

Senate Bill No. 673

CHAPTER 611

An act to add Sections 25200.21 and 25200.23 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 8, 2015.
Filed with Secretary of State October 8, 2015.]

legislative counsel's digest

SB 673, Lara. Hazardous waste.

The Hazardous Waste Control Law, among other things, authorizes the Department of Toxic Substances Control to regulate the generation and disposal of hazardous waste.

This bill would require the department, by January 1, 2018, to establish or update criteria for use in determining whether to issue a new or modified hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, and to develop and implement, by July 1, 2018, programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program.

The people of the State of California do enact as follows:

SECTION 1. Section 25200.21 is added to the Health and Safety Code, to read:

25200.21. On or before January 1, 2018, the department shall adopt regulations establishing or updating criteria used for the issuance of a new or modified permit or renewal of a permit, which may include criteria for the denial or suspension of a permit. In addition to any other criteria the department may establish or update in these regulations, the department shall consider for inclusion as criteria all of the following:

- a. Number and types of past violations that will result in a denial.
- b. The vulnerability of, and existing health risks to, nearby populations. Vulnerability and existing health risks shall be assessed using available tools, local and regional health risk assessments, the region's federal Clean Air Act attainment status, and other indicators of community vulnerability, cumulative impact, and potential risks to health and well-being.
- c. Minimum setback distances from sensitive receptors, such as schools, child care facilities, residences, hospitals, elder care facilities, and other sensitive locations.
- d. Evidence of financial responsibility and qualifications of ownership.
- e. Provision of financial assurances pursuant to Section 25200.1.
- f. Training of personnel in the safety culture and plans, emergency plans, and maintenance of operations.
- g. Completion of a health risk assessment.

SEC. 2. Section 25200.23 is added to the Health and Safety Code, to read:

25200.23. On or before July 1, 2018, the department shall develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program, including strengthening environmental justice safeguards, enhancing enforcement of public health protections, and increasing public participation and outreach activities. In accomplishing these reforms, the department shall do all of the following:

- a. Establish transparent standards and procedures for permitting decisions, including those that are applicable to permit revocation and denial.
- b. Establish terms and conditions on permits to better protect public health and the environment, including in imminent and substantial endangerment situations.
- c. Employ consistent procedures for reviewing permit applications, integrating public input into those procedures, and making timely permit decisions.
- d. Enhance public involvement using procedures that provide for early identification and integration of public concerns into permitting decisions, including concerns of communities identified pursuant to Section 39711.