

Legislative Mandates 2007

*A compilation of new mandates and statutory
changes affecting DTSC programs*



December 2007

**Department of Toxic Substances Control
Maureen Gorsen
Director**

INTRODUCTION

This publication serves to inform Department of Toxic Substances Control (DTSC) staff of new legislatively mandated activities and important statutory changes resulting from legislation enacted in the first half of the 2007/2008 Legislative Session.

Some of the described changes are provided for information only, such as noting new or revised requirements or procedures that affect applied standards or the way DTSC operates. Other changes describe more direct requirements, such as mandates upon DTSC to develop regulations, prepare a report, establish a new program, or modify an existing program.

The descriptions provided in this publication are not binding. Staff should consult the actual bill language (which can be accessed through the Internet links provided) for exact changes to the statutes.

Bills that contain an urgency clause take effect on the date they are chaptered; bills without an urgency clause take effect on January 1, 2008. Bills may also specify that their provisions take effect at a later date or designate a specific date by which an activity must be completed.

Questions regarding the information in this publication can be referred to any of the legislative affairs staff in DTSC's Office of Legislative and Regulatory Policy (see below). Suggestions for changes to this publication that would make it a more valuable or useful tool are also welcome.

LEGISLATIVE OFFICE STAFF

Rick Brausch	Legislative Director	916.327.1186
Margaret Graham	Senior Legislative Analyst	916.324.3149
Mary Delaney	Legislative Analyst	916.322.2004
Corey Yep	Senior Policy Advisor	916.445.3601
Heather Lerma	Executive Assistant	916.322.3900
Justin Knighten	Student Assistant	916.322.3900

INDEX OF BILLS AFFECTING DTSC PROGRAMS BY BILL NUMBER



Bill No.	Author	Description	Chapter	Affected Program(s)
AB 258	Krekorian	Water Quality: plastic discharges	Chapter 735, Statutes of 2007	HWMP/ SPPTP
AB 422	Hancock	Vapor intrusion/cleanup standards	Chapter 597, Statutes of 2007	SMBRP
AB 833	Ruskin	California TRI Program	Chapter 616, Statutes of 2007	OEIM/OSPDA
AB 1056	Leno	California Ocean Protection Act	Chapter 372, Statutes of 2007	SPPTP
AB 1098	Saldana	Business plan and Cal/ARP penalties	Chapter 623, Statutes of 2007	HWMP/CUPA
AB 1108	Ma	Children's products: phthalates	Chapter 672, Statutes of 2007	SPPTP/HWMP/EERP
AB 1109	Huffman	Light bulbs: toxic reduction: lighting efficiency	Chapter 534, Statutes of 2007	EERP/ HWMP/ SPPTP
AB 1359	Parra	Dielectric oil testing requirements	Chapter 704, Statutes of 2007	EERP/HWMP
AB 1371	Ruskin	Civil and Administrative Enforcement for storing or treating hazardous waste at unauthorized locations	Chapter 705, Statutes of 2007	EERP/OLC
AB 1447	Calderon, C	Certified Appliance Recyclers	Chapter 709, Statutes of 2007	EERP/CUPA/HWMP
SB 774	Ridley Thomas	Hazardous packaging	Chapter 659, Statutes of 2007	EERP/HWMP/ SPPTP
SB 966	Simitian	Pharmaceutical drug disposal	Chapter 542, Statutes of 2007	SPPTP/ HWMP
SB 990	Kuehl	Santa Susana Field Laboratory	Chapter 729, Statutes of 2007	Executive Office/HWMP

Legend

CUPA	DTSC as a Certified Unified Program Agency
EERP	Enforcement & Emergency Response Program
HWMP	Hazardous Waste Management Program
OLC	Office of Legal Counsel
OSPDA	Office of Scientific and Program Data Analysis
SMBRP	Site Mitigation and Brownfield Reuse Program
SPPTP	Science, Pollution Prevention, and Technology Program

SUMMARIES OF BILLS AFFECTING DTSC PROGRAMS



AB 258, Chapter 735, Statutes of 2007 (Krekorian) – Water Quality: Plastic Discharges

RESPONSIBLE PROGRAM(S): HWMP, SPPTP

New Program or Requirements

Additional Requirements for an Existing Program

Information Only

Report to the Governor/Legislature

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0251-0300/ab_258_bill_20071014_chaptered.pdf

Summary:

AB 258 requires the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards), by January 1, 2009, to implement a program to control preproduction plastic (i.e., “nurdles”) discharges from point and nonpoint sources.

