

1 **HAZARDOUS WASTE CONTROL ACCOUNT**

2

3 THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

4 SECTION 1. Section 25160 of the Health and Safety Code is amended to read:

5 25160. (a) For purposes of this chapter, the following definitions apply:

6 (1) "Manifest" means a shipping document originated and signed by a generator of
7 hazardous waste that contains all of the information required by the department and that
8 complies with all applicable federal and state regulations, and includes any of the following:

9 (A) A California Uniform Hazardous Waste Manifest, which was a manifest document
10 printed and supplied by the state for a shipment initiated on or before September 4, 2006.

11 (B) A Uniform Hazardous Waste Manifest, which is United States Environmental
12 Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A
13 (Manifest Continuation Sheet), printed by a source registered with the United States
14 Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

15 (C) (i) An electronic manifest, which is the electronic format of a hazardous waste
16 manifest, that is obtained from the electronic manifest system and transmitted electronically
17 to the system, that is the legal equivalent of United States Environmental Protection Agency
18 Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

19 (ii) A printed copy of the manifest from the e-Manifest system.

20 (2) "Electronic manifest system" or "e-Manifest system" means the United States
21 Environmental Protection Agency's national information technology system through which
22 an electronic manifest may be obtained, completed, transmitted, and distributed to users of
23 the electronic manifest, and to regulatory agencies.

1 (3) For purposes of this section and Section 25205.15, a shipment is initiated on the
2 date when the manifest, is signed by the first transporter and the hazardous waste leaves the
3 site where it is generated.

4 (b) (1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by
5 a variance issued by the department, a person generating hazardous waste that is
6 transported, or submitted for transportation, for offsite handling, treatment, storage,
7 disposal, or any combination thereof, shall complete a manifest prior to the time the waste is
8 transported or offered for transportation, and shall designate on that manifest the facility to
9 which the waste is to be shipped for the handling, treatment, storage, disposal, or
10 combination thereof. The manifest shall be completed as required by the department. The
11 generator shall provide the manifest to the person who will transport the hazardous waste,
12 who is the driver, if the hazardous waste will be transported by vehicle, or the person
13 designated by the railroad corporation or vessel operator, if the hazardous waste will be
14 transported by rail or vessel.

15 (A) The generator shall use the manifest shipping document United States
16 Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A,
17 or an electronic manifest, which is the electronic format of a hazardous waste manifest, that
18 is obtained from the e-Manifest system, and that is the legal equivalent of United States
19 Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section
20 25160.01.

21 (B) A manifest shall only be used for the purposes specified in this chapter, including,
22 but not limited to, identifying materials that the person completing the manifest reasonably
23 believes are hazardous waste.

1 (C) Within 30 days from the date of transport, or submission for transport, of hazardous
2 waste, each generator of that hazardous waste using a paper manifest shall submit to the
3 department a legible copy of each paper manifest used. The copy submitted to the
4 department shall contain the signatures of the generator and the transporter. The generator is
5 not required to send the department a copy of an electronic manifest processed completely
6 through the e-Manifest system.

7 (2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a
8 variance issued by the department, a person generating hazardous waste that is transported,
9 or submitted for transportation, for offsite handling, treatment, storage, disposal, or any
10 combination thereof, outside of the state, shall complete, whether or not the waste is
11 determined to be hazardous by the importing country or state, a manifest in accordance with
12 both of the following conditions:

13 (A) The generator shall use the manifest shipping document United States
14 Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A,
15 or an electronic manifest, which is the electronic format of a hazardous waste manifest, that
16 is obtained from the e-Manifest system, and that is the legal equivalent of United States
17 Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section
18 25160.01.

19 (B) The generator shall submit a legible printed copy of any paper manifest used in
20 accordance with subparagraph (A) to the department within 30 days from the date of the
21 transport, or submission for transport, of the hazardous waste. The generator is not required
22 to send the department a copy of an electronic manifest processed completely through the e-
23 Manifest system.

1 (3) Within 30 days from the date of transport, or submission for transport, of hazardous
2 waste out of state, each generator of that hazardous waste using a paper manifest shall
3 submit to the department a legible printed copy of each paper manifest used. The copy
4 submitted to the department shall contain the signatures of the generator and the initial
5 transporter. If within 35 days from the date of the initial shipment, or for exports by water to
6 foreign countries 60 days after the initial shipment, the generator has not received a copy of
7 the manifest signed by all transporters and the facility operator or received verification
8 through the e-Manifest system that the shipment has been received by the designated
9 facility, the generator shall contact the owner or operator of the designated facility to
10 determine the status of the hazardous waste and to request that the owner or operator
11 immediately provide a signed copy of the manifest to the generator. Except as provided
12 otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the
13 date of the initial shipment or, for exports by water to foreign countries, 90 days from the
14 date of the initial shipment, the generator has not received a copy of the signed manifest or
15 verification through the e-Manifest system from the facility owner or operator that the
16 shipment has been received and the manifest has been signed by the designated facility, the
17 generator shall submit an exception report to the department.

18 (4) For shipments of waste that do not require a manifest pursuant to Title 40 of the
19 Code of Federal Regulations, the department, by regulation, may require that a manifest be
20 used.

21 (5) (A) Notwithstanding any other provision of this section, except as provided in
22 subparagraph (B), the generator is not required to submit a copy of the manifest to the
23 department for any waste transported in compliance with the consolidated manifest

1 procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when
2 the transporter is operating pursuant to a variance issued by the department pursuant to
3 Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section
4 25160.2, if the generator, transporter, and facility are all identified as the same company on
5 the hazardous waste manifest. If multiple identification numbers are used by a single
6 company, all of the company's identification numbers shall be included in its annual
7 transporter registration application, if those numbers will be used with the consolidated
8 manifest procedure. Nothing in this paragraph affects the obligation of a facility operator to
9 submit information regarding the shipment it receives through a consolidated manifest into
10 the e-Manifest system.

11 (B) If the waste subject to subparagraph (A) is transported out of state, the generator
12 shall submit a legible copy of the paper manifest to the department that contains the
13 signatures of the generator and the initial transporter. The generator is not required to send
14 the department a copy of an electronic manifest processed completely through the e-
15 Manifest system.

16 (c) (1) The department shall determine the form and manner in which a manifest shall
17 be completed and the information that the manifest shall contain. The form of each manifest
18 and the information requested on each manifest shall be the same for all hazardous wastes,
19 regardless of whether the hazardous wastes are also regulated pursuant to the federal act or
20 by regulations adopted by the United States Department of Transportation. However, the
21 form of the manifest and the information required shall be consistent with federal
22 regulations.

23 (2) Pursuant to federal regulations, the department may require information on the

1 manifest in addition to the information required by federal regulations.

2 (d) (1) A person who transports hazardous waste in a vehicle shall either have a legible
3 copy of the paper manifest in their possession while transporting the hazardous waste or
4 shall have an electronic manifest accessible during transportation that the person forwarded
5 to the person or persons who are scheduled to receive delivery of the waste shipment. To the
6 extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires
7 transporters of hazardous materials to carry a paper document, a hazardous waste transporter
8 shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The
9 manifest shall be shown upon demand to any representative of the department, any officer
10 of the Department of the California Highway Patrol, any local health officer, any certified
11 unified program agency, or any local public officer designated by the director. If the
12 hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator
13 shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle
14 B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers
15 any information concerning the hazardous waste that the department may require.

16 (2) Any person who transports a waste, as defined by Section 25124, and who is
17 provided with a manifest for that waste shall, while transporting that waste, comply with all
18 requirements of this chapter, and the regulations adopted pursuant thereto, concerning the
19 transportation of hazardous waste.

20 (3) A person who transports hazardous waste shall transfer a copy of the manifest to the
21 facility operator at the time of delivery, or to the person who will subsequently transport the
22 hazardous waste in a vehicle. A person who transports hazardous waste and then transfers
23 custody of that hazardous waste to a person who will subsequently transport that waste by

1 rail or vessel shall transfer a copy of the manifest to the person designated by the railroad
2 corporation or vessel operator, as specified by Subchapter C (commencing with Section
3 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The
4 transfer of a manifest under this paragraph may be completed by either the transfer of a
5 paper manifest or a transfer by electronic manifest transmitted to the facility operator by
6 submission to the e-Manifest system.

7 (4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify
8 to the department, at the time of initial registration and at the time of renewal of that
9 registration pursuant to this article, that the transporter is familiar with the requirements of
10 this section, the department regulations, and federal laws and regulations governing the use
11 of manifests.

12 (e) (1) A facility operator in the state who receives hazardous waste for handling,
13 treatment, storage, disposal, or any combination thereof, which was transported with a
14 manifest pursuant to this section, shall comply with the requirements of Section 264.71 or
15 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of
16 that shipment.

17 (2) Any treatment, storage, or disposal facility receiving hazardous waste generated
18 outside this state may only accept the hazardous waste for treatment, storage, disposal, or
19 any combination thereof, if the hazardous waste is accompanied by a completed paper or
20 electronic manifest.

21 (3) A facility operator may accept hazardous waste generated offsite that is not
22 accompanied by a properly completed and signed paper or electronic manifest if the facility
23 operator meets both of the following conditions:

1 (A) The facility operator is authorized to accept the hazardous waste pursuant to a
2 hazardous waste facilities permit or other grant of authorization from the department.

3 (B) The facility operator is in compliance with the regulations adopted by the
4 department specifying the conditions and procedures applicable to the receipt of hazardous
5 waste under these circumstances.

6 (4) This subdivision applies only to shipments of hazardous waste for which a manifest
7 is required pursuant to this section and the regulations adopted pursuant to this section.

8 (f) The department shall make available for review, by any interested party, the
9 department's plans for revising and enhancing its system for tracking hazardous waste for
10 the purposes of protecting human health and the environment, enforcing laws, collecting
11 revenue, and generating necessary reports.

12 (g) This section shall remain in effect only until January 1, 2021, and as of that date is
13 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
14 extends that date.

15 SEC. 2. Section 25160 is added to the Health and Safety Code, to read:

16 25160. (a) For purposes of this chapter, the following definitions apply:

17 (1) "Manifest" means a shipping document originated and signed by a generator of
18 hazardous waste that contains all of the information required by the department and that
19 complies with all applicable federal and state regulations, and includes any of the following:

20 (A) A California Uniform Hazardous Waste Manifest, which was a manifest document
21 printed and supplied by the state for a shipment initiated on or before September 4, 2006.

22 (B) A Uniform Hazardous Waste Manifest, which is United States Environmental
23 Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A

1 (Manifest Continuation Sheet), printed by a source registered with the United States
2 Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

3 (C) (i) An electronic manifest, which is the electronic format of a hazardous waste
4 manifest, that is obtained from the electronic manifest system and transmitted electronically
5 to the system, that is the legal equivalent of United States Environmental Protection Agency
6 Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

7 (ii) A printed copy of the manifest from the e-Manifest system.

8 (2) “Electronic manifest system” or “e-Manifest system” means the United States
9 Environmental Protection Agency’s national information technology system through which
10 an electronic manifest may be obtained, completed, transmitted, and distributed to users of
11 the electronic manifest, and to regulatory agencies.

12 (3) For purposes of this section a shipment is initiated on the date when the manifest, is
13 signed by the first transporter and the hazardous waste leaves the site where it is generated.

14 (b) (1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by
15 a variance issued by the department, a person generating hazardous waste that is
16 transported, or submitted for transportation, for offsite handling, treatment, storage,
17 disposal, or any combination thereof, shall complete a manifest prior to the time the waste is
18 transported or offered for transportation, and shall designate on that manifest the facility to
19 which the waste is to be shipped for the handling, treatment, storage, disposal, or
20 combination thereof. The manifest shall be completed as required by the department. The
21 generator shall provide the manifest to the person who will transport the hazardous waste,
22 who is the driver, if the hazardous waste will be transported by vehicle, or the person
23 designated by the railroad corporation or vessel operator, if the hazardous waste will be

1 transported by rail or vessel.

2 (A) The generator shall use the manifest shipping document United States
3 Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A,
4 or an electronic manifest, which is the electronic format of a hazardous waste manifest, that
5 is obtained from the e-Manifest system, and that is the legal equivalent of United States
6 Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section
7 25160.01.

8 (B) A manifest shall only be used for the purposes specified in this chapter, including,
9 but not limited to, identifying materials that the person completing the manifest reasonably
10 believes are hazardous waste.

11 (C) Within 30 days from the date of transport, or submission for transport, of hazardous
12 waste, each generator of that hazardous waste using a paper manifest shall submit to the
13 department a legible copy of each paper manifest used. The copy submitted to the
14 department shall contain the signatures of the generator and the transporter. The generator is
15 not required to send the department a copy of an electronic manifest processed completely
16 through the e-Manifest system.

17 (2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a
18 variance issued by the department, a person generating hazardous waste that is transported,
19 or submitted for transportation, for offsite handling, treatment, storage, disposal, or any
20 combination thereof, outside of the state, shall complete, whether or not the waste is
21 determined to be hazardous by the importing country or state, a manifest in accordance with
22 both of the following conditions:

23 (A) The generator shall use the manifest shipping document United States

1 Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A,
2 or an electronic manifest, which is the electronic format of a hazardous waste manifest, that
3 is obtained from the e-Manifest system, and that is the legal equivalent of United States
4 Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section
5 25160.01.

6 (B) The generator shall submit a legible printed copy of any paper manifest used in
7 accordance with subparagraph (A) to the department within 30 days from the date of the
8 transport, or submission for transport, of the hazardous waste. The generator is not required
9 to send the department a copy of an electronic manifest processed completely through the e-
10 Manifest system.

11 (3) Within 30 days from the date of transport, or submission for transport, of hazardous
12 waste out of state, each generator of that hazardous waste using a paper manifest shall
13 submit to the department a legible printed copy of each paper manifest used. The copy
14 submitted to the department shall contain the signatures of the generator and the initial
15 transporter. If within 35 days from the date of the initial shipment, or for exports by water to
16 foreign countries 60 days after the initial shipment, the generator has not received a copy of
17 the manifest signed by all transporters and the facility operator or received verification
18 through the e-Manifest system that the shipment has been received by the designated
19 facility, the generator shall contact the owner or operator of the designated facility to
20 determine the status of the hazardous waste and to request that the owner or operator
21 immediately provide a signed copy of the manifest to the generator. Except as provided
22 otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the
23 date of the initial shipment or, for exports by water to foreign countries, 90 days from the

1 date of the initial shipment, the generator has not received a copy of the signed manifest or
2 verification through the e-Manifest system from the facility owner or operator that the
3 shipment has been received and the manifest has been signed by the designated facility, the
4 generator shall submit an exception report to the department.

5 (4) For shipments of waste that do not require a manifest pursuant to Title 40 of the
6 Code of Federal Regulations, the department, by regulation, may require that a manifest be
7 used.

8 (5) (A) Notwithstanding any other provision of this section, except as provided in
9 subparagraph (B), the generator is not required to submit a copy of the manifest to the
10 department for any waste transported in compliance with the consolidated manifest
11 procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when
12 the transporter is operating pursuant to a variance issued by the department pursuant to
13 Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section
14 25160.2, if the generator, transporter, and facility are all identified as the same company on
15 the hazardous waste manifest. If multiple identification numbers are used by a single
16 company, all of the company's identification numbers shall be included in its annual
17 transporter registration application, if those numbers will be used with the consolidated
18 manifest procedure. Nothing in this paragraph affects the obligation of a facility operator to
19 submit information regarding the shipment it receives through a consolidated manifest into
20 the e-Manifest system.

21 (B) If the waste subject to subparagraph (A) is transported out of state, the generator
22 shall submit a legible copy of the paper manifest to the department that contains the
23 signatures of the generator and the initial transporter. The generator is not required to send

1 the department a copy of an electronic manifest processed completely through the e-
2 Manifest system.

3 (c) (1) The department shall determine the form and manner in which a manifest shall
4 be completed and the information that the manifest shall contain. The form of each manifest
5 and the information requested on each manifest shall be the same for all hazardous wastes,
6 regardless of whether the hazardous wastes are also regulated pursuant to the federal act or
7 by regulations adopted by the United States Department of Transportation. However, the
8 form of the manifest and the information required shall be consistent with federal
9 regulations.

10 (2) Pursuant to federal regulations, the department may require information on the
11 manifest in addition to the information required by federal regulations.

12 (d) (1) A person who transports hazardous waste in a vehicle shall either have a legible
13 copy of the paper manifest in their possession while transporting the hazardous waste or
14 shall have an electronic manifest accessible during transportation that the person forwarded
15 to the person or persons who are scheduled to receive delivery of the waste shipment. To the
16 extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires
17 transporters of hazardous materials to carry a paper document, a hazardous waste transporter
18 shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The
19 manifest shall be shown upon demand to any representative of the department, any officer
20 of the Department of the California Highway Patrol, any local health officer, any certified
21 unified program agency, or any local public officer designated by the director. If the
22 hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator
23 shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle

1 B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers
2 any information concerning the hazardous waste that the department may require.

3 (2) Any person who transports a waste, as defined by Section 25124, and who is
4 provided with a manifest for that waste shall, while transporting that waste, comply with all
5 requirements of this chapter, and the regulations adopted pursuant thereto, concerning the
6 transportation of hazardous waste.

7 (3) A person who transports hazardous waste shall transfer a copy of the manifest to the
8 facility operator at the time of delivery, or to the person who will subsequently transport the
9 hazardous waste in a vehicle. A person who transports hazardous waste and then transfers
10 custody of that hazardous waste to a person who will subsequently transport that waste by
11 rail or vessel shall transfer a copy of the manifest to the person designated by the railroad
12 corporation or vessel operator, as specified by Subchapter C (commencing with Section
13 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The
14 transfer of a manifest under this paragraph may be completed by either the transfer of a
15 paper manifest or a transfer by electronic manifest transmitted to the facility operator by
16 submission to the e-Manifest system.

17 (4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify
18 to the department, at the time of initial registration and at the time of renewal of that
19 registration pursuant to this article, that the transporter is familiar with the requirements of
20 this section, the department regulations, and federal laws and regulations governing the use
21 of manifests.

22 (e) (1) A facility operator in the state who receives hazardous waste for handling,
23 treatment, storage, disposal, or any combination thereof, which was transported with a

1 manifest pursuant to this section, shall comply with the requirements of Section 264.71 or
2 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of
3 that shipment.

4 (2) Any treatment, storage, or disposal facility receiving hazardous waste generated
5 outside this state may only accept the hazardous waste for treatment, storage, disposal, or
6 any combination thereof, if the hazardous waste is accompanied by a completed paper or
7 electronic manifest.

8 (3) A facility operator may accept hazardous waste generated offsite that is not
9 accompanied by a properly completed and signed paper or electronic manifest if the facility
10 operator meets both of the following conditions:

11 (A) The facility operator is authorized to accept the hazardous waste pursuant to a
12 hazardous waste facilities permit or other grant of authorization from the department.

13 (B) The facility operator is in compliance with the regulations adopted by the
14 department specifying the conditions and procedures applicable to the receipt of hazardous
15 waste under these circumstances.

16 (4) This subdivision applies only to shipments of hazardous waste for which a manifest
17 is required pursuant to this section and the regulations adopted pursuant to this section.

18 (f) The department shall make available for review, by any interested party, the
19 department's plans for revising and enhancing its system for tracking hazardous waste for
20 the purposes of protecting human health and the environment, enforcing laws, collecting
21 revenue, and generating necessary reports.

22 (g) This section shall become operative on January 1, 2021 and shall apply to the fees
23 due for the 2021 reporting period and thereafter, including the prepayments due during the

1 reporting period and the final reconciliation fee due and payable following the reporting
2 period.

3 SEC. 3. Section 25174 of the Health and Safety Code is amended to read:

4 25174. (a) There is in the General Fund the Hazardous Waste Control Account,
5 which shall be administered by the director. In addition to any other money that may be
6 deposited in the Hazardous Waste Control Account, pursuant to statute, all of the
7 following amounts shall be deposited in the account:

8 (1) The fees collected pursuant to Sections 25174.1, 25205.2, 25205.5, 25205.14,
9 25205.15, and 25205.16.

10 (2) The fees collected pursuant to Section 25187.2, to the extent that those fees are
11 for the oversight of corrective action taken under this chapter.

12 (3) Any interest earned upon the money deposited in the Hazardous Waste Control
13 Account.

14 (4) Any money received from the federal government pursuant to the federal act.

15 (5) Any reimbursements for funds expended from the Hazardous Waste Control
16 Account for services provided by the department pursuant to this chapter, including, but
17 not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

18 (b) The funds deposited in the Hazardous Waste Control Account may be
19 appropriated by the Legislature, for expenditure as follows:

20 (1) To the department for the administration and implementation of this chapter.

21 (2) To the department for allocation to the ~~State Board of Equalization~~ California
22 Department of Tax and Fee Administration to pay refunds of fees collected pursuant to

23 Sections 43051 and 43053 of the Revenue and Taxation Code and for the administration

1 and collection of the fees imposed pursuant to Article 9.1 (commencing with Section
2 25205.1) that are deposited into the Hazardous Waste Control Account.

