorized collector within 30 days.

(4) Description of efforts to work with retail pharmacies and retail pharmacy chains to fulfill the requirement in section 42032.2(b)(2) of the Public Resources Code, if applicable.

(5) Description of the process to incorporate potential authorized collectors that submit a written offer to join the stewardship program, in accordance with section 42032.2(b)(3) of the Public Resources Code. A program operator shall include under its stewardship program any entity listed in subdivision (b) of section 42030 of the Public Resources Code that offers to participate in the stewardship program, in writing and without compensation, even if the minimum convenience standards set in clause (i) of subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code have been achieved. The program operator shall include the offering entity as an authorized collector in the stewardship program within 90 days of receiving the written offer to participate. A program operator shall not be required to respond to offers pursuant to this subsection until the program operator’s stewardship plan has been approved by the department.

(6) Description of the reasons for excluding any potential authorized collectors, including those who request joining the program, as applicable.

(7) Description of how the program operator will notify any potential authorized collectors of the reasons they were rejected from inclusion in the stewardship program and what changes the potential authorized collector can make in order to join the stewardship program.

(e) State Agency Determinations and Compliance Certifications.

(1) State agency determinations, pursuant to section 42032.2(a)(1)(C) of the Public Resources Code. If a determination of noncompliance was initially issued, the stewardship plan shall include both the initial determination of noncompliance and the superseding determination of compliance. If any state agency failed to respond to a request for review within 90 days of receipt of the stewardship plan, the program operator shall include documentation of this request along with a written certification, signed by an authorized representative of the program operator, that, at the time of submission to the department, the stewardship plan is consistent with all laws and regulations relevant to that agency's authority, and the applicable state agency failed to respond within 90 days of receipt of the stewardship plan.

(2) Written certification by an authorized representative of the program operator that, at the time of submission to the department, the stewardship plan, including all aspects of the plan related to the collection, transportation, and disposal of covered drugs, is in compliance with all applicable local, state, and federal laws and regulations, including, but not limited to United States Drug Enforcement Administration regulations.

(f) Initial Program Budget and Program Funding. Demonstration of adequate funding for all administrative and operational costs of the stewardship program for the first five calendar years of operation, to be borne by participating covered entities pursuant to section 18973.6.

(g) Collection, Transportation, and Disposal System. Descriptions of the following:

(1) Processes and policies that will be used to safely and securely collect, track, and properly manage covered drugs from collection through final disposal.

(2) How convenience standards pursuant to subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code will be met for each county, including the following:

(A) How reasonable geographic spread is determined, including all factors applied to develop the determination. Population considerations shall use the most recent publicly available population calculations from the State of California Department of Finance.

(B) How frequently the convenience standards will be re-evaluated to ensure compliance with the convenience standards, including updating population estimates.

(3) Tracking mechanism(s) for collection, transportation, and disposal.

(4) Metrics that will be used to measure the amount, including, but not limited to, weight, of covered drugs collected from ultimate users at each authorized collection site.

(5) Each service provider to be used to transport, process, or dispose of covered drugs collected through the stewardship program, including, but not limited to:

(A) Name of service provider

(B) Mailing and physical address(es)

(6) Mail-back services or an alternative form of collection and disposal system to be provided to ultimate users, pursuant to sections 42032.2(a)(1)(G) and 42032.2(c) of the Public Resources Code. Include, at a minimum, the following information:

(A) List of locations and/or description of mechanisms to provide ultimate users with preaddressed, prepaid mail-back materials or an alternative form of collection and disposal system that would render the covered drug inert, if applicable.

(B) Pursuant to section 42032.2(a)(1)(G)(i) of the Public Resources Code, mechanism to provide preaddressed, prepaid mail-back materials or an alternative form of collection and disposal system requested by ultimate users who are homeless, homebound, or disabled through the program operator's internet website and toll-free telephone number.

(C) Pursuant to section 42032.2(c)(2) of the Public Resources Code, description of any mail-back program or alternative form of collection and disposal system that complies with applicable local, state, and federal laws and regulations including, but not limited to, United States Drug Enforcement Administration regulations that will be used as a supplemental service for any county that does not have the minimum number of authorized collection sites due to circumstances beyond the program operator's control.

(D) Pursuant to section 42032.2(a)(1)(G)(ii) of the Public Resources Code, any alternative methods of collection for covered drugs, other than controlled substances, that cannot be accepted or commingled with other covered drugs in secure collection receptacles or through a mail-back program, to the extent technically feasible and permissible under

applicable state and federal law, including, but not limited to, United States Drug Enforcement Administration regulations.

(E) Metrics that will be used to measure the amount of preaddressed, prepaid mail-back materials distributed or alternative form of collection and disposal system provided, and the metrics used to measure the amount of material returned.

(7) Description of a service schedule that meets the needs of each authorized collection site. Process by which collection receptacles will be monitored, explanation of how service schedules are determined to ensure that collection receptacles do not reach capacity, and procedures to be followed if capacity is reached. The service schedule must meet the needs of each authorized collection site to ensure that collected covered drugs are transported to final disposal in a timely manner.

(8) What corrective actions will be taken if a program operator discovers critical instances of noncompliance with stewardship plan policies and procedures.

(9) How each participating collection site will be funded or reimbursed, if applicable.

(10) Standard operating procedures that will address incidents related to safety and security, including processes to ensure that the department and applicable local, state, and federal agencies are notified of the incident. This description shall also explain the actions that will be taken to change policies, procedures, and tracking mechanisms to alleviate the problems with safety and security and improve safety and security.

(h) Collection, Transportation, and Disposal System Records. Description of how and where the records generated during the collection, transportation, and disposal of collected covered drugs will be maintained. These records include, but are not limited to: collection manifests, mailer distributions, receipts of returned covered drugs, return mailings, and final disposal of covered drugs, as applicable.

(i) Ordinance Repeals. Pursuant to subdivision (e) of section 42032.2 of the Public Resources Code, description of processes, logistics, and timing of implementation that will be necessary for the stewardship program to expand into jurisdictions not previously included in the stewardship plan, in the event of the repeal of a local stewardship program ordinance. The description shall include an explanation of how the stewardship program will meet the convenience standards, pursuant to subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code.

(j) Education and Outreach. Description of a comprehensive education and outreach program that shall include, but is not limited to, the following:

(1) Any activities to promote awareness and maximize ultimate user participation in the stewardship program, including, but not limited to, provision of educational

and outreach materials for persons authorized to prescribe drugs, pharmacies, pharmacists, ultimate users, and others, as necessary.

(2) Materials to be utilized that are distributed in languages suited to local demographics, consistent with section 7295 of the Government Code. These materials shall include, but are not limited to, signage for hospitals, pharmacies, and other locations, as necessary. Signage or labeling for secure collection receptacles shall be designed with explanatory graphics which are readily understandable by all ultimate users.

(3) Establishment of an internet website designed with functionality for mobile platforms, provided with language options suited to local demographics, consistent with section 7295 of the Government Code, and maintained to ensure all information is up to date and accurate. The internet website's digital content and navigability must be accessible to disabled individuals. The internet website shall include, but is not limited to, the following:

(A) Authorized collection site physical addresses

(B) Authorized collection site contact telephone numbers

(C) Authorized collection site days and hours of operation

(D) Mechanism to accept requests for mail-back materials from ultimate users who are homeless, homebound, or disabled

(E) Information to promote the stewardship program, including, but not limited to, instructions for safe handling and proper disposal of covered drugs and information on collection options

(4) Establishment of a toll-free telephone number to accept requests for mail-back materials from ultimate users who are homeless, homebound, or disabled, and to provide disposal options and other program information to ultimate users without access to the internet. The toll-free telephone number shall offer language options suited to local demographics, accept calls via human representative, and provide services for hearing-impaired and speech-impaired individuals.

(5) Metrics to evaluate performance of the comprehensive education and outreach program, including, but not limited to, ultimate user awareness, program usage, and accessibility.

(6) How ultimate users will be encouraged to separate products that are not covered products from covered products, when appropriate, before submitting the covered products to an authorized collection site or mail-back program.

(7) How the program operator will comply with the requirement in section 42031.6(b) of the Public Resources Code.

(k) Coordination Efforts. Description of how the program operator will coordinate with other program operators to avoid confusion to the public and all program participants in the event that multiple stewardship programs for covered drugs are in operation concurrently or new stewardship programs begin operating.

(l) Process for providing grants, loans, sponsorships, reimbursements, or other incentives, if applicable.

(m) Process for selecting service providers, including a description of any competitive procedure used, if applicable.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42031, 42031.6, 42032, 42032.2, 42033, 42035.8, 42036.2 and 42036.4, Public Resources Code; and Section 17041, California Code of Regulations.

18973.3. STEWARDSHIP PLAN FOR HOME-GENERATED SHARPS WASTE.

Within six months of the adoption date of the regulations in this Article by the department, a program operator shall submit a stewardship plan to the department. To be complete, a stewardship plan for home-generated sharps waste shall include the following:

(a) Contact information of the corporate officer, or designee, responsible for submitting and overseeing the stewardship plan on behalf of the program operator, including, but not limited to:

(1) Contact name and title

(2) Name of program operator

(3) Mailing and physical address(es)

(4) Phone number

(5) Email address

(6) Internet website address

(b) Contact information for each covered entity participating in the stewardship plan, including, but not limited to:

(1) Contact name and title

(2) Name of covered entity

(3) Mailing and physical address(es)

(4) Covered entity email address

(5) Covered entity internet website address

(6) Covered entity phone number

(c) List of sharps sold or offered for sale by each participating covered entity covered by the stewardship plan.

(d) State Agency Determinations and Compliance Certifications.

(1) Agency determinations pursuant to 42032.2(d)(1)(B) of the Public Resources Code. If a determination of noncompliance was initially issued, the stewardship plan shall include both the initial determination of noncompliance and the superseding determination of compliance. If any state agency failed to respond to a request for review within 90 days of receipt of the stewardship plan, the program operator shall include documentation of this request along with a written certification, signed by an authorized representative of the program operator, that at the time of submission to the department, the stewardship plan is consistent with all laws and regulations relevant to that agency's authority, and the applicable agency failed to respond within 90 days of receipt of the stewardship plan.

(2) Written certification, by an authorized representative of the program operator, that, at the time of submission to the department, the stewardship plan, including all aspects of the plan related to the handling, transportation, and disposal of home-generated sharps waste is in compliance with all applicable local, state, and federal laws and regulations.

(e) Initial Program Budget and Program Funding. Demonstration of adequate funding for all administrative and operational costs of the stewardship program for the first five calendar years of operation, to be borne by participating covered entities pursuant to section 18973.6.

(f) Collection, Transportation, and Disposal System. Descriptions of the following:

(1) Processes and policies that will be used to safely and securely collect, track, and properly manage home-generated sharps waste from collection through final disposal.

(2) How stewardship plan implementation will provide or initiate distribution of sharps waste containers and mail-back materials, which include mail-back packaging and informational material, at no cost to ultimate users at the point of sale, to the extent allowable by law. In addition, how stewardship plan implementation will meet the following requirements:

(A) Containers and mail-back materials shall be distributed in amounts sufficient to accommodate the volume of sharps purchased by the ultimate user over a selected time period.

(B) For any sharps, the packaging, an insert or instructions, or separate information provided to the ultimate user shall include all necessary information on proper sharps waste disposal.

(C) All sharps waste containers shall include, on a label affixed to the container or packaging or on a separate insert included in the container or packaging, the program operator's internet website and toll-free telephone number.

(D) Prepaid postage shall be affixed to the container or mail-back packaging.

(3) Collection, Transportation, and Disposal System Records. Description of how and where the records generated during the collection, transportation, and disposal of collected home-generated sharps waste will be maintained. These records shall include, but are not limited to: collection manifests, mailer distributions, receipts of returned home-generated sharps waste return mailings, and final disposal of home-generated sharps waste, as applicable.

(4) Each service provider to be used to transport, process, or dispose of home-generated sharps waste collected through the stewardship program, including, but not limited to:

(A) Name of service provider

(B) Mailing and physical address(es) of service provider

(5) Supplemental collection method(s) for home-generated sharps waste that may be provided, in addition to, but not in lieu of, the mail-back program. These methods may include, but are not limited to:

(A) Secure receptacle collection. If a program operator proposes to implement a receptacle-based program using authorized and approved home-generated sharps consolidation points under the Medical Waste Management Act, then the following information, as applicable, shall be included, but not be limited to:

(i) Name and physical address of home-generated sharps consolidation point(s).

(ii) Process by which collection receptacles will be monitored, process by which service schedules will be determined to ensure that collection receptacles do not reach capacity, and the procedure to be followed if capacity is reached.

(iii) How each participating home-generated sharps consolidation point will be funded or reimbursed, if applicable.

(iv) Standard operating procedures that will address incidents related to safety and security, including processes to ensure that the department and applicable local, state, and federal agencies are notified of the incident. This description shall also explain the actions that will be taken to change policies, procedures, and tracking mechanisms to alleviate the problems with safety and security and improve safety and security.

(B) Take-back collection events shall be authorized and approved as a home-generated sharps consolidation point under the Medical Waste Management Act. Describe when take-back events are necessary and how they will be conducted, if applicable.

(6) Metrics that will be used to measure the amount of sharps waste containers and mail-back materials distributed and metrics that will be used to measure the amount of home-generated sharps waste returned.

(7) Metrics that will be used to measure the amount of home-generated sharps waste collected through supplemental collection method(s), if applicable.

(8) Metrics that will be used to measure the amount of home-generated sharps waste collected by household hazardous waste facilities operated by local agencies that request reimbursement or removal for disposal of home-generated sharps waste.

(9) Corrective actions that will be taken if a program operator discovers critical instances of noncompliance with stewardship plan policies and procedures.

(g) Local Agency Requests.

(1) Description of the process for coordinating with local agencies, or an agent on behalf of a local agency, for the removal of home-generated sharps waste from local household hazardous waste facilities, either by reimbursement for transportation and disposal costs or removal of the home-generated sharps waste.

(2) Requests by local agencies, or an agent on behalf of a local agency, shall include an invoice and shall be submitted to the program operator, as necessary. Such requests shall comply with the requirements in subsection (1)(F)(ii) of subdivision (d) of section 42032.2 of the Public Resources Code. Program operators shall respond to requests by local agencies within 14 days of receipt of the request and identify the method to resolve the request by selecting either reimbursement or removal from household hazardous waste facility(ies).

(A) A program operator that selects to resolve a request through reimbursement to a local agency shall issue payment within 45 days of receipt of the local agency’s invoice.

(B) A program operator that provides for the removal of the home-generated sharps waste from the local household hazardous waste facilities shall do so as often as required according to section 117904 of the Health and Safety Code or by the local enforcement authority.

(h) Ordinance Repeals. Pursuant to subdivision (e) of section 42032.2 of the Public Resources Code, description of processes, logistics, and timing of implementation that will be necessary for the stewardship program to expand into jurisdictions not previously included in the stewardship plan, in the event of the repeal of a local stewardship program ordinance.

(i) Education and Outreach. Description of a comprehensive education and outreach program shall include, but is not limited to, the following:

(1) Activities to promote awareness and maximize ultimate user participation in the stewardship program, including, but not limited to provision of educational and outreach materials for persons authorized to prescribe drugs, pharmacies, pharmacists, ultimate users, and others, as necessary.

(2) Materials to be utilized that are distributed in languages suited to local demographics, consistent with section 7295 of the Government Code. These materials shall include, but are not limited to, signage for hospitals, pharmacies, and other locations, as necessary. Signage or labeling for secure collection receptacles shall be designed with explanatory graphics which are readily understandable by all ultimate users.

(3) Establishment of an internet website designed with functionality for mobile platforms, provided with language options suited to local demographics, consistent with section 7295 of the Government Code, and maintained to ensure all information is up to date and accurate. The internet website's digital content and navigability must be accessible to disabled individuals. The internet website shall include, but is not limited to, the following:

(A) A mechanism to accept requests for sharps waste containers and mail-back materials.

(B) Information to promote the stewardship program including, but not limited to, instructions for safe handling and proper disposal of home-generated sharps waste and information on collection options for home-generated sharps waste.

(C) Home-generated sharps consolidation point addresses, if applicable.

(D) Home-generated sharps consolidation point site days and hours of operation, if applicable.

(E) Home-generated sharps consolidation point contact telephone numbers, if applicable.

(4) Establishment of a toll-free telephone number to serve as an option for ultimate users to request sharps waste containers and mail-back materials, and to obtain information about the program, including, but not limited to what is outlined in section 18973.3(i)(3)(A)-(E). The toll-free telephone number shall offer language options suited to local demographics, accept calls via human representative, and provide services for hearing-impaired and speech-impaired individuals.

(5) Metrics to evaluate performance of the comprehensive education and outreach program, including, but not limited to, ultimate user awareness, program usage, and accessibility.

(6) How ultimate users will be encouraged to separate products that are not covered products from covered products, when appropriate, before submitting the covered products to a home-generated sharps consolidation point or mail-back program.

(7) How the program operator will comply with the requirement in section 42031.6(b) of the Public Resources Code.

(j) Coordination Efforts. Description of how the program operator will coordinate with other program operators to avoid confusion to the public and all program participants in the event that multiple stewardship programs for home-generated sharps waste are in operation concurrently or new stewardship programs begin operating.

(k) Process for providing grants, loans, sponsorships, reimbursements, or other incentives, as applicable.

(l) Process for selecting service providers, including a description of any competitive procedures used, if applicable.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42031, 42031.6, 42032, 42032.2, 42033, 42033.5, 42036.2 and 42036.4, Public Resources Code; Section 17041, California Code of Regulations; and Section 117904, Health and Safety Code.

18973.4. ANNUAL REPORT FOR COVERED DRUGS.

On or before March 31, 2022, and each year thereafter, a program operator shall prepare and submit an annual report to the department. To be complete, the annual report shall describe how the program operator complied with all elements in its stewardship plan during the previous reporting period of one year, and shall contain the following:

(a) Contact information pursuant to section 18973.2(a), including any changes or updates to this information.

(b) Executive Summary. A concise summary of the information contained in the report that includes, but is not limited to, the highlights, outcomes and challenges, achievement of the convenience standards pursuant to subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code, education and outreach efforts, and ways in which challenges are being addressed.

(c) Collection System. Description of the following:

(1) How ultimate users had an opportunity to dispose of their covered drug(s) as described in the approved stewardship plan.

(2) Efforts between the program operator and potential authorized collectors to establish authorized collection sites, including, but not limited to:

(A) Pursuant to section 18973.2(d)(2), efforts to notify potential authorized collectors of the opportunity to serve as an authorized collector for the stewardship program in the counties in which the program operated, and the list of potential authorized collectors that were notified.

(B) Pursuant to section 18973.2(d)(3), the process by which good faith negotiations with potential authorized collectors were conducted.

(C) Pursuant to section 18973.2(d)(4), efforts to work with retail pharmacies and retail pharmacy chains to fulfill the requirement in section 42032.2(b)(2) of the Public Resources Code, if applicable.

(D) Pursuant to section 18973.2(d)(5), efforts to incorporate potential authorized collectors that submitted a written offer to join the stewardship program, and the list of potential authorized collectors that submitted written offers.

(E) Pursuant to section 18973.2(d)(6), a list of potential authorized collectors that submitted a written offer to join the stewardship program and were rejected, and the reason(s) for each rejection.

(F) Description of how the program operator complied with the requirement in section 18973.2(d)(7).

(3) How the convenience standards pursuant to subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code were met. Include necessary changes to calculations that account for changes in the number of authorized collection sites and most recent publicly available population calculations from the State of California Department of Finance. If the convenience standards were not met, describe efforts made to achieve compliance.

(4) For each participating authorized collection site, include the following:

(A) Name and physical address

(B) Amount of covered drugs collected, as required in the stewardship plan pursuant to section 18973.2(g)(4)

(C) Number of instances that collected covered drugs were picked up for disposal

(D) Number of receptacle liners picked up for disposal

(E) Number of instances and corresponding amount of time the secure collection receptacle was not available to the public during business hours. For each instance, provide a description of why the secure collection receptacle was not available.

(5) For each type of mail-back service utilized, include the following, as applicable:

(A) List of distribution locations

(B) Mechanism(s) of distribution

(C) Amount of mail-back materials distributed, as required in the stewardship plan pursuant to section 18973.2(g)(6)(E)

(D) Amount of mail-back material returned, as required in the stewardship plan pursuant to section 18973.2(g)(6)(E)

(6) For each alternative form of collection and disposal, include the following, as applicable:

(A) Method(s) of collection

(B) Name and address of location(s)

(C) Number of collections

(D) Amount of materials distributed, as required in the stewardship plan pursuant to section 18973.2(g)(6)(E)

(E) Amount of material collected, as required in the stewardship plan pursuant to section 18973.2(g)(6)(E)

(d) Transportation and Disposal System. Description of the methods used for transportation and disposal of covered drugs, including the following:

(1) Mechanism(s) for tracking the collection, transportation, and disposal of covered drugs

(2) Name and mailing address of each service provider used to transport or process covered drugs

(3) For each disposal facility, include the following:

(A) Name of disposal facility

(B) Mailing and physical address

(C) Weight of covered drugs disposed

(e) Policies and Procedures. Pursuant to subdivision (b)(6) of section 42033.2 of the Public Resources Code, provide the following:

(1) Description of whether policies and procedures for collecting, transporting, and disposing of covered drugs, as established in the stewardship plan, were followed during the reporting period

(2) Description of each instance of noncompliance from stewardship plan policies and procedures, if any occurred

(3) Corrective actions taken, or that will be taken, if the program operator discovered critical instances of noncompliance with stewardship plan policies and procedures

(f) Description of updates, that have been made or will be made, to the processes and policies followed to safely and securely collect, track, and properly manage covered drugs from collection through final disposal.

(g) Ordinance Repeal. Pursuant to subdivision (e) of section 42032.2 of the Public Resources Code, description of processes, logistics, and timing of implementation that will be necessary for the stewardship program to expand into jurisdictions not previously included in the stewardship plan, in the event of the repeal of a local stewardship program ordinance. The description shall include an explanation of how the stewardship program will meet the convenience standards, pursuant to subsection (1)(F) of subdivision (a) of section 42032.2 of the Public Resources Code.

(h) Safety and Security. Describe the general nature of any incidents with safety or security related to collection, transportation, or disposal of collected covered drugs. Explain what corrective actions were taken or will be taken to address the issue and improve safety and security. In addition, the following specific information about any incident(s) shall be made available to the department upon request, and shall include, but not be limited to:

(1) Location and date

(2) Description of specific incident

(3) Cause(s) of specific incident

(4) Parties involved

(5) Regulatory or law enforcement agencies involved and any litigation, arbitration, or other legal proceedings that result from each incident

(i) Education and Outreach. Description and evaluation of the comprehensive education and outreach activities pursuant to section 18973.2(j), including, but not limited to, the following:

(1) Electronic examples of promotional marketing materials

(2) Numerical results of the education and outreach metrics outlined in the stewardship plan, pursuant to section 18973.2(j)(5)

(3) A discussion of what the metrics, described above in section 18973.4(i)(2), reveal about the performance of the comprehensive education and outreach program, including, but not limited to, ultimate user awareness, program usage, and accessibility

(4) Description of how the requirement of section 42031.6(b) of the Public Resources Code was met.

(j) Covered Entities, Covered Products, and Authorized Collectors. List of the following:

(1) Participating covered entities covered by the stewardship plan and their contact information including, but not limited to, the following:

(A) Name of covered entity

(B) Mailing and physical address

(C) Contact name and title

(D) Email address

(2) A copy of the list of covered products submitted to the Board of Pharmacy pursuant to subsection (2) of subdivision (a) of section 42031 of the Public Resources Code.

(3) Authorized collectors and their contact information including, but not limited to:

(A) Name of authorized collector

(B) Mailing and physical address

(C) Contact name and title

(D) Email address

(k) Description and evaluation of the process for selecting service providers, if applicable.

(l) Description of any grants, loans, sponsorships, reimbursements, or other incentives provided, as applicable.

(m) Description of changes in staffing of the stewardship program.

(n) A list of all actual expenses incurred during the previous reporting period. Expenses shall be summarized in accordance with the budget categories specified in section 18973.6(b).

