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## CUPA Positions

Sorted by: Hot List  
Wednesday, 03/04/2026

### Priority

#### [AB 2245](#) (Rodriguez, Michelle, D) Lubricants waste: packaging: producer responsibility.

Location: 02/19/2026 - Assembly PRINT

**Summary:** This bill creates a producer responsibility program for managing lubricants waste and associated packaging. This program would supplement existing hazardous waste management laws in California. Under the bill, a Producer Responsibility Organization (PRO) must set up a no-cost system for collecting and handling petroleum-based automotive products and their packaging. Producers must register with the PRO, which will draft a responsibility plan to deliver collection and management. CalRecycle and the Department of Toxic Substances Control (DTSC) will oversee the program's implementation, which is to start no earlier than January 1, 2029. The bill mandates that the plan should equitably distribute costs among producers and reimburse local jurisdictions for related expenses. It also requires that annual reports and financial audits be submitted to CalRecycle, subject to penalty of perjury. A new fund, the Lubricant Waste and Packaging Producer Responsibility Fund, will manage administrative charges and penalties associated with the program. The bill also exempts lubricant product packaging from the Plastic Pollution Prevention and Packaging Producer Responsibility Act, focusing specifically on lubricants.

Hot List: Priority

**ATTACHMENT 1**

#### [AB 2667](#) (Hadwick, R) Vape products: household hazardous waste: advertising.

Location: 02/20/2026 - Assembly PRINT

**Summary:** The bill being discussed includes several components aimed at regulating vape products and ensuring their safe disposal. First, it mandates that until January 1, 2030, the Department of Toxic Substances Control explore ways to improve safety and convenience in managing confiscated vape pens from schools, possibly involving future legislation. It also allows designated facilities to disassemble vape pens safely. Second, the bill prohibits misleading marketing practices for vape products, such as mimicking non-vape products, utilizing branding attractive to minors, or incorporating video game features. Authorities, including local governments and the state, can enforce these bans and impose substantial fines for violations. The penalties collected are to be used for further enforcement, and violators may face additional legal consequences. Third, the California Department of Tax and Fee Administration has the power to revoke or suspend licenses for cigarette and tobacco sales if licensees breach these prohibitions. Fourth, the bill requires the Department of Cannabis Control to revoke or suspend licenses for cannabis-related commercial activities if there are violations of these vape product prohibitions. Lastly, the bill specifies that it does not require state reimbursement to local agencies and school districts.

Hot List: Priority

**ATTACHMENT 2**

#### [AB 2776](#) (Committee on Environmental Safety and Toxic Materials) Hazardous materials: storage tanks.

Location: 02/24/2026 - Assembly PRINT

**Summary:** The hazardous waste control laws mandate the Department of Toxic Substances Control to oversee the handling of hazardous waste and materials, requiring operators of various facilities to have permits before accepting or processing hazardous waste. The law defines "treatment" as processes altering the nature of hazardous waste, with certain activities excluded. This bill excludes specific conditions, like compaction, from this definition. The Aboveground Petroleum Storage Act governs aboveground petroleum storage tanks, implementing penalties for violations and excluding certain equipment and tanks with specified conditions from its definition. Recent revisions clarify these exemptions and impose stricter containment requirements, potentially increasing local agency duties. The bill amends notification requirements for petroleum spills, aligning them with water control laws, and expands crime definitions, affecting local programs. Additionally, the regulation of underground storage

tanks requires detection mechanisms for breaches. Businesses handling significant hazardous materials must have an emergency plan, though certain gases are exempt. The new bill states that no state reimbursement for local agencies is necessary due to specified exceptions.

**Hot List:** Priority

**[SB 811 \(Caballero, D\)](#) Hazardous materials: metal shredding facilities.**

**Last Amended:** 01/22/2026

**Location:** 01/27/2026 - Assembly DESK

**Summary:** The bill repeals existing provisions concerning metal shredding facilities and establishes a new regulatory framework administered by the Department of Toxic Substances Control (DTSC). Under the new framework, metal shredding facilities must obtain a permit from the DTSC to operate. The bill sets requirements for obtaining and maintaining these permits, including holding public meetings before the DTSC makes permit decisions, conducting site visits, and posting facility information online. The bill also specifies that certain materials from metal shredding are not hazardous if they meet particular criteria. Additionally, the DTSC is tasked with annual inspections, monitoring compliance, and enforcing regulations, including referring violations for prosecution if necessary. The bill requires facility owners to report emergencies and submit closure plans, notify the DTSC of ownership transfers, and allows the DTSC to revoke permits for non-compliance. An annual fee is imposed on facilities, proceeds of which are placed in a new Metal Shredding Facility subaccount, used for implementing and administering these regulations. The DTSC will also adjust fee rates regularly. The bill sets provisions for monitoring and notification regarding hazardous waste and air quality impacts, with costs reimbursed from the subaccount.