Specifically, this bill:

- Defines the term “preproduction plastics” for the purposes of this bill.
- Requires the State and Regional Water Boards to implement a program to control discharges of preproduction plastic from point and nonpoint sources by January 1 2009. The State Water Board is to determine the appropriate regulatory methods to address the discharges.
- Requires the State Water Board, when developing the program, to consult with Regional Water Boards that have plastic manufacturing, handling, or transportation facilities within their boundaries that have already implemented a voluntary program for control of preproduction plastics.

- Requires the State and Regional Water Boards to include, at a minimum, waste discharge requirements and monitoring and reporting requirements that target plastic manufacturing, handling, and transportation facilities.
- Requires the State and Regional Water Boards to mandate that plastic manufacturing, handling, and transportation facilities implement best management practices to control discharges of preproduction plastics. For facilities regulated under an NPDES permit, the best management practices are to include:
 - Installing mesh screen containment systems at all storm drains that are down-gradient from where preproduction plastics are transferred or present.
 - Completely sealing preproduction plastics at all points of transfer.
 - Storing preproduction plastics in a manner that prevents discharge at all points of storage and transfer.
 - Using capture devices at all points of storage and transfer.
 - Having a vacuum system available for quick cleanup of preproduction plastic spills.
- Requires the State Water Board to include criteria for submitting a “no exposure certification” in all permits regulating plastic manufacturing, handling, or transportation facilities, to be renewed at least once every five years.
- Authorizes the Water Boards to assess and collect fees sufficient to support the program.

Departmental Mandate(s):

For informational purposes only.



AB 422, Chapter 597, Statutes of 2007 (Hancock) – Vapor Intrusion/Cleanup Standards

RESPONSIBLE PROGRAM(S): SMBRP

New Program or Requirements

Additional Requirements for an Existing Program

Information Only

Report to the Governor/Legislature

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0401-0450/ab_422_bill_20071013_chaptered.pdf

Summary:

AB 422 modifies the State Superfund Law to ensure that cleanups under its authority address vapor intrusion concerns. Additionally, AB 422 authorizes the State Water Board or Regional Water Boards to require risk assessments as part of cleanups they oversee.

Specifically, this bill:

- Requires that any health or ecological risk assessment prepared in conjunction with a response action taken or approved under the State Superfund Law include the development of reasonable maximum estimates of exposure to Volatile Organic Compounds (VOCs) that may enter structures that are on the site or that are proposed to be constructed on the site.
- Authorizes the State or Regional Water Boards to require persons conducting any cleanup and abatement efforts at a brownfield site to address potential human health and ecological hazards, using either environmental screening levels or a site-specific risk assessment.

Departmental Mandate(s):

AB 422 establishes an explicit requirement for responsible parties to evaluate and control vapor intrusion in State Superfund law. DTSC's existing practice has been to take into account the potential for vapor intrusion into existing or proposed structures. It does not appear that AB 422 alters DTSC's existing risk assessment practices at contaminated sites and brownfields, however SMBRP staff should verify this to be the case.



AB 833, Chapter 616, Statutes of 2007 (Ruskin) – California TRI Program

RESPONSIBLE PROGRAM(S): OEIM, OSPDA

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| <input checked="" type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0801-0850/ab_833_bill_20071013_chaptered.pdf

Summary:

AB 833 creates the California Toxic Release Inventory Program (CalTRIP) to collect the information that the U.S. Environmental Protection Agency's (U.S. EPA) Toxic Release Inventory (TRI) Program stopped collecting on January 1, 2006, as a result of its changes to the federal Emergency Planning and Community Right-to-Know Act of 1986, and to make that information available on the Internet.

