



March 20, 2023

The Honorable Benjamin Allen
Chair, Senate Environmental Quality Committee
1021 O Street, Suite 3230
Sacramento, CA 95814

RE: SB 642 (Cortese) As Introduced – CO-SPONSORS

Dear Chairperson Allen:

We write to express the County of Santa Clara, Rural County Representatives of California (RCRC) and California State Association of Counties' (CSAC) strong support of SB 642. RCRC is an association of forty rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

This bill will provide county counsels with complete civil enforcement authority over hazardous waste violations, as originally intended by the Legislature. Health and Safety Code section 25182 provides that “[e]very civil action brought under [the Hazardous Waste Control Act] at the request of the [Department of Toxic Substances Control] or a unified program agency shall be brought by the city attorney, *the county attorney*, the district attorney, or the Attorney General in the name of the people of the State of California . . .” The legislative history of this provision specifically mentions the intent to authorize county counsels to prosecute hazardous waste regulatory laws to help ensure adequate enforcement and eliminate unfair competitive advantages enjoyed by noncompliant businesses.

However, the Legislature did not make conforming changes to several related statutes, including provisions governing hazardous waste prosecutions, the Hazardous Materials Business Plan Program, the Underground Storage Tank Program, and the Aboveground Petroleum Storage Act Program. As a result, county counsels remain a largely untapped tool in the enforcement of hazardous waste laws. In counties where district attorneys have limited resources and large criminal caseloads—particularly in unincorporated areas outside of city attorney jurisdiction—there may be insufficient recourse for civil enforcement of recalcitrant violators. This places at risk the public, especially low-income areas and communities of color, and gives an unfair business advantage to chronically non-compliant actors.


SB 642 seeks to follow through on the Legislature's intent to add another hazardous waste enforcement option by granting county counsels complete civil enforcement authority over hazardous waste violations.

It is for the above reasons the County of Santa Clara, RCRC, and CSAC are sponsoring SB 642. We respectfully request your favorable consideration of our views on this important issue and urge your support of the bill when it is heard by your Senate Environmental Quality Committee on March 29, 2023.

Sincerely,

DocuSigned by:
David Campos
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David Campos
County of Santa Clara



John Kennedy
Policy Advocate



Ada Waelder
Legislative Advocate