**Hot List:** Priority

**ATTACHMENT 3**

**[SB 828 \(Cabaldon, D\)](#) Fireworks licenses and permits: disqualifying conditions: storage facilities: local jurisdictions.**

**Last Amended:** 01/05/2026

**Location:** 01/26/2026 - Assembly DESK

**Summary:** The State Fireworks Law requires the State Fire Marshal to regulate fireworks to protect life and property. It includes granting licenses and permits for manufacturing, wholesaling, importing, exporting, and selling fireworks. The State Fire Marshal can revoke licenses for violations, which constitute a misdemeanor. This bill mandates the disclosure of storage facility addresses for fireworks applicants. Licensees must notify the State Fire Marshal and local entities about these addresses; non-compliance results in fines and possible license revocation. Upon approval of applications, the State Fire Marshal must inform local entities of storage sites. The bill requires licensees to provide documentation of permits and information about storage sites and authorizes license denial or revocation for failing to do so. It permits local agencies to charge fees for administering and enforcing permits and removes the requirement to forward 65% of seizure-related fines to the state fund. The bill authorizes inspections of fireworks facilities at least annually and mandates corrections of unsafe conditions. It requires import/export licensees to notify agencies about storage addresses and zoning approvals.

**Hot List:** Priority

**ATTACHMENT 4**

**[AB 1617 \(Alanis, R\)](#) Household hazardous waste: reporting.**

**Calendar:** 03/10/26 A-ENVIRONMENTAL SAFETY AND TOXIC MATERIALS 1:30 p.m. - State Capitol, Room 444 CONNOLLY, DAMON, Chair

**Location:** 02/02/2026 - Assembly Environmental Safety and Toxic Materials

**Summary:** Public agencies responsible for managing household hazardous waste must annually submit a "Form 303 Household Hazardous Waste Collection Report" electronically to the Department of Resources Recycling and Recovery. The current regulations require reporting data from the previous

fiscal year, spanning July 1 to June 30, with a submission deadline of October 1. Additionally, agencies operating a collection facility must provide a copy of the completed Form 303 to the relevant officer or agency by the same date. This bill would change the reporting period to the prior calendar year instead.

[AB 1642](#) **(Harabedian, D) Wildfires: contamination standards.**

**Last Amended:** 03/02/2026

**Calendar:** 03/10/26 A-ENVIRONMENTAL SAFETY AND TOXIC MATERIALS 1:30 p.m. - State Capitol, Room 444 CONNOLLY, DAMON, Chair

**Location:** 02/09/2026 - Assembly Environmental Safety and Toxic Materials

**Summary:** Existing law establishes the Office of the State Fire Marshal and the Deputy Director of Community Wildfire Preparedness and Mitigation within the Department of Forestry and Fire Protection, holding responsibility for fire preparedness and mitigation. The Department of Toxic Substances Control (DTSC) oversees the management of hazardous waste and materials. The bill mandates that by July 1, 2027, the DTSC must create emergency regulations to set science-informed health-based standards for investigating, testing, and clearing lead and asbestos in and around buildings in residential areas after a wildfire. By July 1, 2028, in consultation with the Office of Environmental Health Hazard Assessment, the DTSC must establish regulations for hazardous chemicals to ensure safe reoccupancy and prevent cancer risk post-wildfire. This bill is set to take immediate effect as an urgency statute.

[AB 1995](#) **(Patel, D) State Fire Marshal: lithium battery working group: membership: funding.**

**Location:** 03/02/2026 - Assembly Emergency Management

**Summary:** Starting January 1, 2026, the State Fire Marshal must create regulations to enhance fire and electrical safety regarding electric bicycles, mobility devices, and storage batteries, including lithium batteries. This bill mandates forming a working group under the State Fire Marshal to identify unresolved safety issues associated with lithium batteries and their charging infrastructure near residential and commercial areas, as not covered in the 2025 California Building Standards Code, and propose solutions. The group must report findings by January 1, 2028. Additionally, funds from the Building Standards Administration Special Revolving Fund, sourced from building permit fees, will be allocated to support this group's efforts to address these safety concerns.

