

MEMORANDUM 2025-17

Recodification of Toxic Substances Statutes: Next Portion

In the current phase of this study, the Commission¹ pursuant to a legislative directive is preparing a nonsubstantive recodification of Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code, a chapter addressing multiple aspects of hazardous waste control, along with related provisions, to improve the organization and expression of the law.²

As Chapter 6.5 contains an unusually large amount of statutory material,³ the Commission at each of its meetings has been evaluating proposed recodification of distinct portions of Chapter 6.5, for inclusion in an eventual tentative recommendation proposing recodification of the entire chapter.⁴

This memorandum presents a staff draft of the next portion of that proposed recodification. The draft again includes proposed Commission Comments corresponding to each recodified section, Staff Notes explaining the recodification process and identifying issues seeking public comment, and disposition and derivation tables corresponding to the recodified provisions.

If the Commission provisionally approves the content of the presented draft, it will be incorporated and again presented to the Commission at a future Commission meeting in a

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See 2024 Cal. Stat. res. ch. 138 (ACR 169), para. (13). Earlier in the study, Commission recommendations recodifying former Chapter 6.8 of Division 20 were submitted to and thereafter enacted by the Legislature. See Hazardous Substance Account Recodification Act (Preprint) (2021), 2022 Cal. Stat. ch. 257 (AB 2293); Hazardous Substance Account Recodification Act: Conforming Revisions (Preprint) (2021), 2022 Cal. Stat. ch. 258 (AB 2327).

3. Chapter 6.5 contains approximately 850 code sections, many of which are quite lengthy, set out in 55 distinct statutory articles. An extrapolation based on the Commission's earlier recodification in this study of Chapter 6.8 of the Health and Safety Code, a chapter that contained roughly a fifth the amount of statutory text contained in Chapter 6.5, suggests that a printed final recommendation proposing recodification of Chapter 6.5 could require approximately 1,400 pages in what would likely be two of the Commission's printed bound volumes.

4. Due to the volume of material that will eventually appear in the tentative recommendation, the precise placement of the recodified provisions within the proposed recodification of Chapter 6.5 will remain provisional until the tentative recommendation is fully assembled.

recurring cumulative draft of a proposed recodification of Chapter 6.5.⁵

Unless otherwise indicated, statutory citations in this memorandum are to provisions of the existing Health and Safety Code, and citations to “proposed” provisions are to provisions in the proposed recodification.

Comment on any aspect of the attached draft, including identification of any substantive issue raised by a proposed revision that might be a candidate for possible future study,⁶ is welcome.⁷

GENERAL DRAFTING APPROACH

Consistent with prior draft legislation proposed in this study, the staff has continued to take a conservative approach to drafting proposed recodified provisions.⁸ Except as described below, existing statutory text is repeated verbatim in the proposed recodification of the provision.

In accordance with the Commission’s prior decisions in the study, certain minor changes to existing statutory text continue to be made as a matter of course.⁹ However, other than those changes necessarily made to implement the recodification,¹⁰ these minor changes are still shown in the draft in strikeout and underscore.

On occasion, the staff may determine that the clarity of a provision could be nonsubstantively improved in a manner that does not allow the improvement to be easily presented using only strikeout and underscore. In those instances, a “clean” revision of the provision is proposed in the draft without strikeout or underscore, but with the original text of the provision presented in a boxed Staff Note following the proposed provision, soliciting public comment on the proposed revision.¹¹

Finally, in the event the staff identifies an interpretation issue or substantive question presented by the text of an existing section, the issue or question is also raised in a boxed

5. See e.g., Memorandum 2025-16 (on the Commission’s meeting agenda for April 3, 2025).

6. The Commission’s assignment in this study also includes a directive that the Commission’s final report to the Legislature “include a list of substantive issues that the commission identifies in the course of its work, for possible future study.” See [2024 Cal. Stat. res. ch. 138](#) (ACR 169), para. 13.

7. Written comments, which may be in any form, are best directed to scohen@clrc.ca.gov. Comments may also be made orally at the Commission meeting at which a draft of recodified provisions is scheduled to be presented to the Commission for provisional approval. The Commission’s meeting agendas can be viewed at http://www.clrc.ca.gov/Menu1_meetings/agenda.html.

8. See Memorandum [2020-13](#), p. 3.

9. See Minutes ([May 2020](#)), p. 4; Memorandum [2020-13](#), p. 4; Memorandum [2021-19](#), pp. 3-4.

10. For example, renumbering and/or redesignating statutory parts, chapters, articles, sections, and components of sections, including cross-references within provisions.

11. See e.g., Staff Notes following proposed Section 84075 as well as several other proposed sections in the attached draft.

Staff Note following the proposed provision, again soliciting public comment on the issue or question.¹²

Does the Commission provisionally approve the proposed recodification in the attached draft for inclusion in a future tentative recommendation?

Respectfully submitted,

Steve Cohen
Senior Staff Counsel

12. See e.g., Staff Notes following proposed Sections 84155, 84190, 84235 (second Note), and 84245 in the attached draft.

PROPOSED ARTICLE 2 OF CHAPTER 3, AND
ARTICLE 1 OF CHAPTER 4, OF
PART 4 OF DIVISION 46
OF THE HEALTH & SAFETY CODE

Staff Note. The content of this draft, proposing recodification of a portion of Chapter 6.5 of Division 20 of the Health & Safety Code in a new Division 46 of the Health & Safety Code, is a work in progress, and subject to change. For the current provisional outline of the entire proposed organization of new Division 46, see the draft attached as an exhibit to Memorandum 2025-17.

