



A/C Pipe
Producers Association

Internal Correspondence

Executive Committee

J. F. Welch

FROM

J. F. Welch, Vice President

DATE April 21, 1982

SUBJECT State of California - Hazardous Waste Regulations

ACTION REQUIRED: Review for information

Enclosed are three pieces of legislation recently enacted into law by the Governor of California. A synopsis of each appears in the sections entitled "Legislative Counsel's Digest."

If you have any questions, please do not hesitate to call.

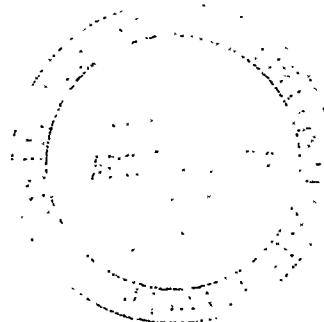
JFW/ajb

Enclosure

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L. Ambler
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NOTE: Subject changed from original bill. Law copy of interest

Senate Bill No. 95

CHAPTER 90

An act to add Sections 25174.3 and 25205 to, and to add Article 12 (commencing with Section 25245) to Chapter 6.5 of Division 20 of, the Health and Safety Code, and to amend Section 13320 of, to add Sections 13172, 13226, and 13227 to, and to repeal Division 7.5 (commencing with Section 14000) of, the Water Code, relating to water quality, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1982. Filed with
Secretary of State March 2, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

SB 95, Presley. Water quality: hazardous waste facilities.

(1) Existing law requires the owner or operator of a liquid waste disposal site, or hazardous waste disposal site, as defined, to submit a report to a regional water quality control board containing, among other things, information regarding alternative methods of site closure and subsequent maintenance thereof; authorizes the regional board to issue waste discharge requirements or other orders, as specified; requires the State Water Resources Control Board to formulate, adopt, and revise general procedures for use by the regional boards in making determinations; and creates the Site Closure and Maintenance Revolving Account in the State Water Quality Control Fund and provides for the payment into that account of annual charges levied, as prescribed, on owners and operators of liquid waste disposal sites and hazardous waste disposal sites.

This bill would repeal these provisions and, instead, would require the State Department of Health Services to adopt rules and regulations with respect to hazardous waste facilities, each operator of a hazardous waste facility to submit a hazardous waste facility closure and maintenance report, containing specified elements, to the department for its approval, and each regional board to review the report to ensure protection of water quality.

(2) Existing law requires each operator of any site at which hazardous wastes are disposed to pay a fee to the State Director of Health Services for disposal of such wastes and requires that such fees be deposited in the Hazardous Waste Control Account in the General Fund, which funds are continuously appropriated to the department for expenditure to carry out the provisions of the hazardous waste control law.

This bill would require the fee to be calculated to produce sufficient revenues in an amount necessary to cover all costs incurred by the regional boards in carrying out the function of reviewing

hazardous waste facility closure and maintenance reports, and would require the department to reimburse the State Water Resources Control Board for these expenses.

(3) Existing law does not require the State Department of Health Services to deny the issuance of a hazardous waste facility permit if the operator of such facility does not maintain the financial capability to respond to damage claims arising out of the operation of the facility.

This bill would require the department to deny the issuance of such permit under those circumstances.

(4) Under existing law, specified funds are appropriated from the Hazardous Substance Account to the State Department of Health Services for specified purposes.

This bill would permit a portion of these funds, not to exceed \$200,000, to be expended for the state's share of the cost to characterize the wastes present at the McColl hazardous waste disposal sites and to evaluate appropriate remedial action.

(5) The bill would abolish the Site Closure and Maintenance Revolving Account and would transfer the unencumbered balance in that account to the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund.

(6) The bill would revert from specified funds appropriated in the Budget Act of 1981 for support of the state board the sum of \$300,000 to the General Fund.

(7) The bill would take effect immediately as an urgency statute. Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 25174.3 is added to the Health and Safety Code, to read:

25174.3. The fee authorized by Section 25174 shall be calculated to produce revenues in an amount necessary also to cover all costs incurred in the administration of Section 13227 of the Water Code. The department shall reimburse the State Water Resources Control Board for all expenses incurred by the board in administering Section 13227 of the Water Code.

SEC. 2. Section 25205 is added to the Health and Safety Code, to read:

25205. (a) The department shall not issue, renew, or continue a permit to operate a hazardous waste facility unless the operator of the facility establishes and maintains the financial assurance prescribed pursuant to Section 25245. With respect to the continuation of an existing permit, the department shall allow a period of at least six months from the effective date of regulations relating to financial assurances adopted pursuant to Section 25245 for the operator to obtain the prescribed financial assurances.

(b) The department shall not issue a permit for, or take any other

approval action regarding, a hazardous waste facility in conflict with any determination relating to water quality made by the State Water Resources Control Board or any regional water quality control board. Any limitations and requirements imposed upon a facility by a regional water quality control board pursuant to Section 13227 of the Water Code shall also be a condition of any permit issued for the facility by the department.

SEC. 3. Article 12 (commencing with Section 25245) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 12. Financial Responsibility and Closure and
Maintenance of Facilities

25245. The department shall adopt, within 90 days of the effective date of this article, and revise when appropriate, standards and regulations which shall do both of the following:

(a) Specify the financial assurances to be provided by the operator of a hazardous waste facility that are necessary to respond adequately to damage claims arising out of the operation of that type of facility and to provide for the cost of closure and subsequent maintenance of the facility, including, but not limited to, the monitoring of ground water and other aspects of the environment after closure. The financial assurance shall be a trust fund, surety bond, letter of credit, insurance, or other equivalent financial arrangement acceptable to the department.

(b) Provide that every hazardous waste facility can be closed and maintained for 30 years subsequent to its closure in a manner that protects human health and the environment and minimizes or eliminates the escape of hazardous waste constituents, leachate, contaminated rainfall, and waste decomposition products to ground and surface waters and to the atmosphere.