[AB 2390](#) **(Schiavo, D) Streamlined housing approvals: hazardous waste sites.**

**Location:** 02/20/2026 - Assembly PRINT

**Summary:** The Planning and Zoning Law allows developers to apply for a streamlined approval process for multifamily housing projects until January 1, 2036. This process bypasses the need for a conditional use permit if the project meets certain objective planning standards. A project is deemed consistent with these standards if there is substantial evidence supporting this conclusion. However, such developments cannot be located on hazardous waste sites unless state authorities have cleared the site for residential use. This bill introduces nonsubstantive changes to these regulations.

[SB 501](#) **(Allen, D) Responsible Battery Recycling Act of 2022: covered batteries.**

**Last Amended:** 01/14/2026

**Location:** 01/27/2026 - Assembly DESK

**Summary:** The Responsible Battery Recycling Act of 2022 establishes a program for the collection, transportation, and recycling of batteries, overseen by the Department of Resources Recycling and Recovery and the Department of Toxic Substances Control. The law classifies "covered batteries" as those designed to be easily removed with common tools and initially excluded certain large primary and rechargeable batteries. This bill revises these classifications: it allows certain locking devices on batteries without losing their classification as "easily removable," removes previous exclusions for large batteries, and creates new categories for "small" and "medium format" batteries based on weight and power. The bill changes the requirements for a stewardship plan, specifying different collection site requirements for small and medium batteries, and extends the perjury penalty to cover new reporting requirements. It does not mandate state reimbursement to local agencies for implementing these changes.

[SB 1258](#) **(Wiener, D) Streamlined housing approvals: hazardous waste sites.**

**Location:** 02/19/2026 - Senate Rules

**Summary:** Until January 1, 2036, the Planning and Zoning Law allows developers to apply for a streamlined approval process for multifamily housing if the project meets certain objective planning standards, bypassing the need for a conditional use permit. A development is considered consistent with these standards when there is sufficient evidence supporting that it meets the criteria. Currently, developments cannot be built on hazardous waste sites unless cleared by relevant health or environmental agencies. The new bill modifies this restriction by allowing development on such sites if specific actions are taken before the project is completed, such as obtaining a suitability determination from relevant agencies. Furthermore, a local officer can also approve the site's use, provided they verify its suitability for residential purposes or require conditions to ensure it becomes suitable.

[SB 1259](#) **(Blakespear, D) Refineries: decommissioning and remediation: cost estimates.**

**Location:** 02/19/2026 - Senate Rules

**Summary:** The State Water Resources Control Board, alongside California's regional water quality control boards, sets waste discharge requirements aligned with federal and state water quality acts. The State Energy Resources Conservation and Development Commission is mandated to evaluate and report on securing affordable and safe transportation fuels in California. A new bill proposes that, by an unspecified date, guidelines be developed for calculating costs and timelines for decommissioning refineries and cleaning up soil and groundwater at these sites. It requires each operating refiner to submit a report with estimated asset retirement obligations and a plan to meet these obligations. This information will help the commission develop a transportation fuels transition strategy, and the board must share the reports with the commission for this purpose.

[SB 1289](#) **(Hurtado, D) Hazardous waste contingency plans.**

**Location:** 02/20/2026 - Senate Rules

**Summary:** The existing law mandates that the Department of Toxic Substances Control revise certain standards by July 1, 1995, to align contingency plan requirements with a format from a now-repealed provision. The bill proposes to eliminate this requirement, meaning the department would no longer need to update these standards or regulations based on the repealed provision.

[SB 1295](#) **(Stern, D) Energy storage systems: procurement.**

**Location:** 02/20/2026 - Senate Rules

**Summary:** The current law mandates that the Public Utilities Commission (PUC) set targets for load-serving entities to acquire viable and cost-effective energy storage systems by December 31, 2020, and requires the state's three largest electrical corporations to propose programs to promote distributed energy storage systems. The new bill instructs the PUC to explore procurement strategies for the installation of up to 40,000 megawatts of energy storage systems by January 1, 2030. It also states that targets should be set for load-serving entities by December 31, 2040, if deemed appropriate. Should targets be imposed, entities can fulfill up to 50% of their obligation using energy storage systems they own, interconnected at various levels, or on the customer side of the meter. Additionally, the PUC must review strategies and targets at least every three years. Violation of PUC directives is a criminal offense, making local programs mandated by the bill part of state law. However, this bill specifies that no state reimbursement to local agencies is required for this mandate.