All proposed changes to existing statutory text in this draft other than technical changes are either shown in strikeout and underscore, or described in a Staff Note following the section in which the change is proposed.

Comments. A draft of an official Commission “Comment” follows each proposed code section in the recodification. Comments, which are included in a final Commission recommendation, are phrased as if the corresponding code section had been repealed and replaced with the proposed section. Thus, in Comments, existing code provisions are referred to as “former” provisions.

Comments indicate the source of each recodified code provision, and describe how the recodified provision compares with any predecessor provision. Courts have routinely held that Commission Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation.

Staff Notes. Some provisions in this draft are followed by one or more “Staff Notes.” Staff Notes are intended to be temporary, and normally will not be included in a Commission final recommendation. Unlike Comments, Staff Notes reflect the current state of the law. Thus, in Staff Notes, code provisions are referred to as “existing” and “proposed” provisions.

Staff Notes flag issues requiring special attention or treatment. When a Staff Note in a draft solicits public comment, it will typically be continued in the Commission’s tentative recommendation as a “Note” calling for that same comment. However, if a Staff Note asks for public comment on a proposed revision and the Commission thereafter decides not to propose the revision, the Staff Note will typically not appear in the tentative recommendation.

Cross-references. In many instances the provisions proposed for recodification in this draft cross-refer to other provisions contained in Chapter 6.5. Where that cross-referenced provision has not yet been included in a recodification draft, the section number in the cross-reference is left unchanged, but shown in bold text. Bracketed text designates cross-references that have been updated in form, but still require further updating to reflect proposed recodification. For example, where a proposed section or Commission Comment refers to a proposed section of the recodified law that has not yet been drafted, the section or Comment will refer to “**Section [XXXXX]**.”

Each of these cross-references will be updated as the draft of the recodification progresses.

Tables. A “disposition table” at the end of this draft identifies in tabular form the disposition of every provision of existing Chapter 6.5 that is included in the draft. Following that table is a “derivation table” identifying the statutory derivation of every new provision in the draft.

Substantive Issues for Possible Future Study. Part of the Legislature’s assignment to the Commission in this study was to “include a list of substantive issues that the commission identifies in the course of its work, for possible future study.” To the extent a recodified provision in this draft raises such an issue, it will appear in a list following the disposition and derivation tables.

Public comment. The Commission welcomes public comment at any time, on any issue relating to the content of this draft or on any other aspect of this study.

Comment is best directed to Steve Cohen (scohen@clrc.ca.gov).

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DRAFT LEGISLATION

1 **Health & Safety Code §§ 83000-[XXXXX] (added). Toxics Reduction and Management**
2 SEC. ____ . Division 46 (commencing with Section 83000) is added to the Health
3 and Safety Code, to read:

4 DIVISION 46. TOXICS REDUCTION AND MANAGEMENT

...

5 PART 3. FINANCIAL PROVISIONS

...

6 CHAPTER 3. DEPARTMENT RESPONSIBILITIES AND AUTHORITY

...

7 Article 2. Assumption of Administration of Contracts

8 **§ 84075. Authority relating to required payments generally**

9 84075. (a) Notwithstanding anything to the contrary in this division or Part 22
10 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code,
11 the department, with the approval of the secretary, may take either of the following
12 actions relating to fees, surcharges, fines, penalties, or funds required to be
13 deposited in the Hazardous Waste Control Account, the Hazardous Waste Facilities
14 Account, or the Toxic Substances Control Account:

15 (1) Assume responsibility, or contract with a private party or another public
16 agency other than the California Department of Tax and Fee Administration, for the
17 collection of any fees, surcharges, fines, penalties or funds described in Part 2
18 (commencing with Section 78000) of Division 45 for deposit in the Toxic
19 Substances Control Account.

20 (2) Administer, or contract with a private party or another public agency for,
21 determinations and functions for which the California Department of Tax and Fee
22 Administration is responsible pursuant to Part 2 (commencing with Section 78000)
23 of Division 45, or pursuant to Part 22 (commencing with Section 43001) of Division
24 2 of the Revenue and Taxation Code, if those determinations and functions become
25 the responsibility of either the department or, by mutual agreement, a contractor
26 selected by the department.

27 (b) Notwithstanding subdivision (a), final responsibility for the administrative
28 adjustment of fee rates or the administrative appeal of any fees or penalty
29 assessments made pursuant to this article may be assigned by the department only
30 to a public agency.

31 **Comment.** Subdivision (a) of Section 84075 restates former Section 25174.02(a) without
32 substantive change.

1 Subdivision (b) restates the second sentence of former Section 25174.02(b) without substantive
2 change.

3 See Sections 83160 (“department”), 83350 (“secretary”).

4 **Staff Note.** Proposed Section 84075 would restate and combine existing Section 25174.02(a)
5 and the final sentence of Section 25174.02(b), for clarity. Those existing provisions read as follows:

6 25174.02. (a) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of
7 Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds
8 that are required to be deposited into the Hazardous Waste Control Account, the Hazardous Waste
9 Facilities Account, or the Toxic Substances Control Account, the department, with the approval of
10 the secretary, may take either of the following actions:

11 (1) Assume responsibility for, or enter into a contract with a private party or with another public
12 agency, other than the California Department of Tax and Fee Administration, for the collection of
13 any fees, surcharges, fines, penalties and funds described in Part 2 (commencing with Section
14 78000) of Division 45, for deposit into the Toxic Substances Control Account.