25246. (a) Each operator of a hazardous waste facility shall submit a hazardous waste facility closure and maintenance report to the department. The report shall contain the operator's estimate of the cost of closure and subsequent maintenance and shall conform to the requirements prescribed pursuant to Section 25245 of this code and Section 13227 of the Water Code.

(b) The report shall be submitted to the department with the application for a hazardous waste facility permit. An operator who has submitted a request for or received a hazardous waste facility permit prior to the adoption of the standards and regulations pursuant to Section 25245 shall submit the report within 180 days after the department issues a written request for the report. Prior to actual closure of the facility, the report shall be updated if requested by the department. However, no operator shall be required to revise or amend a report after actual closure of the facility in order to reflect subsequent changes in the standards and regulations adopted pursuant to Section 25245.

(c) An operator who has not submitted a facility closure and maintenance report shall submit that report 180 days prior to closure of the hazardous waste facility.

25247. The department shall review each report submitted pursuant to Section 25246 and shall approve the report if it finds that the report complies with the standards and regulations adopted pursuant to Section 25245, complies with other applicable state and federal regulations, and has been approved pursuant to Section 13227 of the Water Code.

25248. The operator of a facility for which a closure and maintenance report has been approved shall carry out the report during the closure and maintenance period required by law.

25249. On the effective date of this article, any operator subject to former Division 7.5 (commencing with Section 14000) of the Water Code shall be subject to this article.

SEC. 4. Section 13172 is added to the Water Code, to read:

13172. To ensure adequate protection of water quality and statewide uniformity in the siting, operation, and closure of waste disposal sites, except for sewage treatment plants or those sites which primarily contain fertilizer or radioactive material, the state board shall do all of the following:

(a) Classify wastes according to the risk of impairment to water quality, taking into account toxicity, persistence, degradability, solubility, and other biological, chemical, and physical properties of the wastes.

(b) Classify the types of disposal sites according to the level of protection provided for water quality, taking into account the geology, hydrology, topography, climatology, and other factors relating to ability of the site to protect water quality.

(c) Adopt standards and regulations to implement Sections 13226 and 13227.

SEC. 5. Section 13226 is added to the Water Code, to read:

13226. Consistent with classifications adopted by the state board pursuant to Section 13172, each regional board shall review and classify any proposed or currently operating waste disposal site, except any sewage treatment plant or any site which primarily contains fertilizer or radioactive material, within its region.

SEC. 6. Section 13227 is added to the Water Code, to read:

13227. (a) Each regional board, with respect to its region, shall review the facility closure and maintenance report submitted to the State Department of Health Services pursuant to Section 25246 of the Health and Safety Code, to ensure that water quality is adequately protected during closure and the post-closure maintenance period.

(b) The regional board shall approve the facility closure and maintenance report if it finds that the report complies with applicable state and federal laws and regulations relating to water quality protection and monitoring.

(c) The regional board may condition its approval of the report in

accordance with the requirements of this section.

SEC. 7. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), or Chapter 7 (commencing with Section 13500), any aggrieved person may petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The state board may, on its own motion, at any time review such action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.

(b) The evidence before the state board shall consist of the record before the regional board, and any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may direct that the appropriate action be taken by the regional board, refer the matter to any other state agency having jurisdiction, take the appropriate action itself, or do any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 8. Division 7.5 (commencing with Section 14000) of the Water Code is repealed.

SEC. 9. Notwithstanding Section 25356 of the Health and Safety Code, an amount, not to exceed two hundred thousand dollars (\$200,000), of the amount appropriated to the Hazardous Substance Account by Section 25332 of the Health and Safety Code may be expended by the State Director of Health Services without regard to fiscal years for the state's share of the cost to characterize the wastes present at the McColl hazardous waste disposal sites and to evaluate appropriate remedial action.

SEC. 10. The unencumbered balance of the Site Closure and Maintenance Revolving Account, administered pursuant to former Article 3.6 (commencing with Section 14055) of Chapter 1 of Division 7.5 of the Water Code, is hereby transferred to the State Water Pollution Cleanup and Abatement Account administered pursuant to Article 3 (commencing with Section 13440) of Chapter

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6 of Division 7 of the Water Code.

SEC. 11. Three hundred thousand dollars (\$300,000) of the amount appropriated for Program 10 by Item 394-001-001 of the Budget Act of 1981 (Chapter 99, Statutes of 1981) is hereby reverted to the General Fund.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to complete the expeditious review of closure and maintenance reports for existing hazardous waste facilities so that the public health and safety will not be threatened by toxic releases from the improper closure of these facilities, it is necessary that this act take effect immediately.

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CALIFORNIA

Assembly Bill No. 1543

CHAPTER 89

An act to amend Sections 25117, 25142, 25145, 25150, 25151, 25152, 25154, 25170, 25175, 25177, 25180, 25189, 25191, and 25202, and the heading of Article 7 (commencing with Section 25170) of Chapter 6.5 of Division 20 of, to amend and renumber Section 25172 of, to add Sections 25117.8, 25150.5, 25157, 25174.5, and 25178, and Article 5.5 (commencing with Section 25159) to Chapter 6.5 of Division 20 of, and to add and repeal Article 9.5 (commencing with Section 25206) to Chapter 6.5 of Division 20 of, and to repeal and add Sections 25100, 25101, and 25171 of, the Health and Safety Code, relating to hazardous waste, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 2, 1982. Filed with
Secretary of State March 2, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1543, Tanner. Hazardous waste.

(1) Existing law does not provide for a Hazardous Waste Management Council.

This bill would create a Hazardous Waste Management Council consisting of specified members. The council would have the responsibility of preparing a Hazardous Waste Management Plan prior to January 1, 1983, containing, among other things, a statewide hazardous waste facilities siting and permit process and recommendations relating to legislative, administrative, and economic mechanisms necessary to assist in the siting of new hazardous waste facilities. The State Department of Health Services would be required to make specified information available to the council. The council would be required to hold public hearings on the draft and submit a final plan to the Governor and the Legislature prior to July 1, 1983.

