

Date of Hearing: January 11, 2022

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Bill Quirk, Chair

AB 732 (Quirk) – As Amended January 4, 2022

**SUBJECT:** Hazardous waste: transportation: registration

**SUMMARY:** Deletes a cross-reference to a section of law that was deleted over a decade ago. Makes additional technical and conforming changes.

**EXISTING LAW:**

1. Establishes the national hazardous waste management program under Subtitle C of the Resources Conservation and Recovery Act (RCRA). (42 United States Code § 6901 et seq.)
2. Creates the HWCL, which authorizes the Department of Toxic Substances Control (DTSC) to regulate the management of hazardous wastes in California. (Health and Safety Code § 25100 et. seq.)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "AB 698 (ESTM Committee, Chapter 153, Statutes of 2021) made numerous technical changes to the health and safety code to conform to changes made by federal law and regulation. Near the end of the legislation session, an additional technical change was discovered however it was too late in the process to amend AB 698 any further. AB 732 picks up where AB 698 left off and makes technical changes to the HWCL."

*Federal hazardous waste regulation:* RCRA established three programs: hazardous waste management (RCRA Subtitle C), solid waste management (RCRA Subtitle D), and the underground storage tank program (RCRA Subtitle I). RCRA provides "cradle-to-grave" control of solid and hazardous waste by establishing management requirements for generators and transporters of hazardous waste treatment, storage, and disposal facilities. Most states have been authorized to implement some or all of the RCRA Subtitle C program. State RCRA programs must be at least as stringent as the federal program, but states also can adopt more stringent requirements.

*California Hazardous Waste Control Law:* The HWCL is the state's program that implements and enforces federal hazardous waste law in California. The HWCL covers the entire management of hazardous waste, from the point that the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federal authorized facility. Statute directs DTSC to oversee and implement the state's HWCL. 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.

AB 732 makes a technical change to the Health and Safety Code to simply eliminate an outdated and inaccurate code reference and makes other conforming changes.

*Related legislation:*

- 1) AB 698 (ESTM, Chapter 153, Statutes of 2021). Updates terms within the state Hazardous Waste Control Law (HWCL) to conform to recent changes in federal hazardous waste regulation promulgated by the United States Environmental Protection Agency (US EPA) under their Generator Improvement Rule (GIR).
- 2) AB 3261 (ESTM, 2020). Updates terms within the state HWCL to conform to recent changes in federal hazardous waste regulation promulgated by the US EPA under their GIR. This bill was held in the Senate Environmental Quality Committee.
- 3) AB 1597 (ESTM, Chapter 133, Statutes of 2019). Authorizes the state's hazardous waste management manifest requirements to be satisfied through the use of the US EPA electronic manifest system.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file.

**Opposition**

None on file.

**Analysis Prepared by:** Josh Tooker / E.S. & T.M. /