15 (2) Administer, or by mutual agreement, contract with a private party or another public agency,
16 for the making of those determinations and the performance of functions that would otherwise be
17 the responsibility of the California Department of Tax and Fee Administration pursuant to Part 2
18 (commencing with Section 78000) of Division 45, or Part 22 (commencing with Section 43001) of
19 Division 2 of the Revenue and Taxation Code, if those activities and functions for which the
20 California Department of Tax and Fee Administration would otherwise be responsible become the
21 responsibility of the department or, by mutual agreement, the contractor selected by the
22 department.”

23 (b)... Final responsibility for the administrative adjustment of fee rates and the administrative
24 appeal of any fees or penalty assessments made pursuant to this section may only be assigned by
25 the department to a public agency.

26 **The staff welcomes comment on whether this restatement of these provisions of existing**
27 **Section 25174.02 improves the clarity of the provisions without substantively changing their**
28 **meaning.**

29 **§ 84080. Due process rights**

30 84080. If, pursuant to Section 84075, the department, or a private party or another
31 public agency, pursuant to a contract with the department, performs the
32 determinations and functions that would otherwise be the responsibility of the
33 California Department of Tax and Fee Administration, the department shall be
34 responsible for ensuring that persons subject to the fees specified in Section 84075
35 have equivalent rights to public notice and comment, and procedural and substantive
36 rights of appeal, as afforded by the procedures of the California Department of Tax
37 and Fee Administration pursuant to Part 22 (commencing with Section 43001) of
38 Division 2 of the Revenue and Taxation Code.

39 **Comment.** Section 84080 continues the first sentence of former Section 25174.02(b) without
40 substantive change.

41 See Section 83160 (“department”).

42 **§ 84085. Authority to make collections and enforce judgments**

43 84085. (a) If, pursuant to Section 84075, the department, or a private party or
44 another public agency, pursuant to a contract with the department, performs the
45 determinations and functions that would otherwise be the responsibility of the

1 California Department of Tax and Fee Administration, the department shall have
2 equivalent authority to make collections and enforce judgments as provided to the
3 California Department of Tax and Fee Administration pursuant to Part 22
4 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

5 (b) Unpaid amounts, including penalties and interest, shall be a perfected and
6 enforceable state tax lien in accordance with Section 43413 of the Revenue and
7 Taxation Code.

8 **Comment.** Section 84085 continues former Section 25174.02(c) without substantive change.
9 See Section 83160 (“department”).

10 **§ 84090. Assignment of administrative functions**

11 84090. The department, with the concurrence of the secretary, shall determine
12 which administrative functions should be retained by the California Department of
13 Tax and Fee Administration, administered by the department, or assigned to another
14 public agency or private party pursuant to Sections 84075, 84080, and
15 84085.

16 **Comment.** Section 84090 continues former Section 25174.02(d) without substantive change.
17 See Sections 83160 (“department”), 83350 (“secretary”).

18 **§ 84095. Adoption of regulations**

19 84095. The department may adopt regulations to implement this article.

20 **Comment.** Section 84095 continues former Section 25174.02(e) without substantive change.
21 See Section 83160 (“department”).

22 CHAPTER 4. FACILITY AND GENERATOR FEES

23 Article 1. Definitions

24 **§ 84150. Application of definitions**

25 84150. For purposes of this chapter, the definitions in this article shall apply.

26 **Comment.** Section 84150 continues the introductory clause of former Section 25205.1 without
27 substantive change.

28 **Staff Note.** Proposed Section 84150 would restate the introductory clause of existing Section
29 25205.1 for clarity. The existing clause reads as follows:

30 25205.1. For purposes of this article, the following definitions apply:

31 **The staff welcomes comment on whether this restatement of this clause improves its clarity**
32 **without substantively changing its meaning.**

33 **§ 84155. “Board”**

34 84155. “Board” means the State Board of Equalization.

35 **Comment.** Section 84155 continues former Section 25205.1(a) without substantive change.

36 **Staff Note.** The introductory clause of existing Section 25205.1 (proposed Section 84150)
37 indicates that the definition of the term “Board” in subdivision (a) of that section is intended to
38 apply “for purposes of” the article in which Section 25205.1 appears. However, existing Section

1 25110.3 provides a different definition of the term “Board,” and existing Section 25110 provides
2 that different definition is intended to govern the entirety of Chapter 6.5.

3 **The staff welcomes public comment on whether statutory text should be added to proposed**
4 **Section 84155, clarifying that the definition of the term “Board” in proposed Section 84155 is**
5 **intended to apply to the proposed chapter in which Section 84155 appears, notwithstanding**
6 **the overarching definition of the term in existing Section 25110.3.**

7 **§ 84160. “Class 1 modification”**

8 84160. “Class 1 modification” has the meaning provided in regulations adopted
9 by the department.

10 **Comment.** Section 84160 continues the part of former Section 25205.1(*I*) applicable to Class 1
11 modifications without substantive change.

12 See Section 83160 (“department”).

13 **Staff Note.** Proposed Section 84160 would restate the part of existing Section 25205.1(*I*)
14 applicable to the term “class 1 modification” for clarity. Existing Section 25205.1(*I*) reads as
15 follows:

16 25205.1(*I*) “Class 1 modification,” “class 2 modification,” and “class 3 modification” have the
17 meanings provided in regulations adopted by the department.