(2) Existing provisions of the federal Resource Conservation and Recovery Act of 1976 permit any state to administer and enforce a state hazardous waste program in lieu of the federal program. The state must develop and submit an application to the Administrator of the Environmental Protection Agency and is authorized to conduct the state program unless the administrator finds that the state program is not equivalent to the federal program, not consistent with the federal or state programs applicable in other states, or that it does not provide adequate enforcement of compliance with the requirements of the federal hazardous waste management program. Existing provisions of the federal act also permit a state to seek, under specified circumstances, an interim authorization from the administrator to conduct such a program.

Existing law contains legislative findings and declarations relating to the handling, storage, use, processing, and disposal of hazardous waste.

This bill would revise those findings and declarations and in so doing, would, among other things, make a legislative declaration that it is in the best interest of the state to obtain and maintain federal authorization to administer a state hazardous waste program and would generally grant authority to the State Director of Health Services to secure and maintain interim and final authorization for the state hazardous waste program from the administrator. The bill would authorize the department to make available to the Environmental Protection Agency all information required by law, including trade secrets, in order to obtain and maintain interim and final authorization to administer the state hazardous waste program. The bill would, however, require the department to adopt and revise when necessary regulations which would allow the state to receive and maintain authorization to administer a state hazardous waste program in lieu of the federal program, as specified.

(3) The existing hazardous waste control law specifies that those provisions shall not be construed to limit or abridge the power and duties granted to the State Water Resources Control Board or regional water quality control boards. This bill would, in addition, specify that the provisions contained in the hazardous waste control law shall not be deemed to supersede the powers and duties granted to those boards.

Existing law requires the department to adopt minimum standards and regulations relating to hazardous waste.

This bill would delete the word "minimum" from those provisions of law and would require the department to adopt any standard or regulation required to be adopted by the hazardous waste control law, and revise any standard or regulation required to be revised by this act, on or before January 1, 1983.

(4) Existing law imposes a civil penalty, in an amount not to exceed \$5,000, against any person who intentionally or negligently violates any provision of the hazardous waste control law, except that a civil penalty, in an amount not to exceed \$25,000, is imposed against any person who intentionally or negligently disposes of hazardous waste at an unauthorized point.

This bill would increase the civil penalty for violating any provision of the hazardous waste control law to an amount not to exceed \$25,000, except for certain prescribed violations in which the amount of the penalty shall not exceed \$50,000.

(5) Existing law also imposes criminal fines and imprisonment for certain acts done knowingly by any person.

This bill would include within such provision the knowing destruction, alteration, or concealment of any record required to be maintained pursuant to the hazardous waste control law relating to the generation, storage, treatment, transportation, disposal, or

handling of hazardous wastes.

The bill would specify that the provisions described in this paragraph and paragraph (4) shall not become operative if AB 70 is chaptered.

(6) Existing law requires each operator of any site at which hazardous wastes are disposed to pay a fee to the director pursuant to a schedule of fees established by the director.

This bill would require that the fees established by the director be determined according to specified criteria.

(7) The bill would also, among other things, require the department to prepare and submit to the Legislature a report every 2 years to include, among other things, information regarding the status of various programs, enforcement actions, and research activity, and to prepare and issue to the public a report every 2 years containing technological information relating to the treatment, storage, recycling, source reduction, and disposal of hazardous waste.

(8) Existing law requires penalties recovered pursuant to specified enforcement provisions to be deposited in the continuously appropriated Hazardous Waste Control Account in the General Fund, which funds may be expended by the department for the purposes of administering specified hazardous waste control statutes. This bill would increase the amount of certain penalties that may be imposed and, therefore, the bill would make an appropriation.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(10) The bill would take effect immediately as an urgency statute.
Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 25100 of the Health and Safety Code is repealed.

SEC. 2. Section 25100 is added to the Health and Safety Code, to read:

25100. The Legislature finds that:

(a) Increasing quantities of hazardous wastes are being generated in the state, for which the generators of the hazardous waste must provide safe disposal.

(b) Long-term threats to public health and to air and water quality are posed by the landfill disposal of many types of untreated hazardous wastes and by the inappropriate handling, storage, use,

and disposal of hazardous wastes.

(c) Extensive technology exists for the safe treatment, neutralization, and destruction of many types of hazardous wastes prior to disposal.

(d) Numerous opportunities exist to reduce the amount of hazardous waste generated in the state and to conserve resources through the application of existing source reduction and recycling technology.

(e) The people of the state face immense costs as a result of improper hazardous waste handling and disposal practices.

SEC. 3. Section 25101 of the Health and Safety Code is repealed.

SEC. 4. Section 25101 is added to the Health and Safety Code, to read:

25101. The Legislature therefore declares that:

(a) In order to protect the public health and the environment and to conserve natural resources, it is in the public interest to establish regulations and incentives which ensure that the generators of hazardous waste employ technology and management practices for the safe handling, treatment, recycling, and destruction of their hazardous wastes prior to disposal.

(b) In order to assist the generators of hazardous waste in meeting the responsibility for the safe disposal of hazardous waste it is necessary to establish the Hazardous Waste Management Council.

(c) The Legislature further declares that in order to protect the public of this state and particularly the communities where hazardous wastes are treated and disposed, it is essential to assure full compensation of all people injured or damaged by hazardous wastes. It is therefore necessary that the Hazardous Waste Management Council, created pursuant to Section 25206, make recommendations regarding a system of insurance and mechanisms establishing liability to achieve this result, as required by subdivision (e) of Section 25208.

(d) It is in the best interest of the health and safety of the people of the State of California for the state to obtain and maintain authorization to administer a state hazardous waste program in lieu of the federal program pursuant to Section 3006 of Public Law 94-580, as amended, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6926). Therefore, it is the intent of the Legislature that the director shall have those powers necessary to secure and maintain interim and final authorization for the state hazardous waste program pursuant to the requirements of Section 3006 of Public Law 94-580, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6926), and to implement such program in lieu of the federal program.

SEC. 5. Section 25117 of the Health and Safety Code is amended to read:

25117. "Hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical,

chemical, or infectious characteristics may either:

(a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste.

