

SENATE THIRD READING
SB 633 (Stern)
As Introduced September 6, 2019
Majority vote

SUMMARY:

Requires the Department of Toxic Substances Control (DTSC) to impose additional cleanup standards for contaminated sites that are finalized after January 1, 2020.

Major Provisions

- 1) Require any cleanup standard for a contaminated site finalized by DTSC, on or after January 1, 2020, to, at a minimum, be protective of the reasonably foreseeable land uses of the site, as determined by all uses allowed under the applicable zoning and general plan land use designations; and,
- 2) Require DTSC, when finalizing cleanup standards for a contaminated site, to consider the history of, and potential for, future migration of contamination offsite or to groundwater or surface water and the current and anticipated future uses of land in the vicinity of the site,

COMMENTS:

Carpenter-Presley-Tanner Hazardous Substances Account Act (HSAA): State law provides 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 and the Hazardous Waste Control Law for the regulation of hazardous waste sites. Additionally, DTSC ensures that the state meets the federal requirements that California pay 10 percent of cleanup costs for federal Superfund sites and 100 percent of the operation and maintenance costs after cleanup is complete. 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.

DTSC's cleanup process: The cleanup process under the HSAA is a very comprehensive process designed to ensure that a contaminated site is cleaned up in a manner to protect human health and the environment. The process begins with an assessment of the contaminated site, known as a Preliminary Endangerment Assessment (PEA). The PEA is a detailed evaluation of the contaminated property including assessing past uses of the property, past and current land uses, identifying potential exposure pathways on site and off site for the contamination on the property, as well as sampling of soil and groundwater at the site. Based upon the PEA, the cleanup of a site could include the need for a land use covenant which is a document tied to the property detailing the contamination on the site and any restrictions for future use of the site. Additionally, the site is cleaned up to a standard that meets the intended land use of a site. For example, if a contaminated property is zoned for residential use, then DTSC would require the site to be cleaned up in a manner that would allow for residential housing to be built on the site. SB 633 is designed to codify DTSC's current practice of requiring the cleanup of a site to meet the expected land use of that site.

According to the Author:

"This bill states that the determination of anticipated future land use for setting cleanup standards is based on all the land uses allowed by local zoning and General Plans land use designations for the site.

The bill also states that in setting cleanup standards for a contaminated site, in addition to anticipated future land use of the site, DTSC shall consider present and anticipated future use of land in the vicinity of the site, and the potential for migration offsite and into groundwater or surface water. These provisions are vital in protecting public health and nearby populations."

Arguments in Support:

None on file.

Arguments in Opposition:

None on file.

FISCAL COMMENTS:

No fiscal analysis for this version of this bill.

VOTES:**SENATE FLOOR: 38-0-0**

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Stone, Umberg, Wieckowski, Wiener, Wilk

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 9-0-0

YES: Quirk, Melendez, Arambula, Bauer-Kahan, Cristina Garcia, Holden, Mathis, Muratsuchi, Obernolte

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Maienschein, Obernolte, Petrie-Norris, Quirk, Robert Rivas

UPDATED:

VERSION: September 6, 2019

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