3 (3) To the department for the costs of performance or review of analyses of past,
4 present, or potential environmental public health effects related to toxic substances,
5 including extremely hazardous waste, as defined in Section 25115, and hazardous waste,
6 as defined in Section 25117.

7 (4) (A) To the department for allocation to the office of the Attorney General for the
8 support of the Toxic Substance Enforcement Program in the office of the Attorney
9 General, in carrying out the purposes of this chapter.

10 (B) On or before October 1 of each year, the Attorney General shall report to the
11 Legislature on the expenditure of any funds allocated to the office of the Attorney
12 General for the preceding fiscal year pursuant to this paragraph and paragraph (14) of
13 subdivision (b) of Section 25173.6. The report shall include all of the following:

14 (i) A description of cases resolved by the office of the Attorney General through
15 settlement or court order, including the monetary benefit to the department and the state.

16 (ii) A description of injunctions or other court orders benefiting the people of the
17 state.

18 (iii) A description of any cases in which the Attorney General's Toxic Substance
19 Enforcement Program is representing the department or the state against claims by
20 defendants or responsible parties.

21 (iv) A description of other pending litigation handled by the Attorney General's
22 Toxic Substance Enforcement Program.

23 (C) Nothing in subparagraph (C) shall require the Attorney General to report on any

1 confidential or investigatory matter.

2 (5) To the department for administration and implementation of Chapter 6.11
3 (commencing with Section 25404).

4 (c)(1) Expenditures from the Hazardous Waste Control Account for support of state
5 agencies other than the department shall, upon appropriation by the Legislature to the
6 department, be subject to an interagency agreement or similar mechanism between the
7 department and the state agency receiving the support.

8 (2) The department shall, at the time of the release of the annual Governor's Budget,
9 describe the budgetary amounts proposed to be allocated to the ~~State Board of~~
10 ~~Equalization~~ California Department of Tax and Fee Administration, as specified in
11 paragraph (2) of subdivision (b) and in paragraph (3) of subdivision (b) of Section
12 25173.6, for the upcoming fiscal year.

13 (3) It is the intent of the Legislature that moneys appropriated in the annual Budget
14 Act each year for the purpose of reimbursing the ~~State Board of Equalization~~ California
15 Department of Tax and Fee Administration, a private party, or other public agency, for the
16 administration and collection of the fees imposed pursuant to Article 9.1 (commencing
17 with Section 25205.1) and deposited in the Hazardous Waste Control Account, shall not
18 exceed the costs incurred by the ~~State Board of Equalization~~ California Department of Tax
19 and Fee Administration, the private party, or other public agency, for the administration
20 and collection of those fees.

21 (d) With respect to expenditures for the purposes of paragraphs (1) and (3) of
22 subdivision (b) and paragraphs (1) and (2) of subdivision (b) of Section 25173.6, the
23 department shall, at the time of the release of the annual Governor's Budget, also make

1 available the budgetary amounts and allocations of staff resources of the department
2 proposed for the following activities:

3 (1) The department shall identify, by permit type, the projected allocations of
4 budgets and staff resources for hazardous waste facilities permits, including standardized
5 permits, closure plans, and postclosure permits.

6 (2) The department shall identify, with regard to surveillance and enforcement
7 activities, the projected allocations of budgets and staff resources for the following types
8 of regulated facilities and activities:

9 (A) Hazardous waste facilities operating under a permit or grant of interim status
10 issued by the department, and generator activities conducted at those facilities. This
11 information shall be reported by permit type.

12 (B) Transporters.

13 (C) Response to complaints.

14 (3) The department shall identify the projected allocations of budgets and staff
15 resources for both of the following activities:

16 (A) The registration of hazardous waste transporters.

17 (B) The operation and maintenance of the hazardous waste manifest system.

18 (4) The department shall identify, with regard to site mitigation and corrective
19 action, the projected allocations of budgets and staff resources for the oversight and
20 implementation of the following activities:

21 (A) Investigations and removal and remedial actions at military bases.

22 (B) Voluntary investigations and removal and remedial actions.

23 (C) State match and operation and maintenance costs, by site, at joint state and

1 federally funded National Priority List Sites.

2 (D) Investigation, removal and remedial actions, and operation and maintenance at
3 the Stringfellow Hazardous Waste Site.

4 (E) Investigation, removal and remedial actions, and operation and maintenance at
5 the Casmalia Hazardous Waste Site.

6 (F) Investigations and removal and remedial actions at nonmilitary, responsible party
7 lead National Priority List Sites.

8 (G) Preremedial activities under the federal Comprehensive Environmental
9 Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

10 (H) Investigations, removal and remedial actions, and operation and maintenance at
11 state-only orphan sites.

12 (I) Investigations and removal and remedial actions at nonmilitary, non-National
13 Priority List responsible party lead sites.

14 (J) Investigations, removal and remedial actions, and operation and maintenance at
15 Expedited Remedial Action Program sites pursuant to former Chapter 6.85 (commencing
16 with Section 25396).

17 (K) Corrective actions at hazardous waste facilities.

18 (5) The department shall identify, with regard to the regulation of hazardous waste,
19 the projected allocation of budgets and staff resources for the following activities:

20 (A) Determinations pertaining to the classification of hazardous wastes.

21 (B) Determinations for variances made pursuant to Section 25143.

22 (C) Other determinations and responses to public inquiries made by the department
23 regarding the regulation of hazardous waste and hazardous substances.

1 (6) The department shall identify projected allocations of budgets and staff resources
2 needed to do all of the following:

3 (A) Identify, remove, store, and dispose of, suspected hazardous substances or
4 hazardous materials associated with the investigation of clandestine drug laboratories.

5 (B) Respond to emergencies pursuant to Section 25354.

6 (C) Create, support, maintain, and implement the railroad accident prevention and
7 immediate deployment plan developed pursuant to Section 7718 of the Public Utilities
8 Code.

9 (7) The department shall identify projected allocations of budgets and staff resources
10 for the administration and implementation of the unified hazardous waste and hazardous
11 materials regulatory program established pursuant to Chapter 6.11 (commencing with
12 Section 25404).

13 (8) The department shall identify the total cumulative expenditures of the Regulatory
14 Structure Update and Site Mitigation Update projects since their inception, and shall
15 identify the total projected allocations of budgets and staff resources that are needed to
16 continue these projects.

17 (9) The department shall identify the total projected allocations of budgets and staff
18 resources that are necessary for all other activities proposed to be conducted by the
19 department.

20 (e) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of
21 Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties,
22 and funds that are required to be deposited into the Hazardous Waste Control Account or
23 the Toxic Substances Control Account, the department, with the approval of the

1 Secretary for Environmental Protection, may take any of the following actions:

2 (1) Assume responsibility for, or enter into a contract with a private party or with
3 another public agency, other than the ~~State Board of Equalization~~ California Department of
4 Tax and Fee Administration, for the collection of any fees, surcharges, fines, penalties and
5 funds described in subdivision (a) or otherwise described in this chapter or Chapter 6.8
6 (commencing with Section 25300), for deposit into the Hazardous Waste Control
7 Account or the Toxic Substances Control Account.

8 (2) Administer, or by mutual agreement, contract with a private party or another
9 public agency, for the making of those determinations and the performance of functions
10 that would otherwise be the responsibility of the ~~State Board of Equalization~~ California
11 Department of Tax and Fee Administration pursuant to this chapter, Chapter 6.8
12 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of
13 Division 2 of the Revenue and Taxation Code, if those activities and functions for which
14 the ~~State Board of Equalization~~ California Department of Tax and Fee Administration would
15 otherwise be responsible become the responsibility of the department or, by mutual
16 agreement, the contractor selected by the department.

17 (f) If, pursuant to subdivision (e), the department, or a private party or another public
18 agency, pursuant to a contract with the department, performs the determinations and
19 functions that would otherwise be the responsibility of the ~~State Board of Equalization~~
20 California Department of Tax and Fee Administration, the department shall be responsible
21 for ensuring that persons who are subject to the fees specified in subdivision (e) have
22 equivalent rights to public notice and comment, and procedural and substantive rights of
23 appeal, as afforded by the procedures of the ~~State Board of Equalization~~ California

1 Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section
2 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the
3 administrative adjustment of fee rates and the administrative appeal of any fees or
4 penalty assessments made pursuant to this section may only be assigned by the
5 department to a public agency.

6 (g) If, pursuant to subdivision (e), the department, or a private party or another public
7 agency, pursuant to a contract with the department, performs the determinations and
8 functions that would otherwise be the responsibility of the ~~State Board of Equalization~~
9 California Department of Tax and Fee Administration, the department shall have equivalent
10 authority to make collections and enforce judgments as provided to the ~~State Board of~~
11 ~~Equalization~~ California Department of Tax and Fee Administration pursuant to Part 22
12 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.
13 Unpaid amounts, including penalties and interest, shall be a perfected and enforceable
14 state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

15 (h) The department, with the concurrence of the Secretary for Environmental
16 Protection, shall determine which administrative functions should be retained by the ~~State~~
17 ~~Board of Equalization~~ California Department of Tax and Fee Administration, administered
18 by the department, or assigned to another public agency or private party pursuant to
19 subdivisions (e), (f), and (g).

20 (i) The department may adopt regulations to implement subdivisions (e) to (h),
21 inclusive.

22 (j) The Director of Finance, upon request of the director, may make a loan from the
23 General Fund to the Hazardous Waste Control Account to meet cash needs. The loan

1 shall be subject to the repayment provisions of Section 16351 of the Government Code
2 and the interest provisions of Section 16314 of the Government Code.

3 (k) The department shall establish, within the Hazardous Waste Control Account, a
4 reserve of at least one million dollars (\$1,000,000) each year to ensure that all programs
5 funded by the Hazardous Waste Control Account will not be adversely affected by any
6 revenue shortfalls.

7 (l) This section shall remain in effect only until January 1, 2022, and as of that date is
8 repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or
9 extends that date.

10 SEC. 4. Section 25174 is added to the Health and Safety Code, to read:

11 25174. (a) There is in the General Fund the Hazardous Waste Control Account,
12 which shall be administered by the director. In addition to any other money that may be
13 deposited in the Hazardous Waste Control Account, pursuant to statute, all of the
14 following amounts shall be deposited in the account:

15 (1) The fees collected pursuant to Section 25205.5.

16 (2) The fees collected pursuant to Section 25187.2, to the extent that those fees are
17 for the oversight of corrective action taken under this chapter at a site other than a site
18 operated by an authorized hazardous waste facility as defined in Section 25117.1.

19 (3) Any interest earned upon the money deposited in the Hazardous Waste Control
20 Account.

21 (4) Any money received from the federal government pursuant to the federal act to
22 pay for department costs at sites or activities other than sites operated by an authorized
23 hazardous waste facility as defined in Section 25117.1.

1 (5) Any reimbursements for funds expended from the Hazardous Waste Control
2 Account for services provided by the department pursuant to this chapter at a site other
3 than a site operated by an authorized hazardous waste facility as defined in Section
4 25117.1, including, but not limited to, the reimbursements required pursuant to Sections
5 25201.9 and 25205.7.

6 (b) The funds deposited in the Hazardous Waste Control Account may be
7 appropriated by the Legislature, for expenditure as follows:

8 (1) To the department for the administration and implementation of this chapter for
9 hazardous waste regulatory activities other than regulatory activities at sites operated by
10 an authorized hazardous waste facility as defined in Section 25117.1, and except for
11 regulatory activities under Article 10 (commencing with Section 25210), Article 10.01
12 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9),
13 Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with
14 Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
15 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215),
16 Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with
17 Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

18 (2) To the department for allocation to the California Department of Tax and Fee
19 Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue
20 and Taxation Code and for the administration and collection of the fees imposed pursuant
21 to Section 25205.5 that are deposited into the Hazardous Waste Control Account.

22 (3) To the department for the costs of performance or review of analyses of past,
23 present, or potential environmental public health effects related to extremely hazardous

1 waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

2 (4)(A) To the department for allocation to the office of the Attorney General for the
3 support of the Toxic Substance Enforcement Program in the office of the Attorney
4 General, in carrying out the purposes of this chapter at sites or related to persons other
5 than a site operated by an authorized hazardous waste facility or the owner or operator of
6 an authorized hazardous waste facility, as defined in Section 25117.1, except for
7 regulatory activities under Article 10 (commencing with Section 25210), Article 10.01
8 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9),
9 Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with
10 Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
11 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215),
12 Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with
13 Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

14 (B) On or before October 1 of each year, the Attorney General shall report to the
15 Legislature on the expenditure of any funds allocated to the office of the Attorney
16 General for the preceding fiscal year pursuant to this paragraph. The report shall include
17 all of the following:

18 (i) A description of cases resolved by the office of the Attorney General through
19 settlement or court order, including the monetary benefit to the department and the state.

20 (ii) A description of injunctions or other court orders benefiting the people of the
21 state.

22 (iii) A description of any cases in which the Attorney General's Toxic Substance
23 Enforcement Program is representing the department or the state against claims by

1 defendants or responsible parties.

2 (iv) A description of other pending litigation handled by the Attorney General's
3 Toxic Substance Enforcement Program.

4 (C) Nothing in subparagraph (C) shall require the Attorney General to report on any
5 confidential or investigatory matter.

6 (5) To the department for administration and implementation of Chapter 6.11
7 (commencing with Section 25404).

8 (6) To the department for costs incurred by the Board in the administration and
9 implementation of its duties and responsibilities established in Article 2.1 (commencing
10 with Section 25125).

11 (c)(1) The department shall, at the time of the release of the annual Governor's
12 Budget, describe the budgetary amounts proposed to be allocated to the California
13 Department of Tax and Fee Administration, as specified in paragraph (3) of subdivision (b).

14 (2) It is the intent of the Legislature that moneys appropriated in the annual Budget
15 Act each year for the purpose of reimbursing the California Department of Tax and Fee
16 Administration, a private party, or other public agency, for the administration and
17 collection of the fees imposed pursuant to Section 25205.5) and deposited in the
18 Hazardous Waste Control Account, shall not exceed the costs incurred by the California
19 Department of Tax and Fee Administration, the private party, or other public agency, for the
20 administration and collection of those fees.

21 (d) The Director of Finance, upon request of the director, may make a loan from the
22 General Fund to the Hazardous Waste Control Account to meet cash needs. The loan
23 shall be subject to the repayment provisions of Section 16351 of the Government Code

1 and the interest provisions of Section 16314 of the Government Code.

2 (k) This section shall become operative on January 1, 2022.

3 SEC. 5. Section 25174.01 is added to the Health and Safety Code, to read:

4 25174.01. (a) The Hazardous Waste Facilities Account is established within the
5 Hazardous Waste Control Account, established pursuant to Section 25174, which shall be
6 administered by the director. In addition to any other money that may be deposited in the
7 Hazardous Waste Facilities Account, pursuant to statute, all of the following amounts
8 shall be deposited in the account:

9 (1) The fees collected pursuant to Sections 25205.2 and 25205.7.

10 (2) The fees collected pursuant to Section 25187.2, to the extent that those fees are
11 for the oversight of corrective action taken under this chapter at a site operated by an
12 authorized hazardous waste facility as defined in Section 25117.1.

13 (3) Any interest earned upon the money deposited in the Hazardous Waste Facilities
14 Account.

15 (4) Any money received from the federal government pursuant to the federal act to
16 pay department costs at sites operated by an authorized hazardous waste facility as
17 defined in Section 25117.1.

18 (5) Any reimbursements for funds expended from the Hazardous Waste Facilities
19 Account for services provided by the department pursuant to this chapter at a site
20 operated by an authorized hazardous waste facility as defined in Section 25117.1,
21 including, but not limited to, the reimbursements required pursuant to Sections 25201.9
22 and 25205.7.

23 (b) The funds deposited in the Hazardous Waste Facilities Account may be

1 appropriated by the Legislature, for expenditure as follows:

2 (1) To the department for the administration and implementation of this chapter for
3 hazardous waste regulatory activities at sites operated by an authorized hazardous waste
4 facility as defined in Section 25117.1, and except for regulatory activities under Article
5 10 (commencing with Section 25210), Article 10.01 (commencing with Section
6 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1
7 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section
8 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
9 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215),
10 Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with
11 Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

12 (2) To the department for allocation to the California Department of Tax and Fee
13 Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue
14 and Taxation Code and for the administration and collection of the fees imposed pursuant
15 to Section 25205.2 that are deposited into the Hazardous Waste Facilities Account.

16 (3)(A) To the department for allocation to the office of the Attorney General for the
17 support of the Toxic Substance Enforcement Program in the office of the Attorney
18 General, in carrying out the purposes of this chapter, at sites operated by an authorized
19 hazardous waste facility or related to the owner or operator of an authorized hazardous
20 waste facility, as defined in Section 25117.1, except for regulatory activities under
21 Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section
22 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1
23 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section

1 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4
2 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215),
3 Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with
4 Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

5 (B) On or before October 1 of each year, the Attorney General shall report to the
6 Legislature on the expenditure of any funds allocated to the office of the Attorney
7 General for the preceding fiscal year pursuant to this paragraph. The report shall include
8 all of the following:

9 (i) A description of cases resolved by the office of the Attorney General through
10 settlement or court order, including the monetary benefit to the department and the state.

11 (ii) A description of injunctions or other court orders benefiting the people of the
12 state.

13 (iii) A description of any cases in which the Attorney General's Toxic Substance
14 Enforcement Program is representing the department or the state against claims by
15 defendants or responsible parties.

16 (iv) A description of other pending litigation handled by the Attorney General's
17 Toxic Substance Enforcement Program.

18 (C) Nothing in subparagraph (C) shall require the Attorney General to report on any
19 confidential or investigatory matter.

20 (4) To the department for costs incurred by the Board in the administration and
21 implementation of its duties and responsibilities established in Article 2.1 (commencing
22 with Section 25125).

23 (c)(1) The department shall, at the time of the release of the annual Governor's

1 Budget, describe the budgetary amounts proposed to be allocated to the California
2 Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

3 (2) It is the intent of the Legislature that moneys appropriated in the annual Budget
4 Act each year for the purpose of reimbursing the California Department of Tax and Fee
5 Administration, a private party, or other public agency, for the administration and
6 collection of the fees imposed pursuant to Section 25205.2 and deposited in the
7 Hazardous Waste Facilities Account, shall not exceed the costs incurred by the California
8 Department of Tax and Fee Administration, the private party, or other public agency, for the
9 administration and collection of those fees.

10 (d) The Director of Finance, upon request of the director, may make a loan from the
11 General Fund to the Hazardous Waste Facilities Account to meet cash needs. The loan
12 shall be subject to the repayment provisions of Section 16351 of the Government Code
13 and the interest provisions of Section 16314 of the Government Code.

14 (j) This section shall become operative on January 1, 2022.

15 SEC. 6. Section 25174.02 is added to the Health and Safety Code to read:

16 25174.02. (a) Notwithstanding this chapter, or Part 22 (commencing with Section
17 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines,
18 penalties, and funds that are required to be deposited into the Hazardous Waste Control
19 Account, the Hazardous Waste Facilities Account, or the Toxic Substances Control
20 Account, the department, with the approval of the Secretary for Environmental Protection,
21 may take any of the following actions:

22 (1) Assume responsibility for, or enter into a contract with a private party or with
23 another public agency, other than the California Department of Tax and Fee Administration,

1 for the collection of any fees, surcharges, fines, penalties and funds described in Chapter
2 6.8 (commencing with Section 25300), for deposit into the Toxic Substances Control
3 Account.

4 (2) Administer, or by mutual agreement, contract with a private party or another
5 public agency, for the making of those determinations and the performance of functions
6 that would otherwise be the responsibility of the California Department of Tax and Fee
7 Administration pursuant to Chapter 6.8 (commencing with Section 25300), or Part 22
8 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if
9 those activities and functions for which the California Department of Tax and Fee
10 Administration would otherwise be responsible become the responsibility of the department
11 or, by mutual agreement, the contractor selected by the department.

12 (b) If, pursuant to subdivision (a), the department, or a private party or another public
13 agency, pursuant to a contract with the department, performs the determinations and
14 functions that would otherwise be the responsibility of the California Department of Tax and
15 Fee Administration, the department shall be responsible for ensuring that persons who are
16 subject to the fees specified in subdivision (d) have equivalent rights to public notice and
17 comment, and procedural and substantive rights of appeal, as afforded by the procedures
18 of the California Department of Tax and Fee Administration pursuant to Part 22 (commencing
19 with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility
20 for the administrative adjustment of fee rates and the administrative appeal of any fees or
21 penalty assessments made pursuant to this section may only be assigned by the department
22 to a public agency.

23 (c) If, pursuant to subdivision (a), the department, or a private party or another public

1 agency, pursuant to a contract with the department, performs the determinations and
2 functions that would otherwise be the responsibility of the California Department of Tax and
3 Fee Administration, the department shall have equivalent authority to make collections and
4 enforce judgments as provided to the California Department of Tax and Fee Administration
5 pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and
6 Taxation Code. Unpaid amounts, including penalties and interest, shall be a perfected and
7 enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation
8 Code.