18 **The staff welcomes comment on whether this restatement of this provision improves its**
19 **clarity without substantively changing its meaning.**

20 **§ 84165. “Class 2 modification”**

21 84165. “Class 2 modification” has the meaning provided in regulations adopted
22 by the department.

23 **Comment.** Section 84165 continues the part of former Section 25205.1(*I*) applicable to Class 2
24 modifications without substantive change.

25 See Section 83160 (“department”).

26 **Staff Note.** Proposed Section 84165 would restate the part of existing Section 25205.1(*I*)
27 applicable to the term “class 2 modification” for clarity. Existing Section 25205.1(*I*) reads as
28 follows:

29 25205.1(*I*) “Class 1 modification,” “class 2 modification,” and “class 3 modification” have the
30 meanings provided in regulations adopted by the department.

31 **The staff welcomes comment on whether this restatement of this provision improves its**
32 **clarity without substantively changing its meaning.**

33 **§ 84170. “Class 3 modification”**

34 84170. “Class 3 modification” has the meaning provided in regulations adopted
35 by the department.

36 **Comment.** Section 84170 continues the part of former Section 25205.1(*I*) applicable to Class 3
37 modifications without substantive change.

38 See Section 83160 (“department”).

39 **Staff Note.** Proposed Section 84170 would restate the part of existing Section 25205.1(*I*)
40 applicable to the term “class 3 modification” for clarity. Existing Section 25205.1(*I*) reads as
41 follows:

1 25205.1(l) “Class 1 modification,” “class 2 modification,” and “class 3 modification” have the
2 meanings provided in regulations adopted by the department.

3 **The staff welcomes comment on whether this restatement of this provision improves its**
4 **clarity without substantively changing its meaning.**

5 **§ 84175. “Disposal”**

6 84175. “Disposal” means only the placement of hazardous waste satisfying all of
7 the following criteria:

8 (1) The placement is engaged in at a facility pursuant to and requiring a permit or
9 grant of interim status issued by the department pursuant to **Article 9 (commencing**
10 **with Section 25200).**

11 (2) The placement is onto or into the ground for permanent disposition.

12 (3) The placement is not onto or into the ground solely for purposes of land
13 treatment.

14 (4) The placement is not in surface impoundments, as defined in regulations
15 adopted by the department.

16 **Comment.** Section 84175 restates the part of former Section 25205.1(o) applicable to the
17 definition of “disposal” without substantive change.

18 See Sections 83160 (“department”), 84180 (“facility”), 84190 (“hazardous waste”), 84240
19 (“treatment”).

20 **Staff Notes. (1)** Proposed Section 84240 would restate the part of existing Section 25214.12(o)
21 applicable to the definition of “disposal” for clarity. Existing Section 25214.12(o) reads as follows:

22 25205.1(o) “Treatment,” “storage,” and “disposal” mean only that treatment, storage, or
23 disposal of hazardous waste engaged in at a facility pursuant to a permit or grant of interim status
24 issued by the department pursuant to Article 9 (commencing with Section 25200). Treatment,
25 storage, or disposal that does not require this permit or grant of interim status shall not be considered
26 treatment, storage, or disposal for purposes of this article.

27 (1) “Disposal” includes only the placement of hazardous waste onto or into the ground for
28 permanent disposition and does not include the placement of hazardous waste in surface
29 impoundments, as defined in regulations adopted by the department, or the placement of hazardous
30 waste onto or into the ground solely for purposes of land treatment.

31 (2) “Storage” does not include the ongoing presence of hazardous wastes in the ground or in
32 surface impoundments after the facility has permanently discontinued accepting new hazardous
33 wastes for placement into the ground or into surface impoundments. **The staff welcomes comment**
34 **on whether this restatement of the part of existing Section 25214.12(o) applicable to the**
35 **definition of “disposal” improves its clarity without substantively changing its meaning.**

36
37 (2) The introductory clause of existing Section 25205.1 (proposed Section 84150) indicates that
38 the definition of the term “disposal” in existing Section 25205.1(o) is intended to apply “for
39 purposes of” the article in which Section 25205.1 appears. However, existing Section 25113
40 provides a different definition of the term “disposal,” and existing Section 25110 provides that
41 definition in Section 25113 is intended to govern the entirety of Chapter 6.5.

42 **The staff welcomes public comment on whether statutory text should be added to proposed**
43 **Section 84175, or perhaps to Section 84150, clarifying that the definition of the term**
44 **“disposal” in proposed Section 84175 is intended to apply to the proposed chapter in which**
45 **Section 84175 appears, notwithstanding the overarching definition of the term that presently**
46 **appears in existing Section 25113.**

1 § 84180. “Facility”

2 84180, “Facility” means any units or other structures, and all contiguous land,
3 used for the treatment, storage, disposal, or recycling of hazardous waste, for which
4 a permit or a grant of interim status has been issued by the department for that
5 activity pursuant to **Article 9 (commencing with Section 25200)**.

6 **Comment.** Section 84180 continues former Section 25205.1(b) without substantive change.
7 See Sections 83160 (“department”) 84175 (“disposal”), 84190 (“hazardous waste”), 84235
8 (“storage”), 84240 (“treatment”).