(o) Coordination Efforts. Description of how the program operator coordinated with other program operators to avoid confusion to the public and all program participants in the event that multiple stewardship programs for covered drugs are in operation concurrently or new stewardship programs begin operating.

(p) State Agency Determinations pursuant to section 42032.2(a)(1)(C) of the Public Resources Code. Submit all agency determination(s) of compliance, noncompliance, and superseding determinations of compliance, if any, for the reporting period.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42031, 42031.6, 42032.2, 42033, 42033.2, 42033.4, 42033.6, 42034 and 42036.4, Public Resources Code; and Section 17041, California Code of Regulations.

18973.5. ANNUAL REPORT FOR HOME-GENERATED SHARPS WASTE.

On or before March 31, 2022, and each year thereafter, a program operator shall prepare and submit an annual report to the department. To be complete, the annual report shall describe how the program operator complied with all elements of the stewardship plan during the previous reporting period of one year and shall contain the following:

(a) Contact information pursuant to section 18973.3(a) including any changes or updates to this information.

(b) Executive Summary. A concise summary of the information contained in the report that includes, but is not limited to, the highlights, outcomes and challenges, education and outreach efforts, and ways in which challenges are being addressed.

(c) Collection System. Description of the following:

(1) How ultimate users had an opportunity to dispose of their home-generated sharps waste as described in the approved stewardship plan

(2) Amount of sharps waste containers and mail-back materials distributed as required in the stewardship plan pursuant to section 18973.3(f)(6), per county, through each of the following methods:

(A) Provided at point of sale

(B) Initiated at point of sale

(C) Website requests

(D) Toll-free telephone number requests

(3) Amount of home-generated sharps waste returned through the mail-back program, as required in the stewardship plan pursuant to section 18973.3(f)(6)

(4) Supplemental collection method(s) of home-generated sharps waste that were provided in addition to, but not in lieu of, the mail-back program, pursuant to section 18973.3(f)(5). Include a list of dates and locations of take-back events that occurred pursuant to section 18973.3(f)(5)(B), if applicable

(5) If applicable, amount of home-generated sharps waste collected through supplemental collection method(s), as required in the stewardship plan pursuant to section 18973.3(f)(7)

(d) Transportation and Disposal. Descriptions of the methods used to transport and dispose of consolidated home-generated sharps waste, including the following:

(1) Mechanism(s) used to track the collection, transportation, and disposal of home-generated sharps waste

(2) Name and mailing address of each service provider used to transport or process home-generated sharps waste

(3) For each disposal facility, include the following:

(A) Name of facility

(B) Mailing and physical address

(C) Total weight of material disposed

(e) Policies and Procedures. Pursuant to subdivision (b)(6) of section 42033.2 of the Public Resources Code, provide the following:

(1) Description of whether policies and procedures for collecting, transporting, and disposing of home-generated sharps waste, as established in the stewardship plan, were followed during the reporting period

(2) Description of each instance of noncompliance from stewardship plan policies and procedures, if any occurred

(3) Corrective actions taken, or that will be taken, if the program operator discovered critical instances of noncompliance with stewardship plan policies and procedures

(f) Description of updates, that have been made or will be made, to the processes and policies followed to safely and securely collect, track, and properly manage home-generated sharps waste from collection through final disposal.

(g) Ordinance Repeal. Pursuant to subdivision (e) of section 42032.2 of the Public Resources Code, description of processes, logistics, and timing of implementation that will be necessary for the stewardship program to expand into jurisdictions not previously included in the stewardship plan, in the event of the repeal of a local stewardship program ordinance.

(h) Safety and Security. Describe the general nature of any incidents with safety or security related to collection, transportation, or disposal of home-generated sharps waste. Explain the corrective actions taken or that will be taken to address the issue and improve safety and security. Additionally, the following specific information about any incident(s) shall be made available to the department, upon request, and shall include, but not be limited to:

(1) Location and date

(2) Description of specific incident

(3) Cause(s) of specific incident

(4) Parties involved

(5) Regulatory or law enforcement agencies involved and any litigation, arbitration, or other legal proceedings that result from each incident.

(i) Education and Outreach. Description and evaluation of the comprehensive education and outreach activities pursuant to section 18973.3(i), including, but not limited to, the following:

(1) Electronic examples of promotional marketing materials

(2) Numerical results of the education and outreach metrics outlined in the stewardship plan, pursuant to section 18973.3(i)(5)

(3) A discussion of what the metrics, described above in section 18973.5(i)(2), reveal about the performance of the comprehensive education and outreach program, including, but not limited to, ultimate user awareness, program usage, and accessibility

(4) Description of how the requirement in section 42031.6(b) of the Public Resources Code was met

(j) Covered Entities. Participating covered entities covered by the stewardship plan and their contact information, including, but not limited to, the following:

(1) Name of covered entity

(2) Mailing and physical address

(3) Contact name and title

(4) Email address

(k) A copy of the list of covered products submitted to the Board of Pharmacy pursuant to subsection (2) of subdivision (a) of section 42031 of the Public Resources Code.

(l) Description and evaluation of the process for selecting service providers, if applicable.

(m) Description of any grants, loans, sponsorships, reimbursements, or other incentives provided, as applicable.

(n) Description of changes in staffing of the stewardship program.

(o) Coordination Efforts. Description of how the program operator coordinated with other program operators to avoid confusion to the public and all program participants in the event that multiple stewardship programs for home-generated sharps waste are in operation concurrently or new stewardship programs begin operating.

(p) Local Agency Requests. For each local agency that has requested removal or reimbursement, pursuant to the requirements in subsection (1)(F)(ii) of subdivision (d) of section 42032.2 of the Public Resources Code, provide details including, but not limited to:

(1) Name of local agency, or agent acting on behalf of the local agency.

(2) For each household hazardous waste facility:

(A) Facility location

(B) Reimbursement payment amount, as applicable

(C) Amount of home-generated sharps waste collected, as required in the stewardship plan pursuant to section 18973.3(f)(8)

(3) Any requests that were rejected and the reason(s) each request was rejected.

(4) Any requests where response, removal, or reimbursement was performed outside of the timelines specified in section 18973.3(g)(2).

(q) A list of all actual expenses incurred during the previous reporting period. Expenses shall be summarized in accordance with the budget categories specified in section 18973.6(b).

(r) State Agency Determinations pursuant to section 42032.2(d)(1)(B) of the Public Resources Code. Submit all agency determination(s) of compliance, noncompliance and superseding determinations of compliance, if any, for the reporting period.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42031, 42031.6, 42032.2, 42033, 42033.2, 42033.4, 42033.5, 42033.6, 42034 and 42036.4, Public Resources Code; and Section 17041, California Code of Regulations.

18973.6. PROGRAM BUDGETS.

A program operator must submit an initial stewardship program budget for the first five calendar years of operation and an annual budget, pursuant to sections 42033 and 42033.2 of Chapter 2, Part 3, Division 30 of the Public Resources Code. The initial stewardship program budget that covers the first five calendar years of operation and the annual program budgets shall contain at a minimum, the following information:

(a) Contact information of the corporate officer, or designee, responsible for submitting and overseeing the program budget on behalf of the program operator, including, but not limited to:

(1) Contact name and title

(2) Name of program operator

(3) Mailing and physical address(es)

(4) Phone number

(5) Email address

(6) Internet website address

(b) Anticipated costs to implement the stewardship program, including, but not limited to, separate line items for the following:

(1) Capital costs, including, but not limited to, fixed, one-time, tangible purchases

(2) Costs of collection, transportation, and disposal of covered products

(3) Administrative costs

(4) Education and outreach costs

(5) Costs related to grants, loans, sponsorships, or other incentives as part of program implementation

(c) Recommended reserve level amount and description justifying the reserve level amount indicated. The program operator shall maintain reserves in a prudent and responsible manner.

(d) Recommended funding level necessary to cover the stewardship plan's budgeted costs and to operate the stewardship program over a multi-year period in a prudent and responsible manner. Include a description of how costs are apportioned to and funds remitted from participating covered entities.

(e) A description of the types of activities relative to each line item cost category, identified pursuant to section 18973.6(b).

(f) An independent financial audit of the stewardship program funded by the member covered entities participating in the stewardship program or by a covered entity, if it operates its own stewardship program. The audit shall be performed at least once each calendar year. The audit shall be conducted in accordance with generally accepted auditing standards in the United States of America by a Certified Public Accountant. The Certified Public Accountant shall not perform the non-audit services for the program operator or engage in any activities that would impair independence. The independent financial audit shall include, but not be limited to:

(1) Minutes, books, and records that clearly reflect the activities and transactions of the program operator's stewardship program.

(2) Stewardship program financial statements, as required by Generally Accepted Accounting Principles.

(3) An opinion on the stewardship organization's compliance with the aspects of section 42034 of the Public Resources Code and this Article.

(4) Findings and recommendations as they relate to the financial aspects of the stewardship program.

(5) Management Letter, if issued, by the stewardship organization's Certified Public Accountant.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42033, 42033.2, 42033.4, 42034 and 42036.4, Public Resources Code; and Section 17041, California Code of Regulations.

18974. RECORD KEEPING REQUIREMENTS.

Each party required to comply with Chapter 2 (commencing with section 42030, Part 3, Division 30 of the Public Resources Code) shall:

(a) Maintain records to support the requirements in this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code. Covered entities, stewardship organizations, program operators, retail pharmacies and retail pharmacy chains must maintain records to support compliance with this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code. Retail pharmacies or retail pharmacy chains will maintain and provide access to records required by this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code for a minimum of three years.

(b) Covered entities, stewardship organizations, and program operators will maintain and provide access to records required to be kept or submitted pursuant to this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code for a minimum of three years after submission of a document which relies upon those records.

(c) Retail pharmacies and retail pharmacy chains that are participating in the stewardship program must provide access to existing records on all covered products sold, offered for sale, or dispensed in the state, including:

(1) The manufacturer of the covered product(s).

(2) The date(s) the retailer purchased the covered product(s) from the manufacturer, distributor, and/or wholesaler.

(3) The date(s) the retailer sold, offered for sale, or dispensed the covered product(s).

(4) Certification letter(s) from the department, pursuant to subdivision (b) of section 42035 of the Public Resources Code, if provided by a covered entity or stewardship organization, to demonstrate that a particular covered product from the covered entity or stewardship organization is or was subject to a department-approved covered product stewardship plan. A retail pharmacy and retail pharmacy chain must provide access to a certification letter only if it is being used as proof of compliance, or to demonstrate that a covered entity or stewardship organization not listed on the department's internet website is in compliance.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42033.4, 42035, 42035.6 and 42036.4, Public Resources Code; and Section 17041, California Code of Regulations.

18974.1. ADMINISTRATIVE AND OPERATIONAL COSTS.

(a) Each covered entity, either individually or through a stewardship organization, shall pay all administrative and operational costs associated with establishing and

implementing the stewardship program in which it participates, including the cost of collecting, transporting, and disposing of covered products.

Note: Authority cited: Sections 40401, 42031.2, and 40502, Public Resources Code. Reference: Sections 42030, 42034, and 42034.2, Public Resources Code.

18974.2. STEWARDSHIP ORGANIZATION AUDITS OF COVERED ENTITIES OR AUTHORIZED COLLECTORS.

If a stewardship organization conducts an audit of covered entities or authorized collectors pursuant to section 42034.4 of the Public Resources Code, the stewardship organization shall provide a copy of the audit to the department within 30 days of its completion.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030 and 42034.4, Public Resources Code.

18974.3. DISTRIBUTOR, WHOLESALER, PHARMACY, AND RETAILER PRODUCT VERIFICATION.

(a) Each distributor, wholesaler, pharmacy, and retailer that sells, offers for sale, or dispenses a covered product shall: successfully log onto the department's internet web site to determine if covered products to be sold, offered for sale, or dispensed are in compliance with the law, by verifying that the covered entities providing the covered product(s) are in compliance with the law.

(b) Should a distributor, wholesaler, pharmacy, other retailer, or a designated responsible party for any of the foregoing identify a noncompliant covered entity or stewardship organization, the distributor, wholesaler, pharmacy, other retailer, or designated responsible party for any of the foregoing shall report the discovery to the department within 30 days.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42035, 42035.2, 42035.4, 42035.6 and 42035.8, Public Resources Code.

18975. CRITERIA TO IMPOSE AN ADMINISTRATIVE CIVIL PENALTY.

(a) The department shall impose an administrative civil penalty if it determines that any covered entity, program operator, stewardship organization, or authorized collector that sells, offers for sale, or provides a covered product in California has violated this Article or Chapter 2 of Part 3 of Division 30 of the Public Resources Code.

(b) In addition to the ability to impose administrative civil penalties under subdivision (a) above, the department shall, consistent with section 42035.6(d) of the Public Resources Code, take a disciplinary action against a covered entity, stewardship organization, program operator, pharmacy, retail pharmacy, or retail pharmacy chain if the

department determines that any of those entities has failed to provide the department with the access to information required pursuant to section 42035.6(a) through (c) of the Public Resources Code or section 18974 of this Article. The disciplinary actions shall include one or both of the following:

(1) Imposition of an administrative civil penalty by the department

(2) Posting of a notice in accordance with section 42035.6(d)(2) of the Public Resources Code.

(c) In assessing or reviewing the amount of an administrative penalty imposed for a violation of this Article or Chapter 2 of Part 3 of Division 30 of the Public Resources Code, the department shall consider the totality of the circumstances, which may include, but is not limited to, the following:

(1) The nature, circumstances, extent, and gravity of the violation(s)

(2) The number and severity of the violation(s)

(3) Evidence that the violation was intentional, knowing, or reckless

(4) The size of the violator’s business and/or the financial position of the violator

(5) History of violation(s) of the same or similar nature

(6) The willfulness of the violator's misconduct

(7) Whether the violator took good faith measures to comply with this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code and the period of time over which these measures were taken

(8) Evidence of any financial gain resulting from the violation(s)

(9) The economic effect of the penalty on the violator

(10) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community

(11) Any other factor(s) that justice may require.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42035, 42035.2, 42035.4, 42035.6 and 42035.8, Public Resources Code.

18975.1. PROCEDURE FOR IMPOSING ADMINISTRATIVE CIVIL PENALTIES.

(a) The department shall issue a written notice of violation (NOV) before commencing an action to impose administrative civil penalties. The NOV shall list and describe the nature of the violation(s). The department shall issue a NOV to the respondent if the department determines any of the following:

(1) That any covered entity, program operator, stewardship organization, or authorized collector that sells, offers for sale, or provides a covered product in California has violated this Article or Chapter 2 of Part 3 of Division 30 of the Public Resources Code.

(2) That a covered entity, stewardship organization, program operator, pharmacy, retail pharmacy, or retail pharmacy chain failed to provide the department with the access to information required pursuant to section 42035.6(a) through (c) of the Public Resources Code or section 18974 of this Article.

(b) The department shall commence an action to impose administrative civil penalties by serving an accusation upon the respondent that includes a notice informing the respondent of their right to a hearing. The accusation shall state the legal and factual basis for the imposition of penalties, including a description of how the department applied the criteria in Section 18975(c).

(c) The accusation and all accompanying documents shall be served on the respondent by one of the following means:

(1) Personal service;

(2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure;

(3) Certified Mail or registered mail; or

(4) Electronically, with the consent of the respondent.

(d) A request for hearing to contest the proposed action shall be submitted to the department within thirty (30) days of receipt of the accusation. The hearing request shall be in writing and shall state the basis for objecting to the department's action. Upon a failure to submit a timely hearing request under this subdivision, the respondent shall be deemed to have waived its right to hearing and the department shall issue a penalty order to the respondent requiring payment of penalties at the levels described in the accusation.

(e) The hearing shall be held before the Director of the Department of Resources Recycling and Recovery. A party shall be afforded the opportunity to present evidence and testimony on all relevant issues. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of

serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

(f) The Director of the Department of Resources Recycling and Recovery shall issue a written decision within sixty (60) days from the date the hearing is concluded.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42035, 42035.2, 42035.4, 42035.6 and 42035.8, Public Resources Code.

18975.2. PROCEDURE FOR STEWARDSHIP PLAN REVOCATION, RESUBMITTAL, OR ADDITIONAL COMPLIANCE REPORTING

(a) If the department finds that a covered entity, program operator, stewardship organization, or authorized collector has failed to meet a material requirement of this Article or Chapter 2 of Part 3 of Division 30 of the Public Resources Code, the department shall, in addition to imposing any civil penalties authorized under this Article and Chapter 2 of Part 3 of Division 30 of the Public Resources Code, take one or all of the following actions:

(1) Revoke a previously approved stewardship plan,

(2) Require resubmittal of the stewardship plan, and/or

(3) Require additional reporting relating to compliance with the material requirement(s), of this Article or Chapter 2 of Part 3 of Division 30 of the Public Resources Code, that was/were not met.

(b) Before revoking a previously approved plan, requiring resubmittal of an approved stewardship plan, and/or requiring additional compliance reporting, the department shall issue a written notice to the respondent of the department's intent to revoke an approved stewardship plan, require resubmittal of an approved stewardship plan, require additional compliance reporting, or all three. The notice shall state the legal and factual basis for the proposed action.

(c) The notice described in subdivision (b) shall be served on the respondent by one of the following means:

(1) Personal service;

(2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure;

(3) Certified Mail or registered mail; or

(4) Electronically, with the consent of the respondent.

(d) A respondent may submit to the department a request for hearing to contest the proposed action within thirty (30) days of receipt of the notice issued pursuant to subdivision (b). The hearing request shall be in writing and shall state the basis for objecting to the department's action. Upon a failure to submit a timely hearing request under this subdivision, the respondent shall be deemed to have waived its right to hearing and the department may revoke an approved stewardship plan, require resubmittal of an approved stewardship plan, require additional compliance reporting, or all three.

(e) The hearing shall be held before the Director of the Department of Resources Recycling and Recovery. A party shall be afforded the opportunity to present evidence and testimony on all relevant issues. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

(f) The Director of the Department of Resources Recycling and Recovery shall issue a written decision within sixty (60) days from the date the hearing is concluded.

Note: Authority cited: Sections 40401, 42031.2 and 40502, Public Resources Code. Reference: Sections 42030, 42032, 42033.2, 42035, 42035.2, 42035.4, 42035.6 and 42035.8, Public Resources Code.

End addition to Public Resources Code

Pharmaceutical and Sharps Waste Stewardship Regulations

Description

Senate Bill (SB) 212 (Jackson, Chapter 1004, Statutes of 2018) was enacted on September 30, 2018 to establish safe and convenient collection and disposal options for covered drugs and home-generated sharps waste (covered products). CalRecycle is required to adopt regulations for the implementation of SB 212 with an effective date of no later than January 1, 2021.

SB 212 requires covered entities, individually or through a stewardship organization, to design, fund, and implement stewardship programs for the proper collection and disposal of covered products. Covered entities, as defined in statute, can be manufacturers, distributors, re-packagers, the owner or licensee of a covered product, or importer of a covered product in or into California.

For covered drugs, a stewardship program must establish secure collection receptacles throughout the state and fulfill specific convenience standards. For home-generated sharps waste, a stewardship program must distribute sharps waste containers and mail-back materials, at no cost to the ultimate user. Additionally, local agencies may request management or reimbursement for home-generated sharps waste collected at local household hazardous waste facilities.

Finally, the statute requires a certain level of program participation from retail pharmacies and retail pharmacy chains, and imposes certain record-keeping requirements on all retailers of covered products.

Current Status

On January 7, 2021, the Office of Administrative Law approved the Pharmaceutical and Sharps Waste Stewardship Regulations, after minor non-substantial edits were made, and forwarded them to the California Secretary of State for publishing. CalRecycle requested an early effective date, which was granted; therefore the regulations were effective immediately on January 7, 2021. The final regulatory text is published and available online.

Formal Rulemaking Documents

- Pharmaceutical and Sharps Waste Stewardship Regulations, as approved by the Office of Administrative Law on January 7, 2021 | nonsighted version. Minor non-substantial edits were m after the Proposed Pharmaceutical and Sharps Waste Stewardship Regulations were submitted to the Office of Administrative Law on November 19, 2020 and can be found in sections 18972 [deleted], 18972.1(a)(3), page 1, 18973(a), page 3, 18973.2(f), page 8, 18973.3(e), page 13, 18973.6(b)(3), page 26, 18974(b), page 28, and 18974.1, page 28.
- Proposed Pharmaceutical and Sharps Waste Stewardship Program Regulations, as approved by CalRecycle on September 30, 2020 | nonsighted version
- Notice of Changes to Proposed Regulations (August 21, 2020)
- Third Draft Proposed Regulations for 15-day Comment Period, August 2020 | nonsighted version
- Revised Economic and Fiscal Impact Statement (August 2020)

- 15-day Comment Period Extension Notice (July 28, 2020)
- Notice of Changes to Proposed Regulations (July 14, 2020)
- Second Draft Proposed Regulations for 15-day Comment Period, July 2020 | nonsighted version
- First Draft Proposed Regulations for 45-day Comment Period, December 2019 | nonsighted version
- Notice of Proposed Rulemaking
- Initial Statement of Reasons, including a listing of the technical studies, reports, or documents relied upon to develop the proposed regulations.
- Economic and Fiscal Impact Statement
- Economic and Fiscal Impact Statement Appendix
- A Request for Approval to Initiate Formal Rulemaking, which was presented at the CalRecycle Monthly Meeting on October 15, 2019.

Informal Rulemaking Documents

- Pharmaceutical and Sharps Waste Stewardship Program, Informal Draft Regulatory Text, dated May 6, 2019
- CalRecycle's SB 212 June 17, 2019 informal rulemaking workshop presentation document
- CalRecycle's SB 212 May 17, 2019 informal rulemaking workshop presentation document
- CalRecycle's SB 212 February 27, 2019 informal rulemaking workshop discussion document.
- CalRecycle's SB 212 January 30, 2019 informal rulemaking workshop discussion document.

Stakeholder Input

- Comments received in response to CalRecycle's SB 212 45-day formal public comment period.
- Comments received in response to CalRecycle's SB 212 January 30, 2019 and February 27, 2019 informal rulemaking workshops.
- Comments received in response to CalRecycle's SB 212 May 17, 2019 and June 17, 2019 informal rulemaking workshops.

Additional Documents

This section lists additional documents relied upon by CalRecycle in developing the regulations.

- Senate Bill (SB) 212 (Jackson, Chapter 1004, Statutes of 2018).
- Title 21 Code of Federal Regulations, Part 1317.
- 16 California Code of Regulations Sections 1776-1776.6.

Rulemaking History

- August 21, 2020 – September 4, 2020. CalRecycle held a public comment period for the Third Draft Proposed Regulations for 15-day Comment Period, August 2020.
- July 15, 2020 – August 3, 2020: CalRecycle held a public comment period for the Second Draft Proposed Regulations for 15-day Comment Period, July 2020.
- February 19, 2020: CalRecycle held a public hearing to accept stakeholder comments and conclude the 45-day formal public comment period.

- January 3, 2020-February 19, 2020: CalRecycle held a 45-day formal public comment period for the proposed regulations.
- January 3, 2020: The Office of Administrative Law published to the California Regulatory Notice Register a notice of the regulations to implement SB 212.
- June 17, 2019: CalRecycle held an informal rulemaking workshop to solicit stakeholder feedback on informal draft regulatory text.
- May 17, 2019: CalRecycle held an informal rulemaking workshop to solicit stakeholder feedback on informal draft regulatory text
- February 27, 2019: CalRecycle held an informal rulemaking workshop to present draft regulatory concepts and solicit stakeholder feedback on Articles 4-7.
- January 30, 2019: CalRecycle held an informal rulemaking workshop to present draft regulatory concepts and solicit stakeholder feedback on Articles 1-3.