9 (d) The department, with the concurrence of the Secretary for Environmental
10 Protection, shall determine which administrative functions should be retained by the
11 California Department of Tax and Fee Administration, administered by the department, or
12 assigned to another public agency or private party pursuant to subdivisions (a), (b), and
13 (c).

14 (e) The department may adopt regulations to implement subdivisions (a) to (d),
15 inclusive.

16 SEC. 7. Section 25174.1 of the Health and Safety Code is amended to read:

17 25174.1. (a) Each person who disposes of hazardous waste in this state shall pay a fee for the
18 disposal of hazardous waste to land, based on the type of waste placed in a disposal site, in
19 accordance with this section and Section 25174.6.

20 (b) "Disposal fee" means the fee imposed by this section.

21 (c) For purposes of this section, "dispose" and "disposal" include "disposal," as defined in
22 Section 25113, including, but not limited to, "land treatment," as defined in subdivision (n) of
23 Section 25205.1.

1 (d) Each operator of an authorized hazardous waste facility, at which hazardous wastes are
2 disposed, shall collect a fee from any person submitting hazardous waste for disposal and shall
3 transmit the fees to the ~~State Board of Equalization~~ California Department of Tax and Fee
4 Administration for the disposal of those wastes. The operator shall be considered the taxpayer for
5 purposes of Section 43151 of the Revenue and Taxation Code. The facility operator is not required
6 to collect and transmit the fee for a hazardous waste if the operator maintains written evidence that
7 the hazardous waste is eligible for the exemption provided by Section 25174.7 or otherwise
8 exempted from the fees pursuant to this chapter. The written evidence may be provided by the
9 operator or by the person submitting the hazardous waste for disposal, and shall be maintained by
10 the operator at the facility for a minimum of three years from the date that the waste is submitted
11 for disposal. If the operator submits the hazardous waste for disposal, the operator shall pay the
12 same fee as would any other person.

13 (e) Notwithstanding subdivision (d), the disposal facility shall not be liable for the
14 underpayment of any disposal fees for hazardous waste submitted for disposal by a person other
15 than the operator, if the person submitting the hazardous waste to the disposal facility has done
16 either of the following:

17 (1) Mischaracterized the hazardous waste.

18 (2) Misrepresented any exemptions pursuant to Section 25174.7 or any other exemption from
19 the disposal fee provided pursuant to this chapter.

20 (f)(1) Any additional payment of disposal fees that are due to the ~~State Board of Equalization~~
21 California Department of Tax and Fee Administration as a result of a mischaracterization of a
22 hazardous waste, a misrepresentation of an exemption, or any other error, shall be the
23 responsibility of the person making the mischaracterization, misrepresentation, or error.

1 (2) In the event of a dispute regarding the responsibility for a mischaracterization,
2 misrepresentation, or other error, for which additional payment of disposal fees are due, the ~~State~~
3 ~~Board of Equalization~~ California Department of Tax and Fee Administration shall assign
4 responsibility for payment of the fee to that person, or those persons, it determines responsible for
5 the mischaracterization, misrepresentation, or other error, provided that the person, or persons, has
6 the right to a public hearing and comment, and the procedural and substantive rights of appeal
7 pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation
8 Code.

9 (3) Any generator, transporter, or owner or operator of a disposal facility shall report to the
10 department and the ~~State Board of Equalization~~ California Department of Tax and Fee
11 Administration any information regarding any such mischaracterization, misrepresentation, or
12 error, which could affect the disposal fee, within 30 days of that information first becoming known
13 to that person.

14 (g) The ~~State Board of Equalization~~ California Department of Tax and Fee Administration
15 shall deposit the fees collected pursuant to this section in the Hazardous Waste Control Account,
16 for expenditure by the department, upon appropriation by the Legislature.

17 (h) The operator of the facility that disposes of the hazardous waste to land shall provide to
18 every person who submits hazardous waste for disposal at the facility a statement showing the
19 amount of hazardous waste fees payable pursuant to this section.

20 (i) Any person who disposes of hazardous waste at any site that is not an authorized hazardous
21 waste facility shall be responsible for payment of fees pursuant to this section and shall be the
22 taxpayer for purposes of Section 43151 of the Revenue and Taxation Code.

23 (j) ~~Any administrative savings that are derived by the state as a result of changes made to this~~

1 ~~section during the 1995-96 Regular Session of the Legislature shall be made available to the~~
2 ~~department and reflected in the annual Budget Act.~~

3 (j) This section applies only to fees due for the 2020 and earlier reporting periods.

4 (k) This section shall remain in effect only until January 1, 2021, and as of that date is
5 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
6 extends that date.

7 SEC. 8. Section 25174.2 of the Health and Safety Code is amended to read:

8 25174.2. (a) The base rate for the hazardous wastes specified in Section 25174.6
9 which are disposed of or submitted for disposal in the state is eighty-five dollars and
10 twenty-four cents (\$85.24) per ton for disposal of hazardous waste to land.

11 (b) The base rate specified in subdivision (a) is the base rate for the period of January
12 1, 1997, to December 31, 1997. Beginning with calendar year 1998, and for each year
13 thereafter, the ~~State Board of Equalization~~ California Department of Tax and Fee
14 Administration shall adjust the base rate annually to reflect increases or decreases in the
15 cost of living during the prior fiscal year, as measured by the Consumer Price Index
16 issued by the Department of Industrial Relations or a successor agency.

17 ~~(e) This section shall become operative on January 1, 2001.~~

18 (c) This section applies only to fees due for the 2020 and earlier reporting periods.

19 (d) This section shall remain in effect only until January 1, 2021, and as of that date is
20 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
21 extends that date.

22 SEC. 9. Section 25174.6 of the Health and Safety Code is amended to read:

23 25174.6. (a) The fee provided pursuant to Section 25174.1 shall be determined as a

1 percentage of the base rate, as adjusted by the ~~State Board of Equalization~~ California
2 Department of Tax and Fee Administration, pursuant to Section 25174.2, or as otherwise
3 provided by this section. The procedure for determining these fees is as follows:

4 (1) The following fees shall be paid for each ton, or fraction ~~thereof~~ of a ton for up to the
5 first 5,000 tons of the following hazardous wastes disposed of, or submitted for disposal, in
6 the state at each specific offsite facility by each producer, or at each specific onsite facility,
7 per month, if the hazardous wastes are not otherwise subject to the fee specified in paragraph
8 (3) or (4) and are not otherwise exempt from the fees imposed pursuant to this article:

9 (A) For non-RCRA hazardous waste, excluding asbestos, generated in a remedial action,
10 a removal action, or a corrective action taken pursuant to this chapter, Chapter 6.7
11 (commencing with Section 25280), Chapter 6.75 (commencing with Section 25299.10), or
12 Chapter 6.8 (commencing with Section 25300), or generated in any other required or
13 voluntary cleanup, removal, or remediation of a hazardous substance or non-RCRA hazardous
14 waste, a fee of five dollars and seventy-two cents (\$5.72) per ton.

15 (B) For all other non-RCRA hazardous waste, a fee of 16.31 percent of the base rate for
16 each ton.

17 (2) Thirteen percent of the base rate for each ton, or fraction thereof, shall be paid for up to
18 the first 5,000 tons of hazardous waste disposed of, or submitted for disposal, in the state, at
19 each specific offsite facility by each producer, or at each specific onsite facility, per month,
20 which result from the extraction, beneficiation, and processing of ores and minerals, including
21 phosphate rock and the overburden from the mining of uranium ore and ~~which~~ that is not
22 otherwise subject to the fee specified in paragraph (3) or (4).

23 (3) Two hundred percent of the base rate shall be paid for each ton, or fraction ~~thereof~~ of

1 a ton, of extremely hazardous waste disposed of, or submitted for disposal, in the state.

2 (4) Two hundred percent of the base rate shall be paid for each ton, or fraction ~~thereof~~ of
3 a ton, of restricted hazardous wastes listed in subdivision (b) of Section 25122.7 disposed of,
4 or submitted for disposal, in the state.

5 (5) Forty and four-tenths percent of the base rate shall be paid for each ton, or fraction
6 ~~thereof~~ of a ton, of hazardous waste disposed of, or submitted for disposal, in the ~~state~~, ~~which~~
7 state that is not otherwise subject to the fees specified in paragraph (1), (2), (3), (4), or (6).

8 (6) Five percent of the base rate shall be paid for each ton, or fraction ~~thereof~~ of a ton, of
9 hazardous waste disposed of, or submitted for disposal, in the ~~state~~, state that is a solid
10 hazardous waste residue resulting from incineration or dechlorination. ~~No fees~~ Fees shall not
11 be imposed pursuant to this paragraph on a solid hazardous waste residue resulting from
12 incineration or dechlorination ~~which~~ that is disposed of, or submitted for disposal, outside of
13 the state.

14 (7) Fifty percent of the fee that would otherwise be paid for each ton, or fraction ~~thereof~~
15 of a ton, of hazardous waste disposed of in the ~~state~~, state that is a solid hazardous waste
16 residue resulting from treatment of a treatable waste by means of a designated treatment
17 technology, as defined in Section 25179.2. ~~No fees~~ Fees shall not be imposed pursuant to this
18 paragraph on a solid hazardous waste residue resulting from treatment of a treatable waste by
19 means of a designated treatment technology that is not a hazardous waste or ~~which~~ that is
20 disposed of, or submitted for disposal, outside of the state.

21 (b) The amount of fees payable to the ~~State Board of Equalization~~ California Department
22 of Tax and Fee Administration pursuant to this section shall be calculated using the total wet
23 weight, measured in tons or fractions ~~thereof~~ of a ton, of the hazardous waste in the form in

1 which the hazardous waste existed at the time of disposal, submission for disposal, or
2 application to land using a land disposal method, as defined in Section 66260.10 of Title 22
3 of the California Code of Regulations, if all of the following apply:

4 (1) The weight of any nonhazardous reagents or treatment additives added to the waste,
5 after it has been submitted for disposal, for purposes of rendering the waste less hazardous,
6 shall not be included in those calculations.

7 (2) Except as provided by paragraph (7) of subdivision (a), any RCRA hazardous waste
8 received, treated, and disposed at the disposal facility shall be subject to a disposal fee
9 pursuant to this section as if it were a non-RCRA hazardous waste, if the waste, due to
10 treatment, is no longer a RCRA hazardous waste at the time of disposal.

11 (c) All fees imposed by this section shall be paid in accordance with Part 22 (commencing
12 with Section 43001) of Division 2 of the Revenue and Taxation Code.

13 ~~(d) This section shall become operative on January 1, 2001.~~

14 (d) This section applies only to fees due for the 2020 and earlier reporting periods.

15 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
16 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
17 extends that date.

18 SEC. 10. Section 25174.7 of the Health and Safety Code is amended to read:

19 25174.7. (a) The fees provided for in Sections 25174.1 and 25205.5 do not apply to any of
20 the following:

21 (1) Hazardous wastes ~~which~~ that result when a government agency, or its contractor, removes
22 or remedies a release of hazardous waste in the state caused by another person.

23 (2) Hazardous wastes generated or disposed of by a public agency operating a household

1 hazardous waste collection facility in the state pursuant to Article 10.8 (commencing with Section
2 25218), including, but not limited to, hazardous waste received from conditionally exempt small
3 quantity commercial generators, authorized pursuant to Section 25218.3.

4 (3) Hazardous wastes generated or disposed of by local vector control agencies ~~which that~~
5 have entered into a cooperative agreement pursuant to Section 116180 or by county agricultural
6 commissioners, if the hazardous wastes result from their control or regulatory activities and if they
7 comply with the requirements of this chapter and regulations adopted pursuant ~~thereto~~ this chapter.

8 (4) Hazardous waste disposed of, or submitted for disposal or treatment, by any person, which
9 is discovered and separated from solid waste as part of a load checking program.

10 (b) Notwithstanding paragraph (1) of subdivision (a), any person responsible for a release of
11 hazardous waste, ~~which that~~ has been removed or remedied by a government agency, or its
12 contractor, shall pay the fee pursuant to Section 25174.1.

13 (c) Any person who acquires land for the sole purpose of owner-occupied single-family
14 residential use, and who acquires that land without actual or constructive notice or knowledge that
15 there is a tank containing hazardous waste on or under that property, is exempt from the fees
16 imposed pursuant to Sections 25174.1, 25205.5, ~~and 25345~~, in connection with the removal of the
17 tank.

18 (d) This section applies only to fees due for the 2020 and earlier reporting periods.

19 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
20 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
21 extends that date.

22 SEC. 11. Section 25174.11 of the Health and Safety Code is repealed.

23 ~~— 25174.11. Section 25174.1 does not apply to the previous disposal of mining waste that is~~

1 ~~subsequently classified as nonhazardous pursuant to the department's California Assessment~~
2 ~~Manual criteria regulations set forth in Article 2 (commencing with Section 66300) of Chapter 30~~
3 ~~of Division 4 of Title 22 of the California Administrative Code, which became effective October~~
4 ~~27, 1984, and disposal fees shall not be assessed pursuant to Section 25174.1 for that waste if the~~
5 ~~waste previously disposed of is not significantly different from the waste classified as~~
6 ~~nonhazardous.~~

7 SEC. 12. Section 25175 of the Health and Safety Code is amended to read:

8 25175. (a)(1) The department shall prepare and adopt, by regulation, a list, and on or before
9 January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified
10 hazardous wastes that the department finds are economically and technologically feasible to
11 recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state,
12 taking into consideration various factors that shall include, but are not limited to, the quantities of,
13 concentrations of, and potential contaminants in, these hazardous wastes, the number and location
14 of recycling facilities, and the proximity of these facilities to hazardous waste generators.

15 (2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is
16 transported offsite for disposal, the department may request, in writing, by certified mail with
17 return receipt requested, and the generator of that waste shall supply the department with a formal,
18 complete, and detailed statement justifying why the waste was not ~~reecycled~~, recycled. The
19 generator shall supply the statement in writing, by certified mail with return receipt requested,
20 within 30 calendar days of receipt of the department's request. This statement shall include the
21 generator's assessment of the economic and technological feasibility of recycling the wastes and
22 may include, but ~~is not required~~ need not to be limited to, the generator's good faith determination
23 that sending the hazardous waste to any recycling facility where it is feasible to recycle that

1 hazardous waste would constitute an unacceptable environmental or business risk. This
2 determination by the generator shall be based upon an environmental audit or other reasonably
3 diligent investigation of the environmental and other relevant business practices of the recycling
4 facility or facilities where it would otherwise be feasible to recycle the waste. If the request is
5 made of any entity listed in Section 25118 other than an individual, the statement shall be issued
6 by the responsible management of that entity. The department shall keep confidential any trade
7 secrets contained in that statement.

8 (3) On or before January 1, 2002, the department shall establish a procedure for the
9 department to independently verify whether any hazardous waste identified in the list adopted
10 pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before
11 January 1, 2002, prepare and adopt those regulations that the department finds necessary to ensure
12 that it can fully perform its duties pursuant to subdivisions (k) and (l) of Section 25170 to
13 encourage the exchange of hazardous waste and to establish and maintain an information
14 clearinghouse of hazardous wastes that may be recyclable.

15 (4) On or before July 1, 2000, the department shall establish an advisory committee to advise
16 the department on the development of the regulations required or authorized by this section and
17 on the department's implementation of this section. The advisory committee shall consist of
18 representatives of generators, hazardous waste facility operators, environmental organizations, the
19 Legislature, and other interested parties.

20 (5) In determining to which generators the department will send the request specified in
21 paragraph (2), the department shall give priority to notifying generators transporting offsite for
22 disposal more than 1000 pounds per year of the type of hazardous waste that would be the subject
23 of the request, to the extent this prioritization is feasible within the information management

1 capabilities of the department.

2 (b)(1) If, after the department receives a statement from a generator pursuant to paragraph (2)
3 of subdivision (a), the department finds the recycling of a hazardous waste to be economically and
4 technologically feasible, the department shall inform the generator, in writing, by certified mail,
5 return receipt requested, that 30 days after the date the generator receives notice of the
6 department's finding, any of the generators' hazardous waste transported offsite to which the
7 department's finding applies shall, after that date, be recycled. The department may establish
8 procedures for rescinding or modifying any finding made by the department pursuant to this
9 paragraph if there is a pertinent change in circumstances related to that finding.

10 (2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous
11 waste to be economically and technologically feasible if a generator includes a good faith
12 determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending
13 its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous
14 waste constitutes an unacceptable environmental or business risk.

15 (c) A generator who does not recycle a hazardous waste after the generator receives a notice
16 of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically
17 and technologically feasible to recycle is subject to five times the disposal fee that would otherwise
18 apply to the disposal of that hazardous waste pursuant to Section 25174.1.

19 (d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set
20 forth in subdivision (a) of Section 25121.1.

21 (e) This section applies only to fees due for the 2020 and earlier reporting periods.

22 (f) This section shall remain in effect only until January 1, 2021, and as of that date is
23 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or

1 extends that date.

2 SEC. 13. Section 25175 is added to the Health and Safety Code, to read:

3 25175. (a)(1) The department shall prepare and adopt, by regulation, a list, and on or before
4 January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified
5 hazardous wastes that the department finds are economically and technologically feasible to
6 recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state,
7 taking into consideration various factors that shall include, but are not limited to, the quantities of,
8 concentrations of, and potential contaminants in, these hazardous wastes, the number and location
9 of recycling facilities, and the proximity of these facilities to hazardous waste generators.

10 (2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is
11 transported offsite for disposal, the department may request, in writing, by certified mail with
12 return receipt requested, and the generator of that waste shall supply the department with a formal,
13 complete, and detailed statement justifying why the waste was not recycled. The generator shall
14 supply the statement in writing, by certified mail with return receipt requested, within 30 calendar
15 days of receipt of the department's request. This statement shall include the generator's assessment
16 of the economic and technological feasibility of recycling the wastes and may include, but ~~is not~~
17 need not to be limited to, the generator's good faith determination that sending the hazardous waste
18 to any recycling facility where it is feasible to recycle that hazardous waste would constitute an
19 unacceptable environmental or business risk. This determination by the generator shall be based
20 upon an environmental audit or other reasonably diligent investigation of the environmental and
21 other relevant business practices of the recycling facility or facilities where it would otherwise be
22 feasible to recycle the waste. If the request is made of any entity listed in Section 25118 other than
23 an individual, the statement shall be issued by the responsible management of that entity. The

1 department shall keep confidential any trade secrets contained in that statement.

2 (3) On or before January 1, 2002, the department shall establish a procedure for the
3 department to independently verify whether any hazardous waste identified in the list adopted
4 pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before
5 January 1, 2002, prepare and adopt those regulations that the department finds necessary to ensure
6 that it can fully perform its duties pursuant to subdivisions (k) and (l) of Section 25170 to
7 encourage the exchange of hazardous waste and to establish and maintain an information
8 clearinghouse of hazardous wastes that may be recyclable.

9 (4) On or before July 1, 2000, the department shall establish an advisory committee to advise
10 the department on the development of the regulations required or authorized by this section and
11 on the department's implementation of this section. The advisory committee shall consist of
12 representatives of generators, hazardous waste facility operators, environmental organizations, the
13 Legislature, and other interested parties.

14 (5) In determining to which generators the department will send the request specified in
15 paragraph (2), the department shall give priority to notifying generators transporting offsite for
16 disposal more than 1000 pounds per year of the type of hazardous waste that would be the subject
17 of the request, to the extent this prioritization is feasible within the information management
18 capabilities of the department.

19 (b)(1) If, after the department receives a statement from a generator pursuant to paragraph (2)
20 of subdivision (a), the department finds the recycling of a hazardous waste to be economically and
21 technologically feasible, the department shall inform the generator, in writing, by certified mail,
22 return receipt requested, that 30 days after the date the generator receives notice of the
23 department's finding, any of the generators' hazardous waste transported offsite to which the

1 department's finding applies shall, after that date, be recycled. The department may establish
2 procedures for rescinding or modifying any finding made by the department pursuant to this
3 paragraph if there is a pertinent change in circumstances related to that finding.

4 (2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous
5 waste to be economically and technologically feasible if a generator includes a good faith
6 determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending
7 its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous
8 waste constitutes an unacceptable environmental or business risk.

9 (c) A generator who does not recycle a hazardous waste after the generator receives a notice
10 of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically
11 and technologically feasible to recycle is subject to five times the disposal fee that would otherwise
12 apply to the disposal of that hazardous waste pursuant to Section 25205.5.

13 (d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set
14 forth in subdivision (a) of Section 25121.1.

15 (e) This section shall become operative on January 1, 2021 and shall apply to the fees
16 due for the 2021 reporting period and thereafter, including the prepayments due during the
17 reporting period and the final reconciliation fee due and payable following the reporting
18 period.

19 SEC. 14. Section 25178.1 of the Health and Safety Code is amended to read:

20 25178.1. (a) The State Board of Equalization California Department of Tax and Fee
21 Administration shall provide quarterly reports to the Legislature on the fees collected pursuant to
22 Sections ~~25174.1~~, 25205.2, and 25205.5. The reports shall be due on the 15th day of the second
23 month following each quarter.

1 (b) The report submitted pursuant to this subdivision shall be submitted in compliance with
2 Section 9795 of the Government Code.