Specifically, this bill:

- Requires DTSC to develop and implement CalTRIP by January 1, 2009.
- Requires businesses to submit a toxic chemical release form to DTSC if the facilities are no longer required to submit a toxic chemical release form containing specific information under current federal regulations.
- Requires DTSC to collect information from businesses retroactively to the effective date of U.S. EPA's changes to the federal requirements.
- Authorizes DTSC to adopt regulations (only if necessary) for implementation of the Program.
- Prohibits DTSC from requiring businesses to submit a toxic chemical release form under CalTRIP if a legal stay or injunction has been imposed by a federal court requiring continued submission under TRI.

Departmental Mandate(s):

- Develop and implement CalTRIP by January 1, 2009.
- Conduct meetings and other outreach with affected businesses, and prepare and issue informational materials concerning DTSC's implementation of AB 833 and businesses new filing requirements.
- Require businesses to either mail a hard copy or email an electronic copy of their Form R to DTSC.
- Convert hard copies mailed into electronic images, and post all images available on the DTSC Internet Web site.



AB 1056, Chapter 372, Statutes of 2007 (Leno) – California Ocean Protection Act

RESPONSIBLE PROGRAM(S): SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1051-1100/ab_1056_bill_20071010_chaptered.pdf

Summary:

AB 1056 makes a variety of changes to the statute governing the operation of the Ocean Protection Council (Council).

Specifically, this bill:

- Requires the members of the Council to elect a chair at its first meeting each calendar year instead of requiring the Secretary of the Resources Agency act as the Chair.
- Requires the Council to establish an advisory team of scientists to assist the Council in its efforts to protect ocean resources.
 - Requires that the science advisory team include scientists from a range of disciplines that are a part of the council's purview.
 - Requires that the science advisory team provide an independent and timely analysis of reports and studies, identifying areas of scientific consensus or uncertainty.
 - Requires the science advisory team to contract with the California Ocean Science Trust and other non profit organizations, ocean science institutes, academic institutions, or others that have experience in conducting the scientific and educational tasks that are required.
 - Requires the science advisory team to transmit their results of research and investigations to state agencies to provide information for policy decisions.

Departmental Mandate(s):

For informational purposes only.



AB 1098, Chapter 623, Statutes of 2007 (Saldana) – Business plan and Cal/ARP penalties

RESPONSIBLE PROGRAM(S): HWMP, CUPA

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1051-1100/ab_1098_bill_20071013_chaptered.pdf

Summary

Assembly Bill (AB) 1098 clarifies enforcement provisions related to administrative and criminal penalties relating to the handling and release of hazardous materials.

Specifically, this bill:

- Removes the requirement that the amount of an administrative penalty be set by the governing board of the administering agency;
- Makes changes regarding an administering agency's authority to issue enforcement orders; and
- Specifies that a person or stationary source that knowingly violates those provisions after reasonable notice of the violation is guilty of a misdemeanor.

Departmental Mandate(s):

For informational purposes only.



AB 1108, Chapter 672, Statutes of 2007 (Ma) – Children’s products: phthalates

RESPONSIBLE PROGRAM(S): SPPTP, HWMP, EERP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1101-1150/ab_1108_bill_20071014_chaptered.pdf

Summary:

Assembly Bill (AB) 1108 prohibits the manufacture, sale, or distribution of certain toys and child care articles if the products contain phthalates over specified concentrations, and requires manufacturers to use the least toxic alternative when replacing phthalates in their products.