SEC. 6. Section 25117.8 is added to the Health and Safety Code, to read:

25117.8. "Natural resources" includes, but is not limited to, disposal site capacity and substances which are hazardous waste, or which are in hazardous waste, the reuse of which is technologically and economically feasible.

SEC. 7. Section 25142 of the Health and Safety Code is amended to read:

25142. Any waste which conforms to a criterion adopted pursuant to Section 25141 shall be handled, stored, used, processed, and disposed of in accordance with permits, orders, and regulations issued or promulgated by the department pursuant to this chapter and building standards published in the State Building Standards Code relating to hazardous waste facilities, or recycled consistent with the list of hazardous wastes which the department, pursuant to Section 25175, finds are economically and technologically feasible to recycle, until such waste is cited in a list adopted by the department pursuant to Section 25140.

SEC. 7.5. Section 25145 of the Health and Safety Code is amended to read:

25145. This chapter shall not be construed to limit, abridge, or supersede the powers or duties granted to the State Water Resources Control Board and each regional water quality control board by Division 7 (commencing with Section 13000) and Division 7.5 (commencing with Section 14000) of the Water Code.

SEC. 8. Section 25150 of the Health and Safety Code is amended to read:

25150. (a) Except as provided in Section 18930, the department shall adopt, and revise when appropriate, standards and regulations for the handling, processing, use, storage, and disposal of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment.

(b) The department shall apply the standards and regulations adopted pursuant to subdivision (a) to the use and operation of facilities for handling, treating, storing and disposing of hazardous waste and, except as provided in Section 18930, may adopt, and revise when appropriate, additional standards and regulations for the use and operation of such facilities to protect against hazards to public health, domestic livestock, wildlife, or the environment posed by

such facilities.

(c) The department shall adopt, and revise when appropriate, regulations for the recycling of hazardous waste to protect against hazards to the public health, domestic livestock, wildlife, or to the environment and to encourage the best use of natural resources.

(d) The department shall adopt and submit building standards relating to hazardous waste facilities for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of this code for the purposes described in this section.

(e) Before preparation of such building standards or adoption of such other regulations, the department shall consult with all agencies of interested local governments, including, but not limited to, local governing bodies, local planning agencies, local health authorities, and local building inspection departments, and secure technical assistance from the Department of Food and Agriculture, the Department of the California Highway Patrol, the Department of Fish and Game, the Department of Industrial Relations, the Division of Industrial Safety, the State Air Resources Board, the State Water Resources Control Board, the State Fire Marshal, regional water quality control boards, the State Building Standards Commission, and the State Solid Waste Management Board.

SEC. 8.5. Section 25150.5 is added to the Health and Safety Code, to read:

25150.5. The department shall adopt all standards and regulations required to be adopted by any provision of this chapter, and shall revise any standard or regulation required to be revised by the act which enacted this section during the 1981 portion of the 1981-1982 Regular Session of the Legislature, on or before January 1, 1983.

SEC. 9. Section 25151 of the Health and Safety Code is amended to read:

25151. The department may adopt varying regulations pursuant to Section 25150, other than building standards for different areas of the state depending on population density, climate, geology, types and volumes of hazardous waste generated in the area, types of waste treatment technology available in the area, and other factors relevant to hazardous waste handling, processing, storing, recycling, and disposal.

SEC. 10. Section 25152 of the Health and Safety Code is amended to read:

25152. Before adopting building standards or adopting or revising other standards and regulations for the handling, processing, storing, use, recycling, and disposal of hazardous and extremely hazardous wastes, the department shall hold at least one public hearing in Sacramento, or in a city within the area of the state to be affected by the proposed regulations. Except as provided in Section 18930, the department shall adopt the proposed regulations after making changes or additions that are appropriate in view of the evidence and testimony presented at the public hearing or hearings.

SEC. 10.5. Section 25154 of the Health and Safety Code is amended to read:

25154. It shall be unlawful for any person to handle, store, use, process, or dispose of any hazardous waste or extremely hazardous waste except as provided for in this chapter or regulations adopted by the department pursuant to this chapter.

SEC. 11. Section 25157 is added to the Health and Safety Code, to read:

25157. Regulations adopted pursuant to this chapter may require the treatment of extremely hazardous waste at the site of production prior to any transportation, if the director determines that treatment is necessary to provide safe transportation of the extremely hazardous waste. No provision of this chapter shall be construed to require disposal of hazardous waste at the site of production, provided, that the transportation of the extremely hazardous waste conforms to all applicable regulations.

SEC. 12.5. Article 5.5 (commencing with Section 25159) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 5.5. Coordination with Federal Acts

25159. To the extent authorized by Section 25145, the department shall adopt and revise when necessary regulations which will allow the state to receive and maintain authorization to administer a state hazardous waste program in lieu of the federal program pursuant to Section 3006 of Public Law 94-580, as amended (42 U.S.C. 6926).

25159.5. In adopting or revising standards and regulations pursuant to this chapter, the department shall, insofar as practicable, make such standards and regulations conform with corresponding regulations adopted by the United States Environmental Protection Agency pursuant to Public Law 94-580, as amended (the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.). Nothing in this section shall preclude the department from adopting standards and regulations which are more stringent or more extensive than federal regulations.

25159.6. Until such time as the department adopts standards and regulations corresponding to and equivalent to, or more stringent or extensive than, regulations adopted by the United States Environmental Protection Agency pursuant to Sections 3002, 3003, 3004, 3005 and 3006 of Public Law 94-580, as amended, the following shall apply:

(a) Any person who produces a waste which is a hazardous waste as defined by Section 25117 shall comply with this chapter and regulations adopted thereunder and, in addition, to the extent that the waste is both hazardous as defined by regulations adopted pursuant to Section 3001 of the Resource Conservation and Recovery Act, as amended (P.L. 94-580) and has not been excluded from

regulation pursuant to that section, the person shall also comply with federal regulations adopted pursuant to Section 3002 of that federal act.

