
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 2481

Author: Smith

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Urgency: No

Fiscal: Yes

Consultant: Gabrielle Meindl

SUBJECT: Household hazardous waste: facilities: transportation and acceptance

DIGEST: Makes various changes to the statutory requirements for the transportation of hazardous waste and the operation of household hazardous waste (HHW) collection facilities.

ANALYSIS:

Existing law:

- 1) Establishes the federal Resource Conservation and Recovery Act (RCRA) to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout the wastes' life cycle. (42 United States Code (U.S.C.) § 6901 et seq.)
- 2) Establishes the Hazardous Waste Control Law (HWCL) to authorize the Department of Toxic Substances Control (DTSC) to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) § 25100 et seq.)
- 3) Defines "waste" as any solid, liquid, semisolid, or contained gaseous discarded material. (HSC § 25124)
- 4) Defines "hazardous waste" as waste, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics:
 - a) Causes, or significantly contributes to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
 - b) Poses a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (HSC § 25141(b))

- 5) Defines "household hazardous waste" as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (HSC § 25218.1(e))
- 6) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)

This bill:

- 1) Authorizes, to the extent consistent with federal law, the transport of HHW to a HHW collection facility using a shipping paper instead of a hazardous waste manifest, if the transport is from another HHW collection facility, a permanent HHW collection facility, a temporary HHW collection facility, a recycle-only HHW collection facility or a solid waste load checking program under an agreement with a HHW collection facility.
- 2) Clarifies that a permanent HHW collection facility, under certain conditions is not subject to the weight and volume limits on the amount of recyclable latex paint or oil-based paint that may be accepted.
- 3) Specifies that the limits on the amount of waste a HHW collection facility may accept from a very small quantity generator (VSQG) do not apply to universal waste.
- 4) Allows a HHW collection facility to accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts a total of no more than 1,200 kilograms of hazardous waste from that VSQG in a calendar year.
- 5) Requires a HHW collection facility to clearly advise a person delivering waste at the acceptance area of the facility to remain in their vehicle, unless the operator determines it is necessary for the person to exit the vehicle to provide access to the HHW. Provides that a HHW collection facility is not in violation if a person exits their vehicle despite that advisement.

- 6) Authorizes a HHW collection facility to accept hazardous waste from a VSQG in the same area and at the same time that the facility accepts residential HHW.
- 7) Authorizes, when a resident of a household that generates hazardous waste is unable or unavailable to transport the waste because of death, illness, or disability, another person to transport the waste to the HHW collection facility provided there is no compensation for transporting the waste.
- 8) Specifies that for-profit organizations cannot handle HHW on behalf of an individual unable or unavailable to transport the waste.
- 9) Authorizes a public agency or a contractor of a public agency, to carry hazardous waste from a solid waste facility, a solid waste landfill load-check program, or a transfer station load-check program, to a HHW collection facility under an agreement with the HHW collection facility.
- 10) Makes various technical and conforming changes.

Background

- 1) *Hazardous waste management.* Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. In regulatory terms, a waste is hazardous if it appears on a RCRA hazardous wastes list or exhibits one of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous wastes even if they are not specifically listed or do not exhibit any characteristic of a hazardous waste. Hazardous wastes are prohibited from being disposed of in the trash, and must be properly transported and disposed of at permitted treatment, storage, and disposal facilities or at a recycling facility.
- 2) *Universal waste.* Universal waste comes primarily from consumer products containing mercury, lead, cadmium and other substances that are hazardous to human health and the environment. These items cannot be discarded in household trash nor disposed of in landfills. Examples of universal waste are batteries, fluorescent tubes, and many electronic devices. Under both state and federal law and regulation, universal wastes are authorized to be managed in a less stringent manner than hazardous waste.
- 3) *Hazardous waste manifests.* The Uniform Hazardous Waste Manifest is the shipping document that travels with hazardous waste from the point of

generation, through transportation, to the final treatment, storage, and disposal facility. Each party in the chain of shipping, including the generator, signs and keeps one of the manifest copies, creating a "cradle-to-grave" tracking of the hazardous waste. Hazardous waste transporters in California must adhere to regulations regarding proper containment and management of the hazardous waste, and hence must be registered with DTSC.