3 SEC. 15. Section 25205.2 of the Health and Safety Code is amended to read:

4 25205.2. (a) Except as provided in subdivisions (c) and (h), in addition to the fees specified
5 in Section 25174.1, each operator of a facility shall pay a facility fee for each reporting period, or
6 any portion thereof, to the ~~board~~ California Department of Tax and Fee Administration based on
7 the size and type of the facility, as specified in Section 25205.4. On or before January 31 of each
8 calendar year, the department annually shall notify the ~~board~~ California Department of Tax and
9 Fee Administration of all known facility operators by facility type and size. The department shall
10 also notify the ~~board~~ California Department of Tax and Fee Administration of any operator who
11 is issued a permit or grant of interim status within 30 days from the date that a permit or grant of
12 interim status is issued to the operator. The fee specified in this section does not apply to facilities
13 exempted pursuant to Section 25205.12.

14 (b) The ~~board~~ California Department of Tax and Fee Administration shall deposit all fees
15 collected pursuant to subdivision (a) in the Hazardous Waste Control Account in the General Fund.
16 The fees so deposited may be expended by the department, upon appropriation by the Legislature,
17 for the purposes specified in subdivision (b) of Section 25174.

18 (c) Notwithstanding subdivision (a), a person who is issued a variance by the department from
19 the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not
20 subject to the fee, for any reporting period following the reporting period in which the variance
21 was granted by the department.

22 (d) Operators subject to facility fee liability pursuant to this section shall pay the following
23 amounts:

1 (1) The operator shall pay the applicable facility fee for each reporting period in which the
2 facility actually engaged in the treatment, storage, or disposal of hazardous waste.

3 (2) The operator shall pay the applicable facility fee for one additional reporting period
4 immediately following the final reporting period in which the facility actually engaged in that
5 treatment or storage. For the 1994 reporting period and thereafter, the facility's size for that
6 additional reporting period shall be deemed to be the largest size at which the facility has ever
7 been subject to the fee. If the department previously approved a unit or portion of the facility for
8 a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed
9 to be its largest size since the department granted the approval.

10 (3) The operator of a disposal facility shall pay twice the applicable facility fee for one
11 additional reporting period immediately following the final reporting period in which the facility
12 actually engaged in disposal of hazardous waste.

13 (4) For the 1994 reporting period and thereafter, a facility shall not be deemed to have stopped
14 treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has
15 notified the department of its intent to close.

16 (5) If the reporting period which immediately followed the final reporting period in which a
17 facility actually engaged in the treatment, storage, or disposal of the hazardous waste was the six-
18 month period from July 1, 1991, through December 31, 1991, the operator shall be subject to twice
19 the fee otherwise applicable to that operator for that reporting period under paragraphs (2) and (3).

20 (e) No facility shall be subject to a facility fee for treatment, storage, or disposal, if that
21 activity ceased before July 1, 1986, and if the fee for the activity was not paid prior to January 1,
22 1994.

23 (f) Notwithstanding any other provision of this section, a person who ceased actual treatment,

1 storage, or disposal of hazardous waste, whether generated onsite or received from offsite, before
2 July 1, 1986, and who paid facility fees for any reporting period after that date pursuant to a
3 decision of the ~~State Board of Equalization~~ California Department of Tax and Fee Administration,
4 and who filed a claim for refund of those fees on or before January 1, 1994, shall be entitled to a
5 refund of those amounts.

6 (g) Facility operators who treated, stored, or disposed of hazardous waste on or after July 1,
7 1986, shall be subject to the provisions of this section which were in effect prior to January 1,
8 1994, as to payments which their operators made prior to January 1, 1994. The operators shall be
9 subject to subdivision (d) as to any other liability for the facility fee.

10 (h) A treatment facility is not subject to the facility fee established pursuant to this section, if
11 the facility engages in treatment exclusively to accomplish a removal or remedial action or a
12 corrective action in accordance with an order issued by the Environmental Protection Agency
13 pursuant to the federal act or in accordance with an order issued by the department pursuant to
14 Section 25187, if the facility was put in operation solely for purposes of complying with that order.
15 The department shall instead assess a fee for that facility for the actual time spent by the
16 department for the inspection and oversight of that facility. The department shall base the fee on
17 the department's work standards and shall assess the fee on an hourly basis.

18 (i) Notwithstanding subdivision (a), a facility operating pursuant to a standardized permit or
19 grant of interim status, as specified in Section 25201.6, shall receive a credit for the annual facility
20 fee imposed by this section for a period of time equal to the number of years that the facility
21 lawfully operated prior to September 21, 1993, pursuant to a hazardous waste facilities permit or
22 other grant of authorization and paid facility fees for the operation of the facility pursuant to this
23 section.

1 (j) This section applies only to fees due for the 2020 and earlier reporting periods.

2 (k) This section shall remain in effect only until January 1, 2021, and as of that date is
3 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
4 extends that date.

5 SEC. 16. Section 25205.2 is added to the Health and Safety Code, to read:

6 25205.2. (a) Except as provided in subdivision (k), each operator of a facility shall pay a
7 facility fee for each reporting period, or any portion thereof, to the California Department of Tax
8 and Fee Administration based on the size and type of the facility, as specified in subdivision (b).

9 On or before January 31 of each calendar year, the department annually shall notify the California
10 Department of Tax and Fee Administration of all known facility operators by facility type and
11 size. The department shall also notify the California Department of Tax and Fee Administration
12 of any operator who is issued a permit or grant of interim status within 30 days from the date that
13 a permit or grant of interim status is issued to the operator. The fee specified in this section does
14 not apply to facilities exempted pursuant to Section 25205.12.

15 (b)(1) The base rate for the 2021 reporting period for the fee imposed by Section 25205.2 is
16 seventy-one thousand two hundred fifty dollars (\$71,250).

17 (2) Except as provided in subdivision (c), in computing the facility fees, all of the following
18 shall apply:

19 (A) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

20 (B) The fee to be paid by a small storage facility shall equal the base facility rate.

21 (C) The fee to be paid by a large storage facility shall equal twice the base facility rate.

22 (D) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility
23 rate.

1 (E) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

2 (F) The fee to be paid by a large onsite treatment facility shall equal three times the base
3 facility rate.

4 (G) The fee to be paid by a large offsite treatment facility shall be three times the base facility
5 rate.

6 (H) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

7 (c) The fee to be paid by a facility with a postclosure permit during the first five years of the
8 postclosure period shall be:

9 (1) Twenty-one thousand three hundred dollars (\$21,300) annually for a small facility.

10 (2) Forty-two thousand six hundred dollars (\$42,600) annually for a medium facility.

11 (3) Sixty-two thousand dollars (\$62,000) annually for a large facility.

12 (d) The fee to be paid by a facility with a postclosure permit during the remaining years of
13 the postclosure care period shall be:

14 (1) Eleven thousand three hundred fifty dollars (\$11,350) annually for a small facility.

15 (2) Twenty-two thousand seven hundred dollars (\$22,700) annually for a medium facility.

16 (3) Thirty-eight thousand three hundred twenty dollars (\$38,320) annually for a large facility.

17 (e) If a facility falls into more than one category listed in either subparagraph (b) or (d), or
18 any combination thereof, or multiple operations under a single hazardous waste facilities permit
19 or grant of interim status fall into more than one category listed in subdivision (b) or (d), or any
20 combination thereof, the facility operator shall pay only the rate for the facility category which is
21 the highest rate.

22 (f) Notwithstanding subdivision (b), the fee for a facility that has been issued a standardized
23 permit shall be as follows:

1 (1) The fee to be paid for a facility that has been issued a Series A standardized permit shall
2 be forty-three thousand six hundred forty dollars (\$43,640).

3 (2) The fee to be paid for a facility that has been issued a Series B standardized permit shall
4 be twenty thousand four hundred fifty dollars (\$20,450).

5 (3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued
6 a Series C standardized permit shall be seventeen thousand one hundred seventy-five dollars
7 (\$17,175).

8 (4) The fee for a facility that has been issued a Series C standardized permit is eight thousand
9 five hundred ninety dollars (\$8,590) if the facility meets all of the following conditions:

10 (A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more
11 than 3,000 pounds of solid hazardous waste in any calendar month.

12 (B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous
13 waste and 30,000 pounds of solid hazardous waste.

14 (C) If the facility both treats and stores hazardous waste, the facility does not exceed the
15 volume limitations specified in subparagraphs (A) and (B) for each individual activity.

16 (g) The California Department of Tax and Fee Administration shall deposit all fees collected
17 pursuant to this section into the Hazardous Waste Facilities Account in the General Fund. The fees
18 so deposited may be expended by the department, upon appropriation by the Legislature, for the
19 purposes specified in Section 25174.01.

20 (h) Notwithstanding subdivision (a), a person who is issued a variance by the department from
21 the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not
22 subject to the fee, for any reporting period following the reporting period in which the variance
23 was granted by the department.

1 (i) Operators subject to facility fee liability pursuant to this section shall pay the following
2 amounts:

3 (1) The operator shall pay the applicable facility fee for each reporting period in which the
4 facility actually engaged in the treatment, storage, or disposal of hazardous waste.

5 (2) The operator shall pay the applicable facility fee for one additional reporting period
6 immediately following the final reporting period in which the facility actually engaged in that
7 treatment or storage. The facility's size for that additional reporting period shall be deemed to be
8 the largest size at which the facility has ever been subject to the fee. If the department previously
9 approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's
10 size for that reporting period shall be deemed to be its largest size since the department granted
11 the approval.

12 (3) The operator of a disposal facility shall pay twice the applicable facility fee for one
13 additional reporting period immediately following the final reporting period in which the facility
14 actually engaged in disposal of hazardous waste.

15 (4) A facility shall not be deemed to have stopped treating, storing, or disposing of hazardous
16 waste unless it has actually ceased that activity and has notified the department of its intent to
17 close.

18 (j)(1) Except as provided in Section 25404.5, the owner or operator of a facility or
19 transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the California
20 Department of Tax and Fee Administration per facility or transportable treatment unit for each
21 reporting period, or portion of a reporting period. The fee for the 2021 reporting period shall be
22 three thousand five hundred seventy dollars (\$3,570). The reporting period shall begin January 1
23 of each calendar year. On or before January 31 of each calendar year, the department shall notify

1 the California Department of Tax and Fee Administration of all known owners or operators
2 operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section
3 25404.5. The department shall also notify the California Department of Tax and Fee
4 Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who
5 is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or
6 operator is authorized.

7 (2) Except as provided in Section 25404.5, a generator operating under a grant of
8 conditional authorization pursuant to Section 25200.3 shall pay a fee to the California
9 Department of Tax and Fee Administration per facility for each reporting period, or portion
10 thereof, unless the generator is subject to a fee under a permit-by-rule. The fee for the 2021
11 reporting period shall be three thousand five hundred seventy dollars (\$3,570). The reporting
12 period shall begin January 1 of each calendar year. On or before January 31 of each calendar
13 year, the department shall notify the California Department of Tax and Fee Administration of all
14 known generators operating pursuant to a grant of conditional authorization under Section
15 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall
16 also notify the California Department of Tax and Fee Administration of any generator authorized
17 to operate under a grant of conditional authorization, who is not exempted from this fee pursuant
18 to Section 25404.5, within 60 days of the receipt of notification.

19 (3) Except as provided in Section 25404.5, a generator performing treatment conditionally
20 exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay one
21 hundred forty-one dollars (\$141) to the California Department of Tax and Fee Administration
22 per facility for each reporting period, unless that generator is subject to a fee under a permit-by-
23 rule or a conditional authorization pursuant to Section 25200.3. The reporting period shall begin

1 January 1 of each calendar year. On or before January 31 of each calendar year, the department
2 shall notify the California Department of Tax and Fee Administration of all known facilities
3 performing treatment conditionally exempted by Section 25144.6 or subdivision (a) or (c) of
4 Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The
5 department shall also notify the California Department of Tax and Fee Administration of any
6 generator who notifies the department that the generator is conducting a conditionally exempt
7 treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within
8 60 days of the receipt of the notification.

9 (k) A treatment facility is not subject to the facility fee established pursuant to this section, if
10 the facility engages in treatment exclusively to accomplish a removal or remedial action or a
11 corrective action in accordance with an order issued by the Environmental Protection Agency
12 pursuant to the federal act or in accordance with an order issued by the department pursuant to
13 Section 25187, or if the removal or remedial action is carried out pursuant to a removal action
14 work plan or a remedial action plan prepared pursuant to Section 25356.1 and is authorized to
15 operate pursuant to Section 25358.9, if the facility was put in operation solely for purposes of
16 complying with that order. The department shall instead assess a fee for that facility for the actual
17 time spent by the department for the inspection and oversight of that facility. The department shall
18 base the fee on the department's work standards and shall assess the fee on an hourly basis.

19 (l) The fee imposed pursuant to this section shall be paid in accordance with Part 22
20 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

21 (m) The fee rates specified in this section may be modified in accordance with Section
22 25205.2.1.

23 (n) For any year in which the Board has not modified the fee rates in accordance with Section

1 25205.2.1, the fee rate established in this section, or the fee rate established by the Board for the
2 prior calendar year shall be adjusted by the California Department of Fee and Tax Administration
3 to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by
4 the Consumer Price Index issued by the Department of Industrial Relations or by a successor
5 agency.

6 (o) This section shall become operative on January 1, 2021 and shall apply to the annual
7 facility fees due for the 2021 reporting period and thereafter, including the prepayments due during
8 the reporting period and the final reconciliation fee due and payable by February 28 of the year
9 following the reporting period.

10 SEC. 17. Section 25205.2.1 is added to the Health and Safety Code, to read:

11 25205.2.1 (a) The Board established pursuant to Article 2.1 (commencing with Section
12 25125) may establish, by regulation, a schedule of rates for the fee authorized by Section
13 25205.2, no more frequently than once per year and no later than October 1 of any year in
14 which the Board adopts the schedule of rates.

15 (b) The fee rate and schedule set by the Board pursuant to subdivision (a) for the fees
16 authorized by Sections 25205.2 shall be based on all of the following:

17 (1) The total amount of fee revenues collected each year shall conform with the amounts
18 appropriated by the Legislature for that fiscal year from the Hazardous Waste Facilities
19 Account established in Section 25174.01 for expenditure on the activities authorized pursuant
20 to that section.

21 (2) The costs of the administration and collection of fees.

22 (3) The rates shall allow for a reserve in the Hazardous Waste Facilities Account each
23 year at an amount as determined by the Board to be sufficient to ensure that all programs

1 funded by the Hazardous Waste Facilities Account will not be adversely affected by any
2 revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent
3 of authorized expenditure levels.

4 (4) Statewide general administrative costs assessed to the account for that fiscal year.

5 (c)(1) The rate established by the Board pursuant to subdivision (a) shall not exceed the
6 following rates:

7 (A) The base rate established in subdivision (1) of paragraph (b) of Section 25205.2 shall
8 not exceed one hundred forty-two thousand five hundred dollars (\$142,500).

9 (B) The rate for a small facility with a postclosure permit in the first five years of the
10 postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
11 Section 25205.2 shall not exceed forty-two thousand six hundred dollars (\$42,600).

12 (C) The rate for a medium facility with a postclosure permit in the first five years of the
13 postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
14 Section 25205.2 shall not exceed eighty-five thousand two hundred dollars (\$85,200).

15 (D) The rate for a large facility with a postclosure permit in the first five years of the
16 postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
17 Section 25205.2 shall not exceed one hundred twenty-three thousand nine hundred dollars
18 (\$123,900).

19 (E) The rate for a small facility with a postclosure permit in the subsequent years of the
20 postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
21 Section 25205.2 shall not exceed twenty-two thousand seven hundred dollars (\$22,700).

22 (F) The rate for a medium facility with a postclosure permit in the subsequent years of
23 the postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
24 Section 25205.2 shall not exceed forty-five thousand four hundred dollars (\$45,400).

1 (G) The rate for a large facility with a postclosure permit in the subsequent years of the
2 postclosure period established in subparagraph (I) of subdivision (1) of paragraph (b) of
3 Section 25205.2 shall not exceed seventy-six thousand six hundred dollars (\$76,600).

4 (H) The rate for a facility that has been issued a Series A standardized permit established
5 in subparagraph (A) subdivision (4) of paragraph (b) of Section 25205.2 shall not exceed
6 eighty-seven thousand three hundred dollars (\$87,300).

7 (I) The rate for a facility that has been issued a Series B standardized permit established
8 in subparagraph (B) subdivision (4) of paragraph (b) of Section 25205.2 shall not exceed forty
9 thousand nine hundred dollars (\$40,900).

10 (J) The rate for a facility that has been issued a Series C standardized permit established
11 in subparagraph (C) subdivision (4) of paragraph (b) of Section 25205.2 shall not exceed
12 thirty-four thousand three hundred dollars (\$34,300).

13 (K) The rate for a facility that has been issued a Series C standardized permit established
14 in subparagraph (D) subdivision (4) of paragraph (b) of Section 25205.2 shall not exceed
15 seventeen thousand two hundred dollars (\$17,200).

16 (L) The rate for a transportable treatment unit operating pursuant to a permit-by-rule
17 established in subdivision (1) of paragraph (f) of Section 25205.2 shall not exceed seven
18 thousand one hundred dollars (\$7,100).

19 (M) The rate for a generator operating under a grant of conditional authorization established
20 in subdivision (2) of paragraph (f) of Section 25205.2 shall not exceed seven thousand one
21 hundred dollars (\$7,100).

22 (N) The rate for a generator performing conditionally exempted treatment established in
23 subdivision (3) of paragraph (f) of Section 25205.2 shall not exceed two hundred eighty
24 dollars (\$280).

1 (2) The rate limits established in this subdivision are the limits for the 2021 calendar year.
2 Beginning with the 2022 calendar year, and for each calendar year thereafter, the rate limit
3 shall be adjusted annually to reflect increases or decreases in the cost of living during the prior
4 fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial
5 Relations or by a successor agency.

6 (d) If the Board determines the fee revenue collected during the preceding year was
7 greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed
8 by the Board shall be adjusted to compensate for the over or under collection of revenue.

9 (e) A regulation adopted pursuant to this section may be adopted as an emergency regulation
10 in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the
12 Government Code, the adoption of these regulations is an emergency and shall be considered by
13 the Office of Administrative Law as necessary for the immediate preservation of the public peace,
14 health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section
15 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation
16 adopted by the department pursuant to this section shall be filed with, but not be repealed by, the
17 Office of Administrative Law.

18 SEC. 18. Section 25205.3 of the Health and Safety Code is amended to read:

19 25205.3. The following facilities are exempt from the fees imposed by this article:

20 (a) Any household hazardous waste collection facility operated pursuant to Article 10.8
21 (commencing with Section 25218).

22 (b) Any facility operated by a local government agency, or by any person operating a
23 hazardous waste collection program under an agreement with a public agency, which is used for
24 wastes which meet the requirements of paragraph (3) of subdivision (a) of Section 25174.7.

1 (c) That portion of a solid waste facility permitted pursuant to Chapter 3 (commencing with
2 Section 44001) of Part 4 of Division 30 of the Public Resources Code, which is used for the
3 segregation, handling, and storage of hazardous waste separated from solid waste loads received
4 by the facility, pursuant to a load checking program.

5 (d) A facility used solely for the treatment, storage, disposal, or recycling of hazardous waste
6 which results when a public agency or its contractor investigates, removes, or remedies a release
7 of hazardous waste caused by another person.

8 (e)(1) For purposes of fees assessed in any reporting period beginning July 1, 1990, or
9 subsequently, a facility which has been issued a permit for the purpose of storing hazardous waste
10 onsite, and whose permit has expired, if all of the following has occurred:

11 (A) The facility has received no waste from offsite since the permit expired.

12 (B) The owner or operator gave the department timely notification of intent to close the
13 facility, pursuant to regulations adopted by the department.

14 (C) At least 90 days have elapsed since the owner or operator gave the department that
15 notification.

16 (D) The department did not complete its review of the closure plan within 90 days of receiving
17 the notification.

18 (2) This exclusion shall take effect the reporting period following the reporting period in
19 which the facility first satisfied the requirements of paragraph (1) and did not accumulate waste
20 onsite for more than 90 consecutive days.

21 (f) This section applies only to fees due for the 2020 and earlier reporting periods.

22 (g) This section shall remain in effect only until January 1, 2021, and as of that date is
23 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or

1 extends that date.

2 SEC. 19. Section 25205.4 of the Health and Safety Code is amended to read:

3 25205.4. (a) The base rate for the 2020 reporting period for the facility fee imposed by
4 Section 25205.2 is ~~nineteen thousand seven hundred sixty one dollars (\$19,761)~~ thirty-five
5 thousand four hundred fifty-three dollars (\$35,453). ~~Commencing with the 1998 reporting~~
6 ~~period, and for each reporting period thereafter, the board shall adjust the base rate annually~~
7 ~~to reflect increases or decreases in the cost of living during the prior fiscal year, as measured~~
8 ~~by the Consumer Price Index issued by the Department of Industrial Relations or by a~~
9 ~~successor agency.~~

10 (b) The determination of the facility fee pursuant to this section, including the
11 redetermination of the base rate, is exempt from Chapter 3.5 (commencing with Section
12 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

13 (c) Except as provided in subdivision (e), in computing the facility fees, all of the
14 following shall apply:

15 (1) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility
16 rate.