(b) Any person who transports a waste which is a hazardous waste as defined by Section 25117 shall comply with this chapter and regulations adopted thereunder and, in addition, to the extent that such waste is both hazardous as defined by regulations adopted pursuant to Section 3001 of the Resource Conservation and Recovery Act, as amended (P.L. 94-580), and has not been excluded from regulation pursuant to that section, the person shall also comply with federal regulations adopted pursuant to Section 3003 of that act.

(c) Any person who owns or operates a hazardous waste facility shall comply with this chapter and regulations adopted thereunder and, in addition, to the extent that the facility is defined as a hazardous waste facility in regulations adopted under the Resource Conservation and Recovery Act, as amended (P.L. 94-580), and to the extent that the waste is both hazardous as defined by regulations adopted pursuant to Section 3001 of that act and has not been excluded from regulation pursuant to that section, such person shall also comply with federal regulations adopted pursuant to Sections 3004 and 3005 of that act.

25159.7. Except as otherwise authorized, the Department of Health Services is authorized to carry out all hazardous waste management responsibilities imposed or authorized by Public Law 94-580, as amended, Public Law 96-510 (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980), and subsequent amendments, and any regulations promulgated pursuant to these federal acts.

25159.8. Nothing in this chapter shall be construed as prohibiting the furnishing of trade secret information to the federal Environmental Protection Agency to the extent required by law to obtain and maintain interim and final authorization to implement the state hazardous waste program in lieu of the federal program under the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended (42 USC 6901 et seq.). If the department has received a written claim that particular information furnished to the EPA is trade secret information, the department shall so inform the EPA.

25159.9. Notwithstanding any other provision of law, the department may make available to the federal Environmental Protection Agency any and all information required by law to be furnished to such agency pursuant to the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended (42 USC 6901 et seq.) in order to obtain and maintain interim and final authorization to administer the state hazardous waste program in lieu of the federal program. The sharing of information between the department and the EPA pursuant to this section shall not constitute a waiver by the department or any affected person of any privilege or confidentiality

of such information provided by law.

SEC. 13. The heading of Article 7 (commencing with Section 25170) of Chapter 6.5 of Division 20 of the Health and Safety Code is amended to read:

Article 7. Treatment, Recycling, and Disposal Technology

SEC. 13.5. Section 25170 of the Health and Safety Code is amended to read:

25170. The department in performing its duties under this chapter shall:

(a) Coordinate research and development regarding methods of hazardous waste handling, storage, use, processing, and disposal and may conduct appropriate studies relating to hazardous wastes.

(b) Maintain a technical reference center on hazardous waste disposal, recycling practices, and related information for public and private use.

(c) Provide statewide planning for hazardous waste facility site identification and assessment and render technical assistance to state and local agencies in the planning and operation of hazardous waste programs.

(d) Provide for appropriate surveillance of hazardous waste processing, use, handling, storage, and disposal practices in the state.

(e) Coordinate research and study in the technical and managerial aspects of management and use of hazardous wastes, and recycling and recovery of resources from hazardous wastes.

(f) Determine existing and expected rates of production of hazardous waste.

(g) Investigate market potential and feasibility of use of hazardous wastes and recovery of resources from hazardous wastes.

(h) Promote recycling and recovery of resources from hazardous wastes.

(i) Conduct studies for the purpose of improving departmental operations.

(j) Encourage the reduction or exchange, or both, of hazardous waste.

(k) Establish and maintain an information clearinghouse, which shall consist of a record of wastes which may be recyclable. Every producer of hazardous waste shall supply the department with information for the clearinghouse. Each producer shall not be required to supply any more information than is required by the manifests provided for in Section 25160. The department shall make this information available to persons who desire to recycle the wastes. The information shall be made available in such a way that the trade secrets of the producer are protected.

(l) Conduct pilot projects, as appropriate, to document the technical performance of emerging technologies which offer potential for ameliorating California's hazardous waste disposal

problems.

SEC. 14. Section 25171 of the Health and Safety Code is repealed.

SEC. 15. Section 25171 is added to the Health and Safety Code, to read:

25171. Commencing July 1, 1982, and every other year thereafter, the department shall prepare and issue to the public a report that contains an assessment of the best available technologies for the treatment, storage, recycling, source reduction, and disposal of hazardous waste in preparation for revisions to regulations adopted pursuant to Section 25150. The assessment shall include, but not be limited to, those technologies considered by the department to be the best currently available and an estimate of the unit costs associated with each technology.

SEC. 16. Section 25172 of the Health and Safety Code is amended and renumbered to read:

25105. No provision of this chapter shall limit the authority of any state or local agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce and administer.

SEC. 18. Section 25174.5 is added to the Health and Safety Code, to read:

25174.5. The schedule of fees established pursuant to Section 25174 shall provide that the fee paid for the disposal of a class of hazardous waste, as determined by the department, be increased or decreased relative to the fee applied to the disposal of other classes of hazardous wastes according to the relative short-term and long-term hazards posed by the hazardous waste at the point of disposal, as determined by the department, when compared to the other classes of hazardous wastes disposed of in California.

SEC. 21. Section 25175 of the Health and Safety Code is amended to read:

25175. (a) The department shall prepare and adopt and may revise when appropriate, a list of hazardous wastes which the department finds are economically and technologically feasible to recycle. Each substance shall be categorized according to the degree of difficulty and the kind of difficulty encountered in recycling that substance. Whenever any waste on the list is disposed of by a person, the department may request, and the producer or disposer of that waste shall supply the department with, a formal, complete, and detailed statement justifying why the waste was not recycled. If the request is made of any entity listed in Section 25118 other than an individual, the statement shall be issued by the responsible management of that entity. The department shall keep confidential any trade secrets contained in any such statement.

(b) If, after receipt of the statement described in subdivision (a), the department finds the recycling of a hazardous waste to be economically and technologically feasible at the site of production, as determined by the site operator, or, if the department provides

the name of a ready, willing, and able purchaser of the recyclable waste, the disposer of the hazardous waste shall recycle the hazardous waste by either of the above described methods. Failure to comply with an order to recycle by either of these methods shall result in the assessment of fees for disposal pursuant to Section 25174. The director may establish fees for the disposal of hazardous wastes determined to be recyclable in amounts which may be up to two times the base fee paid under the annual fee schedule established by the director.