9 § 84185. “Generator”

10 84185. “Generator” means a person who generates hazardous waste at an
11 individual site commencing on or after July 1, 1988. ~~A generator includes, but is ,~~
12 including but not limited to, a person ~~who is~~ identified on a manifest as the generator
13 and whose identification number is listed on that manifest, if that identifying
14 information was provided by that person or by an agent or employee of that person.

15 **Comment.** Section 84185 continues former Section 25205.1(e) without substantive change.
16 See Sections 83160 (“department”), 83295 (“person”), 84190 (“hazardous waste”).

17 § 84190. “Hazardous waste”

18 84190. (a) “Hazardous waste” has the meaning provided in **Section 25117**.

19 (b) The total tonnage of hazardous waste, unless otherwise provided by law,
20 includes the hazardous substance as well as any soil or other substance that is
21 commingled with the hazardous substance.

22 **Comment.** Section 84190 continues former Section 25205.1(m) without substantive change.

23 **Staff Note.** The second sentence of existing Section 25205.1(m), which would be continued as
24 subdivision (b) of proposed Section 84190, appears to be out of place as a substantive provision
25 within a statutory section or article otherwise containing only broadly applicable definitional
26 provisions.

27 In addition, the intended application of this substantive provision, disconnected from provisions
28 in which “the total tonnage of hazardous waste” is relevant, is also less than clear.

29 **The staff welcomes comment on the application of this substantive provision, as well as**
30 **whether its application might be clarified if recodified in a different location than in this**
31 **article of the proposed recodification.**

32 § 84195. “Land treat”

33 84195. “Land treat” means to apply hazardous waste onto or incorporate it into
34 the soil surface for the sole and express purpose of degrading, transforming, or
35 immobilizing the hazardous constituents.

36 **Comment.** Section 84195 continues former Section 25205.1(n) without substantive change.
37 See Section 84190 (“hazardous waste”).

38 § 84200. “Large storage facility”

39 84200. “Large storage facility” means the following:

40 (a) In those cases in which total storage capacity is provided in a permit, interim
41 status document, or federal Part A application for the facility, “large storage facility”

1 means a storage facility with capacity to store 1,000 or more tons of hazardous
2 waste.

3 (b) In those cases in which total storage capacity is not provided in a permit,
4 interim status document, or federal Part A application for the facility, “large storage
5 facility” means a storage facility that stores 1,000 or more tons of hazardous waste
6 during any one month of the current reporting period commencing on or after July
7 1, 1991.

8 **Comment.** Section 84200 restates former Section 25205.1(c) without substantive change.

9 See Sections 83360 (“storage facility”), 84180 (“facility”), 84190 (“hazardous waste”), 84235
10 (“storage”).

11 **Staff Note.** Proposed Section 84200 would restate existing Section 25205.1(c) for clarity. The
12 existing provision reads as follows:

13 25205.1. (c) “Large storage facility,” in those cases in which total storage capacity is provided
14 in a permit, interim status document, or federal Part A application for the facility, means a storage
15 facility with capacity to store 1,000 or more tons of hazardous waste. In those cases in which it is
16 not so provided, “large storage facility” means a storage facility that stores 1,000 or more tons of
17 hazardous waste during any one month of the current reporting period commencing on or after July
18 1, 1991.

19 **The staff welcomes comment on whether this restatement of existing Section 25205.1(c)**
20 **improves its clarity without substantively changing its meaning.**

21 **§ 84205. “Large treatment facility”**

22 84205. “Large treatment facility” means the following:

23 (a) In those cases in which total treatment capacity is provided in a permit, interim
24 status document, or federal Part A application for the facility, “large treatment
25 facility” means a treatment facility with capacity to treat, land treat, or recycle 1,000
26 or more tons of hazardous waste.

27 (b) In those cases in which total treatment capacity is not provided in a permit,
28 interim status document, or federal Part A application for the facility, “large
29 treatment facility” a treatment facility that treats, land treats, or recycles 1,000 or
30 more tons of hazardous waste during any one month of the current reporting period
31 commencing on or after July 1, 1991.

32 **Comment.** Section 84205 restates former Section 25205.1(d) without substantive change.

33 See Sections 84180 (“facility”), 84190 (“hazardous waste”), 84195 (“land treat”), 84240
34 (“treatment”).

35 **Staff Note.** Proposed Section 84205 would restate existing Section 25205.1(d) for clarity. The
36 existing provision reads as follows:

37 25205.1. (d) “Large treatment facility,” in those cases in which total treatment capacity is
38 provided in a permit, interim status document, or federal Part A application for the facility, means
39 a treatment facility with capacity to treat, land treat, or recycle 1,000 or more tons of hazardous
40 waste. In those cases in which it is not so provided, “large treatment facility” means a treatment
41 facility that treats, land treats, or recycles 1,000 or more tons of hazardous waste during any one
42 month of the current reporting period commencing on or after July 1, 1991.

43 **The staff welcomes comment on whether this restatement of existing Section 25205.1(d)**
44 **improves its clarity without substantively changing its meaning.**

1 § 84210. “Mini-storage facility”

2 84210. “Mini-storage facility” means the following:

3 (a) In those cases in in those cases in which total storage capacity is provided in a
4 permit, interim status document, or federal Part A application for the facility, a
5 storage facility with capacity to store 0.5 tons (1,000 pounds) or less of hazardous
6 waste.

7 (b) In those cases in which total storage capacity is not provided in a permit,
8 interim status document, or federal Part A application for the facility, a storage
9 facility that stores 0.5 tons (1,000 pounds) or less of hazardous waste during any
10 one month of the current reporting period commencing on or after July 1, 1991.