Last updated: January 26, 2021
Laws & Regulations: https://www.calrecycle.ca.gov/Laws/
Contact: Legislative Affairs Office (916) 341-6283

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Water Quality Fees Stakeholder Meeting

Thursday, February 18, 2021 at 9:00 – 11:00 am

Webcast and Zoom Meeting Only

NO PHYSICAL MEETING LOCATION

Live Webcast Here

Fee Branch Email

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

AGENDA

1. Welcome and Introductions
2. Waste Discharge Permit Fund (WDPF) Budget Cost Drivers (Attachment 1)
3. WDPF Program Budget Detail (Attachment 2)
4. Potential Fee Changes:
    a. General Waste Discharge Requirements for Winery Process Water
    b. Storm Water:
        i. Construction
        ii. Notice of Non-Applicability (No Discharge)
        iii. Industrial
        iv. No Exposure Certification
    c. NPDES – Suction Dredge Mining
5. Division of Water Quality: Cost of Compliance Discussion
    a. Storm Water Regulatory Update
        i. Storm Water Cost of Compliance Projects Summary (Attachment 3)

b. Opportunity and Model for Regulatory Cost Integration

    i. FY 2021-22 Department of Food and Agriculture Budget Change Proposal – Impact Assessment and Alignment of Regulatory Reporting Requirements for Agriculture

c. Delegated Authority

6. Next Steps

State Water Resources Control Board
WDPF Budget Cost Drivers ($000)

Waste Discharge Permit Fund (0179)	FY 2020-21 Fee Setting Budget	FY 2021-22 January Proposed Budget	Net Difference	Percent Change
Budget Allocation	$165,807	$177,130	$11,323	6.8%

FY 2021-22 Budget Cost Drivers	Increase Amount	Percent Change
State Operations	($201)	-0.1%
Removal of Furlough Salary Savings	$7,405	4.5%
FY 21-22 BCP Industrial Stormwater Discharge Compliance	$951	0.6%
FY 19-20 BCP Wildfire Mitigation (SB901)	($248)	-0.1%
Pro Rata	$3,416	2.1%
Totals	**$11,323**	**6.8%**

Program	FY 2020-21 (prior year) Deferral
WDR	2.9%
Land Disposal	-
WQC (401 Cert)	5.6%
Storm Water	3.0%
NPDES	3.8%
CAF	2.2%
Ag Lands (ILRP)	3.4%
Average	3.2%

WDPF Program Budget Detail ($000)
FY 2020-21

A	B	C	D	E (B+C+D)	F	G (E-F)	H (F+G)	I	J	K
WDPF Program	**FY 20-21 Fee Budget[1]**	**BCP Changes**	**Staff Cost & Program Adjustments[2]**	**FY 21-22 Allocation Budget[1]**	**FY 21-22 Revenue Forecast**	**Adjusted Revenue Increase / (Decrease)[3]**	**FY 21-22 Adjusted Total Revenue[4]**	**Average Program Percent Change[5]**	**FY 22-23 (BY+1)**	**FY 23-24 (BY+2)**
WDR	$37,170	$0	$3,594	$40,764	$36,497	$4,267	$40,764	11.7%	4.0%	4.0%
Land Disposal	$13,237	$0	$1,298	$14,535	$14,144	$391	$14,535	2.8%	4.0%	4.0%
WQC (401 Cert)	$15,335	$0	$1,078	$16,412	$14,149	$2,263	$16,412	16.0%	4.0%	4.0%
Storm Water	$33,473	$951	$3,908	$38,333	$34,016	$4,317	$38,333	12.7%	4.0%	4.0%
NPDES	$36,025	$0	$3,475	$39,500	$36,391	$3,110	$39,500	8.5%	4.0%	4.0%
CAF	$5,686	$0	$556	$6,242	$5,519	$723	$6,242	13.1%	4.0%	4.0%
Ag Lands (ILRP)	$8,193	$0	$815	$9,007	$8,352	$655	$9,007	7.8%	4.0%	4.0%
SUBTOTAL:	$149,118	$951	$14,724	$164,794	$149,068	$15,726	$164,794	-	-	-
Cannabis	$16,689	$0	($12,166)	$4,523	$4,523	$0	$4,523	0%		
TOTAL:	**$165,807**	**$951**	**$2,559**	**$169,317**	**$153,591**	**$15,726**	**$169,317**	-	-	-

[1] Includes redirected expenditures for foundational programs like Basin Planning, TMDL, monitoring and enforcement.
[2] Includes reallocation for employee compensation, retirement, health care costs and pro rata.
[3] Recommended revenue level adjustments.
[4] Net revenue levels after recommended adjustments.
[5] Net percentage change impact after recommended adjustments.

BCP Changes	**Amount**	**Description**
Stormwater	$951	21-22 BCP Industrial Stormwater Discharge Compliance
	$951	

STORM WATER COST OF COMPLIANCE PROJECTS SUMMARY
WATER QUALITY FEES STAKEHOLDER MEETING
FEBRUARY 18, 2021

BACKGROUND

During the Board's adoption meeting for the water quality fees in September 2020, the Board directed staff to proceed with a three-part approach to evaluate and address cost of compliance for storm water permittees/fee payers. In November 2020, the Board identified the storm water cost of compliance projects as priorities their draft 2021 Strategic Workplan. The three projects include:

- Cost of Municipal Storm Water Permit Compliance
- Proposed Amendment to the ISWEBE Plan for the Inclusion of Methods, Protocols, and Procedures for Development of Site-Specific Water Quality Objectives for Copper and Zinc
- Evaluate of use of Secondary Maximum Contaminant Levels for Infiltration in Reissuance of the Statewide Industrial Storm Water General Permit

COST OF MUNICIPAL STORM WATER PERMIT COMPLIANCE

Studies have shown that municipalities' approaches to estimating and reporting the cost of their storm water programs is not consistent, which makes estimating the cost of complying with storm water discharge permits challenging. Under the auspices of the Strategy to Optimize Resource Management of Storm Water (STORMS) State Water Board staff will build on the December 2019 "Guidance for Obtaining Phase I Municipal Separate Storm Sewer System (MS4) Permit Compliance Costs," as the foundation of the Cost of Municipal Storm Water Permit Compliance project. STORMS staff also will conduct workshops and collaborate with stakeholders to develop a shared understanding of how to report and estimate cost of compliance.

One goal of the project is to develop a standard accounting and allocation method to estimate storm water program costs including costs for personnel, operation and maintenance, and capital improvements and to differentiate cost of compliance from other costs such as infrastructure construction and maintenance. This project also will evaluate storm water asset management as a tool for municipalities to consistently track and report costs and the cost analysis and asset management requirements in permits. This work will be coordinated with another STORMS project to establish guidance for storm water program asset management planning and cost estimation.

PROPOSED STATEWIDE WATER QUALITY CONTROL PLAN ADOPTING METHODS, PROTOCOLS, AND PROCEDURES FOR DEVELOPING SITE-SPECIFIC WATER QUALITY OBJECTIVES FOR COPPER AND ZINC

In 1994 and 2001, EPA developed interim guidance for developing water-effects ratios for divalent metals. The regulated community and other stakeholder have called for the Water Boards to develop new guidance based on current information. During the 2019 adoption meeting for the

Chollas Creek Basin Plan Amendment establishing site specific objectives for copper and zinc, the State Water Board committed to develop California-specific guidance for a methodology to develop site-specific water quality objectives for divalent metals. The Los Angeles Regional Board currently is researching technical studies and compiling an implementation document to establish methods for deriving copper site-specific objectives using the biotic ligand model. This statewide project will expand the Los Angeles Regional Board implementation document to apply statewide and to include zinc. The project also will establish the expanded implementation plan as a statewide water quality control plan.

EVALUATE USE OF SECONDARY MCLS FOR INFILTRATION IN THE REISSUANCE OF THE INDUSTRIAL STORM WATER GENERAL PERMIT

The Industrial Storm Water General Permit regulates storm water discharge from industrial activities. The State Water Board amended the Permit in 2018. The amended Permit provisions provides dischargers an incentive to capture and reuse storm water by allowing alternative permit compliance through on-site or off-site storm water capture. The Permit requires storm water entering infiltration best management practices to meet applicable primary and secondary maximum contaminant level criteria for industrial pollutants at the facility. Interested parties have concern that these requirements may be deterring dischargers from proceeding with storm water capture compliance options. State Water Board staff will evaluate numeric targets for secondary maximum contaminant levels in the forthcoming proposed reissuance of the Industrial Storm Water General Permit. Staff evaluation of requirements based on maximum contaminant levels is focusing on the cost to comply with these requirements compared to the water quality protection benefits obtained.

Photovoltaic Modules (PV modules) – Universal Waste Management Regulations

Notify DTSC of PV Modules Handling, Authorized Treatment, and Disposal Activities

Starting January 1, 2021, businesses that intend to manage waste PV modules as universal waste (UW) shall notify DTSC of the universal waste management activities. You can use DTSC's notification forms provided below to file a Notice of Intent (NOI) to handle, treat, or dispose of PV modules. Notification must be submitted for each universal waste handling facility.

Notification Form to handle UW PV modules

Notification form to treat UW PV modules

Notification form for UW PV modules disposal

Submit the written notification to:

Department of Toxic Substances Control

Universal Waste Notification and Reporting Staff

P.O. Box 806

Sacramento, CA 95812-0806

ATTN: Universal Waste Handling Activities

In addition to the onetime notification, universal waste handlers that accepts more than 100 kilograms (or 200 pounds) of PV modules from any offsite source or that generates 5,000 kilograms (or 10,000 pounds) or more of PV modules in a calendar year shall submit a completed written annual report by **February 1** of the following year.

In addition to the onetime notification, UW handlers that conduct disassembling and processing treatment activities of PV modules in a calendar year shall submit a completed written annual report by **February 1** of the following year.

Electronic submission of the notification or annual report is currently not available.

December 17, 2020, Public Webinar

DTSC held a public webinar on December 17, 2020, to present information on the recently approved regulation to manage waste photovoltaic modules (PV modules), commonly known as solar panels, as universal waste under California's Universal Waste Program. The webinar is intended to familiarize people with the requirements of the new regulation for managing PV modules as universal waste under California's Universal Waste Program.

Below are downloads related to this webinar:

Universal Waste Management of Photovoltaic Modules webinar powerpoint presentation

Universal Waste Management of Photovoltaic Modules webinar

Photovoltaic Modules - Universal Waste Management Regulations Approval

DTSC's new PV modules regulation, allowing them to be managed under California's universal waste program, was recently approved by Office of Administrative Law (OAL) and will be effective starting January 1, 2021.

DTSC Reference Number: R-2017-04
OAL Reference Number: Z-2019-0409-04

Please be sure to check the website for more information as DTSC continues to update this website.

Please visit the following Final Regulations webpage for the final regulation rulemaking information.

The Law:

On October 1, 2015, SB 489 (Monning, Chapter 419) was enacted to add section 25259 to Health and Safety Code, Division 20, Chapter 6.5, Article 17, which authorizes the Department to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject those modules to universal waste management.

Frequently Asked Questions:

DTSC has accumulated questions that are being asked regarding universal waste management of photovoltaic modules. Please take a look at the questions and answers that we have provided. We will update this list as more questions become available.

If you have any further questions, please email us at PVModules@dtsc.ca.gov

- What does DTSC consider to be a photovoltaic (PV) module?
- What does DTSC consider to be a PV system?
- Can the entire PV system be managed as universal waste?
- What PV modules can be managed as a universal waste?
- Are PV modules integrated into electronic devices subject to universal waste regulations?
- Is a PV module an electronic device?
- What hazardous waste thresholds determine if a PV module is a hazardous waste?
- Can all PV module waste be managed as universal waste?
- What treatment activities for PV modules are authorized under universal waste regulations?
- What treatment activities for PV modules are not authorized under universal waste regulations?
- What are treatment residuals?
- How are PV module treatment residuals managed?
- How are PV module treatment residuals contained?
- What are the containment requirements for PV modules?
- What are the requirements for PV modules that are unintentionally broken?
- What is the difference between notification and annual reporting for universal waste PV modules and how often are each required?
- Does the 30-day notification requirement to accept PV modules apply to facilities that inadvertently accept PV modules? Is there an allowance for notification after acceptance?
- Are universal waste handlers/recyclers required to report PV modules by type in the notification and annual report?
- Who is subject to the notification and annual reporting requirements? Are there exemptions?
- Can notification and/or annual reports be done electronically?
- Can a universal waste handler use one form to complete notification and annual reports for different handling facilities managed by the handler?
- Are the forms for notifications and annual reporting different, and if so, how are they different?

Is commingling of PV modules with other universal wastes allowed?

What are transportation requirements for universal waste PV modules?

How are universal waste PV modules disposed of?

Can a household generator of PV module waste manage the waste as household hazardous waste?

Photovoltaic (PV) Modules Management as Universal Waste

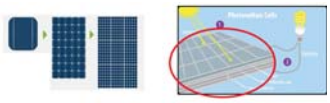
Department of Toxic Substances Control

CHOSU KHIN, PH.D.

DECEMBER 17, 2020

DTSC's definition of PV module

- Photovoltaic cells designed to convert solar radiation into electrical energy
- Includes integrated components that cannot be separated without breaking the photovoltaic module glass (e.g. protective glass, metal frames..)
- Composition (xSi, semiconducting materials)
- One cell or multiple cells
- Roof top solar panels, thin film, PV module with integrated components



CCR Sections 66260.10 and 66273.9

Examples of PV module

- Solar cells/panels
- Solar garden lights
- Solar powered devices

Examples of not a PV module

- Solar concentrators
- Solar powered electronic devices

PV module vs. PV system

- PV system is a set of ancillary components including PV modules.
- Ancillary components that can be taken apart from PV module without breaking the PV module glass are not considered a PV module.
- E.g. batteries, junction box, inverters, wires
- UW regulations apply only to PV modules, not the entire PV system.

Sections 66260.10 and 66273.9

PV modules vs. electronic devices

- Two different universal waste categories
- Device is not an electronic device and has PV module, then it is a PV module. (e.g. solar powered backpack, garden lamps, bikes)

- Device functions as an electronic device and has PV module, then it is an electronic device. (e.g. calculator, wireless keyboard)

CCR Section 66273.7.1

When do universal waste regulations apply to PV modules?

- When PV module is discarded and becomes **a waste***.
- When you know PV module is hazardous:
  - ✓ Analytical test results that show that the module is hazardous
  - ✓ Using generators' knowledge of the materials in the panel
- All PV module waste can be managed as universal waste without requiring a hazardous waste determination.

***Universal waste management standards do not apply to PV modules that are refurbished or reused.**

Hazardous constituents in PV modules

- Lead
- Cadmium
- Chromium
- Antimony
- Gallium
- Selenium
- Tellurium
- Other metals

Test Methods

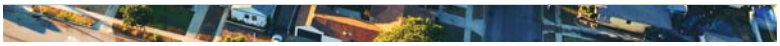
FEDERAL	CALIFORNIA
• Toxicity Characteristic Leaching Procedure (TCLP)	• Total Threshold Limit Concentrations (TTLC) • Waste Extraction Test (WET) - Soluble Threshold Limit Concentrations (STLC)

Universal waste handlers of PV modules

- Generators
- Installers*
- Manufacturers
- Distributers/Warehouses
- Storage facilities
- Recyclers
- Treatment facilities

CCR Section 66273.9

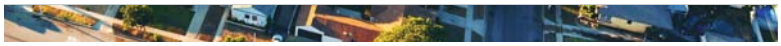
*Installers may take part in removal of solar panels



Notifications

- **Initial:**
  - Handlers that accept or accumulate from offsite ANY quantity of PV module waste
- **For Treating PV modules**
  - Handlers intend to treat the waste
- **For UW PV modules disposal**
  - Handlers decide to discard the waste

CCR Sections 66273.32(e) and 66273.72

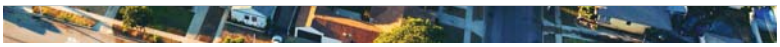


Notifications – initial and treating PV modules

- Department (DTSC) notification
- One-time requirement and never expire
- **Site specific***
- Submit a written notification to DTSC 30 days prior to accepting, accumulating, or treating the waste
- Can submit starting January 1, 2021

*** Handler's business facility(ies); not the location where the handler uninstalls solar panels**

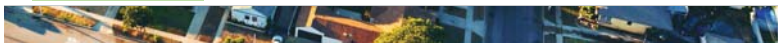
CCR Section 66273.32(e)



Initial and treating PV modules notifications

- Forms are in development
- The forms are optional; handlers may submit the notification to DTSC without using the forms
- Includes:
  - Handler's name
  - ID
  - Contact info
  - PV types if available
  - PV source
  - Indication if 5,000 kg or more accumulation at one time
  - List of authorized treatment activities handlers plan to conduct

CCR Section 66273.32(e)



Authorized treatment activities

- **Removal activities**
  Removing discrete assembles from the PV system that are typically removed for replacement during normal operation and maintenance
- **Dismantling activities**
  Dismantle, remove, segregate components of a PV module but does not break the PV module glass
- **Processing activities**
  Treat PV modules by intentionally breaking the PV module glass

Treatment method that involves use of chemicals or heat is not allowed under universal waste regulations and would require a permit

CCR Sections 66273.71 – 66273.73

Disposal notification

- PV modules can only go from one UW handler to UW handler or to the disposal facility
- UW PV modules become a hazardous waste the moment handlers decide to discard them
- Nothing prohibits a facility from sending the waste to hazardous waste disposal; the waste must be managed according to all applicable HW regulations
- Make hazardous waste determination

CCR Section 66273.72

Disposal notification continued

- Submit a written notification to DTSC 15 days prior to disposal
- Need to submit to DTSC for every disposal
- Includes:
  - The ID number for the universal waste handler's facility where the PV modules were generated;
  - A description of the authorized treatment method(s) used; and
  - The name, address, and ID number of the hazardous waste disposal facility where the PV modules will be disposed of.

CCR Section 66273.72

Annual reporting

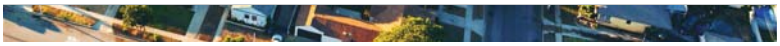
- Applies to
  - ✓ Handlers that accept more than 100 kilograms (220 pounds) from an external source;
  - ✓ Handlers that generate more than 5,000 kilograms (11,000 pounds) of PV module waste
  - ✓ Handlers that treat PV modules
- Due on February 1 of the following year for the activities done in the previous year

Sections 66273.32 and 66273.74

Annual reporting continued

- Includes
  - handler's name
  - ID
  - Contact info
  - PV types handled
  - Total quantity of PV modules handled
  - PV source
  - Info of where PV modules were shipped, quantity shipped, and intention
- From is in development

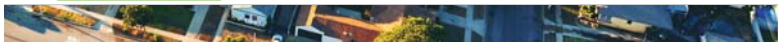
Sections 66273.32 and 66273.74



Universal waste handler training

- Same as other universal wastes
- Familiar with UW management and emergency response procedures
- Initial training and annual training:
  - Type of hazards associated with UW
  - Proper disposition of UW
  - Response to releases
  - Labelling, collecting, handling, shipping, recordkeeping, any prohibitions, etc.

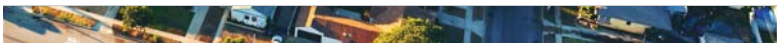
CCR Sections 66273.36



Labeling

- Each PV module, *or container or pallet in or on which PV module(s) is contained,* needs to be labeled "**Universal Waste-PV module(s)**"
- PV module(s) or a container or pallet of PV modules need to be placed within a designated area
- Commingling PV modules with other universal wastes is NOT allowed.

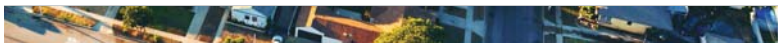
CCR Section 66273.34



Labeling treatment residuals

- Based on waste classification of the residuals
- Example: metal frames
- Hazardous waste determination must be made to properly manage PV module treatment residuals after dismantling and processing activities
- Comply with labeling requirements for the residuals that are reused and recycled

CCR Section 66273.34



Accumulation time limit

- A facility can accumulate PV modules for up to **one year** from the date they were generated or received from another handler
- The PV module handler has to demonstrate the length of time the waste is accumulated from the date it became a waste (or was received)
  - Place label and earliest date when the waste is received
  - Inventory at the facility

CCR Section 66273.35

Transporting and containment

- Same as other universal waste requirements
- If transport more than 100 kilograms (220 pounds) of PV modules at any one time, contain the PV modules
  - 220 pounds (100 kilograms) is about 4-6 big panels
  - Weight of a rooftop panel is about 40 pounds (18 kilograms)
  - Weight of a thin-film sheet is about 5 pounds (2.2 kilograms)

CCR Section 66273.51

Containment

- Manage PV modules in a way that prevents releases of any constituent of a PV module to the environment
  - Prevent breakage, (leakage, spillage)
  - Containment could be on a pallet, in a container, wrapping with stretch film, etc.
  - Clean up immediately if PV module(s) break accidently or unintentionally

CCR Section 66273.3.6

Accidental breakage Response to releases

- Requirements are the same as other universal wastes
- Clean up immediately if PV module(s) break accidently and contain all residues in a container that is structurally sound and is compatible with PV modules

CCR Section 66273.37

Accidental breakage - Response to releases

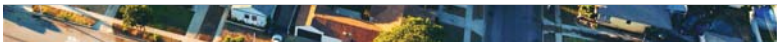
- How should the accidently broken PV module waste be labeled?

*A universal waste handler shall **determine whether any material resulting from such a release is a hazardous waste**, and if so, shall manage the hazardous waste in compliance with all applicable requirements...*

- Can the accidently broken waste be placed together with intact PV modules?

*Hazardous waste consisting **only of residues** of leaking, broken, or otherwise damaged universal waste **may be managed as universal waste...***

CCR Section 66273.37



Recordkeeping

- Requirements are the same as other universal wastes

Incoming:

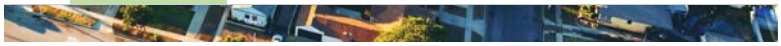
- ✓ Receipt of shipments (Example: log, invoice, bill of lading, etc.)
- ✓ Name of UW handler that sent the shipment
- ✓ Quantity of waste received (waste goes from handler to handler)
- ✓ Date of shipment received

Outgoing:

- ✓ Shipments (Example: log, invoice, bill of lading, hw manifest, etc.)
- ✓ Name of the destination facility
- ✓ Quantity of waste shipped
- ✓ Date of waste shipped

- Keep logs of both shipped and received waste for at least three years

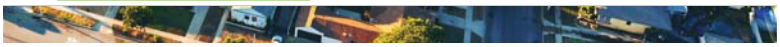
CCR Section 66273.39



Treatment facility closure

- Only applies to handlers that do processing treatment (in section 66273.73) by intentionally breaking the PV module glass
- Required to have Financial Assurance/Financial Responsibility, a Closure Plan, and a Closure Cost Estimate
- When such facilities close, they must notify DTSC, implement their Closure Plan, and undergo a closure inspection

CCR Sections 66273.76 and 66273.77



DTSC Information

UW PV Modules:

https://dtsc.ca.gov/photovoltaic-modules-pv-modules-universal-waste-management-regulations/

Final Regulation:

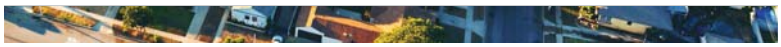
https://dtsc.ca.gov/dtsc-final-regulations/

Emails:

PVmodules@dtsc.ca.gov

DTSC E-list:

https://dtsc.ca.gov/dtsc-e-lists/



Notice of Intent to Handle Photovoltaic (PV) Modules

Universal Waste (UW) Handlers of PV modules must notify Department of Toxic Substances Control (DTSC) **30 days** prior to accepting and accumulating PV modules waste from offsite sources [Cal. Code Regs., tit. 22, § 66273.32(e)(1)]. **Handlers that accept and accumulate PV modules must complete this entire form.**

In addition to this onetime notification, UW handlers that accepts more than 100 kilograms (or 200 pounds) of PV modules from any offsite source or that generates 5,000 kilograms (or 10,000 pounds) or more of PV modules in a calendar year shall submit a completed written annual report by **February 1** of the following year.

