

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 1459 Author:(Committee on Environmental Safety and Toxic Materials)

As Amended Ver:June 9, 2025

Majority vote

SUMMARY

Makes various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by the Certified Unified Programs Agencies (CUPAs).

Senate Amendments

- 1) Delete the proposed statutory changes dealing with consolidation of hazardous waste prior to shipment.
- 2) Delete the proposed statutory changes dealing with federal reporting requirements.
- 3) Update co-authors and make technical changes.

COMMENTS

Certified Unified Program Agencies (CUPAs): CUPAs are local agencies certified by the Secretary of CalEPA to implement and enforce six "unified hazardous waste and hazardous materials management" regulatory programs (Unified Program). Currently, there are 81 CUPAs in California tasked with implementation and enforcement of the following:

- 1) Hazardous Materials Release Response Plans and Inventories (Business Plans);
- 2) California Accidental Release Prevention (CalARP) Program;
- 3) Underground Storage Tank Program (USTP);
- 4) Aboveground Petroleum Storage Act (APSA);
- 5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; and,
- 6) California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

Hazardous Materials Business Plan (Business Plan) program: The Business Plan program was enacted in 1986 with the purpose of preventing or minimizing the damage to public health and safety and the environment that can be caused by a release or threatened release of hazardous materials. The Business Plan satisfies community right-to-know laws, mandated federal law. Community right-to-know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. Crucially, the Business Plan enables first responders to make informed decisions in the event of an emergency to protect public health, safety, and the environment.

California Accidental Release Prevention (CalARP) program: The goal of the CalARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-

know laws. CalARP requires businesses that produce, handle, process, distribute, or store certain chemicals over a threshold quantity to develop and prepare a Risk Management Plan (RMP), and submit the RMP to their CUPA. An RMP is a detailed engineering analysis of the potential accidental factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The RMP contains safety information; a hazard review; operating procedures; training requirements; maintenance requirements; compliance audits; and, incident investigation procedures. The RMP must also consider proximity to sensitive populations such as children or seniors and external factors such as seismic activity.

Underground Storage Tank Program (UST Program): The statewide UST Program works to protect public health and safety and the environment from releases of petroleum and other hazardous substances from USTs. A UST is defined by law as "any one or combination of tanks, including pipes connected thereto which is used for the storage of hazardous substances and is substantially or totally beneath the surface of the ground." CUPAs additionally enforce UST regulations within their jurisdiction.

Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs: Businesses must manage their hazardous waste from the point of generation until proper disposal or recycling. This is called "cradle-to-grave" liability, and is required by law. A part of this responsibility includes identifying what is and is not a hazardous waste, obtaining a hazardous waste identification number, labeling and storing the waste properly, and ensuring the waste is properly disposed or recycled.

The California Environmental Reporting System (CERS): CERS is a statewide online system that supports the electronic exchange of unified program information among businesses, CUPAs, and the United States Environmental Protection Agency. Unified program information that must be submitted to CERS includes facility data regarding hazardous material regulatory activities (such as the Business Plan); hazardous waste generation; and inspection, compliance, and enforcement actions.

This bill: AB 1459 makes various changes to Unified Program law, including authorizing laboratory hazardous waste generated onsite to continue to be exempt from hazardous waste permitting requirements if specified conditions are met; updating the definition of which tanks are exempted from the definition of underground storage tank by adding dielectric fluid in closed loop mechanical systems (conforming to federal regulation); and, making technical and conforming changes.

According to the Author

CUPA's meet routinely to discuss implementation of the six statewide programs they oversee and occasionally discover inconsistencies in interpretation of the law. In order to maintain a unified program, the CUPA's bring any potential inconsistencies to state regulators (CalEPA, the Department of Toxic Substances Control, the State Water Resources Control Board and to the regulated community. AB 1459 reflects suggestions brought forward from the discussions with the CUPAs, state regulators, and the regulated community.

Arguments in Support

According to the California Association of Environmental Health Administrators (CAEHA), "CAEHA works to improve the quality and scope of environmental health programs throughout the state and to promote the efficient and effective implementation of local environmental public health programs by supporting the California Conference of Directors of Environmental Health

and the CUPA Forum Board through outreach, education, and advocacy. The changes proposed in AB 1459 will clarify state law making it easier for environmental public health and CUPA programs as well as industry to ensure important environmental health protections are implemented. The proposed changes have no anticipated cost to implement."

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill met the criteria of Senate Rule 28.8, as having minor, if any, costs.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0

YES: Connolly, Hadwick, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hadwick, Hart, Pacheco, Solache, Ta

ABS, ABST OR NV: Pellerin

ASSEMBLY FLOOR: 75-0-4

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Chen, Gallagher, Harabedian, Lackey

SENATE FLOOR: 35-0-5

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Dahle, Grove, Ochoa Bogh, Reyes, Seyarto

UPDATED

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