




**AB 1179 (KALRA) HAZARDOUS WASTE FACILITIES: INSPECTIONS  
OPPOSE**

March 14, 2017

TO: Members, Assembly Environmental Safety and Toxic Materials Committee

FROM: Louinda V. Lacey, California Chamber of Commerce   
 Alhambra Chamber of Commerce  
 California Business Properties Association  
 California Cement Manufacturers Environmental Coalition  
 California Manufacturers and Technology Association  
 California Metals Coalition  
 California Small Business Alliance  
 Camarillo Chamber of Commerce  
 Chemical Industry Council of California  
 Clean Harbors Environmental Services, Inc.  
 Fontana Chamber of Commerce  
 El Dorado County Chamber of Commerce  
 Greater Fresno Area Chamber of Commerce  
 Industrial Environmental Association  
 Metal Finishing Association of Northern California  
 Metal Finishing Association of Southern California  
 National Federation of Independent Business  
 Norco Area Chamber of Commerce  
 North Orange County Chamber  
 Oxnard Chamber of Commerce  
 Palm Desert Area Chamber of Commerce  
 Rancho Cordova Chamber of Commerce  
 Redondo Beach Chamber of Commerce & Visitors Bureau  
 Safety-Kleen, Inc.  
 San Diego Regional Chamber of Commerce  
 South Bay Association of Chambers of Commerce

Southwest California Legislative Council  
Simi Valley Chamber of Commerce  
Torrance Chamber of Commerce  
West Coast Lumber & Building Material Association  
Western Plant Health Association  
Western States Petroleum Association

**SUBJECT: AB 1179 (KALRA) HAZARDOUS WASTE FACILITIES: INSPECTION  
HEARING SCHEDULED – MARCH 21, 2017  
OPPOSE – AS INTRODUCED FEBRUARY 17, 2017**

The California Chamber of Commerce and the organizations listed above must **OPPOSE AB 1179 (Kalra)** as introduced, which would prematurely and unnecessarily impose substantially increased costs on hazardous waste permit applicants by imposing new inspection requirements on the Department of Toxic Substances Control (DTSC), notwithstanding the fact that DTSC is currently reforming its enforcement program on the regulatory level, including the issue of onsite inspections. Additionally, **AB 1179** would undoubtedly require a significant infusion of additional funds from the regulated community to pay for the additional onsite inspections from DTSC that the bill would prescribe.

DTSC is in the midst of a comprehensive, 2-year assessment of its enforcement program, which the Legislature and Governor approved in mid-2015 and remains to be completed. This comprehensive evaluation was initiated by the Governor and the Legislature through the enacted State Budget for FY 2015-16, which contained an appropriation of \$1,409,000 from the Toxic Substances Control Account (TSCA) to pay for 11 limited-term PYs to carry out this comprehensive assessment. Additionally, accompanying budget trailer bill language was adopted and the provisions below were inserted into Health and Safety Code Section 25173.6 to expressly allow the appropriated TSCA funds to be spent on this 2-year evaluation, which includes the “[e]valuation of workload and processes for hazardous waste *inspection*, investigation, and enforcement activities.” (Emphasis added.)

**AB 1179’s** approach amounts to “putting the cart before the horse.” Rather than simply instituting an undoubtedly costly regime of more frequent onsite inspections, what is needed is a thorough review and accounting to the Legislature and the Administration, of the quality and substance of DTSC’s onsite inspection process, and how DTSC will improve that process. That discussion should take precedence over, and provide some further guidance for, any subsequent deliberations as to how frequently these inspections should occur. That is precisely the reason why the Legislature and the Governor approved this 2-year evaluation, and that is precisely why legislators should allow DTSC to complete the important work that the Legislature has already authorized the department to do with respect to conducting a thorough review and evaluation of its statewide enforcement program before deliberating further on measures such as **AB 1179**.

Additionally, there are concerns as to how the additional inspections may relate to the DTSC’s forthcoming Violation Scoring Procedure (VSP) concept because the VSP score would relate to violations assessed during an “inspection.” The VSP would empower DTSC to (1) identify, within an unknown period of time, Class I violations and Class II violations when those violations are chronic or committed by a recalcitrant violator, (2) assign each violation a score based on the extent of deviation and potential for harm, characterized in terms of “minor,” “moderate,” or “major,” and (3) total up the scores against an unknown numerical threshold to determine whether to deny or revoke a permit.

The cumulative effect of this bill, combined with other proposed legislation impacting DTSC this year, will only serve to make the hazardous waste permitting and enforcement processes unworkable and excessively expensive, which in turn will result in hazardous waste being sent out-of-state, where the waste will be treated as garbage and thus subject to few, if any, environmental protections. Such unintended consequences will not further California’s goals of responsibly managing its own generated hazardous waste. We support a more comprehensive solution, rather than the continuance of piecemeal legislative revisions that are pursued in the absence of comprehensive reform.

For these reasons, we must **OPPOSE AB 1179**. We hope to coordinate and work with you to develop a comprehensive solution to address Californians' legitimate concerns relating to DTSC's permitting, enforcement, and fiscal management.

cc: The Honorable Ash Kalra  
Garcia Castillo-Krings, Office of the Governor  
Josh Tooker, Assembly Environmental Safety and Toxic Materials Committee  
John Kennedy, Assembly Republican Caucus  
District Office, Members, Assembly Environmental Safety and Toxic Materials Committee

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