Submit the written notification form to DTSC by certified mail, return receipt requested, at the following address:

MAIL TO:
Department of Toxic Substances Control
Universal Waste Notification and Reporting Staff
P.O. BOX 806
Sacramento, CA 95812-0806
Attention: Universal Waste Handling Activities

Universal waste handler's information [22 CCR § 66273.32(e)]

1. UW handler's name (if the facility owner is different than the facility operator, also include the owner's name)

   _____

2. ID Number of UW handler (if applicable)

   _____

3. UW handler's telephone number

   _____

4. UW handler's mailing address

   _____

   City: _____ County: _____ State: _____ Zip: _____

5. UW handler's physical address (if different from the mailing address)

   _____

   City: _____ County: _____ State: _____ Zip: _____

6. Contact person's name at the UW handler's site who should be contacted regarding UW management activities

_____

7. Contact person's telephone number

_____

8. Contact person or organization's email address (if available)

_____

9. If 5,000 kilograms or more of universal waste might be accumulated at one time, please check here:

☐ Leave unchecked.
~250 panels on site

10. List type(s) of PV modules expected to be handled, if known (for example, crystalline silicon, thin film, etc.):

Potentially all types

11. List source(s) PV modules, if known (for example, residential collections, business asset recovery, other collectors, etc.):

Households, small business, load checking, abandoned wastes

Date of request (DTSC use only)

_____

Date issued (DTSC use only)

_____

Larry Sweetser

From: California Environmental Protection Agency <caroline.godkin@CALEPA.CA.GOV>
Sent: Friday, February 26, 2021 3:56 PM
To: CALEPA_LITHIUM-RECYCLING_GROUP@LISTSERV.STATE.CA.GOV
Subject: Lithium-ion Car Battery Recycling Advisory Group Reuse Subcommittee Meeting

Public Notice and Agenda: Reuse Subcommittee Meeting #2

Lithium-Ion Car Battery Recycling Advisory Group

Virtual Meeting

Friday, March 8, 2021

9:00 a.m. – 12:00 p.m. (PST)

(or until the close of business)

Participate:

Participate on Zoom:

Join online by registering in advance to receive a "Join" link: Meeting Registration

Join by phone by calling the Zoom phone number nearest your location. Toll charges may apply.

1 669 900 6833 US (San Jose)

1 312 626 6799 US (Chicago)

1 646 876 9923 (New York)

Meeting ID: 954 4941 9031

Passcode: 774094

Submit Public Comments:

Submit public comments to ab2832comments@gmail.com

Comments will be read aloud during the meeting

Meeting Materials: Any materials will be posted on the Advisory Group webpage.

Agenda:

1. **Call to Order, Roll Call, and Establishment of Quorum** – Alissa Kendall, UC Davis

2. **Approval of Minutes from Previous Meeting** – Alissa Kendall, UC Davis

3. **Presentation on Energy Stationary Storage Testing Standards** – Jody Leber, CSA Group

4. **Discussion of Energy Stationary Storage Testing Standards** – Alissa Kendall, UC Davis

5. **Discussion of Relevant Regulations** – Alissa Kendall, UC Davis

6. **Comments on Draft Report Outline, including Identified Barriers & Opportunities** – Alissa Kendall, UC Davis

7. **Planning for Future Meetings** – Alissa Kendall, UC Davis

8. **Public Comment on Items Not on the Agenda**

The Advisory Group may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7, subd. (a).)

9. **Adjournment** – Alissa Kendall, UC Davis

Contact:

For further information about this meeting, please contact Mohammed Omer at

(916) 322-2505, mohammed.omer@dtsc.ca.gov, or 1001 I Street, Sacramento, CA 95814.

Instructions for Remote Public Participation:

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Advisory Group are open to the public. This meeting on Mar. 8 is only available remotely. Due to the COVID-19 public health emergency (Executive Orders N-29-20 and N-33-20), there will be no physical public access location.

Please register for the meeting using the Zoom Meeting Registration link. After you register, you will receive an email notification with a link to join the webinar. Use that link to join on the morning of the meeting.

Join the meeting by phone by calling the Zoom phone number nearest your location. Toll charges may apply.

1 669 900 6833 US (San Jose)

1 312 626 6799 US (Chicago)

1 646 876 9923 (New York)

Meeting ID: 954 4941 9031

Passcode: 774094

Public Comments:

The public may also submit written public comments during the meeting to ab2832comments@gmail.com. The Subcommittee will read aloud public comments submitted by that email during the meeting.

Discussion and action may be taken on any item on the Subcommittee's meeting agenda. This notice and agenda, and any available meeting minutes and materials, can be found on the Lithium-ion Car Battery Recycling Advisory Group webpage. The time and order of agenda items are approximate and subject to change at the discretion of the Subcommittee's Facilitator to facilitate the effective transaction of business. To stay informed regarding future Advisory Group and Subcommittee updates, visit the CalEPA Listservs webpage and subscribe to the Advisory Group Listserv.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Subcommittee or prior to the Subcommittee taking any action on said item. The Subcommittee will provide members of the public with an opportunity to have their public comments read aloud during the meeting on any issues before the Subcommittee, but the Subcommittee's Facilitator, at her discretion, may apportion available time among those who wish to have their comments read aloud during the meeting. Individuals may also submit and have read aloud comments to the Subcommittee regarding items not on the agenda; however, the Subcommittee cannot discuss or take official action on these items during the same meeting. (Gov. Code, §§ 11125, 11125.7, subd. (a).)

Accessibility at CalEPA:

Advisory Group and Subcommittee meetings are open to the public. While this meeting is only available online, meetings are normally held in person in barrier free facilities that are accessible to those with physical disabilities in accordance with the Americans with Disabilities Act (ADA). If you are a person with a disability requiring disability-related modifications or accommodations to participate in the meeting, including auxiliary aids or services, or if you require documents be made available in an alternate format or another language or require an interpreter at the meeting, please contact Mohammed Omer at (916) 322-2505. Requests should be made as soon as possible, but at least ten (10) business days prior to the scheduled meeting. You may also dial a voice TTY/TDD/Speech-to-Speech Communications Assistant at 7-1-1.

Accesibilidad en CalEPA (en español):

Las reuniones del Grupo Asesor y el Subcomité están abiertas al público. Si bien esta reunión solo está disponible en línea, las reuniones normalmente se llevan a cabo en persona en instalaciones sin barreras a las que pueden acceder las personas con discapacidades físicas de acuerdo con la Ley de Estadounidenses con Discapacidades (ADA). Si es una persona con una discapacidad que requiere modificaciones o adaptaciones relacionadas con la discapacidad para participar en la reunión, incluidas las ayudas o servicios auxiliares, o si necesita que los documentos estén disponibles en un formato alternativo u otro idioma o requiera un intérprete en la audiencia, comuníquese con Mohammed Omer al (916) 322-2505. Las solicitudes deben hacerse lo antes posible, pero al menos diez (10) días hábiles antes de la reunión programada. También puede marcar un asistente de comunicaciones de voz TTY / TDD / voz a voz al 7-1-1.

To unsubscribe from the CALEPA_LITHIUM-RECYCLING_GROUP list, click the following link:
http://listserv.state.ca.gov/wa.exe?SUBED1=CALEPA_LITHIUM-RECYCLING_GROUP&A=1

Public Notice and Agenda: Meeting #7
Lithium-ion Car Battery Recycling Advisory Group

Virtual Meeting
Tuesday, Jan. 26, 2021
10 a.m. – 3 p.m. (PST)
(or until the close of business)

Participate:

Participate on Zoom:
Join online by registering in advance to receive a "Join" link: Meeting Registration
Join by phone by calling the zoom phone number nearest your location. Toll charges may apply.

1 669 900 6833 (San Jose)
1 312 626 6799 (Chicago)
1 929 436 2866 (New York)

Meeting ID: 869 0008 1782
Passcode: 681809

Watch Live:
Public Meeting Live Webcasts

Submit Public Comments:
Submit public comments to calepa.workshops@calepa.ca.gov
Comments will be read aloud during the meeting.

Meeting Materials: Any materials will be posted on the Advisory Group webpage.

Agenda:

1. **Call to Order, Roll Call, and Establishment of Quorum**
   Caroline Godkin, Deputy Secretary for Environmental Policy and Emergency Response, CalEPA
2. **Review and Potential Approval of Draft Minutes from Dec. 14, 2020 Meeting**
   Mohammed Omer, Engineer, Department of Toxic Substances Control
3. **Interim Updates**
   Mohammed Omer, Engineer, DTSC
4. **Presentation on Used Vehicles and Spent Lithium-ion Battery Exports** – Perry Gottesfeld, Occupational Knowledge International
5. **Presentation on Updated European Union Battery Directive** – Willy Tomboy, Recharge
6. **Battery, Automotive and Recycling Industry Presentation on Applicable Regulations** – George Kerchner, Executive Director, PRBA – The Rechargeable Battery Association; Dan Bowerson, Director, Environment & Energy, Alliance for Automotive Innovation; Todd Coy, Executive Vice President, KBI Recycling
7. **Action to Formally Establish (1) Reuse, (2) Recycling and (3) Logistics Subcommittees** – Caroline Godkin, CalEPA
8. **Discussion of and Action to Formally Establish Subcommittee Membership Assignments** – Mohammed Omer, Engineer, DTSC
9. **UC Davis Team Introductions and Discussion of Format for Subcommittee Meetings** – Dr. Alissa Kendall, UC Davis
10. **Discussion of and Possible Action to Formally Establish Guiding Principles for Advisory Group Recommendations** – Caroline Godkin, CalEPA
11. **Discussion of Advisory Group and Subcommittee Meeting Schedule and Workplan for 2021** – Mohammed Omer, DTSC
12. **Public Comment on Items Not on the Agenda**
    The advisory group may not discuss or take action on any matter raised during the public comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Gov. Code, §§ 11125, 11125.7(a).)
13. **Adjournment** – Mohammed Omer, DTSC

Contact:

For further information about this meeting, please contact Mohammed Omer at (916) 322-2505, mohammed.omer@dtsc.ca.gov, or 1001 I Street, Sacramento, CA 95814.

Instructions for Remote Public Participation:

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Advisory Group are open to the public. This meeting on Jan. 26 is only available remotely. Due to the COVID-19 public health emergency (Executive Orders N-29-20 and N-33-20), there will be no physical public access location.

Please register for the meeting using the Zoom Meeting Registration link. After you register, you will receive an email notification with a link to join the webinar. Use that link to join on the morning of the meeting.

Join the meeting by phone by calling the zoom phone number nearest your location. Toll charges may apply.

1 669 900 6833 (San Jose)
1 312 626 6799 (Chicago)
1 929 436 2866 (New York)

Meeting ID: 869 0008 1782
Passcode: 681809

The public may observe the meeting via CalEPA's Public Meeting Live Webcasts webpage.

Public Comments:

The public may also submit written public comments during the meeting to calepa.workshops@calepa.ca.gov. The Advisory Group will read aloud public comments submitted by that email during the live webcast.

Discussion and action may be taken on any item on the Advisory Group's meeting agenda. This notice and agenda, and any available meeting minutes and materials, can be found on the Lithium-ion Car Battery Recycling Advisory Group webpage. The time and order of agenda items are approximate and subject to change at the discretion of the Advisory Group's Chair to facilitate the effective transaction of business. To stay informed regarding future Advisory Group updates, visit the CalEPA Listservs webpage and subscribe to the Advisory Group Listserv.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Advisory Group or prior to the Advisory Group taking any action on said item. The Advisory Group will provide members of the public with an opportunity to have their public comments read aloud during the meeting on any issues before the Advisory Group, but the Advisory Group's Chair, at her discretion, may apportion available time among those who wish to have their comments read aloud during the meeting. Individuals may also submit and have read aloud comments to the Advisory Group regarding items not on the agenda; however, the group cannot discuss or take official action on these items during the same meeting. (Gov. Code, §§ 11125, 11125.7, subd. (a).)

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Monthly Public Meeting

10:00 A.M., December 15, 2020
Via Webinar– https://www.calrecycle.ca.gov/Broadcast/

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note CalRecycle strongly encourages public comments to be made by webcast

C. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Items
No actions at this time

Information Item

1. Awards for the Tire Incentive Payment Program (Tire Recycling Management Fund, Fiscal Year 2020–21)
   Department Staff Contact: Nicholas.Amante@CalRecycle.ca.gov
   Public Notice

2. Awards for the Beverage Container Redemption Pilot Project Program (Beverage Container Recycling Fund, Fiscal Year 2019–20)
   Department Staff Contact: Shamila.Tooker@CalRecycle.ca.gov
   Public Notice

D. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. Bee Canyon Greenery, Orange County, New Solid Waste Facilities Permit, Action Needed December 12, 2020
   Department Contact: Megan.Emslander@CalRecycle.ca.gov
   Public Notice
2. Escondido Resource Recovery, San Diego County, Revised Solid Waste Facilities Permit, Action Needed January 24, 2021
   Department Contact: Cody.Oquendo@CalRecycle.ca.gov
   Public Notice

3. CRM Co. LLC, City of Stockton, Revised Major Waste Tire Facility Permit, Action Needed April 27, 2021
   Department Contact: Megan.Emslander@CalRecycle.ca.gov
   Public Notice

4. Edom Hill Compost, Riverside County, New Solid Waste Facilities Permit, Action Needed January 31, 2021
   Department Contract: Theodore.Tasiopoulos@CalRecycle.ca.gov
   Public Notice

5. San Timoteo Sanitary Landfill, San Bernardino County, Modified Solid Waste Facilities Permit, Action Needed January 18, 2021
   Department Contact: Theodore.Tasiopoulos@CalRecycle.ca.gov
   Public Notice

Information Items
Nothing to report at this time.

E. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items
No actions at this time

Information Items
1. Update on AB2411 Implementation: Compost Market Development Plans for Caltrans and Wildfire Debris Removal Services
   Department Staff Contact: Kyle.Pogue@calrecycle.ca.gov
   Public Notice

F. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items
No actions at this time

Information Items
1. Waste Evaluation and Enforcement Branch (WEEB) Enforcement Status Update Regarding Mandatory Commercial Recycling (MCR) (Public Resources Code Section 42649- 42649.7) and Mandatory Commercial Organic Recycling (MORe) (Public Resources Code Section 42649.8-42649.87) Case Management
   Department Staff Contact: Trevor.OShaughnessy@CalRecycle.ca.gov

G. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

No actions at this time

Information Items

1. 2020 Covered Electronic Waste Net Cost Reporting Requirement
   Department Staff Contact: Andrew.Hurst@CalRecycle.ca.gov
   Public Notice

H. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Items

No actions at this time

Information Items

1. State of Disposal and Recycling in California for Calendar Year 2019
   Department Staff Contact: Laura.Moreno@calrecycle.ca.gov

I. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

Nothing to report at this time.

J. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

1. Compliance Investigation Results Regarding the Implementation of Mandatory Commercial Recycling (MCR) and/or Mandatory Commercial Organics Recycling (MORe) Programs for the Jurisdictions listed in Attachment 1
   Department Staff Contact: Cara.Morgan@Calrecycle.ca.gov
   Public Notice

Information Items
Nothing to report at this time…

K. PROGRAM AND ISSUE UPDATES

Action Items
No actions at this time

Information Items
Nothing to report at this time

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to: https://www.calrecycle.ca.gov/PublicInfo/ or http://www.calrecycle.ca.gov/BevContainer/Notices. For meeting participation, listserv, and feedback information, please go to: http://www.calrecycle.ca.gov/PublicMeeting/

Monthly Public Meeting

10:00 A.M., January 19, 2021
Via Webinar– https://www.CalRecycle.ca.gov/Broadcast/

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note CalRecycle strongly encourages public comments to be made by webcast

C. PROGRAM AND ISSUE UPDATES

Action Items
No actions at this time

Information Items
1. SB 1383 Implementation Update
   Department Staff Contact: Ashlee.Yee@CalRecycle.ca.gov

D. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Items
1. Approval of Scope of Work for the Recycled Crumb Rubber Infill in Hot Mix Asphalt Design Contract (Tire Recycling Management Fund, Fiscal Years 2020-21, 2021-22)
   Department Staff Contact: Nathan.Gauff@CalRecycle.ca.gov
   Public Notice

Information Item
1. Awards and Distribution of Payments for the Used Oil Payment Program (Used Oil Recycling Fund, Fiscal Year 2020–21)
   Department Staff Contact: Annabel.Farrall@CalRecycle.ca.gov
   Public Notice

2. Awards for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Farm and Ranch Solid Waste Cleanup and Abatement Account, Fiscal Year 2020–21, Second Cycle)
   Department Staff Contact: Stephanie.Becker@CalRecycle.ca.gov
   Public Notice

3. Approval of a Recycling Market Development Zone (RMDZ) Loan in the Amount of $2,000,000 to rePlanet Packaging, LLC. (Recycling Market Development Revolving Loan Subaccount, Fiscal Year 2020–21)
   Department Staff Contact: Tim.Brannan@CalRecycle.ca.gov
   Public Notice

E. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. CRM Co. LLC, City of Stockton, Revised Major Waste Tire Facility Permit, Action Needed April 27, 2021
   Department Contact: Megan.Emslander@CalRecycle.ca.gov
   Public Notice

2. Edom Hill Compost, Riverside County, New Solid Waste Facilities Permit, Action Needed January 31, 2021
   Department Contract: Theodore.Tasiopoulos@CalRecycle.ca.gov
   Public Notice

3. Tehama County/Red Bluff Landfill, Tehama County, Revised Solid Waste Facilities Permit, Action Needed February 7, 2021
   Department Contact: Kelsey.Orr@CalRecycle.ca.gov
   Public Notice

4. Avenal Regional Landfill, Kings County, Modified Solid Waste Facilities Permit, Action Needed February 15, 2021
   Department Contact: Harprit.Mattu@CalRecycle.ca.gov.
   Public Notice

5. City of Santa Monica Transfer Facility, Los Angeles County, Modified Solid Waste Facilities Permit, Action Needed February 26, 2021
   Department Contract: Nai.Teurn@CalRecycle.ca.gov
   Public Notice

Information Items

1. Waste Tire Enforcement Report
   Department Staff Contact: Kyle.Emery@CalRecycle.ca.gov

F. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

No actions at this time

Information Items

1. Structure for Pursuing Multiple Covered Electronic Waste Recycling Payment Rates Informal Rulemaking Workshop
   Department Staff Contact: Matt.Sheehan@CalRecycle.ca.gov
   Public Notice: February 9, 2021 10:00 AM-12:00 PM

G. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Items

1. Consideration of California Paint Stewardship Program Year 8 Annual Report
   Department Staff Contact: Stephanie.Fernandes@CalRecycle.ca.gov
   Public Notice

Information Items

1. Adoption of Proposed Regulations for the Sustainable Packaging for the State of California Act of 2018 (SB 1335)
   Department Staff Contact: Zack.Bradford@CalRecycle.ca.gov
   Public Notice

2. Request for Approval of 2021 Annual Rulemaking Calendar
   Department Staff Contact: Anastasia.Baskerville@CalRecycle.ca.gov
   Public Notice

3. SB 212 (Pharmaceuticals and Sharps Program) Regulations Update
   Department Staff Contact: Anastasia.Baskerville@CalRecycle.ca.gov

4. Draft Policy Recommendations from the Statewide Commission on Recycling Markets and Curbside Recycling
   Staff Contact: Audrey.Vorametsanti@CalRecycle.ca.gov

H. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

1. Recycling Program Certification & Registration Report
   Quarterly Report on Branch workload metrics and key data.
   Department Staff Contact: Jennifer.Akins@CalRecycle.ca.gov

2. Recycling Program Operations Report
   Quarterly Report on the Branch activities will include a summary of Rate Determination Studies statistics, Market Information and Statistics.
   Department Staff Contact: Hieu.Le@CalRecycle.ca.gov

3. Recycling Program Enforcement Report
   Quarterly Report on the Branch activities, including Probationary Reviews, Inspections, Investigations completed, and accusations filed. Updates will also be provided on Department of Justice/Office of the Attorney General interagency activities.
   Department Staff Contact: Ben.Shelton@CalRecycle.ca.gov

4. Fraud Management Strategies
   Department Staff Contact: Ben.Shelton@CalRecycle.ca.gov

I. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

1. Compliance Investigation Results Regarding the Implementation of Mandatory Commercial Recycling (MCR) and/or Mandatory Commercial Organics Recycling (MORe) Programs for the Jurisdictions listed in Attachment 1
   Department Staff Contact: Cara.Morgan@CalRecycle.ca.gov
   Public Notice

Information Items

1. Five-Year Review Report For The Regional Agency Integrated Waste Management Plan For The Sonoma County Waste Management Agency
   Department Staff Contact: Samuel.Ferrero@CalRecycle.ca.gov
   Public Notice

J. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items

No actions at this time

Information Items

Nothing to report at this time.

K. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items

No actions at this time

Information Items

Nothing to report at this time.

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to: https://www.CalRecycle.ca.gov/PublicInfo/ or http://www.CalRecycle.ca.gov/BevContainer/Notices. For meeting participation, listserv, and feedback information, please go to: http://www.CalRecycle.ca.gov/PublicMeeting/

Monthly Public Meeting

10:00 A.M., February 16, 2021
Via Webinar– https://www.CalRecycle.ca.gov/Broadcast/

A. DIRECTOR'S REPORT

Presentations or discussions by the Director and/or Executive Offices regarding department matters, legislative updates, public affairs, or initiatives.

B. PUBLIC COMMENT*

People may speak on any matter concerning CalRecycle with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

*Please note CalRecycle strongly encourages public comments to be made by webcast.

C. PROGRAM AND ISSUE UPDATES

Action Items
No actions at this time

Information Items

1. SB 1383 Implementation Update
   Department Staff Contact: Ashlee.Yee@CalRecycle.ca.gov

D. GRANT AND LOAN PROGRAMS

Possible decisions or overview regarding matters related to the used oil and household hazardous waste programs.

Action Items

1. Eligibility Criteria and Evaluation Process for the Local Government Waste Tire Amnesty Grant Program (Tire Recycling Management Fund, Fiscal Year 2021–22)
   Department Staff Contact: Cathy.Aggergaard@CalRecycle.ca.gov
   Public Notice

2. Eligibility Criteria, Evaluation Process, and Funding Allocation for the Local Conservation Corps Grant Program (Beverage Container Recycling Fund, Electronic Waste and Recovery and Recycling Account, California Tire Recycling Management Fund, and California Used Oil Recycling Fund, Fiscal Year 2021–22)
   Department Staff Contact: Renee.Podris@CalRecycle.ca.gov
   Public Notice

3. Eligibility Criteria, Evaluation Process, and Funding Allocation for the Tire Derived Product Grant Program (California Tire Recycling Management Fund, Fiscal Years 2021-22 and 2023-24)
   Department Staff Contact: Noel.Davis@CalRecycle.ca.gov
   Public Notice

Information Item
Nothing to report at this time.

E. SOLID WASTE AND TIRE FACILITIES

Possible decisions or reconsiderations to petitions for a facility or landfill permit or modification; and, possible determinations of enforcement actions, clean-up requirements; or LEA training.

Action Items

1. CRM Co. LLC, City of Stockton, Revised Major Waste Tire Facility Permit, Action Needed April 27, 2021
   Department Contact: Megan.Emslander@CalRecycle.ca.gov
   Public Notice

2. Tehama County/Red Bluff Landfill, Tehama County, Revised Solid Waste Facilities Permit, Action Needed February 7, 2021
   Department Contact: Kelsey.Orr@Calrecycle.ca.gov
   Public Notice

3. Tehama County/Red Bluff Materials Recovery Facility, Tehama County, Revised Solid Waste Facilities Permit, Action Needed February 7, 2021
   Department Contact**:** Kelsey.Orr@calrecycle.ca.gov
   Public Notice

4. Avenal Regional Landfill, Kings County, Modified Solid Waste Facilities Permit, Action Needed February 15, 2021
   Department Contact: Harprit.Mattu@CalRecycle.ca.gov
   Public Notice

5. Otay Landfill Composting Operation, San Diego County, New Solid Waste Facilities Permit, Action Needed March 21, 2021
   Department Contact: Cody.Oquendo@CalRecycle.ca.gov
   Public Notice
6. City of Santa Monica Transfer Facility, Los Angeles County, Modified Solid Waste Facilities Permit, Action Needed April 2, 2021
   Department Contact: Nai.Teurn@CalRecycle.ca.gov
   Public Notice

7. Victorville Sanitary Landfill, San Bernardino County, Revised Solid Waste Facilities Permit, Action Needed April 2, 2021
   Department Contact: Gina.Weber@CalRecycle.ca.gov
   Public Notice

8. Yucca Valley Transfer Station, San Bernardino County, New Solid Waste Facilities Permit, Action Needed April 3, 2021
   Department Contact: Megan.Emslander@CalRecycle.ca.gov
   Public Notice

Information Items

1. Grant Awards for the Solid Waste Disposal and Codisposal Site Cleanup Program, Action Needed February 5, 2021
   Department Contact: Rebecca.Oliver@CalRecycle.ca.gov
   Public Notice

F. LOCAL ASSISTANCE

Possible approval or discussion of locally adopted planning documents, bi-annual reviews, compliance and enforcement actions, or other program-related proceedings.