Total Measures: 14

Total Tracking Forms: 14

## ATTACHMENT 1: AB 2245

Industry sponsor has asked for feedback on the following list of covered products.

(h) (1) "Covered product" means a petroleum-based, petroleum-derived, synthetic, bio-based, or glycol-based oils, lubricants, fluids, and similar chemical formulations, including blends and additives, that are designed, formulated, marketed, sold, or distributed for use in lubricating, cooling, cleaning, protecting, conditioning, sealing, transmitting force, or otherwise enabling the operation, maintenance, or performance of engines, vehicles, machinery, equipment, or mechanical or industrial systems. This includes, but not limited to, coolants and antifreeze, engine additives, engine oils, fuel additives and treatments, greases, marine lubricants, hydraulic fluids, heat-transfer fluids, degreasers, solvents, specialty industrial oils, oil-based lubricants, transmission and gear oils, two-cycle oils, and other functional fluids typically used in automotive, transportation, and mechanical applications, that are commercially available to a nonbusiness consumer, regardless of formulation, including conventional, synthetic, re-refined, food-grade, biodegradable, or specialty products.

(2) "Covered product" includes primary, secondary, and tertiary packaging or containers designed and intended to hold the product for sale or distribution with a capacity of 15 gallons or less, including, but not limited to, bottles, pails, cartridges, bag-in-box systems, or aerosol containers, that are customarily generated, collected, or managed with used oil or antifreeze containers at generator sites.

(3) "Covered product" does not include any of the following:

(A) A product subject to the used oil recycling program described in Article 4 (commencing with Section 48630) of Chapter 4.

(B) Fuels sold primarily for combustion, including gasoline, diesel fuel, aviation fuel, marine fuel, propane, natural gas, or similar energy products, except where such products are blended packaged, or marked primarily as lubricants, additives, treatments, or functional fluids.

(C) Products packaged exclusively in containers with a capacity greater than 15 gallons, including bulk tanks, intermediate bulk containers, or tanker delivery systems.

(D) Household consumer products that are regulated as cosmetics, drugs, or personal care products under state or federal law.

(E) Food products intended for human or animal consumption, except where vegetable or food-grade oils are sold or distributed primarily for mechanical or industrial lubrication.

(F) Materials regulated as hazardous waste at the point of sale under Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.

(G) Materials excluded as described in paragraph (e) (2) under section 42041 in Chapter 3 of Division 30 of the Public Resources Code.

(H) Businesses with operations that already require management, storage, and disposal of products as described in paragraph (1).

## **ATTACHMENT 2: AB 2667**

Section 25218.6 is added to the Health and Safety Code, to read:

*(c) (1) Subject to paragraph (2), a permanent household hazardous waste collection facility may, after consultation with the certified unified program agency and the entity responsible for fire protection, mechanically disassemble vape pens and devices to separate batteries, valves, electronic components, and other parts containing liquids or gases, in a manner that does not result in the unauthorized release of hazardous materials.*

*(2) Both of the following apply to any mechanical disassembly activities described in paragraph (1):*

*(A) The activities shall be described in the operation plan of the facility that is available for review by the certified unified program agency and included in a permit-by-rule application authorized by the certified unified program agency.*

*(B) Any personnel involved in the activities shall receive adequate training to ensure safe management and operations.*

*(3) For purposes of this subdivision, "vape pen and device" means an electronic device that is powered by one or more removable or embedded batteries and that delivers solely, or a combination of, nicotine, cannabis, or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, hookah, or other delivery mechanism.*

## ATTACHMENT 3: SB 811

Statutory provisions for the establishment of alternative management standards for metal shredder waste were enacted in 2014 (SB 1249, Chapter 756) and amended in 2025 (AB 2851, chapter 743). The Department of Toxic Substances Control was provided with the opportunity to adopt regulations but chose not to. This has led to regulation by way of interpretive letter, which was recently rescinded.

The CUPA Forum Board believes that the establishment of alternative management standards for this highly specific waste type is warranted. We disagree with the establishment of these standards outside of the regulatory agency established for this task, and would move to use this legislation to compel DTSC to act upon its historic interaction and interpretive letters to establish alternative management standards via regulation.

