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# Independent Review Panel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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



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## Independent Review Panel Report on Pending and Chaptered Bills Pertaining to DTSC

August 8, 2016

*The following list of pending and chaptered legislation does not include measures that failed to meet legislative deadlines or that apply to other state agencies in addition to DTSC. IRP support staff used information from the DTSC to research this information, but made additions and subtractions to the information provided. IRP support staff takes responsibility for any errors or omissions.*

### **AB 118 (Santiago) Hazardous substances: cleanup: Exide Technologies facility.**

**Status:** 4/20/2016-Chaptered by Secretary of State - Chapter No. 10, Statutes of 2016

**Location:** 4/20/2016-A. **CHAPTERED**

**Summary:** Would appropriate \$176,600,000 from the Toxic Substances Control Account to the Department of Toxic Substances Control for activities related to the cleanup and investigation of lead-contaminated properties in the communities surrounding the Exide Technologies facility in the City of Vernon, including job training activities, and actions taken to pursue all available remedies against potentially responsible parties. The bill would require the department to engage the impacted community, as specified; develop a Job and Development Training Program, as specified; and post on its Internet Web site specified information.

### **AB 1419 (Eggman) Hazardous waste: cathode ray tube glass.**

Introduced: 2/27/2015

Last Amend: 6/23/2016

Status: 8/3/2016-Read second time. Ordered to third reading.

Location: 8/3/2016-S. THIRD READING

Summary: Would provide that used, broken CRT panel glass and processed CRT panel glass that is recycled is not subject to the Department of Toxic Substances Control 's regulations on the export of materials. The bill would prohibit the use of that CRT panel glass except in specified end uses. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### **AB 1611 (Committee on Budget) Public resources.**

Introduced: 1/7/2016

Last Amend: 6/15/2016

Status: 6/28/2016-In Assembly. Concurrence in Senate amendments pending. May be considered on or after June 30 pursuant to Assembly Rule 77.

Location: 6/28/2016-A. CONCURRENCE

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. This bill would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. ... Would: (1) extend to July 1, 2018 the time by which DTSC must prepare a comprehensive report related to toxic wood waste (6-month extension), (2) provide for lead acid batteries to be included in DTSC Priority Waste Plan as a potential priority product, (3) eliminate flat fee option for permit applicants, and (4) create cross-media enforcement unit.

**AB 1776 (Obernolte) Hazardous waste: disposal: exemption.**

Introduced: 2/3/2016

Last Amend: 6/22/2016

Status: 8/2/2016-Read second time. Ordered to third reading.

Location: 8/2/2016-S. THIRD READING

Summary: Would authorize the Department of Toxic Substances Control to adopt regulations to establish an alternate standard for the management of sport shooting range hazardous waste. Since a violation of the regulations adopted by the department would be a crime, the bill would impose a state-mandated local program.

**AB 1858 (Santiago) Automobile dismantling: task force.**

Introduced: 2/10/2016

Last Amend: 8/1/2016

Status: 8/1/2016-In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: Would, until January 1, 2020, require the Department of Motor Vehicles to collaborate with the State Board of Equalization, the California Environmental Protection Agency, the Department of Toxic Substances Control, the State Water Resources Control Board, the Department of Resources Recycling and Recovery, and the State Air Resources Board to review and coordinate enforcement and compliance activity related to unlicensed, unregulated, and underground automobile dismantling, including resulting tax evasion, environmental impacts, and public health impacts.

**AB 2125 (Chiu) Healthy Nail Salon Recognition Program.**

Introduced: 2/17/2016

Last Amend: 8/1/2016

Status: 8/1/2016-In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: Would require the Department of Toxic Substances Control to publish guidelines for cities, counties, and cities and counties to voluntarily implement local healthy nail salon recognition (HNSR) programs. The bill would allow the guidelines to include, but not be limited to, specified criteria, such as the potential for exposure of nail salon workers and customers to chemicals. The bill would also require the department to develop a consumer education program, present the guidelines to local health officers, local environmental health departments, and other local agencies, and post specified information on its Internet Web site.

**AB 2153 (Garcia, Cristina) The Lead-Acid Battery Recycling Act of 2016.**

Introduced: 2/17/2016

Last Amend: 8/1/2016

Status: 8/3/2016-SEN. E.Q. Vote - Do pass as amended, and re-refer to the Committee on Judiciary.