11 **Comment.** Section 84210 restates former Section 25205.1(f) without substantive change.

12 See Sections 83360 (“storage facility”), 84180 (“facility”), 84190 (“hazardous waste”), 84235
13 (“storage”).

14 **Staff Note.** Proposed Section 84210 would restate existing Section 25205.1(f) for clarity. The
15 existing provision reads as follows:

16 25205.1. (f) “Ministorage facility,” in those cases in which total storage capacity is provided in
17 a permit, interim status document, or federal Part A application for the facility, means a storage
18 facility with capacity to store 0.5 tons (1,000 pounds) or less of hazardous waste. In those cases in
19 which it is not so provided, “ministorage facility” means a storage facility that stores 0.5 tons (1,000
20 pounds) or less of hazardous waste during any one month of the current reporting period
21 commencing on or after July 1, 1991.

22 **The staff welcomes comment on whether this restatement of existing Section 25205.1(f)**
23 **improves its clarity without substantively changing its meaning.**

24 § 84215. “Mini-treatment facility”

25 84215. “Mini-treatment facility” means the following:

26 (a) In those cases in which total treatment capacity is provided in a permit, interim
27 status document, or federal Part A application for the facility, a treatment facility
28 with capacity to treat, land treat, or recycle 0.5 tons (1,000 pounds) or less of
29 hazardous waste.

30 (b) In those cases in total treatment capacity is not provided in a permit, interim
31 status document, or federal Part A application for the facility, a treatment facility
32 that treats, land treats, or recycles 0.5 tons (1,000 pounds) or less of hazardous waste
33 during any one month of the current reporting period commencing on or after July
34 1, 1991.

35 **Comment.** Section 84215 continues former Section 25205.1(g) without substantive change.

36 See Sections 84180 (“facility”), 84190 (“hazardous waste”), 84195 (“land treat”), 84240
37 (“treatment”).

38 **Staff Note.** Proposed Section 84215 would restate existing Section 25205.1(g) for clarity. The
39 existing provision reads as follows:

40 25205.1. (g) “Minitreatment facility,” in those cases in which total treatment capacity is
41 provided in a permit, interim status document, or federal Part A application for the facility, means
42 a treatment facility with capacity to treat, land treat, or recycle 0.5 tons (1,000 pounds) or less of
43 hazardous waste. In those cases in which it is not so provided, “minitreatment facility, means a

1 treatment facility that treats, land treats, or recycles 0.5 tons (1,000 pounds) or less of hazardous
2 waste during any one month of the current reporting period commencing on or after July 1, 1991.

3 **The staff welcomes comment on whether this restatement of existing Section 25205.1(g)**
4 **improves its clarity without substantively changing its meaning.**

5 **§ 84220. “Site”**

6 84220. “Site” means the location of an operation that generates hazardous wastes
7 and is noncontiguous to any other location of these operations owned by the
8 generator.

9 **Comment.** Section 84220 former Section 25205.1(h) without substantive change.

10 See Sections 84185 (“generator”), 84190 (“hazardous waste”).

11 **Staff Note.** Existing Section 25205.1(h), unlike most other provisions in Section 25205.1,
12 expressly refers to “hazardous wastes,” rather than “hazardous waste.”

13 **The staff welcomes comment on whether the term “hazardous wastes” in this existing**
14 **provision is intended to have a different meaning than the term “hazardous waste,” and if**
15 **not, whether the clarity of the provision could be improved by revising the existing reference**
16 **to instead refer to “hazardous waste.”**

17 **§ 84225. “Small storage facility”**

18 84225. “Small storage facility” means the following:

19 (a) In those cases in which total storage capacity is provided in a permit, interim
20 status document, or federal Part A application for the facility, a storage facility with
21 capacity to store more than 0.5 tons (1,000 pounds), but less than 1,000 tons of
22 hazardous waste.

23 (b) In those cases in which total storage capacity is not provided in a permit,
24 interim status document, or federal Part A application for the facility, a storage
25 facility that stores more than 0.5 tons (1,000 pounds), but less than 1,000 tons, of
26 hazardous waste during any one month of the current reporting period commencing
27 on or after July 1, 1991.

28 **Comment.** Section 84225 continues former Section 25205.1(i) without substantive change.

29 See Sections 83360 (“storage facility”), 84180 (“facility”), 84190 (“hazardous waste”), 84235
30 (“storage”).

31 **Staff Note.** Proposed Section 84225 would restate existing Section 25205.1(i) for clarity. The
32 existing provision reads as follows:

33 25205.1. (i) “Small storage facility,” in those cases in which total storage capacity is provided in
34 a permit, interim status document, or federal Part A application for the facility, means a storage
35 facility with capacity to store more than 0.5 tons (1,000 pounds), but less than 1,000 tons of
36 hazardous waste. In those cases in which it is not so provided, “small storage facility” means a
37 storage facility that stores more than 0.5 tons (1,000 pounds), but less than 1,000 tons, of hazardous
38 waste during any one month of the current reporting period commencing on or after July 1, 1991.

39 **The staff welcomes comment on whether this restatement of existing Section 25205.1(i)**
40 **improves its clarity without substantively changing its meaning.**

41 **§ 84230. “Small treatment facility”**

42 84230. “Small treatment facility” means the following:

1 (a) In those cases in which total treatment capacity is provided in a permit, interim
2 status document, or federal Part A application for the facility, a treatment facility
3 with capacity to treat, land treat, or recycle more than 0.5 tons (1,000 pounds), but
4 less than 1,000 tons of hazardous waste.