SEC. 22. Section 25177 of the Health and Safety Code is amended to read:

25177. The department may report findings and results of an investigation which the department undertakes pertaining to subject matter governed by this chapter, except for trade secrets as provided in Section 25173. The department may distribute such information as it considers necessary for the protection of the public or for the protection of human health, domestic livestock, wildlife, and the environment and to ensure the best use of natural resources. The department may publish reports summarizing or containing any order of the director or any judgment or court order which has been rendered pursuant to this chapter, including the nature of the charge and its disposition.

SEC. 22.5. Section 25178 is added to the Health and Safety Code, to read:

25178. On or before January 1, 1983, and on or before January 1st of each odd-numbered year thereafter, the department shall prepare and submit to the Legislature a report containing, but not limited to, the following:

(a) The status of the regulatory and program developments required pursuant to legislative mandates.

(b) The status of the hazardous waste facilities permit program.

(c) The status of the hazardous waste facilities siting program.

(d) The status of the hazardous waste abandoned sites program.

(e) A summary of enforcement actions taken pursuant to this chapter and any other actions relating to hazardous waste management.

(f) Summary data on annual quantities and types of hazardous waste generated, transported, treated, stored, and disposed.

(g) Summary data regarding onsite and offsite disposition of hazardous waste.

(h) Research activity initiated by the department.

(i) Regulatory action by other agencies relating to hazardous waste management.

(j) Any other data considered pertinent by the department to hazardous waste management.

SEC. 23. Section 25180 of the Health and Safety Code is amended to read:

25180. The standards and regulations adopted by the department

pursuant to Section 25150 shall be enforced by the department or any local health officer or any local public officer as designated by the director.

SEC. 24. Section 25189 of the Health and Safety Code is amended to read:

25189. (a) Any person who intentionally or negligently makes any false statement or representation in any application, label, manifest, record, report, permit, or other document, filed, maintained, or used for purposes of compliance with this chapter, shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each separate violation or, for continuing intentional violations, for each day that violation continues.

(b) Except as provided in subdivision (c), any person who intentionally or negligently violates any provision of this chapter or any permit, rule, regulation, standard, or requirement issued or promulgated pursuant to this chapter, shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each violation of a separate provision or, for continuing intentional violations, for each day that violation continues.

(c) Any person who intentionally or negligently disposes of any hazardous waste at a point which is not authorized according to the provisions of this chapter shall be subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation and may be ordered to disclose the fact of this violation or these violations to such persons as the court may direct. Each day on which such deposit remains and that person has knowledge thereof is a separate additional violation, unless the person immediately files a report of the deposit with the department and is complying with any order concerning the deposit issued by the director or a court of competent jurisdiction for such cleanup.

(d) Each civil penalty imposed for any separate violation pursuant to this section shall be separate and in addition to any other civil penalty imposed pursuant to this section or any other provision of law.

SEC. 25. Section 25191 of the Health and Safety Code is amended to read:

25191. (a) Any person who knowingly does any of the following acts shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail not to exceed one year, or both such fine and imprisonment. If the conviction is for a violation committed after a first conviction of such person under this section, such person shall be punished by imprisonment in the state prison for 16, 20, or 24 months, or in the county jail for not to exceed one year, or by a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by both such fine and imprisonment:

(1) Makes any false statement or representation in any application, label, manifest, record, report, permit, or other

document filed, maintained, or used for the purposes of compliance with this chapter.

(2) Has in his or her possession any record relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste required to be maintained pursuant to this chapter, that has been altered or concealed, whether altered or concealed prior to January 1, 1982.

(3) Destroys, alters, or conceals any record relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste required to be maintained pursuant to this chapter.

(4) Withholds information regarding a real and substantial danger to the public health or safety when such information has been requested by the department in writing and is required to carry out the department's responsibilities pursuant to the provisions of this chapter in response to a real and substantial danger.

(b) Any person who knowingly does any of the following acts shall, upon conviction, be punished by a fine of not more than fifty thousand dollars (\$50,000) for each day of violation, or by imprisonment in the county jail not to exceed one year or both such fine and imprisonment. If the conviction is for a violation committed after a first conviction of such person under this section, such person shall be punished by imprisonment in the state prison for 16, 20, or 24 months, or in the county jail for not to exceed one year, or by a fine of not more than fifty thousand dollars (\$50,000) per day of violation or by both such fine and imprisonment.

(1) Transports any hazardous waste to a facility which does not have a permit from the department issued pursuant to this chapter, or to any point which is not authorized according to the provisions of this chapter.

(2) Treats, stores, or disposes of any hazardous waste at a facility which does not have a permit from the department issued pursuant to the provisions of this chapter, or at any point which is not authorized according to the provisions of this chapter.

SEC. 26. Section 25202 of the Health and Safety Code is amended to read:

25202. Compliance with conditions on the hazardous waste facilities permit and with regulations adopted by the department pursuant to this chapter shall be required to sustain the validity of such permit. The department shall impose conditions on such permit, specifying the types of hazardous wastes which may be accepted for treatment or disposal, special operating conditions, requirements for evidence of financial responsibility for liabilities which may be incurred in the operation of the facility, provision of bond or other sureties to cover the costs of monitoring, maintaining, and closing the facility, and of postclosure security, and changes in the operation of the permitted facility necessary to comply with the regulations promulgated pursuant to this chapter. The department

may impose other conditions on such permit which are consistent with the intent of this chapter.

SEC. 28. Article 9.5 (commencing with Section 25206) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 9.5. Hazardous Waste Management Council

25206. There is in state government a Hazardous Waste Management Council. The council shall consist of the following 16 members:

(a) The State Director of Health Services or a designated representative.

(b) The chairperson of the State Water Resources Control Board or a designated representative.

(c) The chairperson of the State Air Resources Board or a designated representative.

