
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 2293
Author: Committee on Environmental Safety and Toxic Materials
Version: 3/15/2022 **Hearing Date:** 6/8/2022
Urgency: No **Fiscal:** Yes
Consultant: Gabrielle Meindl

SUBJECT: Carpenter-Presley-Tanner Hazardous Substance Account Act: recodification

DIGEST: Reorganizes the provisions of the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) without making any substantive changes to the statute.

ANALYSIS:

Existing law:

- 1) Establishes the HSAA, which is a program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment. (Health and Safety Code § 25300 et seq.)

This bill reorganizes the provisions of the HSAA without making any substantive changes to the statute.

Background

- 1) *Need for the bill.* In 2018, the Legislature directed the California Law Revision Commission (Commission) to conduct a strictly nonsubstantive clean-up of Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300, the HSAA) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law (SCR 91 Roth, Resolution Chapter 158 of 2018). The Commission decided to proceed with this work in phases, first undertaking work on Chapter 6.8. AB 2293 incorporates the Commission's work on HSAA and reorganizes the provisions to make them more user-friendly, without changing the substance of the law.
- 2) *Carpenter-Presley-Tanner Hazardous Substances Account Act.* State law provides the California Department of Toxic Substances Control (DTSC) with

general administrative responsibility for overseeing the state's responses to spills or releases of hazardous substances, and for hazardous waste disposal sites that pose a threat to public health or the environment. DTSC utilizes the HSAA for cleanup of contaminated sites. The HSAA provides DTSC with the authority, procedures, and standards to investigate, remove, and remediate contamination at sites; to issue and enforce a removal or remedial action order to any responsible party; and, to impose administrative or civil penalties for noncompliance with an order. Federal and state law also authorizes DTSC to recover costs and expenses it incurs in carrying out these activities.

- 3) *History of the Commission's work related to DTSC.* In 2015, the Legislature passed and the Governor signed SB 83 (Budget Committee, Chapter 24, Statutes of 2015), which established within DTSC a three-member Independent Review Panel (IRP) to review and make recommendations regarding improvements to DTSC's permitting, enforcement, public outreach, and fiscal management. Pursuant to SB 83, the IRP was authorized until January 1, 2018. Over the course of its term, the IRP conducted 24 public meetings and released 11 progress and annual reports. On January 8, 2018 the IRP released its final report and recommendations concluding: "The Department has implemented, or is working on, most of the IRP's recommendations and has achieved, or partially achieved, many of the IRP's suggested performance metrics. However, there is more work to be done. In the absence of the IRP, the Governor and the Legislature should consider a DTSC governing board or other structural change to enhance transparency and accountability and regularly monitor the status of the IRP-suggested recommendations and performance metrics, as well as DTSC's ongoing initiatives and decision-making." One of the issues raised by the IRP was that DTSC's statutes were confusing, not organized very well and difficult to understand.

In response to the IRP's work, the Legislature authorized the Commission via (SCR 91 Roth, Resolution Chapter 158 of 2018) to: study, report on, and prepare recommended legislation to revise Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law, but not to make any substantive changes to the law. Such revisions may include, but are not limited to, grouping similar provisions together, reducing the length and complexity of sections, eliminating obsolete or redundant provisions, and correcting technical errors.

Comments

- 1) *This bill.* AB 2293 incorporates the Commission's work reorganizing the HSAA (Chapter 6.8) and does not make any substantive changes to the law. A companion bill, AB 2327 (Committee on Environmental Safety and Toxic Materials [ESTM]) includes changes to cross-references to code sections within Chapter 6.8 using the new codes sections within AB 2293.

Related/Prior Legislation

AB 2327 (ESTM Committee) enacts conforming changes to AB 2293 by updating sections in the HSAA that are cross-referenced in other code sections. This bill is pending in this Committee.

SOURCE: Committee on Environmental Safety and Toxic Materials

SUPPORT:

None received

OPPOSITION:

None received

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