
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2019 - 2020 Regular Session

AB 2920 (Obernolte) - Hazardous waste: transportation: consolidated manifesting procedure

Version: June 29, 2020

Urgency: No

Hearing Date: August 17, 2020

Policy Vote: E.Q. 5 - 0

Mandate: Yes

Consultant: Ashley Ames

Bill Summary: This bill would authorize hazardous waste generators and transporters to use consolidated manifesting procedures for retail hazardous waste, as defined, collected from retailers engaged in business in the state.

Fiscal Impact:

- DTSC anticipates that the increased number of transporter quarterly reports that result from AB 2920 would result in a minor, but absorbable, increase in work and responsibilities in DTSC's Office of Environmental Information Management.
- DTSC anticipates that Manifest Fee revenues would decrease by between \$270,000 and \$320,000 per year beginning in Fiscal Year 2022-23 for manifests used by retailers generating hazardous waste offered for transportation in 2021. The Manifest Fee is collected in July for manifests used in the prior year (e.g., manifests used in 2021 would be assessed the Manifest Fee in July 2022). This estimate is based on 2019 data from DTSC's HWTS for hazardous wastes manifested by retailers.

Background: Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. The Resource Conservation and Recovery Act (RCRA) is the federal statute that regulates generators, transporters, and facilities that treat, store, or dispose of hazardous wastes. In regulatory terms, a waste is hazardous if it appears on a RCRA hazardous waste list or exhibits one of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous wastes even if they are not specifically listed or don't exhibit any characteristic of a hazardous waste. For example, "used oil" and contaminated soil generated from a "clean up" can also be hazardous wastes. These wastes are referred to as "Non-RCRA hazardous wastes" and are also regulated as hazardous wastes in the state of California. Hazardous wastes are prohibited from being disposed of in the trash, and must be properly transported and disposed of at a permitted treatment, storage, and disposal facility (TSDF) or at a recycling facility.

The Hazardous Waste Control Law (HWCL) is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement the state's HWCL. The HWCL covers the entire management of hazardous waste, from the point the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federally authorized facility. Under the HWCL, the generator of a waste is responsible for determining how a waste is classified and for managing it accordingly. Once a hazardous waste determination is made, the generator is required to manifest, transport by a certified hauler, and arrange

for disposal at a permitted TSD, or other authorized facility. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. DTSC's hazardous waste regulatory program is supported by fees on those that generate and manage hazardous waste in California.

Proposed Law: This bill:

- 1) Allows retail hazardous waste generators and transporters to use consolidated manifesting procedures for retail hazardous waste, as defined, collected from retailers engaged in business in the state.
- 2) Defines "retail hazardous waste" as unsold consumer products in the original retail sales packaging determined by the retailer to be waste, and includes, but is not limited to, bleach and other cleaning products, pool chemicals, laundry detergent, cosmetics, personal hygiene products, nail polish, aerosol products, herbicides, and fertilizers.
- 3) Requires incompatible materials transported in the same transport vehicle be managed pursuant to specified provisions that govern the transportation of hazardous waste.
- 4) Provides that a transporter is not required to send DTSC a copy of an electronic manifest processed completely through a specified electronic manifest system.
- 5) Makes other minor technical changes to the consolidated manifesting code.

Related Legislation:

AB 1597 (Committee on Environmental Safety and Toxic Materials, Chapter 133, Statutes of 2019). Authorizes the state's hazardous waste management manifest requirements to be satisfied through the use of the US EPA e-manifest system.

AB 2660 (Quirk, 2018). Would have allowed a retailer to ship a surplus household consumer product to a reverse distributor without making a waste determination. This bill died in the Senate Environmental Quality Committee.

SB 423 (Bates, Chapter 771, Statutes of 2016). Requires DTSC to convene a Retail Waste Working Group to identify regulatory and policy directives that need clarification for managing consumer products, and adopt consensus recommendations for waste reduction opportunities.

SB 271 (O'Connell, Chapter 319, Statutes of 2001). Defines the consolidated manifesting procedure allowing certain registered hazardous waste transporters to combine specified wastes from multiple eligible generators on a single manifest, rather than using a separate manifest from each generator.

SB 606 (O'Connell, Chapter 745, Statutes of 1999). Authorizes antifreeze, oil/water separation sludge, and parts cleaning solvent, as specified, to be manifested for transportation under a modified manifesting procedure for a registered hazardous waste hauler and with the consent of the generator.

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