Action Items

1. Compliance Investigation Results Regarding the Implementation of Mandatory Commercial Recycling (MCR) and/or Mandatory Commercial Organics Recycling (MORe) Programs for the Jurisdictions listed in Attachment 1
   Department Staff Contact: Cara.Morgan@Calrecycle.ca.gov
   Public Notice

2. Approval to Initiate A Recycling Market Development Zone Designation Cycle For 2021
   Department Staff Contact: Frank.Severson@Calrecycle.ca.gov
   Public Notice

Information Items

Nothing to report at this time.

G. POLICY MANDATES/WORKSHOPS/RULEMAKING PROCEEDINGS

Possible decisions or discussions by department staff regarding any order instituting a rulemaking proceeding to develop and adopt regulations and/or policy guidelines specifying the procedures to implement or revise program guidelines or requirements such as Product Stewardship, Commercial Recycling, Organics Roadmap or the 75% initiative.

Action Items

No actions at this time.

Information Items

Nothing to report at this time.

H. BEVERAGE CONTAINER RECYCLING PROGRAM

Possible decisions or announcements regarding BCRP matters including fund condition, rates, approval of new/renewed certifications, or enforcement actions.

Action Items

No actions at this time

Information Items

Nothing to report at this time.

I. ELECTRONIC WASTE RECYCLING PROGRAM

Possible decisions or overview regarding the reuse, recycling, and handling of covered electronic devices; including matters related to fees, recyclers, enforcement, claim reviews and adjustments.

Action Items

No actions at this time.

Information Items

Nothing to report at this time.

J. OTHER

Possible decisions or discussions regarding the development or implementation of a new or an amendment to policies and procedures for grants, loans and contracts. Please note that grants, loans, or scopes of work will be agendized specific to program area unless otherwise noted here.

Action Items
No actions at this time

Information Items
Nothing to report at this time.

K. COMPLIANCE AND ENFORCEMENT HEARINGS

Hearings for Compliance and Enforcement matters and Administrative Appeals which are required to have a public hearing prior to the Department taking action

Action Items
No actions at this time

Information Items
Nothing to report at this time.

We want to assure all of our stakeholders that transparency and stakeholder involvement remains a high priority for CalRecycle. In keeping with a history of providing stakeholders with information about programs, activities, and departmental decisions, CalRecycle has a public noticing site. To review Final CalRecycle Decisions and other department activities, please go to: https://www.CalRecycle.ca.gov/PublicInfo/ or http://www.CalRecycle.ca.gov/BevContainer/Notices. For meeting participation, listserv, and feedback information, please go to: http://www.CalRecycle.ca.gov/PublicMeeting/

CalEPA
California Environmental Protection Agency

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

Unified Program Newsletter – December 2020

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CalEPA

CERS Knowledge Base, Help Articles and FAQs

(https://cers.calepa.ca.gov/newsletter-articles)

How to Manage Users for Your Business/Organization

(https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2020/12/CERS-Business-Portal-Help-How-to-Manage-Users-for-Your-Business-Organization.pdf)

Hazardous Materials Business Plan Annual Certification Training (AB1429)

Training Dates

January 27, 2021 at 11:00 am
January 27, 2021 at 2:00 pm
January 28, 2021 at 3:30 pm

Training Description:

Assembly Bill 1429 of 2019 (Chaptered by Secretary of State - Chapter 66, Statutes of 2019) changed the HMBP reporting period from annually to once every three years for businesses not subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act. AB 1429 also requires business owners/operators to annually review and certify that the HMBP information in the California Environmental Reporting

System (CERS) is complete, accurate, and, if applicable, in compliance with EPCRA reporting requirements.

This Zoom meeting will provide Owners/Operators, Consultants, and CUPA Regulators with step-by-step instructions on how to:

- Determine if you are eligible for certification
- Determine if you are subject to EPCRA reporting requirements
- Steps to completing the certification
- Regulator options concerning certification

Training Materials & Instructor:
CERS Technical Team/Unified Program
There are no materials required for this training. However, the CERS Portal Help guidance would be helpful.
(https://calepa.ca.gov/wp-content/uploads/sites/6/2020/09/CERS-Business-Portal-Help-NEW-Feature-AB1429-Self-Certification-9.15.20.pdf)

Who Should Attend:
Business Owners/Operators, Consultants, CUPA regulators

Course Level & Prerequisite:
There are no prerequisites to attend this meeting.

There will be no questions taken during the meeting. All questions should be emailed to cers@calepa.ca.gov or contact Steven Gailey at Steven.Gailey@calepa.ca.gov. A list of FAQs from the previous trainings in October 2020, will be posted on the CalEPA Unified Program web site shortly.

Dates & Time:
January 27, 2021: 11:00 a.m.
January 27, 2021: 2:00 p.m.
January 28, 2021: 3:30 p.m.

23rd California Unified Program Annual Training Conference
(https://calcupa.org/conference/index.html)
See the Flyer at the end of this Newsletter.

Free Hazardous Waste Training
(https://calcupa.org/conference/free-sessions.html)
See the Flyer at the end of this Newsletter.

State Water Board

Testing and Inspection Notification Requirement

Title 23, division 3, chapter 16, (Underground storage tank (UST) Regulations), require the UST owner or operator to notify the Unified Program Agency (UPA) at least

48 hours prior to testing and inspection of UST components. State Water Resources Control Board (State Water Board) staff have become aware of situations where the UST owner or operator has provided notice to the UPA of an upcoming test or inspection at least 48 hours in advance, and in some cases up to 30 days in advance of the test or inspection, only for the UPA to reject the date based on scheduling conflicts. There is no provision in the Health and Safety Code, chapter 6.7 or the US Regulations that require the UPA to be present for these activities or permit the UPA to reject a date for scheduling conflicts. Except when the UPA is relying on a local ordinance or other regulatory authority, a UPA may not reject any testing and inspection dates when notification of the date is provided at least 48 hours in advance of the test or inspection.

For more information regarding testing and inspection notification requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Verification of Tank Tester License and Manufacturer Training Certificates

The State Water Board has become aware that UPA inspectors are not verifying individuals performing tank and/or pipe integrity testing have a tank tester license issued by the State Water Board, and manufacturer training certificate(s) for test method(s) used to conduct integrity testing. Tank tester activities are only valid if the State Water Board has issued a tank tester license, and the tank tester has completed training from the manufacturer for the test method being used (Health and Safety Code, chapter 6.7, section 25284.4(a), UST Regulations, section 2771(c)).

As you are aware, UST regulations do not require UPA inspectors to witness integrity testing activities. However, when witnessing tank tester activities, it is important UPA inspectors verify the tester performing tank and/or pipe integrity testing, is correctly licensed and trained to conduct tank and/or pipe integrity testing.

In the same manner as noted above, when UPA inspectors review submitted integrity test reports, it is necessary that UPA inspectors verify the tester has a current tank tester license issued by the State Water Board, and has current manufacturer training certificate(s) for test method(s) used to conduct integrity testing. In addition to licensing and training verification, UPA inspectors are required to review submitted integrity test reports in a timely manner and follow up with the UST owner or operator when integrity test results identify tank or pipe failure(s). If integrity test results identify tank or pipe failure(s), it is necessary that UPA inspectors ensure tank or pipe failure(s) are repaired and retested. Please reference State Water Board correspondence *When to Review Underground Storage Tank (UST) Records*[1] dated November 29, 2016.

To verify tank tester licensing and manufacturer training information, please reference *Local Guidance 105*[2]. Additionally, the Office of Tank Tester Licensing (OTTL)

[1] https://www.waterboards.ca.gov/ust/cers/docs/when_to_review_ust_records.pdf
[2]https://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/105_12.html

maintains information on licensed tank testers including and not limited to, tank tester license numbers and expiration dates, manufacturer training, and employer information should UPA inspectors need additional information. OTTL can be reached at OTTL@waterboards.ca.gov.

State Water Board has also become aware of licensed tank testers incorrectly using their State Water Board issued tank tester license when performing the work of a service technician. UST Regulations, section 2715(f)(1) requires individuals performing the work of a service technician to possess or be employed by a person who possesses a license issued by the Contractors State License Board (CSLB) or have been issued a tank tester license from the State Water Board. If an UPA inspector finds a licensed tank tester utilizing their tank tester license number in monitoring and testing reports for services performed as a service technician, please be mindful that if service fees are valued at $500.00 or more, for combined labor and materials, then the tank tester's license does not satisfy this requirement. Please review State Water Board published correspondence dated June 12, 2017, which was developed in consultation with CSLB, *Contractor License Requirements for Work Associated with Underground Storage Tanks*[3], clarifying work associated with USTs and service fees.

For additional questions on tank testers or if UPA inspectors find discrepancies regarding tank tester activities, please contact OTTL using the email address OTTL@waterboards.ca.gov. You may also contact:
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov, or
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov.

Removal of the Alternative Compatibility Option Web Site

The State Water Board will be removing the *Alternative Compatibility Option*[4] web site on December 15, 2020. In 2015, the United States Environmental Protection Agency (U.S. EPA) modified the federal UST regulations requiring UST system compatibility be confirmed through an independent laboratory, or through the use of an equipment or component manufacture compatibility approval. In response to these modifications to the federal UST regulations, other national entities are now providing UST system compatibility documentation online. The State Water Board web site will include links to these other UST system compatibility web sites to assist stakeholders in finding compatibility documentation for UST components, and will update that list as more UST system compatibility web sites become available. Web sites currently offering UST system compatibility information include the Petroleum Equipment Institute (PEI[5]), and the Association of State and Territorial Solid Waste Management Officials Fuel Compatibility Tool[6] web site.

For more information regarding alternative UST system compatibility web sites, contact:

[3] https://www.waterboards.ca.gov/ust/docs/lic_req_work_usts_061717.pdf
[4] https://www.waterboards.ca.gov/water_issues/programs/ust/alt_comp_opt.html
[5] https://www.pei.org/ust-component-compatibility-library
[6] http://astswmo.org/ust-compatibility-tool/

Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Manufacturer Training Requirements for Secondary Containment Test Methods

UST Regulations, section 2715(f)(2)(A), requires UST service technicians conducting secondary containment testing be trained and certified either by the manufacturer of the secondary containment system being tested or the developer of the secondary containment testing equipment or test method in accordance with section 2637(c). UST Regulations, section 2715(f)(3), further requires UST service technicians to renew this manufacturer training and certification at least once every 36 months. The State Water Board is aware that the USTest Ultrasonic Probe (UST 2001/P) used to conduct an accelerated precision hydrostatic secondary containment test method is no longer supported by the manufacturer and that calibration, training, and certification are no longer available. Vaporless Manufacturing (VMI), a contractor approved by the manufacturer, discontinued its training and certification for this device in 2018. As a result, many UST service technicians trained and certified on this equipment are reaching their training expiration dates.

The State Water Board has become aware that some UST service technicians are "self-certifying" in an attempt to meet the requirements of UST Regulations, section 2715(f). When there is no available training or certification that meets the UST Regulations, section 2715(f)(2)(A), UST Regulations, section 2715(f)(2)(E), allows the UPA to approve comparable alternate training or certification if no manufacturer or developer training exists. Before approving alternative training under this provision, the UPA must confirm that the alternate training or certification actually is comparable to training or certification by the manufacturer or developer in accordance with the requirements of UST Regulations, section 2715(f)(2)(A). "Self-certification" is not comparable alternate training and does not meet the requirements of UST Regulations, section 2715(f). UPAs are not permitted to approve "self-certification" as comparable alternative training under UST Regulations, section 2715(f)(2)(E).

For more information regarding manufacturer training and certification requirements, contact:
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

DTSC

Public Webinar: Management of Waste Photovoltaic Modules as Universal Waste in California

The Department of Toxic Substances Control (DTSC) will hold a public webinar on December 17, 2020, to present information on the recently approved regulation to manage waste photovoltaic modules (PV modules), commonly known as solar panels, as universal waste under California's Universal Waste Program.

This webinar is intended to familiarize people with the requirements of the new regulation for managing PV modules as universal waste under California's Universal Waste Program.

The meeting agenda and final regulatory text will be available on the PV module – universal waste web page.
(https://dtsc.ca.gov/photovoltaic-modules-pv-modules-universal-waste-management-regulations/)

Instructions for Remote Public Participation:
Due to the COVID-19 public health emergency (Executive Orders N-29-20 and N-33-20), there will be no physical public access location. Stakeholders can participate remotely via live Zoom or join the meeting by phone. If you cannot attend the webinar, it will be recorded and posted on the PV module – universal waste webpage. The webinar will be held on the following date and time:

Date: December 17, 2020
Time: 10:00 am – 1:00 pm (PDT)

Register in advance for this webinar:
https://us02web.zoom.us/webinar/register/WN_lPJ2OQFmS3qHqNDWu_0PbQ

DTSC has proposed a regulatory package to remove nicotine patches, gums, and lozenges that are FDA- approved over the counter (OTC) nicotine replacement therapies from the P075 acute hazardous waste listing.

Background: On August 21, 2019, the U.S. EPA's Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine Rule went into effect.

The Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine Rule includes:

- The addition of the new subpart P under 40 Code of Federal Regulations part 266, which sets forth new regulations for healthcare facilities and reverse distributors managing pharmaceuticals that are hazardous waste
- A ban on healthcare facilities and reverse distributors flushing pharmaceuticals that are hazardous waste down the drain ("sewer ban")
- Removal of nicotine patches, gums, and lozenges that are FDA-approved over the counter (OTC) nicotine replacement therapies (NRTs) from the P075 acute hazardous waste listing

U.S. EPA has identified the entire new subpart P under 40 Code of Federal Regulations part 266, which includes the "sewer ban," to be more stringent than current federal standards. As an authorized state, California is required to adopt revisions that are more stringent than current state standards in order to administer California's hazardous waste program in lieu of the federal program pursuant to the Resource Conservation

and Recovery Act (RCRA). If elements of the California's state program are more stringent than the new subpart, California may retain those more stringent elements. California is evaluating the rule to determine which federal provisions are more stringent than current state provisions.

Most provisions of the rule do not take effect in California until DTSC adopts the rule, or parts thereof, via the rulemaking process. Note that the ban on healthcare facilities and reverse distributors flushing hazardous waste pharmaceuticals ("sewer ban") was finalized under federal Hazardous and Solid Waste Amendments (HSWA) authority and took effect in all states on August 21, 2019. While the state must still adopt HSWA-related provisions to retain authorization, U.S. EPA implements the HSWA provisions until the state is granted authorization to do so.

Mandatory Provisions
DTSC is required to evaluate provisions of the rule that U.S. EPA has identified as more stringent than U.S. EPA's previous regulations. DTSC is required to adopt provisions of the rule that are more stringent than California's current hazardous waste laws and implementing regulations in order to maintain authorization.

Optional Provisions
DTSC may also adopt other provisions of the rule identified as either less stringent or neither more nor less stringent than U.S. EPA's previous regulations. To adopt, amend, or repeal current regulations, the Legislature must grant DTSC rulemaking authority, and the changes would require a regular rulemaking.

DTSC is currently evaluating subpart P under 40 CFR part 266 to determine which regulations are more stringent and mandatory for California adoption. DTSC will have a proposed decision on what provisions or amendments California is statutorily required to adopt by February 2021.

DTSC submitted a regulatory package to remove nicotine patches, gums, and lozenges that are FDA-approved OTC NRTs from the P075 acute hazardous waste listing in California as a non-substantive rulemaking to the Office of Administrative Law (OAL) on November 17, 2020, as required per the Administrative Procedure Act (APA).

OAL has 30 working days and an additional 120 calendar days to conduct a review of the rulemaking record and to make a decision, which will conclude on May 4, 2021. If OAL approves the rulemaking action, the regulations become effective upon approval.

This regulatory change will not be effective unless OAL approves the regulatory package. The following documents were submitted for review:

- Justification memo to OAL (https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/4-P075-Listing-Section-100_Transmittal-Memo-to-OAL.pdf)
- Form 400 (https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/Revised-Form-400-with-Francescas-signature-digital-signature.pdf)

- Proposed regulation text (https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/FINAL-underline_strikeout-text-nicotine-rule.pdf)

For additional information or questions, please see https://dtsc.ca.gov/pharmaceutical-waste-rulemaking/

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

CalEPA Unified Program Home Page

CALCUPA
California Certified Unified Program Agencies

Protecting our communities, one inspection at a time.

www.calcupa.org

23rd California Unified Program Annual Training Conference

Are you a CUPA Inspector or CUPA regulated site?
Are you in need of FREE training on the Basics of Hazardous Waste?
Do you know the most common violations cited during an inspection?
Do you need a better understanding of reporting in CERS?

The 23rd California Unified Program Annual Training Conference will be held February 2 through March 18, 2021 | Tuesday, Wednesday & Thursdays

This virtual conference provides training on all aspects of the CUPA programs in partnership with your CUPA inspectors.
Registration includes 152 training sessions to choose from and access to the California CUPA Forum Video Training Library for one year.

Full program information is available at
https://calcupa.org/CMS15/dropbox/CUPA-2021/2021agenda.pdf

Register at: https://calcupa.org/fees/index/CUPA-2021.html

Pre-registration is mandatory for any of the **FREE TRAINING SESSIONS** on the **Basics of Hazardous Waste** (4 dates available, only attend one) or to register for the full conference
https://calcupa.org/conference/free-sessions.html

Student Conference Scholarship information available at:
https://calcupa.org/conference/students.html

Sponsorship, Exhibitor Booth and DEMO information is available at:
https://calcupa.org/CMS15/dropbox/CUPA-2021/2021-cupa-conference-prospectus.pdf

For information on how to or to submit a Leadership Award nomination:
https://calcupa.org/submit-nominations/index.html

February 2 through March 18, 2021
Tuesdays, Wednesdays and Thursdays

Early Registration discount ends January 8, 2021

CALIFORNIA CUPA FORUM
530-676-0815
www.calcupa.org
email questions to : ceuadmin@calcupa.org or registration@calcupa.org

FREE HAZARDOUS WASTE TRAINING

This training is being presented on the following dates

(you only need to attend one session)

February 4, 2021	**8:00am – 11:45am**
February 16, 2021	**8:00am – 11:45am**
March 4, 2021	**8:00am – 11:45am**
March 16, 2021	**8:00am – 11:45am**

For information on how to Register:

https://calcupa.org/conference/free-sessions.html

For more information
email registration@calcupa.org
or call 530-676-0815

Full conference training is available at
www.calcupa.org
if you would like more training
and a registration fee would apply.

23rd Annual California Unified Program Annual Training Conference

Free Hazardous Waste Training Session for Businesses

Attend this training session at no cost!

At this year's annual CUPA conference, we will feature a no-cost training session for businesses that generate hazardous waste.

The training will cover the basics of identifying what is a hazardous waste, proper labeling and accumulation requirements, and record keeping requirements.

An overview of RCRA waste vs. non-RCRA waste and generator status (LQG, SQG or CESQG) will also be covered.

Participants will receive a comprehensive course manual and a certificate of completion

Sponsored by and presented by:
California CUPA Forum and NES, Inc.

Unified Program Newsletter – January 2021

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CalEPA

Unified Program Training: Hazardous Materials Business Plan Annual Certification Training (AB1429)

Training Dates
January 27, 2021, at 11:00 am
January 27, 2021, at 2:00 pm
January 28, 2021, at 3:30 pm

Training Description:
Assembly Bill 1429 of 2019 (Chaptered by Secretary of State - Chapter 66, Statutes of 2019) changed the HMBP reporting period from annually to once every three years for businesses not subject to EPCRA Tier II reporting requirements or the Aboveground Petroleum Storage Act. AB 1429 also requires business owners/operators to annually review and certify that the HMBP information in the CERS is complete, accurate, and, if applicable, in compliance with EPCRA reporting requirements.

This Zoom meeting will provide Owners/Operators, Consultants, and CUPA Regulators with step-by-step instructions on how to:

- Determine if you are eligible for certification
- Determine if you are subject to EPCRA reporting requirements
- Steps to completing the certification

- Regulator options concerning certification

Training Materials & Instructor: CERS Technical Team/Unified Program

There are no materials required for this training. However, the CERS Portal Help guidance would be helpful.
(https://calepa.ca.gov/wp-content/uploads/sites/6/2020/09/CERS-Business-Portal-Help-NEW-Feature-AB1429-Self-Certification-9.15.20.pdf)

Who Should Attend: Business Owners/Operators, Consultants, CUPA regulators.

Course Level & Prerequisite: There are no prerequisites to attend this meeting.

There will be no questions taken during the meeting. All questions should be emailed to cers@calepa.ca.gov or contact Steven Gailey at Steven.Gailey@calepa.ca.gov. A list of FAQs from the previous trainings in October 2020, will be posted on the CalEPA Unified Program web site shortly.

Dates & Time (PT):
January 27, 2021: 11:00a.m.
Zoom Webinar:
https://us02web.zoom.us/j/82014995395?pwd=aGJJbHhGRVBnSlZFNlhJSk5TWkRIQT09
Passcode: 865370

January 27, 2021: 2:00 p.m.
Zoom Webinar:
https://us02web.zoom.us/j/81595467086?pwd=QVRFZEdBSFhJZms0YjVBQkZBbzhvQT09
Passcode: 865370

January 28, 2021: 3:30 p.m.
Zoom Webinar:
https://us02web.zoom.us/j/83006319342?pwd=WHdxdVp4UTcwV3FYY0NjU1BVdmVLQT09
Passcode: 865370

CERS Version 3.5.0007 Deployed

Periodically, the deployment of new versions of CERS are essential to implement various system bug fixes and other tweaks to maintain the performance of the CERS infrastructure. The deployment of CERS version 3.5.0007 occurred on Monday, January 11, 2021. Below are the details of the changes implemented in this release. To view prior version deployments use the following link: https://cers.calepa.ca.gov/about-cers/version-history/. Please contact the CERS Technical Support at cers@calepa.ca.gov for further assistance.

CERS Version 3.5.0007 Changes

Business Portal
- Removed warning text from Edit Tank ID popup window (Product Backlog Item 3091)

Regulator Portal
- Added validation for Violation - Actual RTC can be no later than current date (Product Backlog Item 2872)
- Updated UST Report 6 to remove unnecessary columns (Product Backlog Item 3062)
- Corrected duplicate USTs on UST reports caused by Tank ID changes (Product Backlog Item 2802)
- Corrected intermittent problem of inaccurate Last Inspection dates on Facility Detail Export (Product Backlog Item 3078)

Business and Regulator Portals
- Updated text/language for Question 6 Hazardous Waste on Business Activities form (Product Backlog Item 2871)
- Update version of Emergency Response and Contingency Plan Template (Product Backlog Item 2939)
- Updated the citation information on the UST Certification of Installation/Modification form (Product Backlog Item 3034)
- Corrected duplicate USTs listed on submittal print (Product Backlog Item 1632)
- Corrected PDF merging issues for submittal printing (Product Backlog Item 1381)

CERS Public
- Fixed Excel Export feature on CERS Data Element Search page (Product Backlog Item 1139)
- Updated contacts and other information on public facing Violation Library page (Product Backlog Item 1139)

EDT Services
- Added validation for Violation - Actual RTC can be no later than current date (Product Backlog Item 2872)

Updated documentation on EDT services web page for Tier 2 Regulator Facility Submittal Query endpoint to include new submittal element status “Certified” (Product Backlog Item 2660)

State Water Board

Webinars on Updated Underground Storage Tank Reporting Requirements for the Energy Policy Act of 2005

On November 23, 2020, the State Water Resources Control Board (State Water Board) issued correspondence (https://www.waterboards.ca.gov/water_issues/programs/ust/docs/inspection_frequency_confirmation_energy_policy_act_certification.pdf) on the updated annual UST compliance inspection frequency reporting requirements for the Energy Policy Act of 2005 (EPAct) to be completed by Unified Program Agencies (UPAs). On an annual basis the State Water Board is required to certify compliance with the Underground Storage Tank (UST) provisions of the EPAct. One of these

provisions requires states to confirm that the federal UST compliance inspection frequency of once every three years, as outlined in 42 U.S.C. §6991d, subdivision (c)(2), has been met. To meet this requirement, California Code of Regulations, title 23, division 3, chapter 16 (UST Regulations), sections 2713(d)(1) and (2) were added, which require the UPAs to submit a report to the State Water Board by January 31 of each year which notes the number of facilities that did not receive an **on-site annual UST compliance inspection** over the last year. Effective October 1, 2020, amendments to the UST Regulations modify how UPAs report annual UST compliance inspection frequency data to the State Water Board.