5 (b) In those cases in which total treatment capacity is provided in a permit, interim
6 status document, or federal Part A application for the facility, a treatment facility
7 that treats, land treats, or recycles more than 0.5 tons (1,000 pounds), but less than
8 1,000 tons, of hazardous waste during any month of the current reporting period
9 commencing on or after July 1, 1991.

10 **Comment.** Section 84230 continues former Section 25205.1(j) without substantive change.

11 See Sections 84195 (“land treat”), 84180 (“facility”), 84190 (“hazardous waste”), 84240
12 (“treatment”).

13 **Staff Note.** Proposed Section 84230 would restate existing Section 25205.1(j) for clarity. The
14 existing provision reads as follows:

15 25205.1. (j) “Small treatment facility,” in those cases in which total treatment capacity is
16 provided in a permit, interim status document, or federal Part A application for the facility, means
17 a treatment facility with capacity to treat, land treat, or recycle more than 0.5 tons (1,000 pounds),
18 but less than 1,000 tons of hazardous waste. In those cases in which this is not provided, “small
19 treatment facility” means a treatment facility that treats, land treats, or recycles more than 0.5 tons
20 (1,000 pounds), but less than 1,000 tons, of hazardous waste during any month of the current
21 reporting period commencing on or after July 1, 1991.

22 **The staff welcomes comment on whether this restatement of existing Section 25205.1(j)**
23 **improves its clarity without substantively changing its meaning.**

24 **§ 84235. “Storage”**

25 84235. “Storage” means only the storage of hazardous waste satisfying both of
26 the following criteria:

27 (1) The storage is engaged in at a facility pursuant to and requiring a permit or
28 grant of interim status issued by the department pursuant to **Article 9 (commencing**
29 **with Section 25200).**

30 (2) The storage does not include the ongoing presence of hazardous wastes in the
31 ground or in surface impoundments after the facility has permanently discontinued
32 accepting new hazardous wastes for placement into the ground or into surface
33 impoundments.

34 **Comment.** Section 84235 restates the part of former Section 25205.1(o) applicable to the
35 definition of “storage” without substantive change.

36 See Sections 83160 (“department”), 84180 (“facility”), 84190 (“hazardous waste”).

37 **Staff Notes. (1)** Proposed Section 84235 would restate the part of existing Section 25214.12(o)
38 applicable to the definition of “storage” for clarity. Existing Section 25214.12(o) reads as follows:

39 25205.1.(o) “Treatment,” “storage,” and “disposal” mean only that treatment, storage, or
40 disposal of hazardous waste engaged in at a facility pursuant to a permit or grant of interim status
41 issued by the department pursuant to Article 9 (commencing with Section 25200). Treatment,
42 storage, or disposal that does not require this permit or grant of interim status shall not be considered
43 treatment, storage, or disposal for purposes of this article.

1 (1) “Disposal” includes only the placement of hazardous waste onto or into the ground for
2 permanent disposition and does not include the placement of hazardous waste in surface
3 impoundments, as defined in regulations adopted by the department, or the placement of hazardous
4 waste onto or into the ground solely for purposes of land treatment.

5 (2) “Storage” does not include the ongoing presence of hazardous wastes in the ground or in
6 surface impoundments after the facility has permanently discontinued accepting new hazardous
7 wastes for placement into the ground or into surface impoundments.

8 **The staff welcomes comment on whether this restatement of the part of existing Section**
9 **25214.12(o) applicable to the definition of “storage” improves its clarity without substantively**
10 **changing its meaning.**

11 (2) Existing Section 25205.1(o), unlike most other provisions in Section 25205.1, expressly
12 refers to “hazardous wastes,” rather than “hazardous waste.”

13 **The staff welcomes comment on whether the term “hazardous wastes” in this existing**
14 **provision is intended to have a different meaning than the term “hazardous waste,” and if**
15 **not, whether the clarity of the provision could be improved by revising the existing reference**
16 **to instead refer to “hazardous waste.”**

17 (3) The introductory clause of existing Section 25205.1 (proposed Section 84150) indicates that
18 the definition of the term “storage” in existing Section 25205.1(o) is intended to apply “for purposes
19 of” the article in which Section 25205.1 appears. However, existing Section 25123 provides a
20 different definition of the term “storage,” and existing Section 25110 provides that different
21 definition is intended to govern the entirety of Chapter 6.5.

22 **The staff welcomes public comment on whether statutory text should be added to proposed**
23 **Section 84235, or perhaps to Section 84150, clarifying that the definition of the term “storage”**
24 **in proposed Section 84235 is intended to apply to the proposed chapter in which Section 84235**
25 **appears, notwithstanding the overarching definition of the term that presently appears in**
26 **existing Section 25113.**

27 **§ 84240. “Treatment”**

28 84240. “Treatment” means only the treatment of hazardous waste engaged in at a
29 facility pursuant to and requiring a permit or grant of interim status issued by the
30 department pursuant to **Article 9 (commencing with Section 25200).**

31 **Comment.** Section 84240 restates the part of former Section 25205.1(o) applicable to the
32 definition of “treatment” without substantive change.

