

(Without Reference to File)

CONCURRENCE IN SENATE AMENDMENTS

AB 158 (Committee on Budget)

As Amended June 25, 2021

2/3 vote. Budget Bill Appropriation Takes Effect Immediately

SUMMARY

Creates the Board of Environmental Safety (Board) within the California Environmental Protection Agency (Cal/EPA) to provide policy direction to and oversight of the Department of Toxic Substances Control (DTSC). Raises and recasts existing fees within the Hazardous Waste Control Account (HWCA) and raises the environmental fee. Appropriates \$822,400,000 for hazardous site cleanup.

Senate Amendments

- 1) Creates a 5-member Board within Cal/EPA to oversee and provide transparency to DTSC, all of whom shall represent the general public interest and meet specified qualifications.
- 2) Updates a requirement DTSC to develop a Statewide Hazardous Waste Management Plan and requires that plan to be approved by the Board.

The Plan would be required to:

- a) Include an identification of areas of the state that are disproportionately impacted by hazardous waste treatment and disposal activities;
 - b) Contain a description of steps to reduce the generation of hazardous wastes;
 - c) Involve a public process with meetings throughout the state;
 - d) Be completed by March 1, 2025 and updated every three years thereafter;
 - e) Provide one-time funding for the development of the first plan.
- 3) Requires that the owner or operator of a hazardous waste facility submit to DTSC a written cost estimate associated with necessary corrective actions after DTSC has identified a release of hazardous waste; applying this same process for responsible parties for cleanup sites.
 - 4) Eliminates the Manifest Fee, Disposal Fee, and Environmental Protection Agency Identification Fee and revises, recasts, and raises the Facility Fee and Generation and Handling Fee to base rates that reflect DTSC's anticipated regulatory costs in FY 2022/23. Eliminates the Generation and Handling fee for used oil, and allows the Board to raise the Facility Fee and the Generation and Handling Fee above the base rate, subject to a cap, to fund appropriations approved by the Legislature through the Budget.
 - 5) Revises the Environmental Fee that is deposited into the Toxic Substances Account (TSCA) to eliminate the fee on businesses with less than 100 employees, maintain the fee rate on businesses with 100-500 employees, and raises the rate on businesses with more than 500

employees. Authorizes Board to revise the fee rates annually to fund annual appropriations approved by the Legislature from TSCA.

- 6) Phases in a requirement that all permit renewal applications must be submitted at least two years before expiration. Deems the permit extended until DTSC takes final action on the application, if the renewal application is submitted in time. Establishes a process by which the Board may review any final permit decision that DTSC has not made by these deadlines.
- 7) Requires DTSC to post on its website a timeline of the estimated dates of milestones in the application review process within 90 days of receiving a completed application for a renewal of a hazardous waste permit.

COMMENTS

AB 158 builds upon the oversight work done by the Legislature by bringing some transparency to DTSC's decision-making process and is similar to AB 995 (Cristina Garcia) which was vetoed by the Governor due to not addressing fiscal reform issues. Managing hazardous waste is a complex and potentially dangerous task; incorrect handling of certain hazardous wastes could pose significant threats to human health and safety and the environment. Ensuring compliance with state and federal hazardous waste laws is one DTSC's core regulatory functions. The Legislature has seen many bills over the last several years that deal with changes or reforms to DTSC; while the Governor and the Director of DTSC change, the problems seem to continue. This bill would establish a Board of Environmental Safety to provide the public with transparency to DTSC's major permitting and cleanup decisions to address the perceived lack of transparency, which is a major concern cited by virtually all stakeholders of DTSC. Additionally, this bill gives the Board some early direction to help focus DTSC's efforts on improving its permitting of hazardous waste facilities as well as improving its ability to safely and efficiently oversee the cleanup of contaminated sites. This also stabilizes the funding for DTSC's hazardous waste regulatory work and cleanup programs while also providing substantial additional General Fund monies to speed the cleanup of sites in communities with high cumulative environmental burdens and proximity to sensitive receptors. This bill also strengthens financial assurance requirements.

According to the Author

Arguments in Support

None on File.

Arguments in Opposition

None on file.

FISCAL COMMENTS

Appropriates \$822,400,000 as follows:

- 1) \$500 million over three years for site discovery, investigation, and cleanup with a priority for sites in communities with high cumulative environmental burdens and proximity to sensitive receptors; job training and development program that priorities local hires; and grants for confirmation sampling.

- 2) \$322,400,000 as a loan to TSCA to continue Exide residential cleanup and job training, including an additional 2,740 residential properties.

VOTES:

ASSEMBLY FLOOR: 56-18-5

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Wicks, Wood, Rendon

NO: Bigelow, Chen, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Smith, Voepel, Waldron

ABS, ABST OR NV: Frazier, Kamlager, Mayes, Quirk, Valladares

UPDATED

VERSION: June 25, 2021

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FN: 0000914