For this reason, the CUPA Forum Board proposes it take an '**OPPOSE UNLESS AMENDED**' position on SB 811 with amendments to read as follows:

- Section 1, Articles 1-8 of SB 811 would be stricken since these are legislative attempt to establish alternative management standards. CFB seeks to have DTSC establish these standards via regulation

### **SEC. 2.**

Section 25117 of the Health and Safety Code is amended to read:  
**25117.**

(a) Except as provided in subdivision (d), "hazardous waste" means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141.

(b) "Hazardous waste" includes, but is not limited to, RCRA hazardous waste.

(c) Unless expressly provided otherwise, "hazardous waste" also includes extremely hazardous waste and acutely hazardous waste.

(d) ~~"Hazardous waste" does not include a material that is not waste pursuant to Section 25095.20 or hazardous waste pursuant to Section 25095.21.~~

(e) Notwithstanding subdivision (a), in any criminal or civil prosecution brought by a city attorney, county counsel, district attorney, or the Attorney General for violation of this chapter, when it is an element of proof that the person knew or reasonably should have known of the violation, or violated the chapter willfully or with reckless disregard for the risk, or acted intentionally or negligently, the element of proof that the waste is hazardous waste may be satisfied by demonstrating that the waste exhibited the characteristics set forth in subdivision (b) of Section 25141.

### **SEC. 3.**

Section 25150.82 of the Health and Safety Code is ~~repealed~~ amended to read:  
**25150.82**

(a) The Legislature finds and declares that this section is intended to address the unique circumstances associated with the operation of metal shredding facilities, and the generation and management of wastes generated by metal shredding facilities. The Legislature further declares that this section does not set a precedent applicable to the management, including disposal, of other hazardous wastes.

(b) For purposes of this section, "metal shredding facility" means an operation that uses a shredding technique to process end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation and sorting of ferrous metals, nonferrous metals, and other recyclable materials from nonrecyclable materials that are components of the end-of-life vehicles, appliances, and other forms of scrap metal. "Metal shredding facility" does not include a feeder yard, a metal crusher, or a metal baler, if that facility does not otherwise conduct metal shredding operations.

(c) The department, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, ~~may~~ shall adopt regulations establishing management standards for metal shredding facilities for hazardous waste management activities within the department's jurisdiction as an alternative to the requirements specified in this chapter and the regulations adopted pursuant to this chapter, if the department does all of the following:

(1) Prepares an analysis of the activities to which the alternative management standards will apply pursuant to subdivision (d). The department shall first prepare the analysis as a preliminary analysis and make it available to the public at the same time that the department gives notice, pursuant to Section 11346.4 of the Government Code, that it proposes to adopt the alternative management standards. The department shall include in the notice a statement that the department has prepared a preliminary analysis and a statement concerning where a copy of the preliminary analysis can be obtained. The information in the preliminary analysis shall be updated and the department shall make the analysis available to the public as a final analysis not less than 10 working days before the date that the regulation is adopted.

**Commented [MP1]:** Proposing amend this section only to remove the language added by this bill. No change to 25117 otherwise.

**Commented [MP2]:** Propose amending to replace "may" with "shall" to compel DTSC to make regs for alt standards. Pushed back due dates by 2 years to allow for development and implementation