33 See Sections 83160 (“department”), 84180 (“facility”), 84190 (“hazardous waste”).

34 **Staff Notes. (1)** Proposed Section 84240 would restate the part of existing Section 25214.12(o)
35 applicable to the definition of “treatment” for clarity. Existing Section 25214.12(o) reads as
36 follows:

37 25205.1.(o) “Treatment,” “storage,” and “disposal” mean only that treatment, storage, or
38 disposal of hazardous waste engaged in at a facility pursuant to a permit or grant of interim status
39 issued by the department pursuant to Article 9 (commencing with Section 25200). Treatment,
40 storage, or disposal that does not require this permit or grant of interim status shall not be considered
41 treatment, storage, or disposal for purposes of this article.

42 (1) “Disposal” includes only the placement of hazardous waste onto or into the ground for
43 permanent disposition and does not include the placement of hazardous waste in surface
44 impoundments, as defined in regulations adopted by the department, or the placement of hazardous
45 waste onto or into the ground solely for purposes of land treatment.

1 (2) “Storage” does not include the ongoing presence of hazardous wastes in the ground or in
2 surface impoundments after the facility has permanently discontinued accepting new hazardous
3 wastes for placement into the ground or into surface impoundments.

4 **The staff welcomes comment on whether this restatement of the part of existing Section**
5 **25214.12(o) applicable to the definition of “treatment” improves its clarity without**
6 **substantively changing its meaning.**

7 (2) The introductory clause of existing Section 25205.1 (proposed Section 84150) indicates that
8 the definition of the term “treatment” in existing Section 25205.1(o) is intended to apply “for
9 purposes of” the article in which Section 25205.1 appears. However, existing Section 25123.5
10 provides a different definition of the term “treatment,” and existing Section 25110 provides that
11 different definition is intended to govern the entirety of Chapter 6.5.

12 **The staff welcomes public comment on whether statutory text should be added to proposed**
13 **Section 84240, or perhaps to Section 84150, clarifying that the definition of the term**
14 **“treatment” in proposed Section 84240 is intended to apply to the proposed chapter in which**
15 **Section 84240 appears, notwithstanding the overarching definition of the term that presently**
16 **appears in existing Section 25113.5.**

17 § 84245. “Unit”

18 84245. (a) “Unit” means a hazardous waste management unit, as defined in
19 regulations adopted by the department.

20 (b) If an area is designated as a hazardous waste management unit in a permit, it
21 shall be conclusively presumed that the area is a “unit.”

22 **Comment.** Section 84245 continues former Section 25205.1(k) without substantive change.
23 See Sections 83160 (“department”), 84190 (“hazardous waste”).

24 **Staff Note.** The second sentence of existing Section 25205.1(k), which would be continued by
25 as subdivision (b) of proposed Section 84245, indicates that the designation of an area in a permit
26 as a hazardous waste management unit creates a conclusive presumption that the area is a “unit”
27 for purposes of at least the statutory article in which this provision appears.

28 **The staff welcomes comment on (1) whether the indication of this conclusive presumption**
29 **is intended to convey some different meaning than a much simpler statement that an area**
30 **“designated as a hazardous waste management unit in a permit” is a “unit,” and (2) if there**
31 **is no different meaning intended, whether the provision should be revised to state its intended**
32 **meaning more clearly, without reference to a presumption.**

DISPOSITION OF EXISTING LAW

Note. This table shows the proposed disposition, as reflected in this staff draft, of provisions in Chapter 6.5 of Division 20 of the Health and Safety Code (§§ 25100-25259), as the law existed on January 1, 2025. Unless otherwise indicated, all statutory references are to the Health and Safety Code.

Existing Provision	New Provision
25174.02(a).....	84075
25174.02(b).....	84080
25174.02(c).....	84085
25174.02(d).....	84090
25174.02(e).....	84095
25174.02(f).....	not cont'd
25205.1 (intro).....	84150
25205.1(a).....	84155
25205.1(b).....	84180
25205.1(c).....	84200
25205.1(d).....	841205
25205.1(e).....	84185
25205.1(f).....	84210
25205.1(g).....	84215
25205.1(h).....	84220
25205.1(i).....	84225
25205.1(j).....	84230
25205.1(k).....	84245
25205.1(l).....	84160, 84165, 84170
25205.1(m).....	84190
25205.1(n).....	84195
25205.1(o).....	84175, 84235, 84240

DERIVATION OF NEW LAW

Note. This table shows the derivation of each provision in proposed Division 46 reflected in this staff draft. Unless otherwise indicated, all statutory references are to the Health and Safety Code.

Proposed New Provision	Existing Provision
84075(a)	25174.02(a)
84075(b)	25174.02(b), 2 nd sent.
84080	25174.02(b), 1 st sent
84085	25174.02(c)
84090	25174.02(d)
84095	25174.02(e)
84150	25205.1 (intro)
84155	25205.1(a)
84160	25205.1(l) (part applicable to “Class 1 modification”)
84165	25205.1(l) (part applicable to “Class 2 modification”)
84170	25205.1(l) (part applicable to “Class 3 modification”)
84175	25205.1(o) (part applicable to “disposal”)
84180	25205.1(b)
84185	25205.1(e)
84190	25205.1(m)
84195	25205.1(n)
84200	25205.1(c)
84205	25205.1(d)
84210	25205.1(f)
84215	25205.1(g)
84220	25205.1(h)
84225	25205.1(i)
84230	25205.1(j)
84235	25205.1(o) (part applicable to “storage”)
84240	25205.1(o) (part applicable to “treatment”)
84245	25205.1(k)