17 (2) The fee to be paid by a small storage facility shall equal the base facility rate.

18 (3) The fee to be paid by a large storage facility shall equal twice the base facility rate.

19 (4) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility
20 rate.

21 (5) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

22 (6) The fee to be paid by a large onsite treatment facility shall equal three times the base
23 facility rate.

1 (7) The fee to be paid by a large offsite treatment facility shall be as follows:

2 (A) The annual facility fees for 1998, 1999, and 2000 shall equal 2.25 times the base
3 facility rate.

4 (B) Beginning with the annual facility fee for 2001, the annual facility fee shall equal
5 three times the base facility rate.

6 (8) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

7 (9)(A) The fee to be paid by a facility with a postclosure permit shall be five thousand
8 seven hundred twenty-five dollars (\$5,725) annually for a small facility, eleven thousand four
9 hundred fifty dollars (\$11,450) annually for a medium facility, and seventeen thousand one
10 hundred seventy-five dollars (\$17,175) for a large facility during the first five years of the
11 postclosure period. The fee to be paid by a facility with a postclosure permit during the
12 remaining years of the postclosure care period shall be three thousand fifty dollars (\$3,050)
13 annually for a small facility, six thousand one hundred dollars (\$6,100) annually for a medium
14 facility, and ten thousand three hundred dollars (\$10,300) annually for a large facility.

15 (B) The fees required by subparagraph (A) shall be reduced by 50 percent for any facility
16 for which an agency, other than the department, is the lead agency pursuant to paragraph (1)
17 of subdivision (b) of Section 25204.6.

18 (d) If a facility falls into more than one category listed in either subdivision (c) or (e), or
19 any combination thereof, or multiple operations under a single hazardous waste facilities
20 permit or grant of interim status fall into more than one category listed in subdivision (c) or
21 (e), or any combination thereof, the facility operator shall pay only the rate for the facility
22 category which is the highest rate.

23 (e) Notwithstanding subdivision (c), the facility fee for a facility that has been issued a

1 standardized permit shall be as follows:

2 (1) The fee to be paid for a facility that has been issued a Series A standardized permit
3 shall be eleven thousand seven hundred thirty dollars (\$11,730).

4 (2) The fee to be paid for a facility that has been issued a Series B standardized permit
5 shall be five thousand four hundred ninety-seven dollars (\$5,497).

6 (3) Except as specified in paragraph (4), the fee to be paid for a facility that has been
7 issued a Series C standardized permit shall be four thousand six hundred seventeen dollars
8 (\$4,617).

9 (4) The fee for a facility that has been issued a Series C standardized permit is two
10 thousand three hundred eight dollars (\$2,308) if the facility meets all of the following
11 conditions:

12 (A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not
13 more than 3,000 pounds of solid hazardous waste in any calendar month.

14 (B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous
15 waste and 30,000 pounds of solid hazardous waste.

16 (C) If the facility both treats and stores hazardous waste, the facility does not exceed the
17 volume limitations specified in subparagraphs (A) and (B) for each individual activity.

18 (f) The fee imposed pursuant to this section shall be paid in accordance with Part 22
19 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

20 (g) This section applies only to fees due for the 2020 and earlier reporting periods.

21 (j) This section shall remain in effect only until January 1, 2021, and as of that date is
22 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
23 extends that date.

1 SEC. 20. Section 25205.5 of the Health and Safety Code is amended to read:

2 25205.5. (a) In addition to the fee imposed pursuant to Section 25174.1, every generator of
3 hazardous waste, in the amounts specified in subdivision (c), shall pay the California Department
4 of Tax and Fee Administration a generator fee for each generator site for each calendar year, or
5 portion thereof, unless the generator has paid a facility fee or received a credit, as specified in
6 Section 25205.2, for each specific site, for the calendar year for which the generator fee is due.

7 (b) The base fee rate for the fee imposed pursuant to subdivision (a) is ~~two thousand seven~~
8 ~~hundred forty eight dollars (\$2,748)~~ four thousand seven hundred eighty-three dollars (\$4,783).

9 (c)(1) Each generator who generates an amount equal to, or more than, five tons, but less than
10 25 tons, of hazardous waste during the prior calendar year shall pay 5 percent of the base rate.

11 (2) Each generator who generates an amount equal to, or more than, 25 tons, but less than 50
12 tons, of hazardous waste during the prior calendar year shall pay 40 percent of the base rate.

13 (3) Each generator who generates an amount equal to, or more than, 50 tons, but less than 250
14 tons, of hazardous waste during the prior calendar year shall pay the base rate.

15 (4) Each generator who generates an amount equal to, or more than, 250 tons, but less than
16 500 tons, of hazardous waste during the prior calendar year shall pay five times the base rate.

17 (5) Each generator who generates an amount equal to, or more than, 500 tons, but less than
18 1,000 tons, of hazardous waste during the prior calendar year shall pay 10 times the base rate.

19 (6) Each generator who generates an amount equal to, or more than, 1,000 tons, but less than
20 2,000 tons, of hazardous waste during the prior calendar year shall pay 15 times the base rate.

21 (7) Each generator who generates an amount equal to, or more than, 2,000 tons of hazardous
22 waste during the prior calendar year shall pay 20 times the base rate.

23 (d) The base rate established pursuant to subdivision (b) ~~was~~ is the base rate for the ~~1997~~ 2020

1 ~~calendar year, and the board shall adjust the base rate annually to reflect increases or decreases in~~
2 ~~the cost of living, during the prior fiscal year, as measured by the Consumer Price Index issued by~~
3 ~~the Department of Industrial Relations or by a successor agency.~~

4 (e) The establishment of the annual operating fee pursuant to this section is exempt from
5 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government
6 Code.

7 (f) The following materials are not hazardous wastes for purposes of this section:

8 (1) Hazardous materials which are recycled, and used onsite, and are not transferred offsite.

9 (2) Aqueous waste treated in a treatment unit operating, or which subsequently operates,
10 pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous
11 waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit which
12 subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or
13 25201.5 is hazardous waste for purposes of this section.

14 (g) The fee imposed pursuant to this section shall be paid in accordance with Part 22
15 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

16 (h)(1) A generator who pays a hazardous waste generator inspection fee to a certified unified
17 program agency, which is imposed as part of a single fee system and fee accountability program
18 that are both in compliance with the requirements of Section 25404.5, shall be eligible for a refund
19 of all, or part of, the generator fee paid pursuant to subdivision (a) if both of the following
20 conditions apply:

21 (A) The generator received a credit pursuant to Section 43152.7 or 43152.11 of the Revenue
22 and Taxation Code for fees paid for hazardous waste generated in 1996.

23 (B) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are

1 available to pay all or part of the refund.

2 (2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an
3 application for that refund to the ~~board~~ California Department of Tax and Fee Administration by
4 September 30 following the fiscal year during which the generator paid the generator fee pursuant
5 to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be
6 processed by the ~~board~~ California Department of Tax and Fee Administration, and shall be
7 returned to the applicant.

8 (i)(1) A generator who transfers hazardous materials to an offsite facility for recycling at that
9 offsite facility or another offsite facility shall be eligible for a refund of all, or part of, the generator
10 fee paid pursuant to subdivision (a) if all of the following conditions apply:

11 (A) The offsite facility to which the hazardous materials are manifested pays a facility fee
12 pursuant to Section 25205.2.

13 (B) The amount of hazardous materials transferred to the offsite facility and recycled there,
14 when deducted from the total tonnage of hazardous waste generated at the generator's site, results
15 in the generator becoming eligible for a generator fee that is lower than the fee paid pursuant to
16 subdivision (a).

17 (C) The hazardous materials transferred to the offsite facility are not burned in a boiler,
18 industrial furnace, or an incinerator, as those terms are defined in Section 260.10 of Title 40 of the
19 Code of Federal Regulations, used in a manner constituting disposal, or used to produce products
20 that are applied to land.

21 (D) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are
22 available to pay all or part of the refund.

23 (2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an

1 application for that refund to the ~~board~~ California Department of Tax and Fee Administration by
2 September 30 following the fiscal year during which the generator paid the generator fee pursuant
3 to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be
4 processed by the ~~board~~ California Department of Tax and Fee Administration, and shall be
5 returned to the applicant.

6 (j)(1) The amendment of this section made by Chapter 1125 of the Statutes of 1991 does not
7 constitute a change in, but is declaratory of, existing law.

8 (2) The amendment of subdivision (a) of this section made by Chapter 259 of the Statutes of
9 1996 does not constitute a change in, but is declaratory of, existing law.

10 (f) This section applies only to fees due for the 2020 and earlier reporting periods
11 including the prepayments due during each reporting period and the final reconciliation fee
12 due and payable by February 28 of the year following each reporting period.

13 (g) This section shall remain in effect only until January 1, 2021, and as of that date is
14 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
15 extends that date.

16 SEC. 21. Section 25205.5 is added to the Health and Safety Code, to read:

17 25205.5. (a) (1) Except as otherwise provided in this section, each generator, as defined in
18 subdivision (e) of Section 25205.1, of hazardous waste shall pay the California Department of Tax
19 and Fee Administration for each generator site for each calendar year, or portion of the calendar
20 year, a generation and handling fee of thirty-five dollars and fifty cents (\$35.50) for each ton or
21 fraction of a ton of hazardous waste generated.

22 (2) A generator that is issued a hazardous waste facilities permit from the department and that
23 pays an annual facility fee, as specified in Section 25205.2, may deduct, from the amount of

1 hazardous waste otherwise subject to this subdivision that is generated per calendar year, the
2 amount of hazardous waste that is solely stored, bulked, or transferred through the location of the
3 permitted hazardous waste facility and that is in route to another facility that is authorized to do
4 any of the following:

5 (A) Manage the hazardous waste for reclamation and recovery, including fuel blending prior
6 to energy recovery at another site.

7 (B) Manage the hazardous waste through destruction methods or treatment prior to disposal
8 at another site.

9 (C) Manage the hazardous waste by any form of treatment.

10 (D) Dispose of the hazardous waste.

11 (b) Generators of more than five tons of hazardous waste in the prior calendar year are subject
12 to the prepayment due during each reporting period and the final reconciliation fee due and payable
13 by February 28 of the year following each reporting period.

14 (c) The following materials are not hazardous wastes for purposes of this section:

15 (1) Hazardous materials which are recycled, and used onsite, and are not transferred offsite.

16 (2) Aqueous waste treated in a treatment unit operating, or which subsequently operates,
17 pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous
18 waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit which
19 subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or
20 25201.5 is hazardous waste for purposes of this section.

21 (d) The fee imposed pursuant to this section shall be paid in accordance with Part 22
22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

23 (e) The fee rate specified in this section may be modified in accordance with Section

1 25205.5.01.

2 (g) For any year in which the Board has not modified the fee rate in accordance with Section
3 25205.5.01, the fee rate established in this section, or the fee rate established by the Board for the
4 prior calendar year shall be adjusted by the California Department of Fee and Tax Administration
5 to reflect increases in the cost of living during the prior fiscal year, as measured by the Consumer
6 Price Index issued by the Department of Industrial Relations or by a successor agency.

7 (f) This section shall become operative on January 1, 2021 and shall apply to the annual
8 generation and handling fees due for the 2021 reporting period and thereafter. This includes
9 the prepayments due during the reporting period and the final reconciliation fee due and
10 payable by February 28 of the year following the reporting period.

11 SEC. 22. Section 25205.5.01 is added to the Health and Safety Code, to read:

12 25205.5.01 (a) The Board established pursuant to Article 2.1 (commencing with Section
13 25125) may establish, by regulation, a schedule of rates for the fee authorized by Section
14 25205.5, no more frequently than once per year and no later than October 1 of any year in
15 which the Board adopts the schedule of rates.

16 (b) The fee rate and schedule set by the Board pursuant to subdivision (a) for the fees
17 authorized by Sections 25205.5 shall be based on all of the following:

18 (1) The total amount of fee revenues collected each year shall conform with the amounts
19 appropriated by the Legislature for that fiscal year from the Hazardous Waste Control
20 Account established in Section 25174 for expenditure on the activities authorized pursuant to
21 that section.

22 (2) The costs of the administration and collection of fees.

23 (3) The rates shall allow for a reserve in the Hazardous Waste Control Account each year

1 at an amount as determined by the Board to be sufficient to ensure that all programs funded
2 by the Hazardous Waste Control Account will not be adversely affected by any revenue
3 shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of
4 authorized expenditure levels.

5 (4) Statewide general administrative costs assessed to the account for that purpose.

6 (c)(1) The rate established by the Board pursuant to subdivision (a) shall not exceed
7 seventy-one dollars (\$71).

8 (2) The rate limit established in this subdivision is the limit for the 2021 calendar year.
9 Beginning with the 2022 calendar year, and for each calendar year thereafter, the rate limit
10 shall be adjusted annually to reflect increases or decreases in the cost of living during the prior
11 fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial
12 Relations or by a successor agency.

13 (d) If the Board determines the fee revenue collected during the preceding year was
14 greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed
15 by the Board shall be adjusted to compensate for the over or under collection of revenue.

16 (e) A regulation adopted pursuant to this section may be adopted as an emergency regulation
17 in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title
18 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the
19 Government Code, the adoption of these regulations is an emergency and shall be considered by
20 the Office of Administrative Law as necessary for the immediate preservation of the public peace,
21 health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section
22 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation
23 adopted by the department pursuant to this section shall be filed with, but not be repealed by, the
24 Office of Administrative Law.

1 (f) This section shall become operative on January 1, 2021.

2 SEC. 23. Section 25205.5.1 of the Health and Safety Code is amended to read:

3 25205.5.1. Notwithstanding Sections 25174.1 and 25205.5, the department may adopt
4 regulations exempting victims of disasters from the hazardous waste disposal fee imposed
5 pursuant to Section 25174.1 and the generator fee imposed pursuant to Section 25205.5. The
6 regulations may allow that exemption if all of the following apply:

7 (a) The hazardous waste is generated in a geographical area identified in a state of emergency
8 proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire,
9 flood, storm, earthquake, riot, or civil unrest.

10 (b) The hazardous waste is generated when property owned or controlled by the victim is
11 damaged or destroyed as a result of the disaster.

12 (c) The hazardous waste is not hazardous waste that is routinely produced as part of a
13 manufacturing or commercial business or that is managed by a hazardous waste facility or a facility
14 operated by a generator of hazardous waste who files a hazardous waste notification statement
15 with the department pursuant to subdivision (a) of Section 25158.

16 (d) The victim meets any other condition or limitation on eligibility specified by the
17 department.

18 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
19 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
20 extends that date.

21 SEC. 24. Section 25205.5.1 is added to the Health and Safety Code, to read:

22 25205.5.1. Notwithstanding Section 25205.5, the department may adopt regulations
23 exempting victims of disasters from the generation and handling fee imposed pursuant to Section

1 25205.5. The regulations may allow that exemption if all of the following apply:

2 (a) The hazardous waste is generated in a geographical area identified in a state of emergency
3 proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire,
4 flood, storm, earthquake, riot, or civil unrest.

5 (b) The hazardous waste is generated when property owned or controlled by the victim is
6 damaged or destroyed as a result of the disaster.

7 (c) The hazardous waste is not hazardous waste that is routinely produced as part of a
8 manufacturing or commercial business or that is managed by a hazardous waste facility or a facility
9 operated by a generator of hazardous waste who files a hazardous waste notification statement
10 with the department pursuant to subdivision (a) of Section 25158.

11 (d) The victim meets any other condition or limitation on eligibility specified by the
12 department.

13 (e) This section shall become operative on January 1, 2021 and shall apply to the fees due for
14 the 2021 reporting period and thereafter, including the prepayments due during the reporting
15 period and the final reconciliation fee due and payable following the reporting period.

16 SEC. 25. Section 25205.9 of the Health and Safety Code is repealed.

17 ~~25205.9. (a) On or before June 30 of each year, the department shall determine if there are~~
18 ~~surplus funds in the Hazardous Waste Control Account and shall, upon appropriation by the~~
19 ~~Legislature, allocate these surplus funds to pay refunds in the following order of priority:~~

20 ~~(1) To pay refunds to generators pursuant to subdivision (c).~~

21 ~~(2) To pay refunds to generators pursuant to subdivision (d). However, the department shall~~
22 ~~not pay refunds pursuant to subdivision (d) until all applications for refunds pursuant to~~
23 ~~subdivision (c) have first been paid.~~

1 ~~(b) The department shall certify the amount of the surplus in the Hazardous Waste Control~~
2 ~~Account to the board and shall direct the board to pay refunds to generators pursuant to~~
3 ~~subdivisions (c) and (d) to the extent funds permit. If funds are not sufficient to pay all the refunds~~
4 ~~for which the board receives applications pursuant to subdivision (h) of Section 25205.5, the~~
5 ~~department shall direct the board to pay refunds pursuant to subdivision (c) on a pro rata basis. If~~
6 ~~funds are sufficient to pay all refunds for which applications are received pursuant to subdivision~~
7 ~~(h) of Section 25205.5 but not sufficient to pay all refunds for which applications were received~~
8 ~~by the board pursuant to subdivision (i) of Section 25205.5, the department shall direct the board~~
9 ~~to pay refunds pursuant to subdivision (d) on a pro rata basis.~~

10 ~~(c)(1) If the department certifies that there are sufficient funds to do so, the board shall issue~~
11 ~~refunds, in the manner directed by the department pursuant to subdivision (b), to hazardous waste~~
12 ~~generators who are eligible for refunds pursuant to paragraph (1) of subdivision (h) of Section~~
13 ~~25205.5.~~

14 ~~(2) The refund made to a generator pursuant to this subdivision shall not exceed the fee paid~~
15 ~~by the generator pursuant to Section 25205.5, or exceed the hazardous waste generator inspection~~
16 ~~fee paid to the certified unified program agency for the previous calendar year, whichever is less.~~

17 ~~(3) The board may issue refunds pursuant to this section only if the department certifies,~~
18 ~~pursuant to subdivision (b), that funds for these refunds are available.~~

19 ~~(d)(1) If the department certifies that there are sufficient funds to do so, the board shall issue~~
20 ~~refunds, in the manner directed by the department pursuant to subdivision (b), to hazardous waste~~
21 ~~generators who are eligible for refunds pursuant to paragraph (1) of subdivision (i) of Section~~
22 ~~25205.5.~~

1 ~~(2) The refund made to a generator pursuant to this subdivision shall be equal to the difference~~
2 ~~between the amount of the generator fee paid by the generator pursuant to Section 25205.5 and the~~
3 ~~amount the generator would have paid if the amount of hazardous materials transferred to an offsite~~
4 ~~facility for recycling had been deducted from the total tonnage of hazardous waste generated at the~~
5 ~~generator's site. However, if a generator receives a refund pursuant to subdivision (c), the~~
6 ~~generator may not receive a refund pursuant to this subdivision that exceeds the difference between~~
7 ~~the amount of the generator fee paid pursuant to Section 25205.5 and the amount of the refund~~
8 ~~received pursuant to subdivision (c).~~

9 ~~(3) The board may issue refunds pursuant to this subdivision only if the department certifies,~~
10 ~~pursuant to subdivision (b), that funds for these refunds are available.~~

11 ~~(e) For purposes of this section, "surplus" means the amount in the Hazardous Waste Control~~
12 ~~Account on June 30 of each year that is in excess of the reserve required by subdivision (k) of~~
13 ~~Section 25174.~~

14 SEC. 26. Section 25205.12 of the Health and Safety Code is amended to read.

15 25205.12. (a) The owner of a hazardous waste facility authorized to operate pursuant to a
16 permit-by-rule, authorized under a grant of conditional authorization pursuant to Section
17 25200.3, exempted pursuant to subdivision (a) or (c) of Section 25201.5, or exempted pursuant
18 to Section 25144.6 ~~or 25201.14~~ is exempt from the facility fee specified in paragraph (1) of
19 subdivision (b) of Section 25205.2 for any activities authorized by the permit-by-rule, under a
20 grant of conditional authorization pursuant to Section 25200.3, exempted pursuant to subdivision
21 (a) or (c) of Section 25201.5, or exempted pursuant to Section 25144.6 or 25201.14 at that
22 facility for any year or reporting period during which the facility is operating.