In accordance with the UST Regulations, UPAs must generate UST compliance inspection frequency data using the California Environmental Reporting System (CERS), and report the following items from CERS in the submittal to the State Water Board: CERS ID, UST facility name, UST reporting requirement, date of last annual UST compliance inspection, and a written explanation of why an on-site annual UST compliance inspection was not performed. **UPAs only need to report facilities where an on-site annual UST compliance inspection was not performed during the calendar year 2020.** No submittal is required from UPAs with facilities where an on-site annual UST compliance inspection was performed during 2020. Pursuant to UST Regulations, reporting must include all regulated USTs, including temporarily closed and abandoned USTs.
To assist UPAs in the updated reporting requirement, State Water Board staff will be hosting two Zoom webinars on the following dates and times:

- January 13, 2021, from 10:00 AM – 11:00 AM
- January 20, 2021, from 10:00 AM – 11:00 AM

For additional Zoom webinar information and instructions on how to generate the CERS report, please visit our website: Technical UST Program Notifications | California State Water Resources Control Board
(https://www.waterboards.ca.gov/water_issues/programs/ust/insp_epac.html).

For more information regarding annual EPAct reporting requirements or the upcoming Zoom webinars, please contact:
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Jessica Botsford at (916) 341-7338 or Jessica.Botsford@waterboards.ca.gov.

Report 6 Dates and Deadlines

State Water Board will soon distribute the Report 6 forms and instructions for the reporting period of July 1, 2020 through December 31, 2020. Report 6 forms are due back to the State Water Board no later than March 1, 2021. Consistent with the last reporting period, UPAs must continue to report field constructed tanks, facilities with USTs that have received a red tag, and facilities that have abandoned or temporarily closed USTs.

For additional information regarding Report 6 requirements, contact
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

Temporary Closure of UST Systems

The State Water Board is aware of USTs that have been improperly issued temporary closure permits by several UPAs. The State Water Board finds that UPAs have issued temporary closure permits to owners or operators as a means of mitigating the pursuit of permanent closure, when there is no intent or ability to bring the UST back into operation, and when the UST is allowed to be kept in temporary closure beyond the 12 months without having conducted mandatory soil sampling needed to extend UST temporary closure to 24 months. These practices fail to conform with the UST regulations and, ultimately, result in an increased number of abandoned USTs.

Pursuant to UST Regulations, section 2670, USTs may only be placed into temporary closure when the UST will be operational within the 12 consecutive months after which it enters temporary closure. UPAs may extend the 12-month temporary closure period by a maximum of an additional 12-months only *after* a site assessment is completed (UST Regulations, section 2672(d)). In addition to enforcing these temporary closure requirements, UPAs must ensure that the annual UST compliance inspection and State Water Board reporting requirements are maintained.

When a temporary closure permit is issued by the UPA, owners or operators must correctly report the temporarily closed UST in CERS by creating a CERS submittal for that UST system with the Type of Action listed as "Temporary UST Closure." Further, UPAs must perform annual UST compliance inspections for all regulated UST facilities, which includes temporarily closed USTs. Finally, UPAs must accurately identify and report temporarily closed USTs in the Report 6.

For additional information regarding temporary closure of UST systems, contact
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or
Ms. Laura Fisher at (916) 341-5870 or Laura.Fisher@waterboards.ca.gov.

DTSC

Treated Wood Waste

The statute (HSC 25150.7) and regulations (22 CCR 67386.1 et seq.) that allowed treated wood waste to be handled according to the alternative management standards expired December 31, 2020. Currently, all hazardous treated wood waste (not exempted by HSC 25143.1.5 as utility generated) must be managed in California as hazardous waste and transported to Class I hazardous waste landfills for disposal.

Information related to managing treated wood waste is available on DTSC's TWW webpage which includes a fact sheet.
(https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/)

(https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/2020-Treated-Wood-Waste-Factsheet-Update.pdf)

Inactivation of ID Numbers Due to Non-Compliance with DTSC's Hazardous Waste ID Number Verification Questionnaire and Fees Assessment

DTSC's annual Verification Questionnaire and Fees Assessment for hazardous waste identification (ID) numbers and manifests are required by Health and Safety Code sections 25205.15 and 25205.16. Pursuant to section 25205.16(c), "Any generator, transporter, and facility operator who fails to comply with this section, or who fails to provide information required by the department to verify the accuracy of hazardous waste activity data, shall be subject to suspension of any and all identification numbers assigned to the generator, transporter, or facility operator and to any other authorized enforcement action."

Hazardous waste handlers that are required to complete the 2020 Verification Questionnaire and haven't done so by December 31, 2020, by 5:00 PM Pacific Time will have their ID number(s) inactivated on January 4, 2021. The inactive date will be backdated to June 30, 2020. The questionnaire and fees were due 30 days from the date the handler received their first notice in July 2020. Handlers have been sent at least three notices via email or U.S. Postal Service since that time. They have been given ample time (more than 120 days) to complete the questionnaire. Inactivating ID numbers due to non-compliance with Health and Safety Code sections 25205.15 and 25205.16 will also help DTSC clean up data for handlers that are not using their ID number and do not respond to notices.

The annual ID Number Verification Questionnaire history is now available to regulators with a Hazardous Waste Tracking System (HWTS) user account. To view the information, follow the steps below:

1. Log into your HWTS account at hwts.dtsc.ca.gov.
2. Enter the respective ID number or handler name into the search box and click on the magnifying glass icon.
3. Click on "View Profile".
4. Scroll down the page until you see the heading "Annual ID Number Verifications".

If a handler still hasn't completed their Verification Questionnaire, please refer them to the information below:

Website (https://evq.dtsc.ca.gov)
Training Video (https://dtsc.ca.gov/evq-training-video/)
Email (eVQ@dtsc.ca.gov)
Phone: 1-877-454-4012 (toll-free) Monday through Friday from 9:00 AM to 4:00 PM Pacific Time.

Verification Questionnaire History Now Available on HWTS

The annual ID Number Verification Questionnaire history is now available to regulators with a Hazardous Waste Tracking System (HWTS) user account. To view the information, follow the steps below.

1. Log into your HWTS account at hwts.dtsc.ca.gov.
2. Enter the respective ID number or handler name into the search box and click on the magnifying glass icon.
3. Click on "View Profile".
4. Scroll down the page until you see the heading "Annual ID Number Verifications".

If you are a regulator and don't have an HWTS account, contact hwtsadmn@dtsc.ca.gov.

References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: cupa@calepa.ca.gov.

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DTSC

2019 Hazardous Waste Data Now Available Online

EPA posted the most recently reported biennial report data online. These data are submitted by certain generators and treatment, storage, and disposal facilities (TSDFs) nationwide about their hazardous waste generation and management activities. The most recent data cover activities performed in 2019 and can be accessed in the Resource Conservation and Recovery Act (RCRA) Info Web database. (https://rcrapublic.epa.gov/rcrainfoweb/action/modules/br/summary/view)

DTSC Hazardous Waste Tracking System Enhancements

DTSC's Office of Environmental Information Management has released the following enhancements to the Hazardous Waste Tracking System (HWTS) as of January 31, 2021.

- HWTS account holders are required to accept and acknowledge a new Hazardous Waste Tracking System Terms of Use Agreement. Upon login, users will be prompted to review and acknowledge the Agreement. The Agreement must be accepted to maintain regulatory access. (https://hwts.dtsc.ca.gov/documents/20200106_HWTS_UserAgreement.pdf)
- Regulatory users can now view the completion history for DTSC's annual Verification Questionnaire and Fees Assessment for hazardous waste identification (ID) numbers and manifests, also known as eVQ. The history can be reviewed for each ID number holder on the Handler Profile page.
- The **Generator Waste Summary by Region** report, formerly referred to as the CUPA Report, is now available for users with a HWTS regulatory account. The report includes all Hazardous Waste Handler ID numbers that shipped

hazardous waste within a specified region and timeframe. The report is helpful for identifying the number of generators within a jurisdiction, new businesses via ID number issuance date, and aid in determining a generator's status using the total amount of non-RCRA and RCRA wastes reported.

- The **TQR Detail Report by Manifest** is now available for users with an HWTS regulatory account. This report returns data from the Transporter Quarterly Report (TQR) submissions by hazardous waste transporters operating under the consolidated manifesting procedure. This report contains the Generator ID number and detailed waste information from each receipt used in conjunction with the consolidated manifest. Please note, per the HWTS Terms of Use Agreement, users shall not disclose the association between any specific transporter and generator. The information in this report may only be discussed among, shared with, or otherwise disclosed to, your manager and any other Authorized Users and/or appropriate personnel of law enforcement authorities working in coordination with, or acting on behalf of, your agency.

U.S. EPA Releases New Data Visualizations for Large Quantity Generators (LQGs) on Federal and Tribal Lands

Be sure to check out U.S. Environmental Protection Agency's (U.S. EPA) new data visualizations for Hazardous Waste Generation on Federal and Tribal Lands. In these graphics U.S. EPA analyzed large quantity generators that are located on federal or tribal land, to determine whether more are owned by the federal government compared to elsewhere. U.S. EPA found that the ownership of a generator is not entirely dependent on the type of land it operates on.
(https://rcrapublic.epa.gov/rcra-public-web/action/posts/4)

Permit by Rule and Conditional Authorization Tiered Permitted Facilities Must Adjust Closure Cost Estimates for Inflation by March 1, 2021

Financial assurance is required for tiered permitted facilities that are under the permit by rule (PBR) and conditional authorization (CA) tiers. Closure cost estimates are required as part of the closure plans under PBR and CA. Adjusted closure costs are estimated by multiplying the current cost estimate and the estimated inflation factor.

The inflation factor in a closure plan's closure cost estimate and a facility's financial assurance mechanism should be calculated using the values provided by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA): -> Tools -> Interactive Data -> National Data: GDP & Personal Income -> Begin using the data… -> Section 1 – Domestic Product and Income -> Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A) (Q) -> Line 27: Gross national product.
(https://www.bea.gov/)

PBR and CA facilities are required to adjust closure cost estimates for inflation by March 1st of every year (California Code of Regulations, Title 22, Section 67450.13). Because the inflation factor for the full 2020 year will not be available until the end of March 2021, DTSC recommends using a ratio of the third quarter index numbers for the past two years to estimate the 2021 inflation factor.

As provided by the U.S. Department of Commerce, BEA in Line 27 of "Table 1.1.9. Implicit Price Deflators for Gross Domestic Product (A)(Q)" of "Section 1- Domestic Product and Income," the 3rd quarter index number for 2020 is 113.801 and the 3rd quarter index number for 2019 is 112.492. The estimated inflation factor for 2021 is 1.012, derived as follows:

Estimated Inflation Factor for 2021	=	3rd Quarter Inflation Factor for 2020	÷	3rd Quarter Inflation Factor for 2019
1.012		113.801		112.492

AB-332 Hazardous Waste: Treated Wood Waste: Management Standards

AB-332 was introduced on January 27, 2021 which is an act to add and repeal Section 25150.75 of the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately.

Authored by the Committee on Environmental Safety and Toxic Materials. Hazardous waste: treated wood waste: management standards.

Former law, as part of the hazardous waste control laws, required treated wood waste to be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill unit that meets specified requirements. Former law required the Department of Toxic Substances Control, on or before January 1, 2007, in consultation with specified state agencies and after consideration of any known health hazards associated with treated wood waste, to adopt, and authorized the department to subsequently revise as necessary, regulations establishing management standards for treated wood waste as an alternative to the requirements specified in the hazardous waste control laws and implementing regulations. These provisions were repealed as of January 1, 2021.

This bill would require a regulation that was adopted before January 1, 2008, pursuant to the above-specified provisions exempting a hazardous waste management activity from one or more of the requirements of the hazardous waste control laws to remain valid unless repealed. The bill would repeal this provision as of an unspecified date.

See this Link to AB-332. It appears that the bill may be heard in Committee February 27, 2021….stay tuned.
(https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB332)

Cal FIRE OSFM

Aboveground Petroleum Storage Act (APSA) Tank Facility Statement

Each APSA tank facility is required by the California Health and Safety Code, Division 20, Section 25270.6(a) to file a tank facility statement on or before January 1st, annually, to CERS. However, due to Assembly Bill 1429 (Chen, Statutes of 2019, Chapter 66), an APSA tank facility that is also subject to the Hazardous Materials

Business Plan (HMBP) Program is required to submit their HMBP to CERS. If the local Unified Program Agency has not established an HMBP submittal due date, then the APSA tank facility must submit their HMBP to CERS on or before March 1st, annually. An HMBP submittal to CERS satisfies the APSA tank facility statement reporting requirement.

For APSA tank facilities not subject to the HMBP Program, the tank facility statement is available for download from the OSFM website at (https://osfm.fire.ca.gov/media/woikkblq/fillable-accessible-tank-facility-statement-form-25jan2021.pdf).

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Agenda Item IX

ARTICLES OF INTEREST

Emerging Issues: Solar Panels & Treated Wood Waste

Presented to NAHMMA, California Chapter
by
Larry Sweetser
Sweetser & Associates, Inc.

POLL

1

1

Overview HHW Facilities

- Definitions
- Regulatory requirements & reality
- Management practices
- Q&A

1. Solar Panels
2. Treated Wood Waste

2

2

Disclaimer

- Some requirements straight forward
- NO absolutes
- Some requirements logical but not tested
- Situation dependent
- Caveat emptor! ("buer beware!")

- Larry's #1 rule

Laws/regulations not required to make sense!

3

3

Household Hazardous Waste Facility Basics

- Transport limit on resident not HHW Facility
  - 15 gal/125 lb requires safe packaging/transport
- Household – unlimited acceptance
- CESQG – 220 pound limit/month ONLY

- You can propose lower limits

4

4

Here we go down one of Larry's rabbit holes!

5

5

Solar Panels/ Photovoltaic Modules

POLL POLL

6

6

What are Solar Panels/Photovoltaic Modules (PV modules)?

- How can you tell?
- Two types
  - Silica based
  - Film type

7

7

The Problem – Two Types

Silica Based 1st Gen
- Some maybe non-hazardous
- Mono-crystalline (c-Si)
- Poly-crystalline
  - (pc-Si/ mc-Si)
- Some maybe non-hazardous **BUT**
  - Lead solder
  - Hexavalent chrom coatings

Film Type
- Typically hazardous waste
- Hexavalent chromium.
- Cadmium tellurium (CdTe)
- Gallium arsenide (GaAs)
- Copper indium gallium selenide
- ETC.
- Surface usually brown, gray or black

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Photovoltaic Module

- Device consisting of or containing one or more electrically connected photovoltaic cells that are designed to convert solar radiation into electrical energy.
- Photovoltaic module includes integrated components that cannot be separated without breaking the photovoltaic module glass

9

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PV Modules (Title 22, §66273.7.1 (c))

- PV modules that are integrated into the structure of an electronic device as defined in section 66273.9 (e.g., calculators) shall be managed as an electronic device
- ***What's an Electronic Device?***

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Electronic Device (Title 22, §66273.9)

""Electronic device" means any electronic device that is identified as hazardous waste because it either exhibits the characteristic of toxicity" or listed. <u>Examples</u> include:

- Computer monitors
- Televisions
- Cash registers and oscilloscopes (CRT devices)
- Computers
- Computer peripherals
- Telephones
- Answering machines
- Radios
- Stereo equipment
- Tape players/recorders
- Phonographs
- Video cassette players/recorders
- Compact disc players/recorders
- Calculators, and
- Some appliances (not microwaves)

NOT ALL INCLUSIVE LIST

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Photovoltaic vs. Electronic Device

- Universal Waste-Electronic Device(s)
  - Electronic device with PV module
- Universal Waste-PV module(s)
  - ***<u>Not</u>*** electronic device but with PV module

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Photovoltaic vs. Electronic Device

Electronic Device	Photovoltaic Panel
•Calculator	•Backpack
•Wireless keyboard	•Bikes
•Solar concentrator	

Garden lights?
Solar flashlight?

Distinction is not clear

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Photovoltaic vs. Electronic Device

- Questions to ask?
  - What is primary function of device?
  - Would the device be an electronic device without PV module?
- Larry's criteria
  - PV module converts solar to electricity
  - Electronic device uses electricity for function
    - e.g. sound, light,

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PV-ED Quiz

- Photovoltaic
- Electronic Device

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Regulatory status

- Effective 1/1/21 Universal Waste
  - (30 days after notify)
- Not all panels are hazardous universal waste!
- Universal wastes are hazardous wastes
  - Less stringent management standards
  - Physical breakage = treatment with approval

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Regulatory requirements

- Notification
- Management
- Shipment
- Tracking/Documentation

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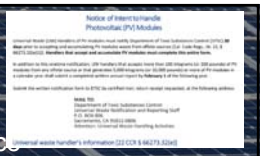
Notification - Handler



- Handle, treat, and/or disposal
- File 30 days prior to acceptance
- Written notification form – ONLY (currently)
- Mail to:
  - Department of Toxic Substances Control
    Universal Waste Notification and Reporting Staff
    P.O. Box 806
    Sacramento, CA 95812-0806
    ATTN: Universal Waste Handling Activities

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Notification Form

9. If 5,000 kilograms or more of universal waste might be accumulated at one time, please check here:

☐ Leave unchecked. ~250 panels on site

10. List type(s) of PV modules expected to be handled, if known (for example, crystalline silicon, thin film, etc.):

Potentially all types

11. List source(s) PV modules, if known (for example, residential collections, business asset recovery, other collectors, etc.):

Households, small business, load checking, abandoned wastes

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Other Approval Consideration

- Permit-by-Rule (PBR)
  - No change required, unless
    - Store in area not on plot plan
    - May change storage amount
- California Environmental Reporting System (CERS) (Hazardous Materials Business Plan)
  - Add to hazardous waste streams & quantity
  - Annual revision due March 1st

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Management Standards

- Training
- Receipt
- Label
- Storage
- Container
- **OPTIONS**

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Management -Training

- Annual training requirement
  - Combine with other universal waste
- Types & hazards
- Disposition on site – location
- Response to release
- Label and handling requirements

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Management -Receipt

- Roof-top panel ~40 pounds
- Thin-film sheet ~5 pounds
- 220 pounds about 4 - 6 panels

- Accepting >220 pounds = proper shipment

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Management - Label

- Label

Generator Name: _____
Address _____
Universal Waste-PV Module(s)
Accumulation Date: _____

- Accumulation time limit
  - Start date on container, or
  - Inventory system

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Management - Storage

- One year storage
- Weekly inspection
- Protect from rainfall

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Management - Container

- Container
- Pallet
- Designated demarcated area

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Management - OPTIONS

- Contain to prevent breakage or release
- Clean up immediately
- Contain all residues
- Broken can be managed as PV modules
- **WILL E-WASTE VENDOR ACCEPT?**

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Shipment

- Receiving facility agrees to accept
- Bill of lading can be used
- Shipping name
  - Universal Waste-PV Module(s)
- Not DOT regulated
- No placard
- Unlimited amounts transported

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Tracking/Documentation

- Copy notification
- Shipment records
- Track daily **INCOMING** inventory

- Form 303 (?)

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Track Daily Incoming

- Receipt of shipments - keep a record of each shipment of universal waste **received**
  - Name and address originating u-waste handler
  - Quantity
- The date of receipt
  - Record "household generator" and/or "CESQUWG",
  - Aggregate each type

Universal Waste Receipt and Shipment Tracking Date: _____

Source	Electronic Devices/ CRTs/CRT Glass	Lamps	Batteries	PV-module(s)	Mercury-containing equipment
household generator and/or CESQUWG (cubic yards)	4 cy	200 count	120 pounds	12 panels	0 count

Instructions: List total amount of each type of universal waste on site. The amount received each day is the difference between that days' total and the previous day.

Jue 22, $66273.39

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Tracking Daily Incoming – Month Form

Universal Waste Collection Log (Enter cubic yards of each waste type at end of day) Entity: _____Month/Year: _____

Day	Source (*)	Electronic Devices/ CRTs/CRT Glass	Lamps	Batteries	Mercury-containing equipment	PV module(s)	Notes
		Units:	Units:	Units:	Units:	Units:	
1	household generator and/or CESQUWG						
2	household generator and/or CESQUWG						
3	household generator and/or CESQUWG						
4	household generator and/or CESQUWG						
5	household generator and/or CESQUWG						
6	household generator and/or CESQUWG						
7	household generator and/or CESQUWG						
30	household generator and/or CESQUWG						
31	household generator and/or CESQUWG						

(*) per Title 22, Section 66273.39 (b). Electronic Devices/ CRTs/CRT Glass may be combined into one container per Title 22, Section 66273.34 (g).
Instructions: List total amount of each type of universal waste on site. The amount received each day is the difference between that days' total and the previous day.

31

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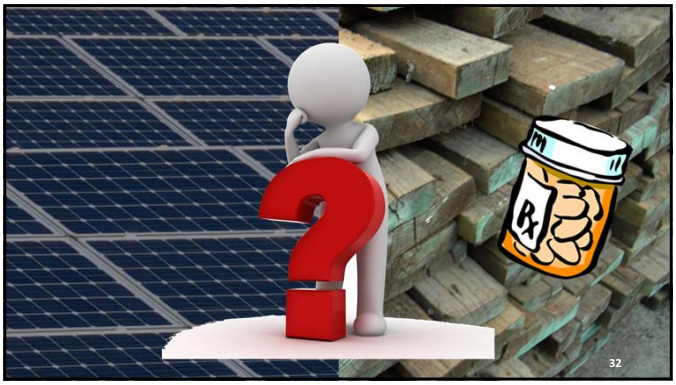

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Treated Wood Waste

POLL POLL 33

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What is Treated Wood Waste?

