

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 2776 (Committee on Environmental Safety and Toxic Materials) – As Introduced February 24, 2026

SUBJECT: Hazardous materials: storage tanks

SUMMARY: Makes various technical changes to the unified hazardous waste and hazardous materials management regulatory programs that are overseen by the Certified Unified Program Agencies (CUPAs). Specifically, **this bill**:

- 1) Clarifies that the compaction of non-liquid hazardous waste (e.g., personal protective equipment, absorbent pads, wipes) is not considered treatment, provided it meets specified conditions.
- 2) Clarifies, within the statutory definition of aboveground storage tank, that aboveground storage tank does not include oil filled electrical equipment, per piece of equipment.
- 3) Clarifies, within the statutory definition of aboveground storage tank, that aboveground storage tank does not include the piping and ancillary equipment of a tank in an underground area (TIUGA) that has the capacity to store less than 55 gallons of petroleum.
- 4) Clarifies, within the statutory definition of aboveground storage tank, that the inspection of the tank applies to a tank facility.
- 5) Requires the permit holder of an underground petroleum storage tank (UST) to return to compliance within 30 days after receiving a compliance report or a special inspection report from a CUPA. Authorizes a CUPA to approve a plan to return the UST to compliance in longer than 30 days as long as the permit holder of a UST returns the compliance plan to the CUPA within 30 days of receiving the compliance report or special inspection report.
- 6) Clarifies that vacuum, pressure, or hydrostatic (VPH) monitoring of a UST only applies to UST components beneath the surface of the ground.

EXISTING LAW:

- 1) Enacts the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, which was created to help communities plan for chemical emergencies. EPCRA requires industry to report on the storage, use, and releases of hazardous substances to federal, state, and local governments. Requires state and local governments, and Indian tribes to use this information to prepare their community for potential risks. (42 United States Code § 11001, et seq.)
- 2) Defines "Certified Unified Program Agency" or "CUPA" as the agency certified by the Secretary of the California Environmental Protection Agency (CalEPA) to implement the unified program within a jurisdiction. (Health and Safety Code (HSC) § 25404(a)(1)(A))

- 3) Defines "Unified Program Agency" or "UPA" as the CUPA to implement or enforce a particular Unified Program element. UPAs have the responsibility and authority to implement and enforce the unified program requirements and implementing regulations. (HSC § 25404(a)(1)(C))
- 4) Requires the Secretary of CalEPA to adopt implementing regulations and implement a unified hazardous waste and hazardous materials management regulatory program, known as the Unified Program. (HSC § 25404(b))
- 5) Defines "treatment" to include the compaction of hazardous waste, even in cases where the waste is non-liquid and the activity does not change the nature of the waste. (HSC § 25123.5)
- 6) Defines "aboveground storage tank" as a tank or container that has a capacity to store 55 gallons or more of petroleum that is substantially above the surface of the ground. Provides that "aboveground storage tank" does not include a specified list of things included oil filled electrical equipment. Additionally, provides that "aboveground storage tank" does not include a specified list of things including a tank in an underground area that has capacity to store less than 55 gallons of petroleum and is inspected monthly. (HSC § 25270.2 (a)(4)& (a)(8))
- 7) Specifies various requirements for the owner/operator of an aboveground petroleum storage tank facility. (HSC § 25270.4.5 (b)(1) and HSC § 25270.6 (a)(1)).
- 8) Requires a permit holder of a UST to, within 60 days of receiving a compliance report or special inspection report, file with the CUPA a plan to implement all recommendations contained in the compliance report or demonstrate to the satisfaction of the CUPA why the recommendations should not be implemented. (HSC 25288 § (d))
- 9) Requires, for USTs, VPH monitoring for all product piping, including aboveground piping. (HSC § 25290.1 (e))

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: CUPAs meet routinely to discuss implementation of the six statewide programs they oversee and occasionally discover inconsistencies in interpretation of the law. In order to maintain a unified program, the CUPAs bring any potential inconsistencies to state regulators (CalEPA, the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (State Water Board)) and to the regulated community. AB 2776 reflects suggestions brought forward from the discussions with the CUPAs, state regulators, and the regulated community.

