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**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**

**Senator Allen, Chair**

**2021 - 2022 Regular**

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**Bill No:** AB 2327  
**Author:** Committee on Environmental Safety and Toxic Materials  
**Version:** 3/15/2022 **Hearing Date:** 6/8/2022  
**Urgency:** No **Fiscal:** No  
**Consultant:** Gabrielle Meindl

**SUBJECT:** Carpenter-Presley-Tanner Hazardous Substance Account Act:  
conforming revisions

**DIGEST:** Updates code sections that cross-reference the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) as proposed to be reorganized by AB 2293 (Committee on Environmental Safety and Toxic Materials[ESTM], 2022).

**ANALYSIS:**

Existing law:

- 1) Establishes the HSAA, which is a program to provide for response authority for releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment. (Health and Safety Code § 25300 et seq.)

This bill:

- 1) Updates code sections that cross-reference the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) as proposed to be reorganized by AB 2293 (Committee on Environmental Safety and Toxic Materials[ESTM]).

**Background**

- 1) *Need for the bill.* In 2018, the Legislature directed the California Law Revision Commission (Commission) to conduct a strictly nonsubstantive clean-up of Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300, the HSAA) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law (SCR 91 Roth, Resolution Chapter 158 of 2018). The Commission decided to proceed with this work in phases, first undertaking work on Chapter 6.8. AB 2293 incorporates the Commission's work on the

HSAA and reorganizes the provisions to make them more user-friendly without changing the substance of the law, AB 2327 updates code sections that cross-reference the HSAA.

- 2) *Carpenter-Presley-Tanner Hazardous Substances Account Act (HSAA)*. State law provides the California Department of Toxic Substances Control (DTSC) with general administrative responsibility for overseeing the state's responses to spills or releases of hazardous substances, and for hazardous waste disposal sites that pose a threat to public health or the environment. DTSC utilizes the HSAA for cleanup of contaminated sites. The HSAA provides DTSC with the authority, procedures, and standards to investigate, remove, and remediate contamination at sites; to issue and enforce a removal or remedial action order to any responsible party; and, to impose administrative or civil penalties for noncompliance with an order. Federal and state law also authorizes DTSC to recover costs and expenses it incurs in carrying out these activities.
- 3) *History of the Commission's work related to DTSC*. In 2015, the Legislature passed and the Governor signed SB 83 (Budget Committee, Chapter 24, Statutes of 2015), which established within DTSC a three-member Independent Review Panel (IRP) to review and make recommendations regarding improvements to DTSC's permitting, enforcement, public outreach, and fiscal management. Pursuant to SB 83, the IRP was authorized until January 1, 2018. Over the course of its term, the IRP conducted 24 public meetings and released 11 progress and annual reports. On January 8, 2018 the IRP released its final report and recommendations concluding: "The Department has implemented, or is working on, most of the IRP's recommendations and has achieved, or partially achieved, many of the IRP's suggested performance metrics. However, there is more work to be done. In the absence of the IRP, the Governor and the Legislature should consider a DTSC governing board or other structural change to enhance transparency and accountability and regularly monitor the status of the IRP-suggested recommendations and performance metrics, as well as DTSC's ongoing initiatives and decision-making." One of the issues raised by the IRP was that DTSC's statutes were confusing, not organized very well and difficult to understand.

In response to the IRP's work, the Legislature authorized the Commission via (SCR 91 Roth, Resolution Chapter 158 of 2018) to: study, report on, and prepare recommended legislation to revise Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law, but not to make any substantive

changes to the law. Such revisions may include, but are not limited to, grouping similar provisions together, reducing the length and complexity of sections, eliminating obsolete or redundant provisions, and correcting technical errors.

- 4) *This bill.* AB 2327 includes changes to cross-references to code sections within Chapter 6.8 using the new codes sections within AB 2293, which incorporates the Commission's work reorganizing the HSAA (Chapter 6.8).

### **Related/Prior Legislation**

AB 2293 (ESTM Committee) reorganizes the provisions of the HSSA without making any substantive changes to the statute. This bill is pending in this Committee.

**SOURCE:** Committee on Environmental Safety and Toxic Materials

**SUPPORT:**

None received

**OPPOSITION:**

None received

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