- Treated with a chemical preservative
- Protect against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood
- Chemical preservative is registered under Federal Insecticide, Fungicide, and Rodenticide Act."
- Common preservatives include one or more:
  - arsenic, chromium, copper, pentachlorophenol, and creosote
- Toxicity characteristic

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Not Hazardous Treated Wood Waste

- Utilities treated wood exemption continues
  - Electric, gas, or telephone service ONLY
  - Railroad ties prohibited from
  - landfill
  - If not federal hazardous waste
  - Allowed composite lined solid waste landfill
  - Waste Discharge Requirements
- **Reuse allowed if in good condition**

Utility exemption HSC §25143.1.5 35

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Wood Preservative Chemicals, Some

- Water-Based Preservatives
  - Acid Copper Chromate (ACC)
  - Alkaline Copper Quaternary (ACQ)
  - Copper Azole (CA)
  - Chromated Copper Arsenate (CCA)
  - Copper-HDO
- Oil-Based Preservatives
  - Copper Naphthenate
  - Creosote
  - Pentachlorophenol (PCP)

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Identifying Treated Wood Waste

- Pressure treatment ("staple marks") *Sometimes*
- Dipping
- Paint
- Soaking
- Seeping
- Diffusion

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Regulatory Status

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Treated Wood Waste

- What happened
  - SB 68 veto
  - Everyone surprised including DTSC
- Current status
  - Effective 1/1/2021 = full hazardous waste

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Treated Wood Waste – Current Efforts

- New legislation underway
  - DTSC repealing alternative standards
- DTSC Variance Proposal
  - Start applications mid-February
  - Approved about March-ish
  - Cost unknown
  - Multi-facility coverage or site specific
  - Some alternative management standards

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DTSC Variance Proposal

- SQG self-transport <10,000 pounds TWW annually
- LQG self-transport >10,000 pounds TWW annually
  - Requires generator obtain EPA Identification Number
- Transporters
- Transfer stations and handlers
- Disposal facilities
- TWW from an emergency declaration

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Regulatory Requirements

- Notification/approval
- Management
- Shipment
- Documentation

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Notification

- Generator
  - Hazardous waste Identification Number
- HHW Facility
  - No additional notification within plot plan
  - Update PBR notification if outside plot plan
- Solid waste facility
  - Load checking waste

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Management Standards

- Training
- Receipt
- Label
- Storage
- Container
- **OPTIONS**

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Management - Training

- Normal training
- Not specific regulatory requirement
- Physical handling – nails, splinters
- Use PPE

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Management - Receipt

- HHW 125 pounds
  - About 4.2 fence posts (9 feet)
  - Household transport limit only
  - No limit on HHW Facility acceptance
- CESQG limit 220 pounds
  - About 7.3 fence posts (9 feet)

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Management – Receipt - Treatment

- Once "hazardous waste"
  - Cannot cut or mulch
  - **Treatment activity** need approval
- If not hazardous waste YET
  - Can cut
- *Can HHW facility conduct treatment? Depends*

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Management - Label

- Storage vs shipment

HAZARDOUS WASTE
TREATED WOOD WASTE
TOXIC, SOLID
Generator Name: _____
Generator Address _____
Accumulation Start Date: _____

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Management – Storage

- Weekly inspection
- Protect from rainfall
- COVERED

49

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Management – Storage Accumulation

Amount generated	Time Limit onsite
Unlimited @HHW Facility	1 Year
<220 pounds	No time limit
>220 pounds	90 day clock starts
<2,200 pounds per calendar month	180 days
<2,200 pounds per calendar month (Nearest disposal facility is >200 miles away)	270 days if less than 13,200 pounds on site
≥2,200 pounds per calendar month	90 days

50

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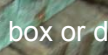
Management - Container

- Closed container, e.g. CY box or debris box
- Engineered drip pad
- Inside HW storage building

- If use own debris box, make sure:
  - Rail, inside or outside
  - Cable hoist or hook lift



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Management Options

- Refuse acceptance
- Hazardous waste facilities
- HHW facilities
- Class I landfill
  - Buttonwillow ONLY
- Out of state (except Oregon)
  - If state allows

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HHW Facilities Can Accept

- Individual or CESQG
- Other HHW facilities
- Transporter with CESQG
- Solid Waste Load check program
- Abandoned "hazardous waste"

- *Health & Safety Code §25218.5 (a)*

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Shipment

- Uniform hazardous waste manifest
  - EPA fee applies
- Full California hazardous waste label
- Shipping name
  - Non-RCRA Hazardous Waste (Treated Wood Waste).
- Manifest waste code
  - 612 HHW
  - 614 everybody else
- No DOT placard

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Disposal Costs

- ~$500 per ton
- Bin rental
- Transport
- Fees
  - Delivery
  - Local
  - E-manifest
  - BOE fee (HHW exempt)

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Documentation

- Manifest copies
  - Minimum three years
- Hazardous Materials Business Plan/CERS
  - Annual verification

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Customer Advice

- HHW Facility
- Delay generating TWW
- Store it
- HW Contractor

- ***Solid waste landfill disposal will be fixed!***

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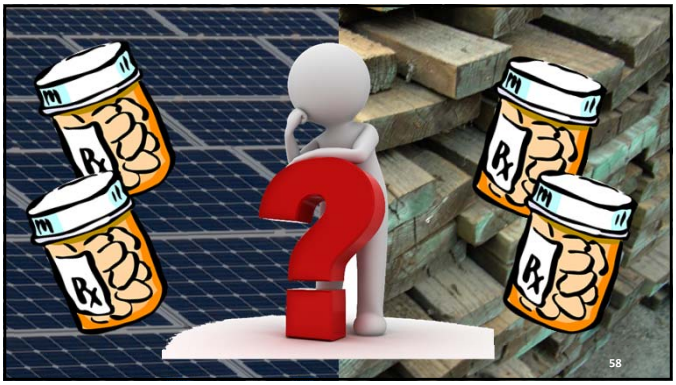

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TRASH MONITORING WEBINAR SERIES

The goal of this webinar series is to share our current collective knowledge to support current practices and advances in trash monitoring and the development of data analysis and visualization tools aimed at assessing the effectiveness of policies and practices for limiting the amounts of trash in the environment. Webinars will be held monthly starting in January 2021.

The webinar series is being sponsored by the Trash Monitoring Workgroup and the California Water Quality Monitoring Collaboration Network. Webinar recordings and materials will be made available on the Network's website. There is no registration. Participation will be in a first come basis. However, we do not anticipate exceeding our hosting ability.

Webinar Topic: The California Trash Monitoring Playbook

When: Thursday February 18, 2021 11:30am – 12:30pm

Presenters:
Tony Hale, PhD - Program Director, Environmental Informatics Program Design and Communications, Geographic Information Systems, Information Technology Systems at San Francisco Estuary Institute (SFEI).

Shelly Moore - Executive Director at the Moore Institute for Plastic Pollution Research
Shelly also works with San Francisco Estuary Institute (SFEI).

Topic:
Trash monitoring methods in aquatic environments has presented many challenges in method standardization and how to answer management questions. During this webinar you will be introduced to the new California Trash Monitoring Playbook.

The California Ocean Protection Council (OPC), in close partnership with the State Water Board, has recognized the importance of standard methods for trash monitoring and has funded this project. The Southern California Coastal Water Research Project (SCCWRP) and San Francisco Bay Estuary Institute (SFEI) have partnered up to test multiple trash monitoring methods with a goal of developing a library of methods with known levels of precision, accuracy, and cross-comparability of results, and linking these methods to specific management questions.

- California Trash Monitoring Methods Project

How to Participate:
Microsoft Teams meeting
Join on your computer or mobile app
Click here to join the meeting
Or call in (audio only)
+1 916-562-0861,,501096119# United States, Sacramento
Phone Conference ID: 501 096 119#

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Facilitator:
Erick Burres, Citizen Monitoring Coordinator
Clean Water Team @ State Water Resources Control Board
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213 712 6862 mobile
www.waterboards.ca.gov/water_issues/programs/swamp/cwt_general_mon.html
www.waterboards.ca.gov/water_issues/programs/swamp/cwt_volunteer.html
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Water Quality - [X] Citizen Monitoring Program / Clean Water Team
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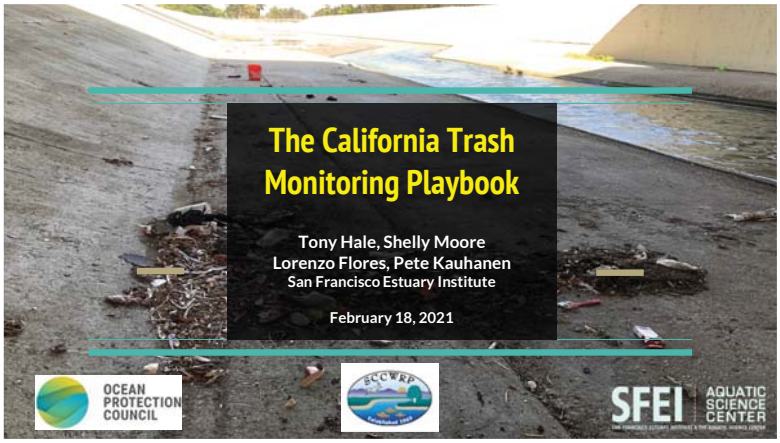


SFEI Plan for the Webinar

- Introduce presenters
- Review purpose of the Playbook
- Describe the Methods
- Overview of the Method Evaluations
- Describe the Method Playbook
- Address questions

REVIEW PURPOSE OF THE PLAYBOOK

BACKGROUND

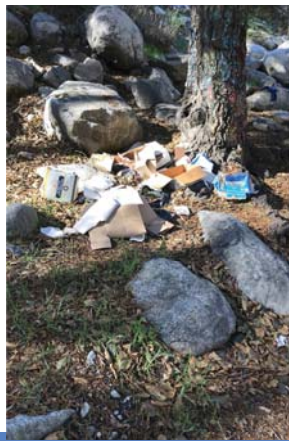
Trash has become a management focus throughout the world.

In California we have:

- Bans
- Total Maximum Daily Loads (TMDLs)
- Statewide Trash Policy (Trash Amendments)
  - Track 1
  - Track 2 - requires monitoring

STATEMENT OF PROBLEM

- Wide variety of considerations when monitoring trash
  - What are the management questions?
  - Which habitats are of concern?
  - What monitoring resources are available?
- Methods are developed independently of one another
- We recognize a need to identify/develop standardized monitoring methods to allow for optimum level of comparability spatially and temporally



STAKEHOLDER CONCEPTUAL MODEL WORKSHOP

- Develop a shared understanding of the key and unresolved issues surrounding trash monitoring
- Develop a list of the main management questions that would guide trash monitoring and examples of the scientific monitoring questions
- Provide recommendations and input regarding trash monitoring methods field testing, validation, and standardization

WHAT CAME OUT OF THE MEETING

- Questions
  - How much trash is out there?
  - At what rate is it changing?
  - What are the sources of trash (how much does the source contribute)?
  - What are the most effective management actions?
  - What is the effect or cost of trash impacts?
- Habitats
  - Primarily interested in receiving waters - streams and rivers
  - Applicable throughout California
- Methods of interest
  - Evaluate currently used methods
  - Investigate new innovative methods

COMMON QUESTIONS

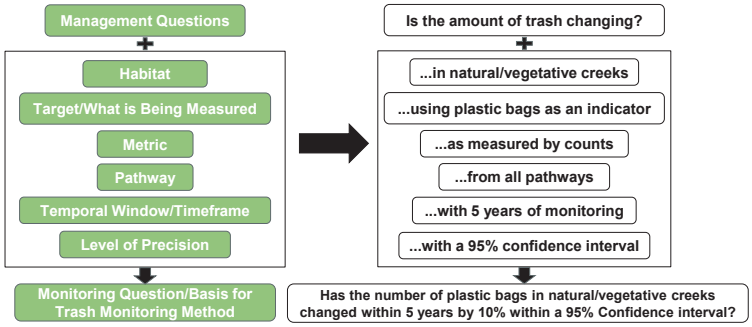
Spatial Comparisons

Eg. “How does my stream compare in trash to the one in another county?”

Temporal Comparisons

Eg. “Is trash in my neighborhood getting better or worse?”

TRANSLATING MANAGEMENT QUESTIONS INTO MONITORING SCIENTIFIC QUESTIONS



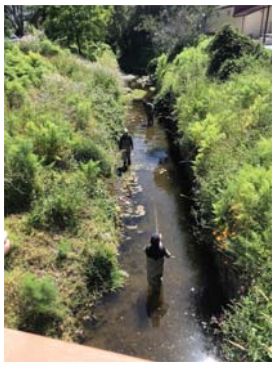
STATEWIDE STANDARDS FOR TRASH MONITORING METHODS PROJECT

3 Years
2017-2020

- Funder:
  - Ocean Protection Council
- Project Leads:
  - San Francisco Estuary Institute (SFEI)
  - Southern California Coastal Water Research Project (SCCWRP)
- Partner Agency:
  - State Water Resources Control Board

APPROACH

- Field test four methods
  - Three currently being used by others
  - One novel method
- Bring together a Technical Advisory Committee of experts
- Involve Stakeholders
  - Inform and solicit feedback
  - Participate in field testing



PRODUCTS

- Field Testing Report
- Playbook for Trash Monitoring
  - Standard Operating Procedures for each method
  - Includes information to help stakeholders choose their method
  - Recommends data management and analysis standards to allow for comparability
  - Usable by a variety of stakeholders
- Outreach and Training
  - Modules with instruction on each method
  - Meetings with a variety of stakeholders to share project information

DESCRIBE THE METHODS

METHODS

- Qualitative: Rapid Trash Assessment
- Quantitative:
  - Volume: Bay Area Stormwater Management Agencies Association riverine method
  - Counts: Southern California Stormwater Monitoring Coalition riverine tally method
- Novel method
  - UAS: manual and machine learning-based identification of trash

Photo taken from the BASMAA Receiving Water Trash Monitoring Program Plan for the San Francisco Bay Region.

QUALITATIVE - VISUAL OBSERVATION METHOD

- Rapid assessment method
- Based on a scale of 1-12 (1=lowest; 12=highest)
- Characterized as Low, Moderate, High, Very High

Low

Very High

QUANTITATIVE - BASMAA VOLUMETRIC METHOD

- Trash measured by volume
- Precise, accurate extractive method
- Categorized according to pathway
- Project team recommended and implemented categories aligned with material types found in other methods
- Volume is an advantageous metric for wet environments, given variability in mass for inundated material

QUANTITATIVE - SMC TALLY METHOD

- Developed and used since 2007 in Southern California by the Stormwater Monitoring Coalition
- Counts individual trash by material and item categories
- Measures change over time for trash load, as measured by counts

Field teams from BASMAA and the SMC participated in intercalibration events in Northern and Southern California.

NOVEL - UAS METHOD

New Development

Goals:

- Expand the geospatial range
- Increase temporal density
- Enhance ease of data collection
- Automate counting
- Improve repeatability

Testing:

- Manually via imagery
- Automatically via artificial intelligence

Unoccupied Aerial Systems

We fly high above the ground to maximize the area covered.

A pilot can cover many times more space with an aerial vehicle than she can on foot.

Unoccupied Aerial Systems

We fly to leverage flight planning software.

A given area can be reflown precisely and repeatedly

- in quick succession
- or after many years

These surveys can monitor change over time.

OVERVIEW OF THE METHOD EVALUATIONS

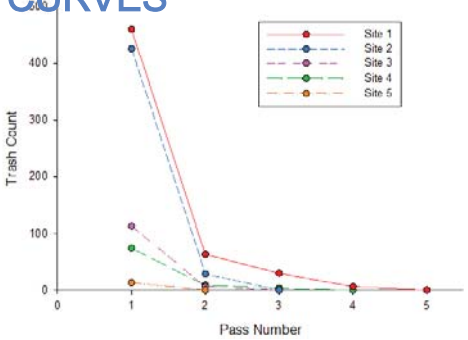
FIELD TESTING REPORT

- Evaluated each method individually
  - Accuracy
  - Precision
  - Resources
- Compared methods
  - Is one method predictive of another?

COMPARISON TABLE / MATRIX

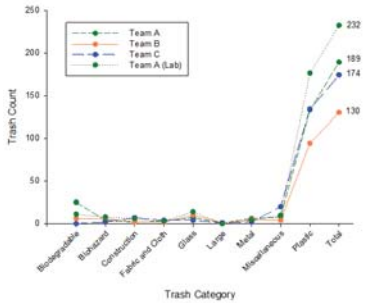
METHOD	MONITORING QUESTIONS	BIAS	REPEATABILITY	RESOURCES
A				$$$$$
B				$$$
C				$$
D				$

TALLY METHOD EXTINCTION CURVES

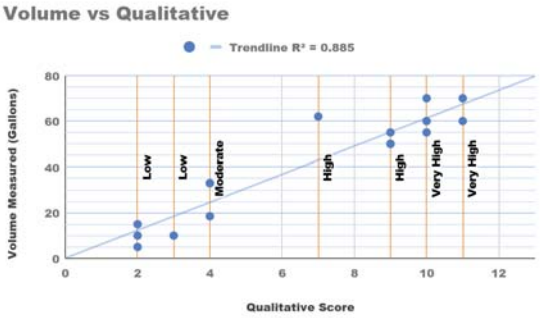


Site 1

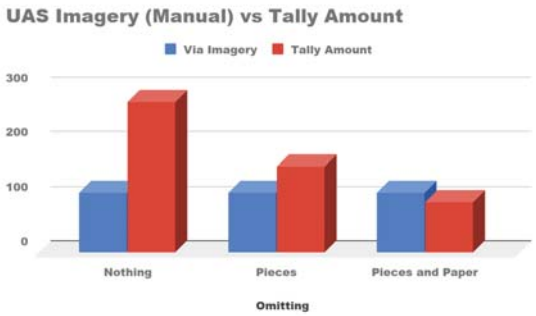
COMPARISON OF DIFFERENT TEAMS



METHOD RELATIONSHIPS



COMPARISON OF UAS VS TALLY



SUITE OF RELATED METHODS

- Tobacco Product Waste Method (CDPH)
- Chicago Stream Survey (Univ of Chicago)
- Supercomputing
  - Kinetica
  - Oracle
- Escaped Trash Assessment Protocol (USEPA)

DESCRIBE THE METHOD PLAYBOOK

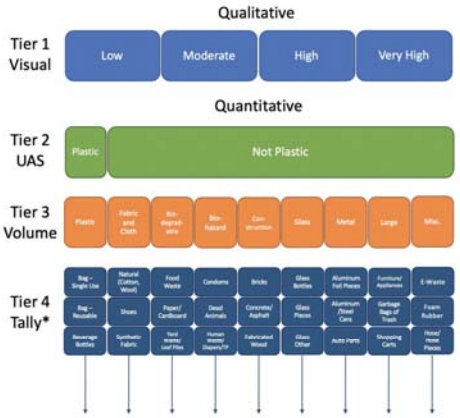
WHAT THE PLAYBOOK INCLUDES

- Field Sampling Considerations
  - Site Access Permits, Permissions, and Other Considerations
  - Safety
  - Invasive Species
- Quality Assurance Requirements
  - Training Materials
  - Field Audits
  - Repeated Walking Over Assessment Areas
  - Post-event Data Record Review
- Consistency in Measurements for Comparability
  - Training
  - Common Vocabulary
  - Recommends amount/unit area measurement where applicable

WHAT THE PLAYBOOK INCLUDES (CONT.)

- Data Capture and Standardization
  - Field Forms
  - Data from project
  - Machine-learning algorithm
  - Mobile Application for Stations Info and Visual Assessment
- Standard Operating Procedures for Each Method
- **Tiered Method Approach - Will discuss here**

TIERED METHOD APPROACH

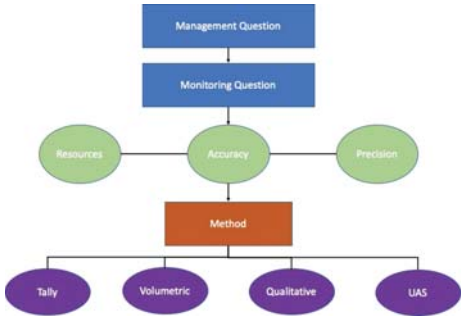


- **Tier 1**
  - How much trash is in my stream or river?
  - In which of my receiving waters is trash most prevalent?
  - How does my area compare to others?
- **Tier 2**
  - How many pieces of trash are visually countable across a very broad landscape?
  - How does the amount of visible trash vary according to landscape conditions at a broad scale?
- **Tier 3**
  - Is the volume of plastic increasing or decreasing in the study area?
  - Does the trash volume increase in the study area following a storm event?
- **Tier 4**
  - Is the amount of expanded polystyrene increasing or decreasing?
  - Has the expanded plastic bag ban reduced levels in the study area?

ESTIMATES OF MEASUREMENT AND RESOURCES

METHOD	ACCURACY	PRECISION	RESOURCES
Tier 1 - VISUAL	Low-Med	Low-Med	1
Tier 2 - UAS	Low-Med	Low-Med	2
Tier 3 - VOLUME	Med-High	Low-Med	3
Tier 4 - TALLY	Med-High	Med-High	4

METHOD CONSIDERATIONS



MOBILE APPLICATION FOR VISUAL ASSESSMENT

Uses ESRI's Survey 123

- Automatically structures data
- Embeds teaching tools for informed interpretation
- Collects location data
- Collects imagery
- Active connectivity not required

FINDINGS AND CONCLUSIONS

- Size Matters for All Methods
- Costs Vary by Resource Type
- Method Relationships can Predict Results
- Trash density metric facilitates broad comparability
- Training is critical for repeatability

SO WHICH METHOD IS BEST?

ADDRESS QUESTIONS

FOR MORE INFORMATION AND TO DOWNLOAD THE REPORT (available 2/22/21):

- Visit trashmonitoring.org
- Contact:
  - Tony Hale, SFEI
    tonyh@sfei.org
  - Shelly Moore, SFEI
    shellym@sfei.org

NEED TO KNOW

Getty Images

ExxonMobil Tests Advanced Recycling of Plastic Waste at Baytown Facilities

Feb 26, 2021

IRVING, Texas -ExxonMobil has completed the initial phase of a plant trial of a proprietary advanced recycling process for converting plastic waste into raw materials for production of high-value polymers. The trial, at the company's existing facilities in Baytown, Texas, marks another step in ExxonMobil's efforts to help reduce plastic waste in the environment and maximize resource recovery.

ExxonMobil intends to use results from the Baytown trial to scale-up advanced recycling capabilities at other global facilities, targeting a circular solution for converting difficult-to-recycle plastic waste into feedstock for virgin-quality plastic.

“ExxonMobil is taking action to help address the issue of plastic waste,” said Karen McKee, president of ExxonMobil Chemical Company. “This advanced recycling initiative brings together the strength of ExxonMobil’s integrated petrochemical facilities and our deep technology expertise in chemical processing to capture value from plastic waste and meet our customers’ growing demand for high-performance, certified circular polymers.”

ExxonMobil has already obtained certifications through the International Sustainability and Carbon Certification Plus (ISCC+) process. ISCC+ is widely recognized by industry as an effective system to certify products that result from advanced recycling of plastic waste. Pending a successful completion of the next phase of the Baytown plant trial, the company plans to market commercial volumes of certified circular plastics later this year.

ExxonMobil has also formed a joint venture with Agilyx Corporation, Cyclyx International LLC, focused on developing innovative solutions for aggregating and pre-processing large volumes of plastic waste that can be converted into feedstocks for valuable products. Cyclyx will help supply ExxonMobil’s advanced recycling projects, and will aim to do the same for other customers.

The company supports making the most of resources and minimizing waste, which are the underlying principles of the circular economy concept. Advanced recycling, along with innovation and new processes, will play an important role in reducing plastic waste.

ExxonMobil is founding member of the Alliance to End Plastic Waste , which is focused on accelerating investment in safe, scalable and economically viable solutions to help address the challenge of plastic waste in the environment.

About ExxonMobil

ExxonMobil, one of the largest publicly traded international energy companies, uses technology and innovation to help meet the world’s growing energy needs. ExxonMobil holds an industry-leading inventory of resources, is one of the largest refiners and marketers of petroleum

products, and its chemical company is one of the largest in the world. To learn more, visit exxonmobil.com and the Energy Factor .

Source URL: https://www.waste360.com/plastics/exxonmobil-tests-advanced-recycling-plastic-waste-baytown-facilities

E-SCRAP NEWS
A Resource Recycling, Inc. publication

Reverse logistics firm launches carbon offset program (https://resource-recycling.com/e-scrap/2021/02/25/reverse-logistics-firm-launches-carbon-offset-program/)

Posted on February 25, 2021

by Colin Staub (https://resource-recycling.com/e-scrap/author/colinstaub/)

Much like a fuel service charge that is common in the logistics industry, OnePak will be reporting a Carbon Offset Cost for each pickup. | *Siwakorn1933/Shutterstock*

IT asset management company OnePak recently began documenting the carbon footprint of every asset shipment, with an eye toward providing a way to offset that carbon output.

The Boston-based company on Feb. 17 announced (https://www.onepak.com/onepak-launches-carbon-offset-management-services/) the initiative, which OnePak framed as a way "to provide carbon-neutral asset recovery logistics."

OnePak provides a variety of logistics services, picking up and shipping loads of used IT equipment to ITAD vendors.

"Going forward, an element of Carbon Offset Management Services will be built into every service OnePak provides," the company stated in the announcement. "For example, much like a fuel service charge that is common in the logistics industry, OnePak will be reporting a Carbon Offset Cost for each pickup."

With the carbon value of each shipment calculated, OnePak will then offer clients a way to "offset" those emissions. The company is working with Nori, which describes itself as a "carbon removal marketplace." Companies can buy "carbon removals" through Nori, currently priced at $15 per metric ton of carbon.

Carbon removal refers to a variety of methods of removing carbon from the environment, through ecological or industrial means, or a combination of both. For example, Nori identifies afforestation – creating forests or stands of trees where they didn't exist before – as a natural method of carbon removal. An industrial method is direct air capture, using machines to extract and concentrate carbon dioxide into various products.

A hybrid method example is using "biomass to remove carbon dioxide, generate energy at a power plant, and produce gaseous emissions which can be captured and stored underground," according to Nori.