- (2) Demonstrates at least one of the conclusions set forth in paragraphs (1) to (4), inclusive, of subdivision (e).
- (3) Imposes, as may be necessary, conditions and limitations as part of the alternative management standards that ensure that the hazardous waste management activity to which the alternative management standards will apply will not pose a significant potential hazard to human health or safety or to the environment.
- (d) Before the department gives notice of a proposal to adopt the alternative management standards pursuant to subdivision (c), and before the department adopts the regulation, the department shall do all of the following:
- (1) Evaluate the operative environmental and public health regulatory oversight of metal shredding facilities, identifying activities that need to be addressed by the alternative management standards, or other advisable regulatory or statutory changes.
- (2) Evaluate the hazardous waste management activities.
- (3) Prepare, as required by paragraph (1) of subdivision (c), an analysis that addresses all of the following aspects of the activity, to the extent that the alternative management standards can affect these aspects of the activity:
- (A) The types of hazardous waste and the estimated amounts of each hazardous waste that are managed as part of the activity and the hazards to human health or safety or to the environment posed by reasonably foreseeable mismanagement of those hazardous wastes and their hazardous constituents. The estimate of the amounts of each hazardous waste that are managed as part of the activity shall be based upon information reasonably available to the department.
- (B) The complexity of the activity, and the amount and complexity of operator training, equipment installation and maintenance, and monitoring that are required to ensure that the activity is conducted in a manner that safely and effectively manages each hazardous waste.
- (C) The chemical or physical hazards that are associated with the activity and the degree to which those hazards are similar to, or different from, the chemical or physical hazards that are associated with the production processes that are carried out in the facilities that produce the hazardous waste that is managed as part of the activity.
- (D) The types of accidents that might reasonably be foreseen to occur during the management of particular types of hazardous waste streams as part of the activity, the likely consequences of those accidents, and the reasonably available actual accident history associated with the activity.
- (E) The types of locations where hazardous waste management activities associated with metal shredding and management of treated metal shredder waste may be carried out and the types of hazards or risks that may be posed by proximity to the land uses described in Section 25227. The estimate of the number of locations where the activity may be carried out shall be based upon information reasonably available to the department.
- (e) The department shall not give notice proposing the adoption of, and the department shall not adopt, a regulation pursuant to subdivision (c) unless it first demonstrates at least one of the following, using the information developed in the analysis prepared pursuant to subdivision (d) and any other information available to the department:
- (1) The requirements that the alternative management standards replace are not significant or important in either of the following situations:
- (A) Preventing or mitigating potential hazards to human health or safety or to the environment posed by the activity.
- (B) Ensuring that the activity is conducted in compliance with other applicable requirements of this chapter and the regulations adopted pursuant to this chapter.
- (2) A requirement is imposed and enforced by another public agency that provides protection of human health and safety and the environment that is as effective as, and equivalent to, the protection provided by the requirement, or requirements, that the alternative management standards replace.
- (3) Conditions or limitations imposed as part of the alternative management standards will provide protection of human health and safety and the environment equivalent to the requirement, or requirements, that the alternative management standards replace.
- (4) Conditions or limitations imposed as part of the alternative management standards accomplish the same regulatory purpose as the requirement, or requirements, that the alternative management standards replace, but at less cost or with greater administrative convenience, and without increasing potential risks to human health or safety or to the environment.
- (f) The department shall not adopt alternative management standards pursuant to this section if those standards are less stringent than the standards that would otherwise apply under the federal act.
- (g) Nothing in the alternative management standards authorized by this section is intended to duplicate or conflict with other laws, rules, or regulations adopted by other state agencies or affected local air quality management districts. The department shall, as much as possible, align the alternative management standards with the laws, rules, and regulations of other state agencies or affected local air quality management districts.
- (h) The owner or operator of a metal shredding facility, or solid waste disposal facility that has accepted treated metal shredder waste, that may be subject to the alternative management standards shall provide to the department all information and data determined by the department to be relevant to the evaluation and preparation of the analysis required by subparagraphs (A) to (E), inclusive, of paragraph (3) of subdivision (d).
- (i) The alternative management standards adopted by the department pursuant to this section may, to the extent it is consistent with the standards that would otherwise apply under the federal act, allow for treated metal shredder waste to be classified and managed as nonhazardous waste, provided that the analysis prepared pursuant to subdivision

(d) demonstrates that classification and management as hazardous waste is not necessary to prevent or mitigate potential hazards to human health or safety or to the environment posed by the treated metal shredder waste.

(j) (1) The disposal of treated metal shredder waste shall be regulated pursuant to this chapter and the regulations adopted pursuant to this chapter, unless alternative management standards are adopted by the department pursuant to this section.

(2) If the alternative management standards adopted by the department pursuant to this section result in treated metal shredder waste being classified as nonhazardous waste, the material may be managed in either of the following manners:

(A) It may be used at a unit described in subparagraph (B) as alternative daily cover or for beneficial reuse pursuant to Section 41781.3 of the Public Resources Code and the regulations adopted to implement that section.

(B) It may be placed in a unit that meets the waste discharge requirements issued pursuant to Division 7 (commencing with Section 13000) of the Water Code that allow for discharges of designated waste, as defined in Section 13173 of the Water Code, or of treated metal shredder waste.

(3) This section does not limit the disposal or use of treated metal shredder waste as alternative daily cover pursuant to Section 41781.3 of the Public Resources Code and the regulations adopted to implement that section, or for other authorized beneficial uses if that disposal or use is at a facility meeting the requirements of subparagraph (B) of paragraph (2), is made under the authority of the hazardous waste determinations governing metal shredder waste previously issued by the department before January 1, 2014, and is made before the department does either of the following:

(A) Rescinds, in accordance with applicable law, the conditional nonhazardous waste classifications issued pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations with regard to treated metal shredder waste.