Specifically, this bill:

- Makes legislative findings and declarations regarding the use of phthalates, the amount of scientific literature available regarding the health effects and levels of phthalates measured in humans.
- After January 1, 2009, prohibits the manufacture, sale or distribution in commerce any toy or child care article that contains di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP), in concentrations exceeding 0.1 percent.
- After January 1, 2009, prohibits the manufacture, sale or distribution in commerce any toy or child care article intended for use by a child under three years of age if the toy or child care article can be placed in the child's mouth and contains diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.
- Requires that manufacturers use the least toxic alternative when replacing phthalates in their products.
- Prohibits manufacturers from replacing phthalates with chemicals that are carcinogens.
- Prohibits manufacturers from replacing phthalates with chemicals that are reproductive toxicants.

Departmental Mandate(s):

For informational purposes only.

AB 1108 does not have any direct programmatic implications for DTSC. The provisions of AB 1108 have been placed into an area of statute that is implemented by the Department of Public Health (DPH).



AB 1109, Chapter 534, Statutes of 2007 (Huffman) – Light bulbs; toxic reduction; lighting efficiency

RESPONSIBLE PROGRAM(S): EERP, HWMP, SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input checked="" type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1101-1150/ab_1109_bill_20071012_chaptered.pdf

Summary:

AB 1109 prohibits the manufacture and sale of general purpose lighting products that contain lead, cadmium, mercury, or hexavalent chromium in excess of European Union (EU) limits. AB 1109 also requires DTSC, in coordination with the California Integrated Waste Management Board (CIWMB), to convene a task force to make recommendations on the collection and recycling of end-of-life light bulbs. Finally, AB 1109 requires the California Energy Commission (CEC) to adopt minimum energy efficiency standards for lighting products by the end of 2008.

Specifically, this bill:

- Enacts the California Lighting Efficiency and Toxics Reduction Act.
- Makes a variety of findings regarding energy consumption by and hazardous substances in lighting products.
- After January 1, 2010, prohibits manufacturing for sale in the state general purpose light bulbs that contain lead, cadmium, mercury, or hexavalent chromium at levels prohibited by the EU under its Restriction on the use of Hazardous Substances (RoHS) Directive.
- After January 1, 2010, prohibits the sale of general purpose light bulbs under the following circumstances:
 - The light bulbs contain hazardous substances above levels that would result in their being prohibited from sale in the EU.
 - The manufacturer fails to provide required documentation to DTSC.
 - The manufacturer fails to provide a required certification to the seller.

- Specifies RoHS Directive guidance published in the United Kingdom as the method for DTSC to determine which general purpose light bulbs are subject to AB 1109's manufacturing and sales prohibition.
- Exempts or delays the effective date on the following lighting products:
 - High output and very high output linear fluorescent lamps greater than 32 millimeters in diameter and preheat linear fluorescent lamps. By January 1, 2014, DTSC is required to determine whether these lamps should continue to be exempted.
 - High intensity discharge lamps and compact fluorescent lamps greater than nine inches in length, until January 1, 2012.
 - General service incandescent lamps and enhanced spectrum lamps, until January 1, 2014.
- Requires a manufacturer of general purpose lights sold in California to prepare, and provide to DTSC on request, documentation demonstrating that the bulbs being offered for sale in California comply with the RoHS Directive.
- Requires a manufacturer of general purpose lights sold in California to provide, upon request, a certification to persons selling the lighting products that the general purpose lights do not contain levels of hazardous substances that would result in the prohibition of that general purpose light being sold in California. A manufacturer would alternately be allowed to display the certification on the shipping container or packaging to satisfy this requirement.
- Authorizes, but does not require, DTSC to adopt regulations to implement and administer the bill.
- Defines general purpose lights, and identifies those lighting products that are not considered general purpose lights.
- Requires DTSC, in coordination with the CIWMB, to convene a task force that is to make recommendations on the following:
 - The most effective, cost-efficient and convenient method for collecting and recycling end-of-life bulbs.
 - Methods to educate consumers about the proper management and collection opportunities for end-of-life bulbs.
 - Designations on the general purpose light and light packaging for proper recycling and compliance.
 - The task force is to conclude its work and make its recommendations by September 1, 2008.
- Requires the CEC to adopt minimum energy efficiency standards for all general purpose lights by December 31, 2008, with the goal of reducing, by 2018, average statewide electrical energy consumption by up to 50 percent of 2007 levels for indoor residential lighting, and up to 25 percent of 2007 levels for indoor commercial and outdoor lighting.