23 ~~(b) The retroactive portion of the facility fee exemption provided by subdivision (a) does~~

1 ~~not apply to any facility that was authorized by the department to operate on or before June 1,~~
2 ~~1991, for any fees paid or billed prior to September 1, 1992.~~

3 ~~—(c) The operator of a hazardous waste facility authorized by the department to clean and~~
4 ~~recycle excavated underground storage tanks is exempt from the facility fee specified in Section~~
5 ~~25205.2 with regard to those activities conducted before January 1, 1994, and those activities~~
6 ~~conducted after that date, until the effective date of a regulation adopted by the department~~
7 ~~governing the statewide requirements for the issuance of a permit for tank cleaning and recycling~~
8 ~~facilities.~~

9 ~~(d) The operator of a hazardous waste facility operating pursuant to a standardized permit or~~
10 ~~a grant of interim status, as specified in Section 25201.6, is exempt from the facility fee specified~~
11 ~~in Sections 25205.2 and 25205.4 for any year or reporting period prior to January 1, 1993,~~
12 ~~during which the facility operated, if the hazardous waste treatment or storage activity was~~
13 ~~conducted prior to January 1, 1993, and the owner or operator is in compliance with the~~
14 ~~notification and application requirements of Section 25201.6, as amended in the 1993–94~~
15 ~~Regular Session of the Legislature, or as amended thereafter, and either of the following~~
16 ~~circumstances apply:~~

17 ~~—(1) The owner or operator was not authorized by the department before July 1, 1993, to~~
18 ~~conduct the eligible treatment or storage activity.~~

19 ~~—(2) The owner or operator did not pay a hazardous waste facility fee, as specified in Section~~
20 ~~25205.2, for that year or reporting period prior to July 1, 1993, for the facility that is the subject~~
21 ~~of the standardized permit.~~

22 SEC. 27. Section 25205.14 of the Health and Safety Code is amended to read:

23 25205.14. (a) Except as provided in Section 25404.5, the owner or operator of a facility or

1 transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the ~~board~~
2 California Department of Tax and Fee Administration per facility or transportable treatment unit
3 for each reporting period, or portion ~~thereof~~ of a reporting period. The fee for the 1997 reporting
4 period shall be nine hundred fifty-eight dollars (\$958). Until July 1, 1998, the owner or operator
5 of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall also pay a
6 fee in the amount of 50 percent of the fee specified in this subdivision for each modification of
7 the notification required by Sections 67450.2 and 67450.3 of Title 22 of the California Code of
8 Regulations, as those sections read on January 1, 1995, or as those sections may subsequently be
9 amended. Thereafter, the fee shall be adjusted annually by the board to reflect increases and
10 decreases in the cost of living, as measured by the Consumer Price Index issued by the
11 Department of Industrial Relations or a successor agency. The reporting period shall begin
12 January 1 of each calendar year. On or before January 31 of each calendar year, the department
13 shall notify the ~~board~~ California Department of Tax and Fee Administration of all known owners
14 or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant
15 to Section 25404.5. The department shall also notify the ~~board~~ California Department of Tax and
16 Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule,
17 who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or
18 operator is authorized.

19 (b) Except as provided in Section 25404.5, a generator operating under a grant of
20 conditional authorization pursuant to Section 25200.3 shall pay a fee to the ~~board~~ California
21 Department of Tax and Fee Administration per facility for each reporting period, or portion
22 thereof, unless the generator is subject to a fee under a permit-by-rule. The fee for the 1997
23 reporting period shall be nine hundred fifty-eight dollars (\$958). Thereafter, the fee shall be

1 adjusted annually by the board to reflect increases and decreases in the cost of living, during the
2 prior fiscal year, as measured by the Consumer Price Index issued by the Department of
3 Industrial Relations or a successor agency. The reporting period shall begin January 1 of each
4 calendar year. On or before January 31 of each calendar year, the department shall notify the
5 ~~board~~ California Department of Tax and Fee Administration of all known generators operating
6 pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted
7 from this fee pursuant to Section 25404.5. The department shall also notify the ~~board~~ California
8 Department of Tax and Fee Administration of any generator authorized to operate under a grant
9 of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5,
10 within 60 days of the receipt of notification.

11 (c) Except as provided in Section 25404.5, a generator performing treatment conditionally
12 exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay
13 thirty-eight dollars (\$38) to the ~~board~~ California Department of Tax and Fee Administration per
14 facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule
15 or a conditional authorization pursuant to Section 25200.3. Until July 1, 1998, a generator
16 performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or
17 (c) of Section 25201.5 shall pay one hundred dollars (\$100) to the board per facility for the
18 initial operating period, or portion thereof, unless that generator is subject to a fee under a
19 permit-by-rule or a conditional authorization pursuant to Section 25200.3. The reporting period
20 shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the
21 department shall notify the ~~board~~ California Department of Tax and Fee Administration of all
22 known facilities performing treatment conditionally exempted by Section 25144.6 or subdivision
23 (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5.

1 The department shall also notify the ~~board~~ California Department of Tax and Fee Administration
2 of any generator who notifies the department that the generator is conducting a conditionally
3 exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5,
4 within 60 days of the receipt of the notification.

5 (d) The fees imposed pursuant to this section shall be paid in accordance with Part 22
6 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

7 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
8 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
9 extends that date.

10 SEC. 28. Section 25205.15 of the Health and Safety Code is amended to read.

11 25205.15. (a) Except for the first four manifests used in a calendar year by a business with less
12 than 100 employees, and except as provided in paragraph (2), in addition to any fees to cover
13 printing and distribution costs, the department shall impose a manifest fee of seven dollars and
14 fifty cents (\$7.50) for each manifest form or electronic equivalent used by any person, in the
15 following manner:

16 (1) The department shall bill generators for each manifest form or electronic equivalent. The
17 billing frequency specified by the department may range from monthly to annually, with the
18 payment by the generator required within 30 days from the date of receipt of the billing, and shall
19 be determined based on consultation with the regulated community. In preparing the bills, the
20 department shall distinguish between manifests used solely for recycled hazardous wastes and
21 those used for nonrecycled hazardous wastes. In determining the billing frequency, the department
22 may take into account each person's volume of manifest usage.

1 (2)(A) The manifest fee shall not be collected on the use of manifest forms that are used solely
2 for hazardous wastes that are recycled.

3 (B) The manifest fee for each manifest form or electronic equivalent used solely for hazardous
4 waste derived from air compliance solvents, shall be three dollars and fifty cents (\$3.50). This is
5 in addition to any fees charged to cover printing and distribution costs.

6 (3) The department shall implement a system for the use of manifest forms that distinguishes
7 among recycling manifests used solely for hazardous wastes that are to be recycled, manifests used
8 solely to transport hazardous waste derived from air compliance solvents, and general manifests
9 that may be used for transporting waste for any purpose.

10 (4)(A) If a person erroneously reports on a manifest form or electronic equivalent that the
11 manifest is being used for the transport of hazardous wastes that are being shipped for recycling
12 or for the transport of hazardous wastes derived from air compliance solvents rather than the
13 transport of other types of hazardous waste, the person shall pay the seven dollars and fifty cents
14 (\$7.50) manifest fee and an additional error correction fee of twenty dollars (\$20) per manifest, as
15 required pursuant to Section 25160.5.

16 (B) Notwithstanding subparagraph (A) the department shall provide the manifest user with a
17 reasonable opportunity to notify the department of any incorrect use of the recycling manifest, as
18 described in subparagraph (A), and to provide the department with the appropriate manifest fee
19 payment without additional fines, penalties, or payment of the error correction fee.

20 (5) The department may adopt regulations to implement and administer the manifest fee system
21 imposed pursuant to this subdivision.

22 (b) For purposes of subdivision (a), “manifest” has the same meaning as defined in paragraph
23 (1) of subdivision (a) of Section 25160.

1 (c) The manifest fees collected pursuant to this section shall be deposited in the Hazardous
2 Waste Control Account and be available for expenditure, upon appropriation by the Legislature.

3 (d) For purposes of this section, “air compliance solvent” means a solvent, including aqueous
4 solutions, that are required or approved for use by regulations adopted by the State Air Resources
5 Board, an air pollution control district, or an air quality management district, to meet air emission
6 standards adopted by that board or district and, pursuant to those regulations, is required to be used
7 instead of another solvent that was used and recycled prior to the adoption of those regulations.

8 (e) This section applies only to fees due for the 2020 and earlier reporting periods.

9 (f) This section shall remain in effect only until January 1, 2021, and as of that date is
10 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
11 extends that date.

12 SEC. 29. Section 25205.16 of the Health and Safety Code is amended to read.

13 25205.16. (a)(1) The department may impose an annual verification fee upon all generators,
14 transporters, and facility operators with 50 or more employees that possess a valid identification
15 number issued either by the department or by the Environmental Protection Agency. The fee
16 charged shall be one hundred fifty dollars (\$150) for each generator, transporter, and facility
17 operator with 50 or more employees, but less than 75 employees; one hundred seventy-five dollars
18 (\$175) for each generator, transporter, and facility operator with 75 or more employees, but less
19 than 100 employees; two hundred dollars (\$200) for each generator, transporter, and facility
20 operator with 100 or more employees, but less than 250 employees; two hundred twenty-five
21 dollars (\$225) for each generator, transporter, and facility operator with 250 or more employees,
22 but less than 500 employees; two hundred fifty dollars (\$250) for each generator, transporter, and
23 facility operator with 500 or more employees. However, no generator, transporter, or facility

1 operator shall be assessed fees pursuant to this section that exceed, in total, five thousand dollars
2 (\$5,000).

3 (2) The generator, transporter, or facility operator subject to the fee shall submit payment of
4 the fee within 30 days from the date of receiving a notice of assessment from the department. The
5 notice shall be sent once during each fiscal year to each holder of a valid identification number.
6 The fee imposed by this section shall be deposited in the Hazardous Waste Control Account and
7 be available for expenditure, upon appropriation by the Legislature. For purposes of this section,
8 “employee” shall have the same meaning set forth in Section 25205.6.

9 (b) The department shall establish an identification number certification system to biennially
10 verify the accuracy of information related to generators, transporters, and facilities authorized to
11 treat, store, or dispose of hazardous waste. However, if the number of identification numbers
12 issued since the previous certification exceeds 20 percent of the active identification numbers, the
13 department may implement an annual certification. Each entity issued an identification number
14 shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested
15 by the department. The system shall include the provision or verification of all of the following
16 information:

17 (1) The name, mailing address, facsimile number, fictitious business name, federal employer
18 number, ~~State Board of Equalization~~ California Department of Tax and Fee Administration
19 identification number, SIC code, electronic mail address, if available, and telephone number of
20 the firm or organization engaged in hazardous waste activities.

21 (2) The name, mailing address, facsimile number, and telephone number of the owner of the
22 firm or organization.

23 (3) The name, title, mailing address, facsimile number, and telephone number of a contact

1 person for the firm or organization.

2 (4) The identification number assigned to the firm or organization.

3 (5) The site location address or description associated with the firm or organization's
4 identification number provided in paragraph (4).

5 (6) The number of employees of the firm or organization.

6 (7) If the firm or organization is a generator, a statement of whether the generator produces
7 RCRA hazardous waste or non-RCRA hazardous waste.

8 (8) An identification of any of the following hazardous waste activities in which the firm or
9 organization is engaged:

10 (A) Generation.

11 (B) Transportation.

12 (C) Onsite treatment, storage, or disposal.

13 (9) The waste codes associated with the four largest hazardous waste streams, by volume, of
14 the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and
15 the California waste code shall be verified for non-RCRA hazardous waste.

16 (c) Any generator, transporter, and facility operator who fails to comply with this section, or
17 who fails to provide information required by the department to verify the accuracy of hazardous
18 waste activity data, shall be subject to suspension of any and all identification numbers assigned
19 to the generator, transporter, or facility operator and to any other authorized enforcement action.

20 (d) This section applies only to fees due for the 2020 and earlier reporting periods.

21 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
22 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
23 extends that date.

1 SEC. 30. Section 25205.16 of the Health and Safety Code is added to read.

2 25205.16. (a) The department shall establish an identification number certification system to
3 annually verify the accuracy of information related to generators, transporters, and facilities
4 authorized to treat, store, or dispose of hazardous waste. Each entity issued an identification
5 number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when
6 requested by the department. The system shall include the provision or verification of all of the
7 following information:

8 (1) The name, mailing address, facsimile number, fictitious business name, federal employer
9 number, California Department of Tax and Fee Administration identification number, SIC code,
10 electronic mail address, if available, and telephone number of the firm or organization engaged in
11 hazardous waste activities.

12 (2) The name, mailing address, facsimile number, and telephone number of the owner of the
13 firm or organization.

14 (3) The name, title, mailing address, facsimile number, and telephone number of a contact
15 person for the firm or organization.

16 (4) The identification number assigned to the firm or organization.

17 (5) The site location address or description associated with the firm or organization's
18 identification number provided in paragraph (4).

19 (6) The number of employees of the firm or organization.

20 (7) If the firm or organization is a generator, a statement of whether the generator produces
21 RCRA hazardous waste or non-RCRA hazardous waste.

22 (8) An identification of any of the following hazardous waste activities in which the firm or
23 organization is engaged:

1 (A) Generation.

2 (B) Transportation.

3 (C) Onsite treatment, storage, or disposal.

4 (9) The waste codes associated with the four largest hazardous waste streams, by volume, of
5 the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and
6 the California waste code shall be verified for non-RCRA hazardous waste.

7 (c) Any generator, transporter, and facility operator who fails to comply with this section, or
8 who fails to provide information required by the department to verify the accuracy of hazardous
9 waste activity data, shall be subject to suspension of any and all identification numbers assigned
10 to the generator, transporter, or facility operator and to any other authorized enforcement action.

11 (d) This section shall become operative on January 1, 2021 and shall apply to the fees
12 due for the 2021 reporting period and thereafter, including the prepayments due during the
13 reporting period and the final reconciliation fee due and payable following the reporting
14 period.

15 SEC. 31. Section 25205.20 of the Health and Safety Code is repealed.

16 ~~25205.20. (a) In issuing a variance, the department may, for purposes of the annual facility~~
17 ~~fee only, make the variance retroactive to not earlier than one year after the date of the variance~~
18 ~~application's submittal to the department, or January 1, 1994, whichever is later.~~

19 ~~—(b) A facility which is subject to the annual facility fee shall pay such fee while the variance~~
20 ~~application is pending. Within one year of the issuance of the variance, the board shall issue a~~
21 ~~refund of facility fees paid for all reporting periods following the period to which the variance is~~
22 ~~retroactive. The refund shall not include interest.~~

23 ~~—(c) Variance, for purposes of this section, means a variance from the requirement of obtaining~~

1 ~~a hazardous waste facilities permit or grant of interim status.~~

2 SEC. 32. Section 25205.21 of the Health and Safety Code is amended to read:

3 25205.21. (a) ~~Notwithstanding Section 25205.4, a~~ A disposal facility operator ~~which~~ that is a
4 government agency shall be subject to a maximum facility fee pursuant to Section 25205.2 of ten
5 thousand dollars (\$10,000) for any reporting period of 12 months and five thousand dollars
6 (\$5,000) for any reporting period of six months, for that disposal facility for any reporting period
7 in which it did not at any time dispose of hazardous waste therein. This section shall apply to all
8 reporting periods since the inception of the facility fee ~~up to and including the reporting period~~
9 ~~ending December 31, 1998.~~

10 (b) ~~Prior to January 1, 1998, no interest or penalty shall accrue on any amount owed by an~~
11 ~~operator pursuant to subdivision (a).~~

12 ~~—(e) This section shall not affect the imposition of the annual postclosure facility fee~~ pursuant
13 to Section 25205.2.

14 SEC. 33. Section 25205.22 of the Health and Safety Code is amended to read:

15 25205.22. (a) Prior to January 1, 1996, any person transporting, importing, or receiving non-
16 RCRA hazardous waste imported into this state for purposes of treatment, recycling, or disposal
17 shall be considered the generator of that waste and the facility shall be considered the site of
18 generation for purposes of payment of the generator fee pursuant to Section 25205.5, and the
19 facility operator shall pay the applicable generator fee even if the operator has also paid a facility
20 fee, but no generator fee shall be assessed for non-RCRA hazardous waste imported prior to
21 January 1, 1994.

22 (b) Notwithstanding subdivision (c), any fees due pursuant to this chapter for calendar year
23 1995 and which are due and payable in calendar year 1996 shall be paid in 1996 in accordance

1 with Section 43152.7 of the Revenue and Taxation Code.

2 (c) On and after January 1, 1996, any person transporting, importing, or receiving non-RCRA
3 hazardous waste imported into this state for purposes of treatment, recycling, or disposal shall be
4 exempt from the payment of the generator fee imposed pursuant to Section 25205.5 and the
5 generator surcharge imposed pursuant to Section 25205.9.

6 (d) This section applies only to fees due for the 2020 and earlier reporting periods.

7 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
8 repealed, unless a later enacted statute, that is enacted before January 1, 2021 deletes or
9 extends that date.

10 SEC. 34. Section 25205.22 is added to the Health and Safety Code to read:

11 25205.22. (a) On and after January 1, 2021, for hazardous waste imported into this state for
12 purposes of treatment, recycling, or disposal, the operator of the facility receiving the imported
13 hazardous waste shall pay the applicable generation and handling fee.

14 (b) This section shall initially apply to the annual generation and handling fees due for the
15 2021 reporting period. This includes the prepayments due during the reporting period and the final
16 reconciliation fee due and payable by February 28 of the year following the reporting period.

17 (c) This section shall become operative on January 1, 2021.

18 SEC. 35. Section 25207.12 of the Health and Safety Code is amended to read:

19 25207.12. (a) Any eligible participant who submits banned, unregistered, or outdated
20 agricultural wastes for collection in a program established pursuant to this article is exempt from
21 the fees and reimbursements required by Sections 25174.1, 25205.2, 25205.5, and 25205.7, with
22 regard to the wastes submitted for collection.

23 (b) An eligible participant who submits banned, unregistered, or outdated agricultural wastes

1 for collection is exempt from the hazardous waste facilities permit requirements of Section 25201
2 with regard to the management of the wastes submitted for collection.

3 (c) A county operating a collection program in compliance with this article shall not be held
4 liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste
5 which has been properly handled and transported to an authorized hazardous waste treatment or
6 disposal facility, in compliance with this chapter, at a location other than that of the collection
7 program.

8 (d) This section applies only to fees due for the 2020 and earlier reporting periods.

9 (e) This section shall remain in effect only until January 1, 2021, and as of that date is
10 repealed, unless a later enacted statute, that is enacted before January1, 2021 deletes or
11 extends that date.

12 SEC. 36. Section 25207.12 is added to the Health and Safety Code to read:

13 25207.12. (a) An eligible participant who submits banned, unregistered, or outdated
14 agricultural wastes for collection is exempt from the hazardous waste facilities permit
15 requirements of Section 25201 with regard to the management of the wastes submitted for
16 collection.

17 (b) A county operating a collection program in compliance with this article shall not be held
18 liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste
19 which has been properly handled and transported to an authorized hazardous waste treatment or
20 disposal facility, in compliance with this chapter, at a location other than that of the collection
21 program.

22 (c) This section shall become operative on January 1, 2021 and shall apply to the fees
23 due for the 2021 reporting period and thereafter, including the prepayments due during the

1 reporting period and the final reconciliation fee due and payable following the reporting
2 period.

3 SEC. 37. Section 25250.24 of the Health and Safety Code is amended to read:

4 25250.24. (a) Except as provided in subdivision (b), any person who generates, receives,
5 stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the
6 used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall
7 comply with all provisions of this chapter.

8 (b) Used oil which is removed from a motor vehicle and which is subsequently recycled, by
9 a recycler who is permitted pursuant to this article, shall not be included in the calculation of the
10 amount of hazardous waste generated for purposes of the generator fee imposed pursuant to
11 Section 25205.5.

12 (c) This section shall remain in effect only until January 1, 2021, and as of that date is
13 repealed, unless a later enacted statute, that is enacted before January1, 2021, deletes or extends
14 that date.

15 SEC. 38. Section 25250.24 is added to the Health and Safety Code to read:

16 25250.24. (a) Except as provided in subdivision (b), any person who generates, receives,
17 stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the
18 used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall
19 comply with all provisions of this chapter.

20 (b) This section shall become operative on January 1, 2021 and shall apply to the fees
21 due for the 2021 reporting period and thereafter, including the prepayments due following the
22 reporting period and the final reconciliation fee due and payable following the reporting
23 period.

1 SEC. 39. Section 43002.3 of the Revenue and Taxation Code is amended to read:

2 43002.3. For purposes of the collection of the fees specified in subdivision (a) of Section
3 25174 and the fee imposed pursuant to Section 25174.1 of the Health and Safety Code, a
4 determination by the Department of Toxic Substances Control that a waste is nonhazardous
5 shall be effective only for wastes disposed of, or submitted for disposal, commencing with
6 the month during which the Department of Toxic Substances Control receives a completed
7 application for that determination.

8 (b) This section applies only to fees due for the 2020 and earlier reporting periods.

9 (c) This section shall remain in effect only until January 1, 2021, and as of that date is
10 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
11 extends that date.

12 SEC. 40. Section 43002.3 is added to the Revenue and Taxation Code to read:

13 43002.3. (a) For purposes of the collection of the fees specified in subdivision (a) of
14 Section 25174 of the Health and Safety Code, a determination by the Department of Toxic
15 Substances Control that a waste is nonhazardous shall be effective only for wastes disposed
16 of, or submitted for disposal, commencing with the month during which the Department of
17 Toxic Substances Control receives a completed application for that determination.