(d) The chairperson of the State Solid Waste Management Board or a designated representative.

(e) Three members appointed by the Speaker of the Assembly as follows:

(1) One member of the State Assembly.

(2) One representative who belongs to a California municipal association.

(3) One representative who belongs to a California association connected with the waste management industry.

(f) One member of the State Senate appointed by the Rules Committee of the Senate.

(g) Two members appointed by the President pro Tempore of the Senate as follows:

(1) One representative who belongs to a California association connected with the chemical manufacturing industry.

(2) One representative who belongs to a California environmental association.

(h) Three members appointed by the Governor as follows:

(1) One representative who belongs to a public interest group.

(2) One representative who shall be a registered geologist experienced in toxic and solid waste disposal and groundwater protection.

(3) One representative who shall be a chemical engineer experienced in the waste management field.

(i) One representative selected by the County Supervisors Association of California, who shall be a member of the board of supervisors from a county which is not represented through the association pursuant to subdivisions (j) and (k) and that county is not within a metropolitan statistical area as defined in the federal census.

(j) One representative appointed by the Association of Bay Area Governments.

(k) One representative appointed by the Southern California

Association of Governments.

The appointments required to be made pursuant to subdivisions (e), (f), (g), and (h) shall be made on or before March 1, 1982.

25207. (a) The chairperson of the council shall be elected by the council.

(b) A vacancy occurring on the council shall be filled in the same manner as the original appointments.

(c) All meetings of the council shall be subject to the state open meeting law contained in Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code. A majority of the total membership of the council shall constitute a quorum for the transaction of official business.

(d) Members of the council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses.

(e) The members appointed who are members of the Senate and the Assembly shall meet with, and participate in, the work of the council to the extent that their participation is not incompatible with their position as Members of the Legislature. For the purposes of this article, the council members who are Members of the Legislature shall constitute a joint interim legislative committee on the subject of this article.

(f) The council shall cease to exist on January 1, 1984.

25208. Prior to January 1, 1983, the Hazardous Waste Management Council shall prepare a Hazardous Waste Management Plan which shall include all of the following elements:

(a) The development of a statewide hazardous waste facilities siting and permit process which will provide for, but not be limited to, the following:

(1) Public participation in the site selection and permit process.

(2) Local government and regional council government and regional government participation in the site selection and permit process.

(3) Maximum facility applicant and local community discussion to determine local permit conditions and applicant actions to offset risks imposed by the facility.

(4) Opportunity for negotiation and arbitration over siting and facility disputes.

(5) Incorporation of statewide and regional hazardous waste facility needs in the siting and local permit process and alternatives to meet those needs.

(b) Recommendations regarding legislative, administrative, and economic mechanisms necessary to assist in the siting of new hazardous waste facilities including those actions necessary to implement the process developed pursuant to subdivision (b), including consideration of the need for the council to be reestablished with additional powers.

(c) Recommendations to the Legislature regarding legislative, administrative, and economic mechanisms necessary to ensure that

all persons, particularly those in communities where hazardous wastes are treated and disposed of, shall be fully compensated for injury or damage caused by hazardous materials.

25208.3. The department shall present, at the first meeting of the council, all available reports and information in its possession on all of the following subjects, or, if any type of such information on such subjects is not available, the department shall explain why it is not available:

(a) A compilation and review of all current and projected production of hazardous waste. This compilation shall incorporate present and projected data on:

(1) The types of hazardous wastes being generated in each county.

(2) The amount and type of waste being imported and exported.

(3) The sites currently being used for the disposition of these wastes within the state as well as the existing capacities and lifespans of such sites.

(b) A proposal for a reasonable geographic distribution of hazardous waste disposal facilities to fulfill the state's need for hazardous waste treatment, storage, or disposal for the next 25 years. This proposal shall be based on, but not limited to, the following:

(1) Location of generators.

(2) The amount and type of waste being generated in the state.

(3) The amount and type of waste being imported and exported.

(4) Health and environmental safety.

(5) Economics of transportation and the risk associated with such transportation.

(6) Capacity and lifespan of existing hazardous waste sites.

(c) A determination of those site selection criteria which will ensure that hazardous waste facilities may be established without causing unacceptable environmental or public health effects. These criteria shall include, but not be limited to, the following:

(1) Health and environmental impact factors.

(2) Hydrological, geological, and climatic factors.

(3) The adequacy of access to the site.

(4) The risk and impact of accidents during the transportation of hazardous waste.

(5) Local zoning and other land use regulations.

(6) Population density considerations.

(7) Closure and postclosure monitoring and maintenance requirements.

(8) The risk of fires and explosions.

(9) Other criteria that the council deems appropriate and necessary.

(d) An investigation and analysis of methods or technologies and incentives for source reduction, reuse, recycling or recovery of potentially hazardous waste and a strategy for encouraging and promoting those methods.

(e) An investigation and analysis of alternative methods for treatment and disposal of hazardous waste.

The unavailability of information on any of the subjects identified in subdivisions (a) to (e), inclusive, shall not be construed as restricting or limiting the authority of the council to discharge its responsibilities.

25208.5. (a) Prior to the completion of a final plan, the council shall prepare a preliminary draft plan. The preliminary draft plan shall be distributed to local units of government and regional councils of government throughout the state. The council shall establish a system whereby notice of the availability of the plan is disseminated throughout the state and shall also issue a statewide news release announcing the availability of the draft and how it may be reviewed or obtained.

(b) The council shall conduct not less than three public hearings throughout the state at diverse geographical locations. The first public hearing shall not be held until 60 days have elapsed from the date of the notice announcing the availability of the draft. The notice of the hearing shall be widely publicized within the area. Within 30 days after the hearings are completed, the council shall prepare a written summary of the comments received, provide comments on the major concerns raised at the hearings, and make appropriate amendments to the preliminary draft. The council shall submit a completed final plan upon completion of this review process, but prior to July 1, 1983, with the comments and amendments, to the Governor and the Legislature.

25209. (a) All state agencies shall provide assistance to the council in carrying out the council's responsibilities.

