

CONCURRENCE IN SENATE AMENDMENTS

AB 2776 (Committee on Environmental Safety and Toxic Materials)

As Amended August 18, 2026

Majority vote

SUMMARY

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

Senate Amendments

- 1) Further clarify what constitutes compaction of a hazardous waste, thereby allowing compaction to not be considered treatment of a hazardous waste.
- 2) Allow the Board of Environmental Safety (BES) to consider additional factors when evaluating the Department of Toxic Substances Control's (DTSC) performance as part of the BES's annual evaluation of DTSC.
- 3) Make additional technical, code cleanup, and spelling changes.

COMMENTS

Certified Unified Program Agencies (CUPAs): CUPAs are local agencies certified by the Secretary of the California Environmental Protection Agency (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 Program;
- 3) Underground Storage Tank Program (UST Program);
- 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.

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 (HSC § 25299.32) as "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and is substantially or totally beneath the surface of the ground." CUPAs enforce UST regulations within their jurisdiction.

Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs: State and federal law and regulation require businesses to manage their hazardous waste from the point of

generation until proper disposal or recycling. This includes labeling and storage requirements and ensuring it is properly transported to a facility authorized to receive hazardous waste. Additionally, there are requirements for entities that treat their hazardous waste on-site. CUPAs enforce hazardous waste generator requirements as well as onsite hazardous waste treatment requirements within their jurisdiction.

Aboveground Petroleum Storage Tank Act (APSA): APSA regulates tank facilities that are subject to federal regulation or tank facilities with an aggregate storage capacity of 1,320 gallons or more of petroleum in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons. APSA also regulates tank facilities with less than 1,320 gallons of petroleum if they have one or more stationary tanks in an underground area (TIUGA). CUPAs enforce APSA within their jurisdiction.

This bill: AB 2776 makes technical changes to the Onsite Hazardous Waste Treatment Program; UST Program; and, APSA. Specifically, this bill clarifies that the compaction of non-liquid hazardous waste (e.g., personal protective equipment, absorbent pads, wipes) is not considered treatment, provided it meets specified conditions; clarifies, within the definition of "aboveground storage tank," that this term does not include oil filled electrical equipment, per piece of equipment; clarifies, within the definition of "aboveground storage tank," that this term does not include the piping and ancillary equipment of a TIUGA that has the capacity to store less than 55 gallons of petroleum; clarifies, within the definition of "aboveground storage tank," that the inspection of the tank applies to a tank facility; requires the permit holder of an UST to return the UST to compliance within 30 days after receiving a compliance report or a special inspection report from a CUPA; authorizes a CUPA to approve a plan to return to compliance in excess of 30 days as long as the permit holder of a UST returns the compliance plan to the CUPA within 30 days of receiving the compliance report or special inspection report; and, clarifies that vacuum, pressure, or hydrostatic monitoring of USTs only apply to UST components beneath the surface of the ground.

There may be further conversations in the fall and into 2027 to potentially further clarify what constitutes compaction of a hazardous waste.

According to the Author

"CUPAs 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 CUPAs bring any potential inconsistencies to state regulators (CalEPA, DTSC, State Water Resources Control Board (State Water Board)) and to the regulated community. AB 2776 reflects suggestions brought forward from the discussions with the CUPAs, state regulators, and the regulated community."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill has minor, if any costs, and therefore meets the criteria of Senate Rule 28.8.

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

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

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Muratsuchi

ASSEMBLY FLOOR: 66-0-14

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

ABS, ABST OR NV: Arambula, Bonta, Chen, Flora, Gallagher, Hart, Hoover, Irwin, Papan, Petrie-Norris, Celeste Rodriguez, Valencia, Wallis, Wicks

UPDATED

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