18 (b) This section shall become operative on January 1, 2021 and shall apply to the fees
19 due for the 2021 reporting period and thereafter, including the prepayments due following the
20 reporting period and the final reconciliation fee due and payable following the reporting
21 period.

22 SEC. 41. Section 43005.5 of the Revenue and Taxation Code is repealed.

23 ~~43005.5. The penalty provisions of Sections 43155 and 43201 shall not apply to the fees~~

1 ~~imposed pursuant to Section 25174 of the Health and Safety Code for those disposals which~~
2 ~~occurred prior to September 25, 1981.~~

3 SEC. 42. Section 43012 of the Revenue and Taxation Code is amended to read:

4 43012. (a) For purposes of this part, “taxpayer” means any person liable for the payment of
5 a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and
6 Safety Code or subdivision (a) of Section 25174 of the Health and Safety Code or subdivision (e)
7 of Section 25221 of the Health and Safety Code, or imposed by Section 105310 or 25174.1 of the
8 Health and Safety Code.

9 (b) This section shall remain in effect only until January 1, 2021, and as of that date is
10 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
11 extends that date.

12 SEC. 43. Section 43012 is added to the Revenue and Taxation Code, to read:

13 43012. (a) For purposes of this part, “taxpayer” means any person liable for the payment of
14 a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and
15 Safety Code, paragraph (1) of subdivision (a) of Section 25174 of the Health and Safety Code,
16 paragraph (1) of subdivision (a) of Section 25174.01 of the Health and Safety Code, or imposed
17 by Section 105310 or 25174.1 of the Health and Safety Code.

18 (b) This section shall become operative on January 1, 2021 and shall apply to the fees
19 due for the 2021 reporting period and thereafter, including the prepayments due following the
20 reporting period and the final reconciliation fee due and payable following the reporting
21 period.

22 SEC. 44. Section 43051 of the Revenue and Taxation Code is amended to read:

23 43051. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code

1 shall be administered and collected by the ~~board~~ California Department of Tax and Fee
2 Administration in accordance with this part.

3 (b) This section applies only to fees due for the 2020 and earlier reporting periods.

4 (c) This section shall remain in effect only until January 1, 2021, and as of that date is
5 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
6 extends that date.

7 SEC. 45. Section 43055 of the Revenue and Taxation Code is repealed.

8 ~~43055. The surcharge imposed pursuant to Section 25205.9 of the Health and Safety~~
9 ~~Code, as that section read on December 31, 1997, and was repealed by Section 24 of Chapter~~
10 ~~870 of the Statutes of 1997, shall be administered and collected by the board in accordance~~
11 ~~with this part, with regards to any amounts due and payable on or before February 28, 1998.~~

12 SEC. 46. Section 43101 of the Revenue and Taxation Code is amended to read:

13 43101. Every person, as defined in Section 25118 of the Health and Safety Code, who
14 is subject to the fees specified in ~~subdivision (a) of Section 25173.6 of the Health and Safety~~
15 ~~Code, subdivision (a) of Section 25174 of the Health and Safety Code, Section 105190 of the~~
16 ~~Health and Safety Code, or Section 25205.14~~ and imposed pursuant to Sections 25205.2,
17 25205.5, and 25205.6 of the Health and Safety Code shall register with the ~~board~~ California
18 Department of Tax and Fee Administration on forms provided by the ~~board~~ California
19 Department of Tax and Fee Administration.

20 SEC. 47. Section 43151 of the Revenue and Taxation Code is amended to read:

21 43151. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code,
22 which is a tax collected and administered under Section 43051, is due and payable to the ~~board~~
23 California Department of Tax and Fee Administration monthly on or before the last day of the

1 third calendar month following the end of the calendar month for which the fee is due. Each
2 taxpayer shall, on or before the last day of the third calendar month following the end of the
3 calendar month for which the fee is due, make out a tax return for the calendar month, in the form
4 as prescribed by the ~~board~~ California Department of Tax and Fee Administration, which may
5 include, but not be limited to, electronic media in accordance with subdivision (c). The taxpayer
6 shall deliver the return, together with a remittance of the amount of fee due, to the office of the
7 ~~board~~ California Department of Tax and Fee Administration on or before the last day of the third
8 calendar month following the end of the calendar month for which the fee is due. Returns shall be
9 authenticated in a form or pursuant to methods as may be prescribed by the ~~board~~ California
10 Department of Tax and Fee Administration.

11 (b) With the approval of the ~~board~~ California Department of Tax and Fee Administration, a
12 taxpayer who has more than one facility subject to the taxes collected and administered under this
13 chapter, may file a combined tax return covering operations at more than one, or all, of those
14 facilities.

15 (c) The form required to be submitted by the taxpayer pursuant to this section shall show, for
16 the taxpayer and for each person from whom the taxpayer accepted hazardous waste for disposal,
17 all of the following:

18 (1) The total amount of hazardous waste subject to the tax and the amount of the tax for the
19 period covered by the return.

20 (2) The amount of hazardous waste disposed during the tax period that is in each of the fee
21 categories described in Section 25174.6 of the Health and Safety Code, and the amount of disposal
22 fees paid for each of those categories.

23 (3) The amount of hazardous waste received for disposal by the taxpayer's facility or facilities

1 that is exempt from the payment of disposal fees pursuant to Section 25174.7 of the Health and
2 Safety Code, including a copy of any written documentation provided for any shipment or
3 shipments of hazardous waste received by a facility.

4 (4) The amount of RCRA hazardous waste which is treated by the taxpayer so that the waste
5 is considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to
6 paragraph (2) of subdivision (b) of Section 25174.6.

7 (d) (1) Each taxpayer shall maintain records documenting all of the following information for
8 each person who has submitted hazardous waste for disposal by the taxpayer during each calendar
9 month and shall make those records available for review and inspection at the request of the ~~board~~
10 California Department of Tax and Fee Administration or the department:

11 (A) The tonnage of hazardous waste submitted for disposal.

12 (B) The type of hazardous waste disposed as specified by Section 25174.6 of the Health and
13 Safety Code, including both of the following:

14 (i) Any characterization of the hazardous waste made by the person submitting the hazardous
15 waste for disposal.

16 (ii) Any other documentation which the taxpayer maintains regarding the type of hazardous
17 waste disposed to land.

18 (C) Any representation made by the person submitting the hazardous waste regarding any
19 exemptions that may be applicable to the payment of disposal fees.

20 (D) For any RCRA hazardous waste which is treated by the taxpayer so that the waste is
21 considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to
22 paragraph (2) of subdivision (b) of Section 25174.6, all of the following information:

23 (i) The tonnage and type of hazardous waste.

1 (ii) The method or methods used to treat the hazardous waste.

2 (iii) Operating records documenting the treatment activity.

3 (iv) Representative and statistical waste sampling and analysis data demonstrating that the
4 waste is no longer RCRA hazardous waste at the time of disposal.

5 (2) If the hazardous wastes submitted for disposal were accompanied by a manifest, the
6 information specified in paragraph (1) shall be maintained by manifest number for each calendar
7 month.

8 (e) This section applies only to fees due for the 2020 and earlier reporting periods.

9 (f) This section shall remain in effect only until January 1, 2021, and as of that date is
10 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
11 extends that date.

12 SEC. 48. Section 43152 of the Revenue and Taxation Code is amended to read:

13 43152. (a) The ~~board~~ California Department of Tax and Fee Administration shall establish
14 and annually submit to each generator of hazardous waste a consolidated statement of fees required
15 to be paid by the generator to the ~~board~~ California Department of Tax and Fee Administration
16 pursuant to Sections 25205.2, 25205.5, and 25205.6, ~~and 25205.9~~ of the Health and Safety Code.

17 (b) Notwithstanding any other provision of law, any return or other document that is required
18 to be submitted by a generator of hazardous waste to the ~~board~~ California Department of Tax and
19 Fee Administration in connection with the payment of any fee specified in subdivision (a) shall
20 instead be submitted together with the consolidated statement made pursuant to subdivision (a).

21 SEC. 49. Section 43152.7 of the Revenue and Taxation Code is amended to read:

22 43152.7. (a) The fee imposed pursuant to Section 25205.5 of the Health and Safety Code
23 ~~which~~ that is collected and administered under Section 43053 is due and payable on the last day

1 of the second month following the end of the calendar year.

2 (b) Every generator subject to the fee imposed pursuant to Section 25205.5 of the Health and
3 Safety Code shall file an annual return in the form as prescribed by the ~~board~~ California
4 Department of Tax and Fee Administration, which may include, but not be limited to, electronic
5 media and pay the proper amount of fee due. The ~~board~~ California Department of Tax and Fee
6 Administration shall credit the prepayment made pursuant to Section 43152.15 against the amount
7 due with the annual return. Returns shall be authenticated in a form or pursuant to methods as may
8 be prescribed by the ~~board~~ California Department of Tax and Fee Administration.

9 ~~(c) The fee imposed by Section 25205.5 of the Health and Safety Code shall be offset by any~~
10 ~~fees paid by the generator for the preceding calendar year for a local hazardous waste management~~
11 ~~program conducted by a local agency pursuant to a memorandum of understanding with the~~
12 ~~department. The amount of the credit provided under this subdivision shall not exceed an amount~~
13 ~~equal to the fees paid to the local agency or the generator fee due under Section 25205.5 of the~~
14 ~~Health and Safety Code, whichever is less. The credit for local fees paid shall not include fees~~
15 ~~required under Chapter 6.7 (commencing with Section 25280) or Chapter 6.95 (commencing with~~
16 ~~Section 25500) of Division 20 of the Health and Safety Code.~~

17 SEC. 50. Section 43152.11 of the Revenue and Taxation Code is repealed.

18 43152.11. ~~(a) The surcharge imposed pursuant to Section 25205.9 of the Health and Safety~~
19 ~~Code, which is collected and administered under Section 43055, is due and payable to the board~~
20 ~~on the last day of the second month following the end of the calendar year.~~

21 ~~—(b) The surcharge shall be incorporated into the return form prescribed by the board, which~~
22 ~~every operator subject to the fee imposed by Section 25205.5 of the Health and Safety Code is~~
23 ~~required to file and pay annually, in accordance with Section 43152.7. The surcharge shall be in~~

1 addition to the fee imposed by ~~Section 25205.5 of the Health and Safety Code.~~

2 ~~—(c) The surcharge imposed by Section 25205.9 of the Health and Safety Code shall be offset~~
3 ~~by any fees paid by the generator during the preceding calendar year for a local hazardous waste~~
4 ~~management program conducted by a local agency pursuant to a memorandum of understanding~~
5 ~~with the department. The offset provided for under this subdivision shall be allowed to the same~~
6 ~~extent as the offset provided in subdivision (c) of Section 43152.7.~~

7 SEC. 51. Section 43152.15 of the Revenue and Taxation Code is amended to read:

8 43152.15. (a) In addition to the requirements imposed pursuant to ~~Sections~~ Section 43152.7
9 ~~and 43152.14~~, every generator subject to the fees specified in Sections 25205.5 and 25205.9 of the
10 Health and Safety Code shall make a prepayment of the fee by site to the ~~board~~ Department of Fee
11 and Tax Administration which is due and payable on or before the last day of August of each
12 calendar year. The prepayment shall be accompanied by a prepayment return in a form prescribed
13 by the ~~board~~ California Department of Tax and Fee Administration.

14 (b) For purposes of subdivision (a), the amount of the prepayment shall be not less than either
15 of the following:

16 (1) One hundred percent of the applicable fee imposed on the generator, based on the
17 generator's fee category as specified in Section 25205.5 of the Health and Safety Code for the
18 total volume of hazardous waste generated by site during the period January 1 to June 30,
19 inclusive, of the current calendar year in which the prepayment is due. The prepayment may be
20 offset by fees paid by the generator for a local hazardous waste management program conducted
21 by a local agency pursuant to a memorandum of understanding with the department which includes
22 the following:

23 (A) The local fees are paid for the current calendar year for which the prepayment is due or

1 the local fees are paid for the preceding calendar year, if fees have not been paid for the current
2 year.

3 (B) The offset is subject to the limitations and requirements specified in subdivision (c) of
4 Section 43152.7.

5 (2) Fifty percent of the generator fee liability paid to the ~~board~~ Department of Fee and Tax
6 Administration by site for the preceding calendar year provided the generator paid a generator fee
7 liability to the ~~board~~ California Department of Tax and Fee Administration for the preceding
8 calendar year for that site.

9 (c) The ~~board~~ Department of Fee and Tax Administration shall credit the amount of the
10 prepayment against the amount of the fee due and payable for the calendar year in which the
11 prepayment is due.

12 (d) Notwithstanding any other provision in this section, the prepayment of a generator fee
13 shall not be required for any amount due that is less than five hundred dollars (\$500), or for any
14 other amount due if the ~~board~~ Department of Fee and Tax Administration determines that
15 prepayment is not in the best economic interest of the program.

16 (e) Any person required to make a prepayment pursuant to this section who fails to make a
17 prepayment by the due date specified in subdivision (a) shall also pay penalties and interest in
18 accordance with Section 43155.

19 (f) This section applies only to fees due for the 2020 and earlier reporting periods.

20 (g) This section shall remain in effect only until January 1, 2021, and as of that date is
21 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
22 extends that date.

23 SEC. 52. Section 43152.15 is added to the Revenue and Taxation Code to read:

1 43152.15. (a) In addition to the requirements imposed pursuant to Section 43152.7, every
2 generator subject to the fees specified in Section 25205.5 of the Health and Safety Code shall make
3 a prepayment of the fee by site to the Department of Fee and Tax Administration which is due and
4 payable on or before the last day of August of each calendar year. The prepayment shall be
5 accompanied by a prepayment return in a form prescribed by the California Department of Tax
6 and Fee Administration.

7 (b) For purposes of subdivision (a), the amount of the prepayment shall be not less than either
8 of the following:

9 (1) One hundred percent of the applicable fee imposed on the generator, based on the
10 generation and handling fee specified in Section 25205.5 of the Health and Safety Code for the
11 total volume of hazardous waste generated by site during the period January 1 to June 30, inclusive,
12 of the current calendar year in which the prepayment is due.

13 (2) Fifty percent of the generation and handling fee liability paid to the California Department
14 of Tax and Fee Administration by site for the preceding calendar year provided the generator paid
15 a generation and handling fee liability to the California Department of Tax and Fee Administration
16 for the preceding calendar year for that site.

17 (c) The Department of Fee and Tax Administration shall credit the amount of the prepayment
18 against the amount of the fee due and payable for the calendar year in which the prepayment is
19 due.

20 (d) Notwithstanding any other provision in this section, the prepayment of a generation and
21 handling fee shall not be required for any amount due that is less than five hundred dollars (\$500),
22 or for any other amount due if the Department of Fee and Tax Administration determines that
23 prepayment is not in the best economic interest of the program.

1 (e) Any person required to make a prepayment pursuant to this section who fails to make a
2 prepayment by the due date specified in subdivision (a) shall also pay penalties and interest in
3 accordance with Section 43155.

4 (f) This section shall become operative on January 1, 2021 and shall apply to the fees due for
5 the 2021 reporting period and thereafter, including the prepayments due following the reporting
6 period and the final reconciliation fee due and payable following the reporting period.

7 SEC. 53. Section 43152.16 of the Revenue and Taxation Code is repealed.

8 ~~43152.16. (a) The board shall issue refunds, if directed to do so by the department, upon~~
9 ~~making the certification specified in subdivision (d), for some, or all, of the fees imposed pursuant~~
10 ~~to Sections 25205.5 and 25205.9 of the Health and Safety Code, for hazardous waste generated in~~
11 ~~1997.~~

12 ~~—(b) The board may issue a refund only to a generator who received a credit pursuant to Section~~
13 ~~43152.7 or 43152.11 for fees paid for hazardous waste generated in 1996.~~

14 ~~—(c) The refund made to a generator pursuant to this section shall not exceed the generator's~~
15 ~~credit for hazardous waste generated in 1996, or exceed the generator's fee paid to a certified~~
16 ~~unified program agency in 1997, whichever amount is less.~~

17 ~~—(d) The board may issue refunds pursuant to this section only if the department certifies that~~
18 ~~funds for these refunds are available.~~

19

20

21

1 **TOXIC SUBSTANCES CONTROL ACCOUNT**

2 SECTION 1. Section 25173.6 of the Health and Safety Code is amended to read:

3 25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which
4 shall be administered by the director. In addition to any other money that may be appropriated
5 by the Legislature to the Toxic Substances Control Account, all of the following shall be
6 deposited in the account:

7 (1) The fees collected pursuant to Section 25205.6.

8 (2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for
9 oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section
10 25300) or Chapter 6.86 (commencing with Section 25396).

11 (3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with
12 Section 25300) or Chapter 6.86 (commencing with Section 25396), except as directed
13 otherwise by Section 25192.

14 (4) Interest earned upon money deposited in the Toxic Substances Control Account.

15 (5) All money recovered pursuant to Section 25360, except any amount recovered on or
16 before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

17 (6) All money recovered pursuant to Section 25380.

18 (7) All penalties recovered pursuant to Section 25214.3, except as provided by Section
19 25192.

20 (8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section
21 25192.

22 (9) All penalties recovered pursuant to Section 25215.7, except as provided by Section
23 25192.

1 (10) Reimbursements for funds expended from the Toxic Substances Control Account
2 for services provided by the department, including, but not limited to, reimbursements
3 required pursuant to Sections 25201.9 and 25343.

4 (11) Money received from the federal government pursuant to the federal Comprehensive
5 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.
6 Sec. 9601 et seq.).

7 (12) Money received from responsible parties for remedial action or removal at a specific
8 site, except as otherwise provided by law.

9 (b) The funds deposited in the Toxic Substances Control Account may be appropriated
10 to the department for the following purposes:

11 (1) The administration and implementation of the following:

12 (A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be
13 expended from the Toxic Substances Control Account for purposes of Section 25354.5.

14 (B) Chapter 6.86 (commencing with Section 25396).

15 (C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public
16 Utilities Code, to the extent the department has been delegated responsibilities by the
17 secretary for implementing that article.

18 (D) Activities of the department related to pollution prevention and technology
19 development, authorized pursuant to this chapter.

20 (E) Article 14 Green Chemistry (commencing with section 25251) of this chapter.

21 (2) The administration of the following units, and successor organizations of those units,
22 within the department, and the implementation of programs administered by those units or
23 successor organizations:

1 (A) The Human and Ecological Risk Division.

2 (B) The Environmental Chemistry Laboratory.

3 (C) The Office of Pollution Prevention and Technology Development.

4 (D) Safer Consumer Products Program.

5 (3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to
6 an interagency agreement, to assist the department as needed in administering the programs
7 described in subparagraphs (A) and (B) of paragraph (1).

8 (4) For allocation to the ~~State Board of Equalization~~ California Department of Tax and
9 Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue
10 and Taxation Code.

11 (5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section
12 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act
13 of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

14 (6) For the purchase by the state, or by a local agency with the prior approval of the
15 director, of hazardous substance response equipment and other preparations for response to a
16 release of hazardous substances. However, all equipment shall be purchased in a cost-
17 effective manner after consideration of the adequacy of existing equipment owned by the state
18 or the local agency, and the availability of equipment owned by private contractors.

19 (7) For payment of all costs of removal and remedial action incurred by the state, or by a
20 local agency with the approval of the director, in response to a release or threatened release
21 of a hazardous substance, to the extent the costs are not reimbursed by the federal
22 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as
23 amended (42 U.S.C. Sec. 9601 et seq.).

24 (8) For payment of all costs of actions taken pursuant to subdivision (b) of Section

1 25358.3, to the extent that these costs are not paid by the federal Comprehensive
2 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.
3 Sec. 9601 et seq.).

4 (9) For all costs incurred by the department in cooperation with the Agency for Toxic
5 Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the
6 federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,
7 as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken
8 regarding specific sites or specific substances at specific sites. Funds appropriated for this
9 purpose shall not exceed five hundred thousand dollars (\$500,000) in a single fiscal year.
10 However, these actions shall not duplicate reasonably available federal actions and studies.

11 (10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5
12 (commencing with Section 25385) of Chapter 6.8.

13 (11) Direct site remediation costs.

14 (12) For the department's expenses for staff to perform oversight of investigations,
15 characterizations, removals, remediations, or long-term operation and maintenance.

16 (13) For the administration and collection of the fees imposed pursuant to Section
17 25205.6.

18 (14) For allocation to the office of the Attorney General, pursuant to an interagency
19 agreement or similar mechanism, for the support of the Toxic Substance Enforcement
20 Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8
21 (commencing with Section 25300) and Chapter 6.86 (commencing with Section 25396),

22 (15) For funding the California Environmental Contaminant Biomonitoring Program
23 established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division
24 103.

1 (16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered
2 pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with
3 Section 25214.11).