(B) Completes the adoption of alternative management standards pursuant to this section.

(k) The department shall complete the analysis described in paragraph (1) of subdivision (c) and subsequent regulatory action before January 1, 2018<sup>29</sup>. All hazardous waste classifications and policies, procedures, or guidance issued by the department before January 1, 2014, governing or related to the generation, treatment, and management of metal shredder waste or treated metal shredder waste shall be inoperative and have no further effect on January 1, 2018<sup>2029</sup>, if the department completes its analysis pursuant to subdivision (c) and takes one of the following actions:

(1) Rescinds the conditional nonhazardous waste classifications issued pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations with regard to that waste.

(2) Adopts alternative management standards pursuant to this section.

(l) ~~The authority of the department to adopt original regulations pursuant to this section shall remain in effect only until January 1, 2018, unless a later enacted statute, which is enacted before January 1, 2018, deletes or extends that date. This subdivision does not invalidate any regulation adopted pursuant to this section before the expiration of the department's authority.~~

(m) A regulation adopted pursuant to this section on or before January 1, 2018<sup>2029</sup>, shall continue in force and effect after that date, until repealed or revised by the department.

#### SEC. 4.

Section 25150.84 of the Health and Safety Code is ~~repealed~~. amended to read:

##### **25150.84.**

(a) The department shall collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter or to the alternative management standards adopted pursuant to Section 25150.82. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the costs of the department and the Office of Environmental Health Hazard Assessment to implement this chapter and Section 41514.6, as applicable to metal shredding facilities. The fee schedule established by the department may be updated periodically as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department and the Office of Environmental Health Hazard Assessment to implement this chapter and Section 41514.6, as applicable to metal shredding facilities.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department or Office of Environmental Health Hazard Assessment upon appropriation by the Legislature.

(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

**Commented [MP3]:** Propose changes to remove sunset fee dates.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:

(A) A fee imposed pursuant to Section 25205.7.

(B) ~~A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.~~

~~(C) A facility fee imposed pursuant to Section 25205.2.~~

~~(D) A fee imposed pursuant to Section 25205.5.~~

~~(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.~~

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

~~**SEC. 5.**~~

~~Section 25150.86 of the Health and Safety Code is repealed.~~

**SEC. 6.**

Section 25150.87 of the Health and Safety Code is amended to read:

**25150.87.**

(a) (1) The department shall require metal shredding facilities to do both of the following:

(A) Monitor hazardous waste constituents requested by the department.

(B) Report the results of the monitoring required pursuant to subparagraph (A) to the department. The facilities ~~may~~ **shall** also report those results to the local public health department.

(2) The department shall collect and analyze light fibrous material at the fence lines to determine the potential for release of hazardous waste.

(b) All metal shredding facilities subject to this section shall implement the facilitywide fence-line hazardous waste constituent monitoring requirements developed pursuant to this section.

(c) On or before July 1, 2027, the department shall develop a procedure for community notification of the public for the area in which the metal shredding facility is located, if monitoring pursuant to paragraph (1) of subdivision (a) indicates any release of light fibrous material.

(d) On or before January 1, 2027, the department shall develop regulations to implement, interpret, or make specific this section.

(e) The department shall oversee and enforce the implementation of subdivision (a) pursuant to Article 8 (commencing with Section 25180).

(f) Any reasonable regulatory costs incurred by the department in implementing this section may be reimbursed by the fee on metal shredding facilities imposed pursuant to subdivision (a) of Section 25150.84.

**SEC. 7.**

~~Section 41514.6 of the Health and Safety Code is amended to read:~~

~~**41514.6.**~~

(a) On or before January 1, 2027, a district the jurisdiction of which includes metal shredding facilities, in consultation with the Department of Toxic Substances Control and the Office of Environmental Health Hazard Assessment, shall develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities, as defined in Section 25150.82, that are subject to Section 25150.82 and this section.

(b) The requirements developed pursuant to subdivision (a) shall include, but not be limited to, all of the following:

(1) Development of threshold levels, in consultation with the Office of Environmental Health Hazard Assessment, for airborne contaminants, including, but not limited to, lead, zinc, cadmium, and nickel, at the fence lines of metal shredding facilities that are protective of air quality and public health. The threshold levels shall follow health guidance values adopted by the Office of Environmental Health Hazard Assessment, if available.

(2) Development of threshold levels for community notification of potential adverse impact on public health based on the threshold values developed pursuant to paragraph (1).