Certified Unified Program Agencies (CUPAs): CUPAs are local agencies certified by the Secretary of CalEPA to implement and enforce six "unified hazardous waste and hazardous materials management" regulatory programs (Unified Program). Currently, there are 81 CUPAs in California tasked with implementation and enforcement of the following:

- 1) Hazardous Materials Release Response Plans and Inventories (Business Plans);
- 2) California Accidental Release Prevention Program (CalARP);
- 3) Underground Storage Tank Program (USTP);
- 4) Aboveground Petroleum Storage Act (APSA);
- 5) Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs; and,
- 6) California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements.

Underground Storage Tank Program (UST Program): The statewide UST Program works to protect public health and safety and the environment from releases of petroleum and other hazardous substances from USTs. A UST is defined by law (HSC § 25299.32) as "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and is substantially or totally beneath the surface of the ground." CUPAs enforce UST regulations within their jurisdiction.

Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs: State and federal law and regulation require businesses to manage their hazardous waste from the point of generation until proper disposal or recycling. This includes labeling and storage requirements and ensuring it is properly transported to a facility authorized to receive hazardous waste. Additionally, there are requirements for entities that treat their hazardous waste on-site. CUPAs enforce hazardous waste generator requirements as well as onsite hazardous waste treatment requirements within their jurisdiction.

Aboveground Petroleum Storage Tank Act (APSA): APSA regulates tank facilities that are subject to federal regulation or tank facilities with an aggregate storage capacity of 1,320 gallons or more of petroleum in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons. APSA also regulates tank facilities with less than 1,320 gallons of petroleum if they have one or more stationary tanks in an underground area (TIUGA). CUPAs enforce APSA within their jurisdiction.

This bill: AB 2776 makes technical changes to the Onsite Hazardous Waste Treatment Program; UST program; and, APSA. Specifically, this bill clarifies that the compaction of non-liquid hazardous waste (e.g., personal protective equipment, absorbent pads, wipes) is not considered treatment, provided it meets specified conditions; clarifies, within the definition of aboveground storage tank, that aboveground storage tank does not include oil filled electrical equipment, per piece of equipment; clarifies, within the definition of aboveground storage tank, that aboveground storage tank does not include the piping and ancillary equipment of a tank in an underground area (TIUGA) that has the capacity to store less than 55 gallons of petroleum; clarifies, within the definition of aboveground storage tank, that the inspection of the tank, applies to a tank facility; requires the permit holder of an UST to return the UST to compliance within 30 days after receiving a compliance report or a special inspection report from a CUPA; authorizes a CUPA to approve a plan to return to compliance in excess of 30 days as long as the permit holder of a UST returns the compliance plan to the CUPA within 30 days of receiving the compliance report or special inspection report; and, clarifies that VPH monitoring of USTs only apply to UST components beneath the surface of the ground.

Related legislation:

- 1) AB 1459 (ESTM Committee, Chapter 89, Statutes of 2025). Makes various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by the CUPAs.
- 2) AB 1716 (ESTM Committee, Chapter 207, Statutes of 2023). Makes various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by the CUPAs.
- 3) AB 2059 (Carrillo, Chapter 278, Statutes of 2022). Requires specified suppliers of hazardous materials to maintain, for at least one year, records of sales and provisions of hazardous materials of specified quantities to a business in the state and provide such records to a CUPA within five days of a request. Narrows the definition of retail establishment for purposes of hazardous material reporting and limits current exemptions of consumer products as specified from inclusion in a business plan for emergency response to a release or threatened release.
- 4) AB 1429 (Chen, Chapter 66, Statutes of 2019). Authorizes a business that handles hazardous materials to submit their Business Plan to the California Environmental Reporting System once every three years, instead of annually, if that business is not required to submit Tier II chemical inventory information under the federal EPCRA of 1986.
- 5) AB 1500 (Carrillo, 2019). Would have authorized a CUPA or a local health officer to temporarily suspend a facility permit, including the shutdown of a facility, if conditions at the facility pose an imminent or substantial endangerment to public health and safety. Would have clarified the authority of a CUPA, subject to its jurisdiction, to fine or penalize a facility that is operating without a permit.
- 6) AB 1689 (ESTM Committee, Chapter 159, Statutes of 2017). Adds combustible metals and metal alloys to the list of materials a business must include in its hazardous materials business plan.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

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