4 ~~—(17) (A) Commencing July 1, 2015, for the administration and implementation of this~~
5 ~~chapter as it applies to metal recycling facilities, which includes, but is not limited to, the~~
6 ~~following:~~

7 ~~—(i) Conducting inspections and investigations of metal recycling facilities.~~

8 ~~—(ii) Pursuing administrative, civil, or criminal enforcement actions, or some combination~~
9 ~~of those actions, against metal recycling facilities.~~

10 ~~—(iii) Developing interim industry operating standards to use in enforcement actions, in~~
11 ~~part by collecting and analyzing data to identify the various types, locations, types and scale~~
12 ~~of activities, and regulatory histories of metal recycling facilities.~~

13 ~~—(iv) Conducting outreach efforts with the metal recycling facility industry and the~~
14 ~~communities surrounding metal recycling facilities.~~

15 ~~—(v) Developing and adopting industry specific regulations.~~

16 ~~—(vi) Collecting samples at or within the vicinity of metal recycling facilities and analyzing~~
17 ~~those samples.~~

18 ~~—(B)(i) For purposes of this section only, “metal recycling facility” includes any facility~~
19 ~~receiving and handling discarded manufactured metal objects and other metal-containing~~
20 ~~wastes for the purpose of extracting the ferrous and nonferrous constituents or for the purpose~~
21 ~~of processing discarded manufactured metal objects and other metal-containing wastes in~~
22 ~~preparation for extracting the ferrous and nonferrous constituents.~~

23 ~~—(ii) For purposes of this section only, “metal recycling facility” does not include a metal~~
24 ~~shredding facility that has been issued a nonhazardous waste determination by the department~~

1 ~~pursuant to subdivision (f) of Section 66260.200 of Article 3 of Chapter 10 of Division 4.5 of~~
2 ~~Title 22 of the California Code of Regulations and is continuing to operate under the terms~~
3 ~~and conditions of that determination.~~

4 ~~—(C) This paragraph shall remain operative only until June 30, 2018.~~

5 ~~—(18) (A) Commencing July 1, 2015, for review of the department's enforcement of this~~
6 ~~chapter and the regulations implementing this chapter. This review shall include an~~
7 ~~assessment of the enforcement program, including, but not limited to, the following:~~

8 ~~—(i) Evaluation of workload and processes for hazardous waste inspection, investigation,~~
9 ~~and enforcement activities.~~

10 ~~—(ii) Development, revision, and standardization of policies and guidance documents for~~
11 ~~enforcement staff.~~

12 ~~—(iii) Evaluation of statutory and regulatory provisions governing the enforcement~~
13 ~~program.~~

14 ~~—(B) This paragraph shall remain operative only until June 30, 2017.~~

15 (17) For costs incurred by the Board in the administration and implementation of its
16 duties and responsibilities established in Article 2.1 (commencing with Section 25125).

17 (c) The funds deposited in the Toxic Substances Control Account may be appropriated
18 by the Legislature to the Office of Environmental Health Hazard Assessment and the State
19 Department of Public Health for the purposes of carrying out their duties pursuant to the
20 California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing
21 with Section 105440) of Part 5 of Division 103).

22 (d) The director shall expend federal funds in the Toxic Substances Control Account
23 consistent with the requirements specified in Section 114 of the federal Comprehensive
24 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.

1 Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were
2 provided to the state.

3 (e) Money in the Toxic Substances Control Account shall not be expended to conduct
4 removal or remedial actions if a significant portion of the hazardous substances to be removed
5 or remedied originated from a source outside the state.

6 (f) The Director of Finance, upon request of the director, may make a loan from the
7 General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be
8 subject to the repayment provisions of Section 16351 of the Government Code and the interest
9 provisions of Section 16314 of the Government Code.

10 (g) The Toxic Substances Control Account established pursuant to subdivision (a) is the
11 successor fund of all of the following:

12 (1) The Hazardous Substance Account established pursuant to Section 25330, as that
13 section read on June 30, 2006.

14 (2) The Hazardous Substance Clearing Account established pursuant to Section 25334,
15 as that section read on June 30, 2006.

16 (3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as
17 that section read on June 30, 2006.

18 (4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that
19 section read on June 30, 2006.

20 (h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds
21 listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances
22 Control Account, as provided by Section 16346 of the Government Code. All existing
23 appropriations from these accounts, to the extent encumbered, shall continue to be available
24 for the same purposes and periods from the Toxic Substances Control Account.

1 (i) Notwithstanding Section 10231.5 of the Government Code, the department, on or
2 before February 1 of each year, shall report to the Governor and the Legislature on the prior
3 fiscal year's expenditure of funds within the Toxic Substances Control Account for the
4 purposes specified in subdivision (b).

5 (o) This section shall remain in effect only until January 1, 2021, and as of that date is
6 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or
7 extends that date.

8 SEC. 2. Section 25173.6 of the Health and Safety Code is added to read:

9 25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which
10 shall be administered by the director. In addition to any other money that may be appropriated
11 by the Legislature to the Toxic Substances Control Account, all of the following shall be
12 deposited in the account:

13 (1) The fees collected pursuant to Section 25205.6.

14 (2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for
15 oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section
16 25300) or Chapter 6.86 (commencing with Section 25396).

17 (3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with
18 Section 25300) or Chapter 6.86 (commencing with Section 25396), except as directed
19 otherwise by Section 25192.

20 (4) Interest earned upon money deposited in the Toxic Substances Control Account.

21 (5) All money recovered pursuant to Section 25360, except any amount recovered on or
22 before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

23 (6) All money recovered pursuant to Section 25380.

24 (7) All penalties recovered pursuant to Section 25214.3, except as provided by Section

1 25192.

2 (8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section
3 25192.

4 (9) All penalties recovered pursuant to Section 25215.7, except as provided by Section
5 25192.

6 (10) Reimbursements for funds expended from the Toxic Substances Control Account
7 for services provided by the department, including, but not limited to, reimbursements
8 required pursuant to Sections 25201.9 and 25343.

9 (11) Money received from the federal government pursuant to the federal Comprehensive
10 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.
11 Sec. 9601 et seq.).

12 (12) Money received from responsible parties for remedial action or removal at a specific
13 site, except as otherwise provided by law.

14 (b) The funds deposited in the Toxic Substances Control Account may be appropriated
15 to the department for the following purposes:

16 (1) The administration and implementation of the following:

17 (A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be
18 expended from the Toxic Substances Control Account for purposes of Section 25354.5.

19 (B) Chapter 6.86 (commencing with Section 25396).

20 (C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public
21 Utilities Code, to the extent the department has been delegated responsibilities by the
22 secretary for implementing that article.

23 (D) Article 10 (commencing with Section 25210), Article 10.01 (commencing with

1 Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1
2 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3),
3 Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section
4 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with
5 Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14
6 (commencing with Section 25251), and Section 25214.1.

7 (E) Article 14 Green Chemistry (commencing with section 25251) of this chapter.

8 (2) The administration of the following units, and successor organizations of those units,
9 within the department, and the implementation of programs administered by those units or
10 successor organizations:

11 (A) The Human and Ecological Risk Division.

12 (B) The Environmental Chemistry Laboratory.

13 (C) The Office of Pollution Prevention and Technology Development

14 (D) The Safer Consumer Products Program.

15 (3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to
16 an interagency agreement, to assist the department as needed in administering the programs
17 described in subparagraphs (A) and (B) of paragraph (1).

18 (4) For allocation to the California Department of Tax and Fee Administration to pay
19 refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

20 (5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section
21 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act
22 of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

23 (6) For the purchase by the state, or by a local agency with the prior approval of the
24 director, of hazardous substance response equipment and other preparations for response to a

1 release of hazardous substances. However, all equipment shall be purchased in a cost-
2 effective manner after consideration of the adequacy of existing equipment owned by the state
3 or the local agency, and the availability of equipment owned by private contractors.

4 (7) For payment of all costs of removal and remedial action incurred by the state, or by a
5 local agency with the approval of the director, in response to a release or threatened release
6 of a hazardous substance, to the extent the costs are not reimbursed by the federal
7 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as
8 amended (42 U.S.C. Sec. 9601 et seq.).

9 (8) For payment of all costs of actions taken pursuant to subdivision (b) of Section
10 25358.3, to the extent that these costs are not paid by the federal Comprehensive
11 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.
12 Sec. 9601 et seq.).

13 (9) For all costs incurred by the department in cooperation with the Agency for Toxic
14 Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the
15 federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,
16 as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken
17 regarding specific sites or specific substances at specific sites. Funds appropriated for this
18 purpose shall not exceed five hundred thousand dollars (\$500,000) in a single fiscal year.
19 However, these actions shall not duplicate reasonably available federal actions and studies.

20 (10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5
21 (commencing with Section 25385) of Chapter 6.8.

22 (11) Direct site remediation costs.

23 (12) For the department's expenses for staff to perform oversight of investigations,
24 characterizations, removals, remediations, or long-term operation and maintenance.

1 (13) For the administration and collection of the fees imposed pursuant to Section
2 25205.6.

3 (14) For allocation to the office of the Attorney General, pursuant to an interagency
4 agreement or similar mechanism, for the support of the Toxic Substance Enforcement
5 Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8
6 (commencing with Section 25300), Chapter 6.86 (commencing with Section 25396), and
7 Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section
8 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing
9 with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article
10 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section
11 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing
12 with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14
13 (commencing with Section 25251), and Section 25214.10.

14 (15) For funding the California Environmental Contaminant Biomonitoring Program
15 established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division
16 103.

17 (16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered
18 pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with
19 Section 25214.11).

20 (17) For costs incurred by the Board in the administration and implementation of its
21 duties and responsibilities established in Article 2.1 (commencing with Section 25125).

22 (c) The funds deposited in the Toxic Substances Control Account may be appropriated
23 by the Legislature to the Office of Environmental Health Hazard Assessment and the State
24 Department of Public Health for the purposes of carrying out their duties pursuant to the

1 California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing
2 with Section 105440) of Part 5 of Division 103).

3 (d) The director shall expend federal funds in the Toxic Substances Control Account
4 consistent with the requirements specified in Section 114 of the federal Comprehensive
5 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C.
6 Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were
7 provided to the state.

8 (e) Money in the Toxic Substances Control Account shall not be expended to conduct
9 removal or remedial actions if a significant portion of the hazardous substances to be removed
10 or remedied originated from a source outside the state.

11 (f) The Director of Finance, upon request of the director, may make a loan from the
12 General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be
13 subject to the repayment provisions of Section 16351 of the Government Code and the interest
14 provisions of Section 16314 of the Government Code.

15 (g) The Toxic Substances Control Account established pursuant to subdivision (a) is the
16 successor fund of all of the following:

17 (1) The Hazardous Substance Account established pursuant to Section 25330, as that
18 section read on June 30, 2006.

19 (2) The Hazardous Substance Clearing Account established pursuant to Section 25334,
20 as that section read on June 30, 2006.

21 (3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as
22 that section read on June 30, 2006.

23 (4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that
24 section read on June 30, 2006.

1 (h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds
2 listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances
3 Control Account, as provided by Section 16346 of the Government Code. All existing
4 appropriations from these accounts, to the extent encumbered, shall continue to be available
5 for the same purposes and periods from the Toxic Substances Control Account.

6 (i) The Director of Finance, upon request of the director, may make a loan from the
7 General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall
8 be subject to the repayment provisions of Section 16351 of the Government Code and the
9 interest provisions of Section 16314 of the Government Code.

10 (j) This section shall become operative on January 1, 2021.

11 SEC. 3. Section 25205.6 of the Health and Safety Code is amended to read:

12 25205.6. (a) For purposes of this section, "organization" means a corporation, limited liability
13 company, limited partnership, limited liability partnership, general partnership, and sole
14 proprietorship.

15 (b) On or before November 1 of each year, the department shall provide the ~~board~~ California
16 Department of Tax and Fee Administration with a schedule of codes, that consists of the types of
17 organizations that use, generate, store, or conduct activities in this state related to hazardous
18 materials, as defined in Section 25501, including, but not limited to, hazardous waste. The
19 schedule shall consist of identification codes from one of the following classification systems, as
20 deemed suitable by the department:

21 (1) The Standard Industrial Classification (SIC) system established by the United States
22 Department of Commerce.

23 (2) The North American Industry Classification System (NAICS) adopted by the United
24 States Census Bureau.

1 (c) Each organization of a type identified in the schedule adopted pursuant to subdivision (a)
2 shall pay an annual fee, which shall be is set in the following amounts:

3 (1) ~~Two hundred dollars (\$200)~~ Three hundred fifty-two dollars (\$352) for those
4 organizations with 50 or more employees, but fewer than 75 employees.

5 (2) ~~Three hundred fifty dollars (\$350)~~ Six hundred eighteen dollars (\$618) for those
6 organizations with 75 or more employees, but fewer than 100 employees.

7 (3) ~~Seven hundred dollars (\$700)~~ One thousand two hundred twenty-seven dollars (\$1,227)
8 for those organizations with 100 or more employees, but fewer than 250 employees.

9 (4) ~~One thousand five hundred dollars (\$1,500)~~ Two thousand six hundred thirty-three dollars
10 (\$2,633) for those organizations with 250 or more employees, but fewer than 500 employees.

11 (5) ~~Two thousand eight hundred dollars (\$2,800)~~ Four thousand nine hundred seventeen
12 dollars (\$4,917) for those organizations with 500 or more employees, but fewer than 1,000
13 employees.

14 (6) ~~Nine thousand five hundred dollars (\$9,500)~~ Sixteen thousand six hundred eighty-one
15 dollars (\$16,681) for those organizations with 1,000 or more employees.

16 (d) The fee imposed pursuant to this section shall be paid by each organization that is
17 identified in the schedule adopted pursuant to subdivision (a) in accordance with Part 22
18 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be
19 deposited in the Toxic Substances Control Account. The revenues shall be available, upon
20 appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

21 (e) For purposes of this section, the number of employees employed by an organization is the
22 number of persons employed in this state for more than 500 hours during the calendar year
23 preceding the calendar year in which the fee is due.

24 (f) The fee rates specified in subdivision (c) are the rates for the ~~1998~~ 2020 calendar year.

1 ~~Beginning with the 1999 calendar year, and for each calendar year thereafter, the State Board of~~
2 ~~Equalization shall adjust the rates annually to reflect increases or decreases in the cost of living~~
3 ~~during the prior fiscal year, as measured by the Consumer Price Index issued by the Department~~
4 ~~of Industrial Relations or by a successor agency.~~

5 (g) (1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal
6 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended
7 (42 U.S.C. Sec. 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial
8 actions carried out pursuant to the federal Comprehensive Environmental Response,
9 Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

10 (2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to
11 fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given
12 fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104
13 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,
14 as amended (42 U.S.C. Sec. 9604(c)(3)).

15 (h) This section does not apply to a nonprofit corporation primarily engaged in the provision
16 of residential social and personal care for children, the aged, and special categories of persons with
17 some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial
18 Classification (SIC) Manual published by the United States Office of Management and Budget,
19 1987 edition.

20 ~~(i) The changes made to this section by the act of the 2005-06 Regular Session of the~~
21 ~~Legislature amending this section shall not increase fee revenues in the 2006-07 fiscal year.~~

22 (i) This section applies only to fees due for the 2020 and earlier reporting periods.

23 (j) This section shall remain in effect only until January 1, 2021, and as of that date is
24 repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or

1 extends that date.

2 SEC. 4. Section 25205.6 is added to the Health and Safety Code to read:

3 25205.6. (a) For purposes of this section, “organization” means a corporation, limited liability
4 company, limited partnership, limited liability partnership, general partnership, and sole
5 proprietorship.

6 (b) On or before November 1 of each year, the department shall provide the California
7 Department of Tax and Fee Administration with a schedule of codes, that consists of the types of
8 organizations that use, generate, store, or conduct activities in this state related to hazardous
9 materials, as defined in Section 25501, including, but not limited to, hazardous waste. The
10 schedule shall consist of identification codes from one of the following classification systems, as
11 deemed suitable by the department:

12 (1) The Standard Industrial Classification (SIC) system established by the United States
13 Department of Commerce.

14 (2) The North American Industry Classification System (NAICS) adopted by the United
15 States Census Bureau.

16 (c) Each organization of a type identified in the schedule adopted pursuant to subdivision (a)
17 shall pay an annual fee, which shall be is set in the following amounts:

18 (1) Five hundred twenty-five dollars (\$525) for those organizations with 50 or more
19 employees, but fewer than 75 employees.

20 (2) Nine hundred twenty-two dollars (\$922) for those organizations with 75 or more
21 employees, but fewer than 100 employees.

22 (3) One thousand eight hundred thirty-one dollars (\$1,831) for those organizations with 100
23 or more employees, but fewer than 250 employees.

24 (4) Three thousand nine hundred twenty-eight dollars (\$3,928) for those organizations with

1 250 or more employees, but fewer than 500 employees.

2 (5) Seven thousand three hundred thirty-six dollars (\$7,336) for those organizations with 500
3 or more employees, but fewer than 1,000 employees.

4 (6) Twenty-four thousand eight hundred eighty-six dollars (\$24,886) for those organizations
5 with 1,000 or more employees.

6 (d) The fee imposed pursuant to this section shall be paid by each organization that is
7 identified in the schedule adopted pursuant to subdivision (a) in accordance with Part 22
8 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be
9 deposited in the Toxic Substances Control Account. The revenues shall be available, upon
10 appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

11 (e) For purposes of this section, the number of employees employed by an organization is the
12 number of persons employed in this state for more than 500 hours during the calendar year
13 preceding the calendar year in which the fee is due.

14 (f)(1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive
15 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec.
16 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial actions carried
17 out pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability
18 Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

19 (2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to
20 fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given
21 fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104
22 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,
23 as amended (42 U.S.C. Sec. 9604(c)(3)).

24 (g) This section does not apply to a nonprofit corporation primarily engaged in the provision

1 of residential social and personal care for children, the aged, and special categories of persons with
2 some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial
3 Classification (SIC) Manual published by the United States Office of Management and Budget,
4 1987 edition.

5 (h) The fee rates specified in subdivision (c) may be modified in accordance with Section
6 25205.6.1.

7 (i) For any year in which the Board has not modified the fee rates in accordance with Section
8 25173.6.1, the fee rate established in this section, or the fee rate established by the Board for the
9 prior calendar year shall be adjusted by the California Department of Fee and Tax Administration
10 to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by
11 the Consumer Price Index issued by the Department of Industrial Relations or by a successor
12 agency.

13 (j) This section shall become operative on January 1, 2021 and shall apply to the annual fee
14 due for the 2021 reporting period and thereafter.

15 SEC. 5. Section 25205.6.1 is added to the Health and Safety Code, to read:

16 25205.6.1 (a) The Board established pursuant to Article 2.1 (commencing with Section
17 25125) may establish, by regulation, a schedule of rates for the fees authorized by Section
18 25205.6, no more frequently than once per year and no later than October 1 of any year in
19 which the Board adopts the schedule of rates.

20 (b) The fee rates and schedule set by the Board pursuant to subdivision (a) for the fees
21 authorized by Sections 25205.6 shall be based on all of the following:

22 (1) The total amount of fee revenues collected each year shall conform with the amounts
23 appropriated by the Legislature for that fiscal year from the Toxic Substances Control
24 Account established in Section 25173.6 for expenditure on the activities authorized pursuant

1 to that section.

2 (2) The costs of the administration and collection of fees.

3 (3) The rates shall allow for a reserve in the Toxic Substances Control Account each year
4 at an amount as determined by the Board to be sufficient to ensure that all programs funded
5 by the Toxic Substances Control Account will not be adversely affected by any revenue
6 shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of
7 authorized expenditure levels.

8 (4) Statewide general administrative costs assessed to the account for that fiscal year.

9 (c)(1) The rates established by the Board pursuant to subdivision (a) shall be set for the
10 following categories, and shall not exceed the levels noted:

11 (A) Organizations with 50 or more employees, but fewer than 75 employees. This fee
12 shall not exceed one thousand fifty dollars (\$1,050).

13 (B) Organizations with 75 or more employees, but fewer than 100 employees. This fee
14 shall not exceed one thousand eight hundred forty-four dollars (\$1,844).

15 (C) Organizations with 100 or more employees, but fewer than 250 employees. This fee
16 shall not exceed three thousand six hundred sixty-two dollars (\$3,662).

17 (D) Organizations with 250 or more employees, but fewer than 500 employees. This fee
18 shall not exceed seven thousand eight hundred fifty-six dollars (\$7,856).

19 (E) Organizations with 500 or more employees, but fewer than 1000 employees. This fee
20 shall not exceed fourteen thousand six hundred seventy-two dollars (\$14,672).

21 (F) Organizations with 1000 or more employees. This fee shall not exceed forty-nine
22 thousand seven hundred seventy-two dollars (\$49,772).

23 (2) The rate limits established in this subdivision are the limits for the 2021 calendar year.

1 Beginning with the 2022 calendar year, and for each calendar year thereafter, the rate limits
2 shall be adjusted annually to reflect increases or decreases in the cost of living during the prior
3 fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial
4 Relations or by a successor agency.

5 (d) A regulation adopted pursuant to this section may be adopted as an emergency regulation
6 in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title
7 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the
8 Government Code, the adoption of these regulations is an emergency and shall be considered by
9 the Office of Administrative Law as necessary for the immediate preservation of the public peace,
10 health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation
12 adopted by the department pursuant to this section shall be filed with, but not be repealed by, the
13 Office of Administrative Law.

14