OnePak, which has been active since 2005, says its long history equips it to provide these carbon data

E-Scrap Recycling Search

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Subscribe to the print edition

(https://resource-recycling.com/e-scrap/subscribe/) The quarterly print edition of E-Scrap News magazine delivers exclusive news and analysis that will help lift electronics recycling and refurbishment operations. **Subscribe today (https://resource-recycling.com/e-scrap/subscribe/)** to make sure you receive it at your office or home.

The latest e-scrap industry news

Copper price climbs to recent record (https://resource-recycling.com/e-...

After reaching an eight-year record last year, the price of copper has continued to increase, reaching its highest level in nearly a decade.

Microsoft hits 84% asset reuse rate in data centers (https://resource-...

A year after establishing a handful of guiding sustainability targets, Microsoft this month published a progress report. The report touched on the company's move to increase reuse at its data centers.

points for the reverse logistics sector, which can be "fragmented and difficult to manage, even without the challenge of measuring its emissions."

"If we hadn't spent the last 15 years investing in a technology ecosystem that digitally connects all the stakeholders in these complex transactions, we would never have been able to accurately calculate and report on the environmental impact, but here we are, and now we can," said Steve Andon, CEO of the company.

Other players in the IT asset management space have brought the carbon offset concept into the sector in different ways. In 2017, Canadian ITAD provider Compugen began offering (https://resource-recycling.com/e-scrap/2017/11/30/quantifying-carbon-offsets-refurb-reuse/) carbon credits to its clients, connected to Compugen's refurbishment of those devices. Retiring devices for reuse would partially offset the manufacturing carbon output associated with purchasing new devices, the company stated.

More stories about processors

- Sims: Parts reuse helped offset 2020 cloud challenges (https://resource-recycling.com/e-scrap/2021/02/18/sims-parts-reuse-helped-offset-2020-cloud-challenges/)
- Canadian processor further diversifies with acquisition (https://resource-recycling.com/e-scrap/2021/02/11/canadian-processor-further-diversifies-with-acquisition/)
- ATR opens processing facility in Northeast (https://resource-recycling.com/e-scrap/2021/02/04/atr-opens-processing-facility-in-northeast/)

(http://www.qml.us/)

(https://alleghenyshredders.com/free-design-and-consultation/)

Posted in News (https://resource-recycling.com/e-scrap/category/news/), Top stories (https://resource-recycling.com/e-scrap/category/news/top-stories/) | Tagged processors (https://resource-recycling.com/e-scrap/tag/processors/) |

Read more recent stories

- Copper price climbs to recent record (https://resource-recycling.com/e-scrap/2021/02/25/copper-price-climbs-to-recent-record/)
- Microsoft hits 84% asset reuse rate in data centers (https://resource-recycling.com/e-scrap/2021/02/25/microsoft-hits-84-asset-reuse-rate-in-data-centers/)
- Certification Scorecard: Feb. 25, 2021 (https://resource-recycling.com/e-scrap/2021/02/25/certification-scorecard-feb-25-2021/)
- Sims: Parts reuse helped offset 2020 cloud challenges (https://resource-recycling.com/e-scrap/2021/02/18/sims-parts-reuse-helped-offset-2020-cloud-challenges/)
- Battery processors lay out latest moves (https://resource-recycling.com/e-scrap/2021/02/18/battery-

Certification Scorecard: Feb. 25, 2021 (https://resource-recycling.com/e-...

Here's a look at which processing facilities have recently attained or renewed their data destruction and recycling industry certifications.

Sims: Parts reuse helped offset 2020 cloud challenges (https://resource-...

Sims Lifecycle Services enjoyed a year-over-year profit boost in the latter half of 2020, although COVID-19 slowed the company's push to recycle materials associated with cloud computing.

Battery processors lay out latest moves (https://resource-recycling.com/e-...

A battery recycling company goes public, North American collection numbers are released, and a lead-acid battery technology company moves into the lithium-ion realm. Those announcements were made around National Battery Day today.

Smelters describe 2020 price and supply impacts (https://resource-recycling.co...

For major e-scrap smelting companies, the turbulence of 2020 brought pandemic-driven supply disruptions as well as pricing spikes for key metals.

Certification Scorecard: Feb. 18, 2021 (https://resource-recycling.com/e-...

Here's a look at which processing facilities have recently attained or renewed their data destruction and recycling industry certifications.

See more E-Scrap News headlines (https://resource-recycling.com/e-scrap/category/news/)

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processors-lay-out-latest-moves/)

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Getty Images

Acting OSHA Administrator Jim Frederick Addresses Waste Industry

Stefanie Valentic | Feb 26, 2021

Frontline workers and companies have had to endure a series of challenges during the COVID-19 pandemic, which continues to be at the forefront of industry safety efforts.

Waste leaders discussed the lessons they learned while working to keep workers safe as the pandemic evolved during SWANA's Virtual Safety Summit. They also provided best practices and insight into collection and post-collection safety.

David Biderman, SWANA CEO and executive director, told attendees that whether they work in

public sector or the private sector, at a large corporation or a municipality, “we all have a single goal. We want to get every one of the more than 400,000 people who work in this great industry home to their families at the end of their workday safely.”

OSHA Acting Administrator Jim Frederick, who was appointed in January, said that it is “imperative” that the industry continues to collaborate on efforts to ensure workers remain safe on the job. He alluded to the agency’s efforts to provide guidance and recommendations throughout the pandemic.

“On January 21, President Biden issued an executive order calling for increased protections for workers as we continue to battle the COVID-19 pandemic,” Frederick said. “Last month, OSHA took the first step toward that goal by issuing updated guidance to help businesses decrease risk and improve worker safety so they can reopen and stay open safely.”

The updated guidance focuses on initiating illness prevention programs based on each individual workplace rather than blanket recommendations. Frederick then told attendees that the agency is in the development process of a national COVID-19 enforcement program. OSHA continues to consider an emergency, temporary national standard as well.

A multilingual outreach campaign also is in the works “to inform workers and their representatives of their rights, placing special emphasis on communities hit hardest by the pandemic,” Frederick explained.

He continued, “through our national Alliance, we are already engaging to address transportation-related hazards and many other hazards that your industry faces. You have also helped us share resources on keeping workers safe during the pandemic and helped get the word out to small- and medium-sized businesses about OSHA's onsite consultation program.”

Effective safety leadership start from the C-suite down and demonstrates to workers that their employers are “serious about creating and maintaining safe workplaces and helps attain buy in on safety programs and initiatives at every level of the company.”

Frederick concluded by thanking the waste industry for its continued support, but “there's a lot of work to do to reduce workplace injuries and illnesses in waste and recycling industry. OSHA is

committed to continuing our work together to make these jobs safer, so that every one of your workers is able to go home safe and healthy at the end of every shift.”

Source URL: https://www.waste360.com/safety/acting-osha-administrator-jim-frederick-addresses-waste-industry

Prices for post-consumer plastic bales continue to rise (https://resource-recycling.com/plastics/2021/02/17/prices-for-post-consumer-plastic-bales-continue-to-rise/)

Posted on February 17, 2021

by RecyclingMarkets.net Staff (http://www.recyclingmarkets.net/)

The past month has been marked by value boosts for recovered PET, HDPE and PP materials.

The national average price of post-consumer **PET beverage bottles and jars** keeps moving up, currently at 8.63 cents per pound, compared with 7.58 cents per pound this time last month (https://resource-recycling.com/plastics/2021/01/13/new-year-brings-higher-bale-prices/). The price of recycled PET containers has increased nearly 30% over the course of 2021.

Meanwhile, the national average price of **natural HDPE** from curbside collection programs has hit another record high: 70.25 cents per pound. This compares with 66.84 cents last month. Some regions are reporting prices reaching 75 cents per pound.

The national average price of **color HDPE** is also up again, now trading at 18.91 cents per pound, up from 17.19 cents last month. Some regions have reported highs over 23 cents per pound.

The national average price of post-consumer **polypropylene** saw a major jump over the last month. The grade is now trading at 18.44 cents per pound, compared with 11.69 cents in January. Last July, recycled PP was at a low of 3.69 cents per pound.

The national average price of **Grade A film** is now at 11.13 cents, compared with 10.84 cents per pound last month. **Grade B film** is now 4.38 cents, up from 3.63 cents per pound last month. **Grade C film** remains at 0.81 cents per pound.

These prices are as reported on the Secondary Materials Pricing (SMP) Index. This pricing represents what is being paid for post-consumer recyclable materials in a sorted, baled format, picked up at most major recycling centers.

For a free trial to SMP's Online Post-Consumer Pricing Index, visit the Recycling Markets website (http://www.recyclingmarkets.net). *You can also contact Christina Boulanger-Bosley at* cmb@recyclingmarkets.net (mailto:cmb@recyclingmarkets.net) *or 330-956-8911.*

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The latest plastics recycling news

Companies announce film recycling innovations (https://resource-...

Two film suppliers recently expanded their offerings with recycled-content films. Meanwhile, an Australian project began producing a concrete-alternative from post-consumer flexible packaging.

(https://vdrs.com/?utm_source=PlasticsRecyclingUpdate&utm_medium=enewsletter&utm_campaign=leaderboard)

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- Groups eye shipping industry for Basel enforcement (https://resource-recycling.com/plastics/2021/02/24/groups-eye-shipping-industry-for-basel-enforcement/)
- Trex reports higher sales and profits for 2020 (https://resource-recycling.com/plastics/2021/02/24/trex-reports-higher-sales-and-profits-for-2020/)
- In My Opinion: Post-industrial plastics cannot be ignored (https://resource-recycling.com/plastics/2021/02/24/in-my-opinion-post-industrial-plastics-cannot-be-ignored/)
- End user in Southeast expands mixed-plastic capacity (https://resource-recycling.com/plastics/2021/02/17/end-user-in-southeast-expands-mixed-plastic-capacity/)

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Groups eye shipping industry for Basel enforcement (https://resource-...

Activists have contacted the world's largest shipping lines, asking them to stop carrying loads that violate new Basel Convention regulations covering the global scrap plastic trade.

Trex reports higher sales and profits for 2020 (https://resource-recycling.com...

COVID-19 failed to dent profitability at Trex, which recycles scrap film into composite lumber. In fact, the opposite happened: Sales and profits both jumped sharply last year.

In My Opinion: Post-industrial plastics cannot be ignored (https://resource-...

The director of a program to certify recycled material explains how focusing on post-industrial plastics recycling reduces environmental impact and helps out the post-consumer side.

End user in Southeast expands mixed-plastic capacity (https://resource-...

IntegriCo, which processes recovered plastics into composite rail ties, is adding new product lines and increasing its recycled material consumption.

Global group looks to support chemical recycling projects (https://resource-...

The Alliance to End Plastic Waste is accepting applications to provide up to $20 million for individual chemical recycling ventures, according to a recent request for proposals.

Plastic packaging innovations get recyclability nods (https://resource-...

A slew of packaging products – a plastic aerosol can, multi-layer HDPE bottle, bottle and film labels – recently received recognition for their compatibility with plastics recycling processes.

See more Plastics Recycling Update headlines (https://resource-recycling.com/plastics/category/news)

(http://www.cpgrp.com)

(http://www.harrisequip.com/)

(http://www.machinexrecycling.com/)

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NEED TO KNOW

SoCalGas to Provide Over $1 Million to Fund Research & Development of Hydrogen to Fuel Commercial Transportation

Feb 11, 2021

LOS ANGELES -- Southern California Gas Co. (SoCalGas) announced today it will provide $1.3

million to fund the development of four hydrogen fuel technologies that could provide emissions-free transportation for railways and at ports in California and around the world. The funding will help bring to market innovative clean hydrogen technologies, including fuel-cell marine vessels, hydrogen refueling stations at ports, and fuel cell locomotives.

"SoCalGas is thrilled to support these important hydrogen technology projects," said Neil Navin, vice president of clean energy innovations at SoCalGas. "Projects like these have the potential to create more zero-emissions transportation and reduce the cost of hydrogen fueling infrastructure, consistent with California's climate goals. SoCalGas remains committed to helping California reach these goals and our support of innovative clean fuel projects like these demonstrates that commitment."

The four projects were selected for funding through the California Energy Commission 's (CEC), Hydrogen Fuel Cell Demonstrations in Rail and Marine Applications at Ports (H2RAM) grant program. In addition to $1.3 million in funding from SoCalGas, the CEC will provide over $10.4 million to fund the research and development of these projects – bringing the total funding to approximately $11.7 million. Project partners include maritime fuel cell maker Golden Gate Zero Emission Marine Inc ., research organization Gas Technology Institute (GTI), and non-profit CALSTART .

"GTI is proud to partner with SoCalGas on this important project and greatly appreciates their support. This project will use hydrogen to provide zero-emission locomotive operations in a port and a designated disadvantaged community, which directly aligns with GTI's core goals," said Ted Barnes, GTI's research and development director.

"As California looks toward advancing our strategies for emissions reductions, transportation applications that use hydrogen and fuel cells will play a key role," said California Assemblymember Kevin McCarty (D-Sacramento). "I am pleased to see SoCalGas, in partnership with the CEC, supporting the development of these innovative projects, especially in the 7th Assembly District. These efforts are timely with the Governor's executive order that requires all new cars and passenger trucks sold in California to be zero-emission vehicles by 2035. It's important that we all work together to propel California forward into the future of clean energy."

In addition to this funding, SoCalGas is advancing numerous low- and zero-carbon energy technologies. Late last year, the company announced the creation of a Hydrogen Blending Demonstration Program to study blending hydrogen in its gas system, so it can ultimately recommend a hydrogen injection standard for regulatory approval.

It also announced it will build a home to demonstrate, in a microgrid setting, the use of hydrogen produced from solar energy. Called the "H2 Hydrogen Home," the project will use solar panels to create electricity that can be used to produce green hydrogen via electrolysis. The hydrogen will be blended with natural gas for the home's appliances as well as converted back to electricity using a residential fuel cell.

In addition, SoCalGas will field test a new technology that separates and compresses hydrogen from a blend of hydrogen and natural gas, allowing hydrogen to be delivered wherever a natural gas distribution system exists. Details on these efforts are available here .

SoCalGas' mission is to build the cleanest, safest, and most innovative energy company in North America. More information on the company's mission and strategic priorities can be found at socalgas.com/mission .

About SoCalGas

Headquartered in Los Angeles, SoCalGas® is the largest gas distribution utility in the United States. SoCalGas delivers affordable, reliable, clean and increasingly renewable gas service to 21.8 million customers across 24,000 square miles of Central and Southern California, where more than 90 percent of residents use natural gas for heating, hot water, cooking, drying clothes or other uses. Gas delivered through the company's pipelines also plays a key role in providing electricity to Californians— about 45 percent of electric power generated in the state comes from gas-fired power plants.

SoCalGas' vision is to be the cleanest gas utility in North America , delivering affordable and increasingly renewable energy to its customers. In support of that vision, SoCalGas is committed to helping homes and businesses decarbonize their energy usage by delivering 5% renewable gas by 2022 and 20% by 2030. Renewable natural gas is made from waste created by dairy farms, landfills and wastewater treatment plants. SoCalGas is also committed to investing in its

gas delivery infrastructure while keeping bills affordable for our customers. From 2015 through 2019, the company invested nearly $7 billion to upgrade and modernize its pipeline system to enhance safety and reliability. SoCalGas is a subsidiary of Sempra Energy (NYSE: SRE), an energy services holding company based in San Diego. For more information visit socalgas.com/newsroom or connect with SoCalGas on Twitter (@SoCalGas), Instagram (@SoCalGas) and Facebook .

SOURCE Southern California Gas Company

Source URL: https://www.waste360.com/gas-energy/socalgas-provide-over-1-million-fund-research-development-hydrogen-fuel-commercial

Expert explains why OCC prices are bucking expectations (https://resource-recycling.com/recycling/2021/02/09/expert-explains-why-occ-prices-are-bucking-expectations/)

Posted on February 9, 2021

by Colin Staub (https://resource-recycling.com/recycling/author/colinstaub/)

A senior economist at recovered paper research firm RISI recently spoke on the forces driving the OCC market. | *Quang Ho/Shutterstock*

The end of 2020 was marked by promising recovered fiber prices. An analyst says that's due to strong domestic and international demand, despite China's move to cease buying.

Hannah Zhao, a senior economist at recovered paper research firm RISI, recently spoke on the forces driving the OCC market, which she said has been "full of changes and surprises in the past few years."

The year was dominated by the COVID-19 pandemic, which disrupted both supply (https://resource-recycling.com/recycling/2020/05/19/occ-supply-shortfalls-drive-up-prices/) and demand (https://resource-recycling.com/recycling/2020/11/17/covid-19-demand-shift-opens-door-for-recycled-fiber/) for recovered fiber. But 2020 was also notable for potentially being the final year for exporting OCC to China, which has officially banned imports (https://resource-recycling.com/recycling/2020/12/01/china-confirms-expanded-import-ban-starting-jan-1/) of the material.

Zhao discussed recent growth in domestic OCC demand and explained how the U.S. recovered fiber market will continue to be connected with China, despite China's exit from the export market. Zhao spoke during the recovered fiber portion (https://nerc.org/documents/Webinars/Zhao%20NERC%20Recovered%20Paper%20Markets%202021.pdf) of Recycling Markets 2021 (https://nerc.org/news-and-updates/breaking-news), a virtual presentation put on by the Northeast Recycling Council (NERC).

COVID-19 drives early-year market shifts

The stage for the 2020 market was set by the import policies (https://resource-recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/) enacted in key overseas markets in recent years: China's restrictions in 2017 and 2018, followed by similar moves in Indonesia, India and other major fiber export markets.

"All of those regulations affected U.S. recovered paper exports significantly," Zhao said. The U.S. OCC price declined sharply (https://resource-recycling.com/recycling/2018/04/10/what-depressed-occ-

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The latest recycling industry news

The details on price spikes for recyclables in two regions...

Recycling processors know that 2020 ended strongly when it comes to commodity values. Two recent surveys quantify the blended-value boost.

Paper end users forecast higher OCC prices (https://resource-recycling.com...

Paper mill operators anticipate strong demand for corrugated packaging will continue to drive up prices for recovered fiber, according to recent earnings calls.

Republic and MIRA reach contract settlement (https://resource-...

A Connecticut recycling authority will pay Republic Services $1.3 million, and Republic agreed to continue running the authority's MRF for a couple more months, as part of a legal settlement.

Pandemic e-commerce drives mill's recycled packaging (https://resource-...

A Pacific Northwest paper mill has begun producing new grades of paper made from recovered fiber, a response to changing end markets and growing customer interest in recycled content.

means-for-the-recycling-industry/) in 2018, she said, and ultimately fell to its lowest level in two decades at the end of 2019 (https://resource-recycling.com/recycling/2019/12/10/mrfs-enjoy-higher-prices-for-key-recovered-plastics/).

Then came another disrupting factor, the COVID-19 pandemic. Its early impacts included major supply disruptions for recovered commodities, particularly OCC, largely because of the slowdown in commercial generation following business closures.

That supply shortage coincided with growing demand from end markets. Paper mills were racing to meet the demand for paper packaging products, which were needed to meet the sudden influx of e-commerce, panic buying of grocery store products, to-go food sales and other pandemic-driven consumer trends.

"The strong demand for containerboard eventually transferred to strong demand for OCC," Zhao said.

Those dynamics drove a sharp increase in OCC prices (https://resource-recycling.com/recycling/2020/04/14/price-skyrockets-for-one-key-curbside-recyclable/) during the spring. When states began loosening restrictions around May, however, OCC supply recovered and the supply-demand imbalance began to subside, Zhao said. OCC prices fell in June (https://resource-recycling.com/recycling/2020/06/16/average-occ-price-drops-30-in-one-month/) and July (https://resource-recycling.com/recycling/2020/07/14/occ-price-falls-for-second-straight-month/).

Paper companies prepare for China's exit

As the COVID-19 tumult subsided, the China factor came back as the dominant force in OCC markets. The country had previously announced that it would enact an all-encompassing ban on recovered materials, including OCC, in 2021. That led to a short-term increase in shipments to China, Zhao said.

"Chinese import demand started to pick up, as Chinese paper companies basically took their last chance to import U.S. OCC before China's import ban," Zhao said.

As the 2020 export numbers show (https://resource-recycling.com/recycling/2021/02/05/paper-and-plastic-exports-drop-again-in-2020/), U.S. recovered fiber exports spiked in late summer before slowing at the end of the year. The Chinese demand helped stabilize and even increase the OCC price during August (https://resource-recycling.com/recycling/2020/08/18/major-curbside-grades-experience-higher-pricing/) and September (https://resource-recycling.com/recycling/2020/09/15/post-consumer-fiber-bales-increase-in-value/), Zhao said.

Zhao said many observers thought the drop in Chinese demand late in the year would coincide with a notable decrease in OCC prices. But even when exports to China fell to their lowest volumes on record in December, OCC prices remained stable. Several factors played into this price stability.

"For one thing, U.S. paper mills ... started to run at high speeds again to get prepared for the upcoming holiday season," Zhao said.

International markets played into it as well, Zhao said. South and Southeast Asia had lower demand earlier in the year, largely because of logistics: Container shortages in the shipping industry and local collection disruptions because of COVID-19 meant some mills in South and Southeast Asia slowed or idled due to a lack of feedstock.

But export figures show several countries steadily increased imports as the year progressed. In July 2020, India brought in 42,000 short tons of U.S. OCC; in December, the country imported 170,000 short tons. Vietnam's monthly OCC imports increased from 92,000 short tons in July to 208,000 short tons in December.

"They started to increase their imports of recovered paper in the fall after being very, very quiet for most of the spring and summer," Zhao said. "The strong demand from both domestic paper mills and also from non-China Asia helped hold the U.S. OCC market even when China imports went away completely."

As the year came to a close and 2021 began, analysts anticipated the surge in OCC supply from the holiday shopping season could pull down prices. But rather than decline, the U.S. OCC price increased in December (https://resource-recycling.com/recycling/2020/12/15/scrap-paper-plastic-and-metal-prices-all-rise-in-december/) and again in January (https://resource-recycling.com/recycling/2021/01/12/new-year-brings-higher-prices-for-recovered-commodities/), Zhao noted. She attributed the price strength to ongoing demand both domestically and in Asia.

"U.S. mills continue to run quickly, with no clear signs of slowing down," Zhao said. And the South and Southeast Asian markets were "extremely hungry for fiber, and they have been waiting to accept a big price increase as long as they can get the fiber."

As for China, although the country will no longer import recovered fiber, Zhao noted that the OCC going to India and Southeast Asia in some cases ultimately enters China in pulp form.

"So although China stopped recovered paper imports completely at the end of last year, its impacts on the U.S. recovered paper market will not go away," she said.

More stories about fiber

- Paper end users forecast higher OCC prices (https://resource-recycling.com/recycling/2021/02

Battery processors lay out latest moves (https://resource-recycling.com...

A battery recycling company goes public, North American collection numbers are released, and a lead-acid battery recycling technology company moves into the lithium-ion realm. Those announcements were made around National Battery Day last Thursday.

UBC end user to boost use of recycled metals (https://resource-recycling.com...

Constellium, which runs a major recycling operation in Alabama, will borrow funds for a number of sustainability projects, including efforts that will significantly increase the amount of recycled aluminum the company consumes.

Prices for most recycled plastics continue to rise (https://resource-...

The past month has been marked by value boosts for recovered PET, HDPE and PP. Fiber grades recovered in curbside programs, however, have been flat or slightly down.

See more Resource Recycling headlines (https://resource-recycling.com/recycling/category/news/)

(http://www.bulkhandlingsystems.com/materials-recovery-facilities-mrfs)

(http://www.machinexrecycling.com/products/optical-sorters-mach-hyspec-2/)

(https://www.keithwalkingfloor.com/?utm_source=resource-recycling&utm_medium=banner&utm_campaign=Resource_Recycling)

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/23/paper-end-users-forecast-higher-occ-prices/)

- Pandemic e-commerce drives mill's recycled packaging (https://resource-recycling.com/recycling/2021/02/23/pandemic-e-commerce-drives-mills-recycled-packaging/)
- Nine Dragons building up infrastructure in SE Asia (https://resource-recycling.com/recycling/2021/02/09/nine-dragons-building-up-infrastructure-in-se-asia/)

(https://www.accentwiretie.com/baling-equipment/wire-tiers/accent-470-wire-tier)

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