Location: 8/3/2016-S. JUD.

Summary: Current law requires a dealer to accept, when offered at the point of transfer, a lead-acid battery from a consumer in exchange for the new lead-acid battery purchased by that consumer from the dealer. This bill, the Lead-Acid Battery Recycling Act of 2016, would, as of January 1, 2017, revise these provisions to require a dealer to accept, at the point of transfer, specified types of used lead-acid batteries and would prohibit the dealer from charging any fee to accept these used lead-acid batteries.

**AB 2605 (Nazarian) State government: Office of Permit Assistance.**

Status: 7/22/2016-Chaptered by Secretary of State - Chapter No. 78, Statutes of 2016

Location: 7/22/2016-A CHAPTERED

Summary: Current law established the Office of Permit Assistance within the Trade and Commerce Agency to, among other things, provide information to developers relating to the permit approval process. Under current law, a state agency which is the lead agency for a development project is required to inform the applicant for a permit that the Office of Permit Assistance has been created for this purpose. This bill would instead require a state agency that is a lead agency for a development project to inform the applicant for a permit that the Governor's Office of Business and Economic Development has been created for this purpose.

**AB 2748 (Gatto) Environmental disaster: release of claims: statute of limitations: attorneys' fees.**

Introduced: 2/19/2016

Last Amend: 6/2/2016

Status: 8/1/2016-Read second time. Ordered to third reading.

Location: 8/1/2016-S. THIRD READING

Summary: Current law provides that an obligation is extinguished by a release given to the debtor by the creditor, upon a new consideration, or in writing, with or without new consideration. A general release does not extend to claims the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor. Under this bill, a partial or interim payment or reimbursement, made in connection with an environmental disaster by the responsible polluter or any agent or entity related to the responsible polluter to any recipient, would not release the polluter from liability to the recipient for any claim related to the environmental disaster or for any future claim by the recipient against the polluter, or for both current and future claims.

**AB 2781 (Garcia, Eduardo) Supplemental environmental projects.**

Introduced: 2/19/2016

Last Amend: 8/2/2016

Status: 8/2/2016-Read second time and amended. Re-referred to Com. on APPR.

Location: 8/2/2016-S. APPR.

Summary: Current law requires each board, department, and office within the California Environmental Protection Agency that has enforcement authority to establish a policy on supplemental environmental projects that benefits disadvantaged communities, as defined. Current law requires that policy to include among other things, allowing the amount of a supplemental environmental project to be up to 50% of the enforcement action. This bill would require an assurance that no less than 10% of the

enforcement action monetary penalties received by each board, department, and office within the agency is allocated to supplemental environmental projects in disadvantaged communities.

**AB 2891 (Committee on Environmental Safety and Toxic Material) Hazardous waste: funding.**

Introduced: 2/29/2016

Last Amend: 5/25/2016

Status: 8/1/2016-In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: Current law expresses the intent of the Legislature that the funds deposited in the Toxic Substances Control Account in the General Fund be appropriated in the annual Budget Act each year in a specified manner, including, but not limited to, not less than \$6,750,000 to the Site Remediation Account in the General Fund for direct site remediation costs, as defined. This bill would instead express the intent of the Legislature that the funds deposited in the account be appropriated in the annual Budget Act each year to the Site Remediation Account in an amount sufficient to pay for estimated costs for direct site remediation, including, but not limited to, at both federal Superfund orphan sites and at state-only orphan sites.

**AB 2893 (Committee on Environmental Safety and Toxic Material) Department of Toxic Substances Control: enforcement.**

Introduced: 2/29/2016

Last Amend: 5/25/2016

Status: 8/4/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/4/2016-A. ENROLLMENT

Summary: The Hazardous Waste Control Law authorizes the Department of Toxic Substances Control and authorized local enforcement officers and agencies to require specified persons to furnish and transmit certain information relating to the person's ability to pay for or perform a response action, and further authorizes those entities to require any person who has information regarding another person's activities that relate to the ability of the person to pay for or perform a response action to also furnish and transmit the information. This bill would make those provisions applicable also if there is a reasonable basis to believe that there has been or may be a release or threatened release of hazardous wastes or hazardous material and also for the purpose of determining how to finance a corrective action.