(b) The council may contract for consulting studies it deems necessary to enable it to carry out its assigned duties.

25209.5. This article shall remain in effect only until January 1, 1984, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1984, deletes or extends such date.

SEC. 29. If Assembly Bill 70 is chaptered, whether before or after this bill, and amends Section 25189 of the Health and Safety Code, the amendments made to that section by AB 70 shall prevail over the amendments made to that section by this bill, and therefore, in that event, Section 24 of this bill shall not become operative.

SEC. 30. If Assembly Bill 70 is chaptered, whether before or after this bill, and amends Section 25191 of the Health and Safety Code, the amendments made to that section by Assembly Bill 70 shall prevail over the amendments made to that section by this bill, and therefore, in that event, Section 25 of this bill shall not become operative.

SEC. 31. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and

Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

SEC. 32. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution shall go into immediate effect. The facts constituting the necessity are:

In order that urgently needed programs for the proper management of hazardous waste to protect the public health and safety and the environment may be commenced during the 1981-82 fiscal year, it is necessary that this act take effect immediately.

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RECEIVED APR 16 1982

CALIFORNIA

Assembly Bill No. 2075

CHAPTER 93

An act to amend Section 25192 of, and to add Section 25191.7 to, the Health and Safety Code, relating to hazardous waste, and making an appropriation therefor.

[Approved by Governor March 2, 1982. Filed with Secretary of State March 2, 1982.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2075, Robinson. Hazardous waste: rewards.

Existing law requires civil penalties collected for violation of specified provisions of the hazardous waste control law to be deposited in the Hazardous Waste Control Account in the General Fund, a continuously appropriated fund and requires the State Department of Health Services to pay half of any such penalty awarded to either the city or county if the action is brought by either such entity, or the actual costs of prosecuting the case in which the penalty was awarded, whichever is less. Existing law requires that fines levied pursuant to other specified provisions of the hazardous waste control law be deposited in the county treasury and distributed in a prescribed manner.

This bill would require the payment to any person who provides information leading to the imposition of a civil penalty or leading to the conviction of a person for violating certain provisions of the hazardous waste control law of a specified reward and, in so doing, would proportionately reduce the amount payable to a city or county, as the case may be, under the above provisions. The bill would make public officers and employees who report those violations in the normal course of their duties ineligible for the reward and would require the department to adopt regulations to establish procedures for the determination and payment of the reward.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 25191.7 is added to the Health and Safety Code, to read:

25191.7. (a) Any person who provides information which materially contributes to the imposition of a civil penalty against any person for violating the provisions of subdivision (a), (b), or (c) of Section 25189, shall be paid a reward by the department pursuant to regulations adopted by the department under subdivision (f), equal to 10 percent of the amount of the civil penalty collected by the department pursuant to subdivision (a), (b), or (c) of Section 25189

and deposited in the Hazardous Waste Control Account pursuant to Section 25192. No reward paid pursuant to this subdivision shall exceed five thousand dollars (\$5,000).

(b) Any person who provides information which materially contributes to the conviction of a person for violating the provisions of subdivision (a), (b), or (c) of Section 25191 shall be paid a reward by the county pursuant to regulations adopted by the department under subdivision (f), equal to 10 percent of the amount of the fine collected pursuant to subdivision (a), (b), or (c) of Section 25191 and deposited in the county treasury pursuant to Section 1463 of the Penal Code. No reward paid pursuant to this subdivision shall exceed five thousand dollars (\$5,000).

(c) No informant shall be eligible for a reward for a violation known to the department, unless the information materially contributes to the imposition of criminal or civil penalties for a violation specified in this section.

(d) If there is more than one informant for a single violation, the first notification received by the department shall be eligible for the reward. If the notifications are postmarked on the same day or telephoned notifications are received on the same day, the reward shall be divided equally among those informants.

(e) Public officers and employees of the United States, the State of California, or counties and cities in California, shall not be eligible for the reward pursuant to subdivision (a) or (b), unless reporting those violations does not relate in any manner to their responsibilities as public officers or employees.

(f) On or before July 1, 1982, the department shall adopt regulations which establish procedures for the receipt and review of claims for payment of rewards and for the determination of the material contribution by the information furnished to the imposition of civil or criminal penalties for a violation specified in this section. In each case brought under subdivision (a) the department shall determine whether the information materially contributes to the imposition of civil or criminal penalties for violations specified in this section. In each case brought under subdivision (b) the county shall determine whether the information materially contributes to the imposition of civil or criminal penalties for violations specified in this section.

(g) On or before April 1, 1982, and continuing thereafter, the department shall publicize the availability of the rewards pursuant to this section for persons who provide information pursuant to subdivision (a) or (b).

(h) Claims may be submitted only for those referrals made on or after January 1, 1982.

SEC. 2. Section 25192 of the Health and Safety Code is amended to read:

25192. Penalties collected pursuant to this chapter shall be paid to the Hazardous Waste Control Account in the General Fund.

Funds deposited in such account are continuously appropriated for expenditure without regard to fiscal years to the State Department of Health Services to carry out the provisions of this chapter. If civil penalties are awarded and the action is brought by a city attorney or district attorney, the department, upon payment of the penalty, shall pay the city or county an amount which shall be equal to the actual cost incurred by the office of the city attorney or district attorney for prosecuting the case for which the penalty was awarded, one-half of the penalty awarded, or one-half the amount of any civil penalty awarded and remaining after deducting the amount paid pursuant to subdivision (a) of Section 25191.7, whichever is less. If no penalty is awarded or paid, or both, the state shall have no obligation to make any payment to the city or county. If the actual cost incurred by the office of the city attorney or district attorney for prosecuting the case was less than one-half the penalty awarded or less than one-half of any civil penalty awarded and remaining after deducting the amount paid pursuant to subdivision (a) of Section 25191.7, whichever is greater, the department shall use funds in an amount equal to the monetary difference between such actual cost and one-half such penalty to partially fund activity of local health officers to enforce the provisions of this chapter pursuant to Section 25180.

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