- 4) *Household hazardous waste collection.* Many common household products are also hazardous, and when these products are discarded, they become "household hazardous waste." Common HHW includes, but is not limited to, antifreeze, glue and adhesives, pesticides, used oil, batteries, electronic wastes, and household cleaners. In California, HHW is prohibited from being disposed of in the trash, down the drain, or by abandonment, and must be disposed of through a Household Hazardous Waste Program. Most HHW programs are run by local government agencies such as a city or county. California Hazardous Waste Law provides several management requirements for HHW generators and establishes a streamlined permitting process for HHW collection facilities. The reduced management requirements provided to households include:
 - a) Households are not required to have a US EPA identification number;
 - b) Households may self-transport up to 5 gallons or 50 pounds of HHW to an approved HHW Collection Facility. The local administering agency may elect to increase this quantity, under specified conditions, to 15 gallons or 125 pounds; and,
 - c) Households are not required to use a Hazardous Waste Manifest when they self-transport HHW to an approved HHW Collection Facility.

Additionally, local agencies may offer a number of services to assist in the transportation of HHW to a collection facility, including a curbside collection program, a mobile collection facility, a door-to-door collection program, a HHW residential pickup service, a registered hazardous waste transporter, or a registered hazardous waste transporter operating under a contract with a public agency (i.e. Waste Management). Current law requires registered HHW transporters to comply with the manifest system, but authorizes the use of consolidated manifesting. These "consolidated transporters" are authorized to combine specified wastes from multiple generators on a single manifest, rather than using a separate manifest from each generator. The generators using the consolidated manifesting procedure are exempt from filling out a hazardous waste manifest. The consolidated transporter completes both the generator and the transporter section of the manifest.

- 5) *This bill*: AB 2481 provides some additional flexibility and clarifications for HHW collection facilities. Generally speaking, HHW collection facilities, run by local, are the only place a household or small business can safely take their hazardous waste. When it comes to universal wastes, such as batteries or fluorescent lamps, households are often unsure where to dispose of them and they can often end up in the solid waste stream. It makes sense to continue to look at the requirements for HHW collection facilities, and where appropriate, to further clarify and streamline these requirements to assist with the safe collection of hazardous wastes from households.

Comments

- 1) *Purpose of Bill*. According to the author, "AB 2481 makes a variety of changes to the laws related to the transportation of household hazardous waste and operation of household hazardous waste collection facilities in an effort to clarify ambiguities and inconsistencies in current law, reduce the financial burden on local governments, and provide more flexibility to collection facilities and individuals to ensure that hazardous waste is disposed of properly.

"Hazardous wastes, such as paint, cleaners, and batteries, pose a threat to human health and the environment if improperly discarded. The goal of this bill is to ensure that these items are disposed of correctly while reducing some of the burdens on individuals, local governments, and collection facilities."

Related/Prior Legislation

AB 698 (ESTM Committee, Chapter 153, Statutes of 2021) updates terms within the HWCL to conform to recent changes in federal hazardous waste regulation promulgated by the US EPA under their Generator Improvement Rule.

SB 552 (Archuleta, Chapter 481, Statutes of 2019) authorizes the use of consolidated manifests in the transportation of HHW in door-to-door HHW collection programs.

SB 726 (Caballero, Chapter 485, Statutes of 2019) authorizes a public agency's contractor to conduct HHW materials exchange programs.

AB 1597 (ESTM Committee, Chapter 133, Statutes of 2019) authorizes the state's hazardous waste management manifest requirements to be satisfied through the use of the US EPA's electronic manifest system.

SOURCE: Rural County Representatives of California (RCRC)

SUPPORT:

American Coatings Association

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the sponsor of the bill, the Rural County Representatives of California, "AB 2481 makes several changes to laws related to transportation of HHW and operation of household hazardous waste collection facilities (HHWCFs). AB 2481 is intended to clarify and resolve ambiguities in existing law while reducing administrative and financial burdens on local governments that administer HHWCFs; provide flexibility for operation of local HHWCFs; and facilitate proper disposal of hazardous waste."

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