**SB 93 (De León) Budget Act of 2015.**

Introduced: 1/9/2015

Last Amend: 4/6/2016

Status: 4/20/2016-Chaptered by Secretary of State - Chapter No. 9, Statutes of 2016

Location: 4/20/2016-S. CHAPTERED

Summary: Would require the Director of Finance to transfer up to \$176,600,000 as a loan from the General Fund to the Toxic Substances Control Account for the Department of Toxic Substances Control to use for activities related to the lead contamination in the communities surrounding the Exide Technologies facility in the City of Vernon. This bill would require the department to repay these funds, as specified, and would authorize the Director of Finance to forgive any unpaid balance of the loan under specified circumstances. This bill contains other related provisions.

**SB 423 (Bates) Surplus household consumer product waste: management.**

Introduced: 2/25/2015

Last Amend: 8/1/2016

Status: 8/3/2016-August 3 set for first hearing. Placed on APPR. suspense file.

Location: 8/3/2016-A. APPR. SUSPENSE FILE

Summary: Would require the Department of Toxic Substances Control to convene a Retail Waste Working Group, as prescribed, to consider and make findings and recommendations relating to requirements for the management of surplus household consumer products, waste reduction opportunities for those products, and waste management requirements, as specified. The bill would require the working group to report these findings and recommendations to the Legislature by June 1, 2017.

**SB 654 (De León) Hazardous waste: facilities permitting.**

Introduced: 2/27/2015

Last Amend: 9/2/2015

Status: 8/4/2016-Notice of intention to remove from inactive file given by Assembly Member Calderon.

Location: 9/11/2015-A. INACTIVE FILE

Summary: Would require the owner or operator of a hazardous waste facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. The bill would provide that, when a complete renewal application has been submitted before the end of a permit's fixed term, the permit shall be deemed extended for a period not to exceed 36 months until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal.

**SB 820 (Hertzberg) Hazardous materials: California Land Reuse and Revitalization Act of 2004.**

Introduced: 1/5/2016

Last Amend: 4/12/2016

Status: 8/4/2016-In Senate. Ordered to engrossing and enrolling.

Location: 8/4/2016-S. ENROLLMENT

Summary: Would extend the repeal date of the California Land Reuse and Revitalization Act of 2004 to January 1, 2027, and would provide that a person who qualifies for immunity under the act before January 1, 2027, shall continue to have that immunity on and after January 1, 2027, if the person continues to be in compliance with the requirements of the former act.

**SB 839 (Committee on Budget and Fiscal Review) Public resources.**

Introduced: 1/7/2016

Last Amend: 6/14/2016

Status: 6/16/2016-In Senate. Concurrence in Assembly amendments pending.

Location: 6/16/2016-S. CONCURRENCE

Summary: Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would subject to that civil penalty any entity that violates those provisions. This bill contains other related provisions and other existing laws. ... Would: (1) extend to July 1, 2018 the time by which DTSC must prepare a comprehensive report related to toxic wood waste (6-month extension), (2) provide for lead acid batteries to be included in DTSC Priority Waste Plan as a potential priority product, (3) eliminate flat fee option for permit applicants, and (4) create cross-media enforcement unit.

**SB 1000 (Leyva) Land use: general plans: environmental justice.**

Introduced: 2/10/2016

Last Amend: 8/1/2016

Status: 8/3/2016-August 3 hearing postponed by committee.

Location: 8/1/2016-A. APPR.

Summary: The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. This bill would add to the required elements of the general plan an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined, within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community.

**SB 1325 (De León) Hazardous waste: facilities: post closure plans.**

Introduced: 2/19/2016

Last Amend: 4/12/2016

Status: 8/4/2016-Read second time. Ordered to consent calendar.

Location: 8/4/2016-A. CONSENT CALENDAR

Summary: Current law requires the Department of Toxic Substances Control to impose the requirements of a hazardous waste facility post closure plan on the owner or operator of a facility through the issuance of a post closure permit, or, only until January 1, 2009, through an enforcement order or an enforceable agreement, except as specified. This bill would restore the authority of the department to impose those requirements through an enforcement order or an enforceable agreement and would require the department, on or before January 1, 2018, to adopt regulations to impose post closure plan requirements.