(3) Development of actions, in consultation with the Department of Toxic Substances Control, to be taken by metal shredding facilities if threshold levels developed pursuant to paragraph (1) are exceeded, and a method of enforcing those actions.

(4) Development of community notification procedures to inform the public in areas in which the metal shredding facility is located, if the monitoring required pursuant to this subdivision indicates the threshold levels developed pursuant to paragraph (2) were exceeded.

(5) Reporting the results of the monitoring required pursuant to this subdivision to the district and the local public health department.

(c) All metal shredding facilities subject to this section shall implement the facilitywide fence-line air quality monitoring developed pursuant to this section.

(d) On or before July 1, 2027, a district the jurisdiction of which includes metal shredding facilities shall adopt regulations to implement, interpret, or make specific the requirements pursuant to this section.

(e) A district the jurisdiction of which includes metal shredding facilities shall oversee and enforce the compliance of metal shredding facilities with regulations adopted pursuant to subdivision (d).

**Commented [MP4]:** Propose removing this repeal from the bill and leave existing 25150.86 in place.

**Commented [MP5]:** Propose to leave existing 25150.87 in place with minor modification to require submittal of monitoring data to local public health agencies. This also makes this section more consistent with 41514.6(b)(5)

**Commented [MP6]:** Proposing to remove amendment of 41514.6, leave the section as currently reads. Strike out at bottom is to remove change proposed by bill and return section to current language

(f) Any reasonable regulatory costs incurred by a district in implementing this section may be reimbursed pursuant to its fee authority.

(g) The Office of Environmental Health Hazard Assessment's costs to implement this section shall be reimbursed from the subaccount established in the Hazardous Waste Control Account pursuant to Section ~~25095.50~~ 25150.84.

**SEC. 8.**

The Legislature finds and declares that metal shredding facilities are essential to a thriving circular economy in the State of California and the regulation of those facilities is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Chapter 6.4 (commencing with Section 25095) to Division 20 of the Health and Safety Code applies to all cities, including charter cities.

**SEC. 9.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

## **ATTACHMENT 4: SB 828**

### **SEC. 9.**

*Section 12640.2 is added to the Health and Safety Code, to read:*

#### **12640.2.**

*(a) A public agency having local jurisdiction pursuant to this chapter, including a city, county, city and county, or fire protection district, may adopt by ordinance or resolution a schedule of fees to recover the reasonable costs incurred in administering, processing, inspecting, and enforcing the conditions of permits required pursuant to this chapter for fireworks activities or storage within its jurisdiction.*

*(b) The fees authorized by this section may include, but are not limited to, costs associated with any of the following:*

*(1) Reviewing applications and documentation submitted under Section 12640.1.*

*(2) Conducting initial and annual inspections of facilities or storage sites where fireworks are manufactured, stored, sold, or otherwise handled.*

*(3) Verifying compliance with local land use, zoning, and fire safety regulations.*

*(4) Responding to complaints or violations related to fireworks operations.*

*(c) All fees collected under this section shall be deposited into a special fund of the public agency having local jurisdiction pursuant to this chapter and used exclusively for the activities described in this section.*

### **SEC. 10.**

*Section 12640.3 is added to the Health and Safety Code, to read:*

#### **12640.3.**

*(a) The chief of the fire department, fire marshal, or chief fire prevention officer of the city, county, city and county, or fire protection district or other public agency having jurisdiction pursuant to this chapter, or their authorized representative, is authorized to enter and inspect, at reasonable times, any premise, facility, or storage site used for the manufacture, storage, sale, or display of fireworks to determine compliance with this chapter, the regulations of the State Fire Marshal, and applicable local fire codes.*

*(b) A public agency having local jurisdiction pursuant to this chapter, including a city, county, city and county, or fire protection district shall, at least once every 12 months, inspect each fireworks facility or storage site within its jurisdiction. The inspection shall include verification of the following:*

*(1) Permit validity and required documentation under Section 12640.1.*

*(2) Compliance with the fireworks storage, separation, and safety requirements of Title 19 (commencing with Section 1.00) of the California Code of Regulations.*

*(3) Maintenance of required fire protection systems and safety signage.*

*(c) A public agency having local jurisdiction pursuant to this chapter, including a city, county, city and county, or fire protection district having jurisdiction pursuant to this chapter may require correction of any unsafe or noncompliant condition identified during inspection and may suspend or revoke the local permit until compliance is achieved.*