- Requires the CEC to make recommendations to the Governor and the Legislature on how to continue reductions in electrical consumption for lighting beyond 2018.
- Authorizes the CEC to establish programs to encourage the sale of general purpose lights that meet or exceed the efficiency standards.
- Requires the Department of General Services and all other state agencies to purchase lighting products that meet the specified efficiency standards within two years of the adoption of the standards.

Departmental Mandate(s):

- Establish protocols, and procedures for implementing and enforcing the requirements of the California Lighting Efficiency and Toxics Reduction Act.
- Using guidance published in the United Kingdom, identify those general purpose light bulbs that are subject to AB 1109's manufacturing and sales prohibition.
- Solicit expertise from other state agencies, conduct meetings and other outreach with lighting industry and retailers, and prepare and issue informational materials concerning DTSC's implementation of AB 1109.
- Provide training to DTSC inspectors on new provisions.
- Collaborate with the CIWMB to convene the task force that is to make recommendations on end of life bulb management issues.
- Adopt regulations if necessary.



AB 1359, Chapter 704, Statutes of 2007 (Parra) – Dielectric oil testing requirements

RESPONSIBLE PROGRAM(S): EERP, HWMP

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| <input type="checkbox"/> New Program or Requirements | <input checked="" type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1351-1400/ab_1359_bill_20071014_chaptered.pdf

Summary:

AB 1359 allows a generator of mineral oil dielectric fluid to demonstrate through previous testing that the fluid qualifies for an exemption from regulation as used oil.

Specifically, this bill:

- Provides that a generator of dielectric fluid from oil filled equipment such as transformers is not required to test for toxicity if the generator can prove through previous tests that the fluid has not previously exhibited the characteristic of toxicity.
- Requires generators to include a certification with each shipment of exempted oil, and to maintain the records of prior tests on which the certification is based. The certification and test records are subject to audit and verification by DTSC, a certified unified program agency (CUPA), or the CIWMB.

Departmental Mandate(s):

- Modify relevant DTSC inspection checklists and inspector guidance.
- Provide training to DTSC inspectors on new provisions.
- Coordinate with the Cal/EPA Unified Program to notify and train CUPAs on changes to requirements.



AB 1371, Chapter 705, Statutes of 2006 (Ruskin) – Penalties for storing or treating hazardous waste at unauthorized locations

RESPONSIBLE PROGRAM(S): EERP/OLC

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| <input type="checkbox"/> New Program or Requirements | <input checked="" type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1351-1400/ab_1371_bill_20071014_chaptered.pdf

Summary:

AB 1371 establishes statutory authority for DTSC to pursue civil or administrative penalties against hazardous waste violators for storing or treating hazardous waste at unauthorized facilities or locations, including locations that are not owned or not under the control of the violator.

Specifically, this bill:

- Establishes a civil penalty for intentionally or negligently treating or storing, or causing the treatment or storage of, hazardous waste at an unauthorized facility that is not owned or operated by that person.
- Establishes and administrative penalty for treating or storing, or causing the treatment or storage of, hazardous waste at an unauthorized facility that is not owned or operated by that person.
- Clarifies that offering hazardous waste to a transporter or to an authorized facility that later violates the law is not causing unlawful treatment or storage of hazardous wastes, provided efforts are made to determine that the transporter is registered or the facility is authorized.

Departmental Mandate(s):

- Provide training to DTSC inspectors on new provisions.
- Coordinate with the California Environmental Protection Agency (Cal/EPA) Unified Program to notify and train CUPAs on changes to available enforcement authorities.



AB 1447, Chapter 709, Statutes of 2007 (Calderon, C) – Certified Appliance Recyclers

RESPONSIBLE PROGRAM(S): EERP, CUPA, HWMP

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| <input type="checkbox"/> New Program or Requirements | <input checked="" type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1401-1450/ab_1447_bill_20071014_chaptered.pdf

Summary:

AB 1447 revises the requirements that govern Certified Appliance Recyclers (CARs) to allow scrap recycling facilities to accept “orphaned” appliances provided they report it to the DTSC and the CUPAs, and to allow appliance service technicians to remove refrigerants from major appliances. AB 1447 also makes other technical modifications to the CAR requirements.

Specifically, this bill:

- Revises the Certified Appliance Recycling requirements to allow appliance service technicians that are certified pursuant to federal regulations to remove refrigerants from major appliances;
- Exempts appliances that have already been crushed, baled, or shredded by a CAR from being individually counted and categorized on the form submitted to the scrap recycling facility;
- Allows someone other than a CAR to transport, deliver, or sell discarded appliances to a scrap recycling facility only if the scrap recycling facility is a CAR itself, and if either:
 - The appliances have not been processed in way that could result in the release, or prevent the removal, of hazardous materials in the appliance; or
 - The appliances have been processed in a way manner that could result in the release, or prevent the removal, of hazardous materials in the appliance, but that person either:

- Provides the scrap recycling facility with a written certification that identifies any hazardous materials that have been legally removed from the appliance, and, among other things, identifies the facilities to which the hazardous materials were sent.
 - Presents some form of government identification and other identifying information, certifies that the appliance was obtained in its current condition and did not process or arrange to have the appliance processed, and provides the name and address of the person from whom the appliance was obtained.
- Exempts local governments from the certification requirements.
- Requires a scrap recycling facility that accepts appliances from someone other than a CAR to provide a monthly report to DTSC and the CUPA on those appliances received.
- Requires CAR applicants (new and on renewal) to provide additional information in their application including physical address and a technical description of how each hazardous material in appliances will be removed and managed by the CAR.

Departmental Mandate(s):

- Modify relevant DTSC inspection checklists and inspector guidance.
- Provide training to DTSC inspectors on new provisions.
- Coordinate with the Cal/EPA Unified Program to notify and train CUPAs on changes to requirements.
- Develop methods to receive and use information reported by scrap recycling facilities on scrap appliances received from other than CARs.
- Modify CAR application forms and procedures to accommodate additional information requirements, and post the modified application form on the DTSC Internet web site.



SB 774, Chapter 659, Statutes of 2007 (Ridley-Thomas) – Hazardous Packaging

RESPONSIBLE PROGRAM(S): EERP, HWMP, SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input checked="" type="checkbox"/> Additional Requirements for an Existing Program |
| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0751-0800/sb_774_bill_20071013_chaptered.pdf

Summary:

SB 774 modifies the Toxics in Packaging Prevention Act (TPPA), making its exemption for vitrified labeling glass or ceramic packaging more stringent, and requiring manufacturers and suppliers to furnish a certificate of compliance to the purchaser.

Specifically, this bill:

- Makes a variety of findings and declarations related to lead in painted labels on bottles, as well as health effects related to lead.
- Modifies the TPPA exemption for a glass or ceramic package or packaging component with a vitrified label, so that the exemption does not apply if the paint or applied ceramic decoration contains lead or lead compounds in excess of 0.06 percent by weight (600 ppm).
- Requires manufacturers or suppliers of a package or packaging component to also furnish suppliers with a certificate of compliance stating that the package or packaging component is in compliance with the requirements of the TPPA.

Departmental Mandate(s):

- Communicate statutory changes to DTSC's Toxics in Consumer Products team.
- Integrate changes into the team's work products and DTSC's plan for implementation of TPPA.



SB 966, Chapter 542, Statutes of 2007 (Simitian) – Pharmaceutical Drug Disposal

RESPONSIBLE PROGRAM(S): SPPTP, HWMP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0951-1000/sb_966_bill_20071012_chaptered.pdf

Summary:

SB 966 requires the CIWMB to develop model programs for the collection and disposal of pharmaceutical drug wastes.

Specifically, this bill:

- Requires the CIWMB to do the following:
 - Develop model programs for the collection and proper disposal of pharmaceutical drug waste in consultation with appropriate state, local, and federal agencies, including but not limited to, DTSC, the State Water Board, and the California State Board of Pharmacy;
 - Set minimum criteria for participants of the model programs.
 - Evaluate a variety of model programs used by other state, local, and other governmental entities, and consider a variety of potential participants that may be appropriate for the collection and disposal of pharmaceutical drug waste;
 - Make the model programs available to eligible participants no sooner than July 1, 2008, but no later than December 1, 2008;
 - Require that the model program include a provision for notice and informational materials for consumers about the potential environmental impacts of the improper disposal of pharmaceutical drug waste;
 - Authorize CIWMB to adopt regulations to implement and enforce the provisions of this bill; and

- By December 1, 2010, provide a report to the Legislature evaluating the model programs for efficacy, safety, and cost-effectiveness and provide recommendations for the potential implementation of a statewide program and statutory changes.
- Allows CIWMB to increase household hazardous waste grants available in any one fiscal year to \$6,000,000 if sufficient funds are appropriated from the Integrated Waste Management Account.
- Exempts controlled substances from the program.

Departmental Mandate(s):

Participate in CIWMB's efforts to implement this bill, and provide consultative assistance and advice as needed and requested.



SB 990, Chapter 729, Statutes of 2007 (Kuehl) – Santa Susana Field Laboratory Cleanup

RESPONSIBLE PROGRAM(S): Executive Office, HWMP

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| <input type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0951-1000/sb_990_bill_20071014_chaptered.pdf

Summary:

SB 990 authorizes DTSC to use both its Hazardous Waste authority and its State Superfund authority to oversee the cleanup of the Santa Susana Field Laboratory (SSFL) site in Ventura County. SB 990 also requires that the cleanup be conducted using the State Superfund procedures, and specifies cleanup goals to be achieved. Finally, SB 990 requires the Director of DTSC to certify that the site has been fully cleaned from chemical and radiological contamination before the site can be transferred or offered for sale.

Specifically, this bill:

- Authorizes DTSC to use its legal authority in both Chapters 6.8 and Chapter 6.5 of the Health and Safety Code to compel any parties responsible for environmental contamination at the SSFL site in Ventura County to take or pay for removal and remedial actions at the site.
- Requires that any removal or remedial actions at the SSFL site be conducted according to the procedures and requirements of the State Superfund.
- Requires that cleanup standards for the site be developed using the State Superfund risk assessment methodology.
- Requires that the risk assessment methodology account for risks from both radiological and chemical contamination.

- Specifies that the cleanup standards for the site be protective for a land use of suburban residential or rural residential (agricultural), whichever results in lower levels of allowable contamination and is more protective.
- Requires DTSC to use as its initial cleanup goals for radioactive contaminants the concentrations in the U.S. Environmental Protection Agency's Preliminary Remediation Goals in effect on January 1, 2007.
- Conditions the sale, lease, sublease or transfer of the SSFL property on the Director of DTSC certifying that the site has undergone complete remediation pursuant to the most protective standards specified in the State Superfund and the provisions of the bill.
- Makes a variety of findings and declarations establishing the uniqueness of the site and the necessity to enact a bill that solely affects the SSFL site.

Departmental Mandate(s):

- Communicate statutory changes to DTSC's SSFL site cleanup team.
- Communicate procedural changes to Boeing and other responsible parties at the SSFL site.
- Modify enforcement agreements and plans to accomplish the changes required in SB 990 (primarily shifting from RCRA and Chapter 6.5 Corrective Action authority and cleanup procedures to Chapter 6.8/State Superfund authority and cleanup procedures).
- Ensure reports and plans provided by the responsible parties regarding the SSFL site comply with the requirements of SB 990.