

CLIMATE & ENVIRONMENT

California regulators want to weaken hazardous waste disposal rules



Workers remove debris from the property of a home lost to the Palisades fire on Feb. 19. (Genaro Molina / Los Angeles Times)

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March 12, 2025 3 AM PT

- California regulators are recommending the state weaken its hazardous waste disposal rules in a bid to dump contaminated soil at some municipal landfills within the state.
- State officials say revising state rules would reduce trucking distances and air pollution.
- Environmental groups argue it could threaten groundwater and pose risks to those living near nonhazardous landfills.

California environmental regulators are considering rolling back the state's hazardous waste disposal rules, potentially permitting some municipal landfills to accept more contaminated soil from heavily polluted areas.

Heavy industry — including [lead-acid battery smelters](#) and [rocket testing facilities](#), over the last century in California has left large swathes of land imbued with dangerous chemicals. As a result, contaminated soil that has been removed during major environmental cleanups or new construction typically has made up the largest bloc of hazardous waste in California each year. More than 560,000 tons of toxic dirt are excavated every year on average, according to a [2023 report by state's Department of Toxic Substances Control](#)

The vast majority of this polluted soil would not qualify as hazardous waste outside California, because the state has more stringent rules than the federal government. But now the agency is recommending loosening the state's hazardous waste rules for contaminated soil, saying that many nonhazardous landfills are adequately equipped to accept chemical-laced dirt, according to an unpublished draft plan obtained by The Times.

DTSC spokesperson Alysa Pakkidis said the agency is exploring ways to manage California-only hazardous waste “under different standards while still protecting public health and the environment,” as required by [a 2021 state law](#). The agency's

recommendations will be detailed in the state's first Hazardous Waste Management Plan, a document that is intended to help guide state strategy on potentially dangerous wastes and that the 2021 law requires be published every three years.

The law called for the first version to be published [by March 1](#). But as of March 11, it has still not been posted publicly.

The department's proposal comes as hazardous waste, namely in the form of soil polluted after the recent Los Angeles County wildfires, has become top of mind. Government agencies are facing blistering criticism over their decision to allow untested — and potentially hazardous — [wildfire ash](#) and [soil](#) to be [disposed of in municipal landfills](#) across Southern California.

Environmental groups say allowing nonhazardous waste landfills to accept chemical-laced soil would be a grave mistake. By dumping more toxic substances into the landfills, they say, there's a higher chance of chemicals leaking into groundwater or becoming part of airborne dust blowing into nearby communities.

“The reason we established these waste codes was to protect California's groundwater and public health,” said Jane Williams, executive director of California Communities Against Toxics, an environmental nonprofit. “You can see how effectively [the state is] regulating landfills without the hazardous waste. We're finding [vast noncompliance](#).”

California's more rigorous hazardous waste standards have led to higher costs for industry and government, as under the current rules contaminated soil must be transported to a specialized hazardous waste facility in California or hauled to landfills in neighboring states.



Trucks hauling material to the Waste Management landfill site just outside Kettleman City, Calif., in 2009. The tiny farm town is home to the largest toxic waste dump in the West. (Reed Saxon / Associated Press)

California currently has only two hazardous waste landfills: Kettleman Hills and Buttonwillow, both in San Joaquin Valley. Oftentimes, contaminated soil is taken to nonhazardous landfills in neighboring states that rely on the more lenient federal standards. The average distance driven to dispose of California-designated hazardous soil is about 440 miles, according to a DTSC draft report.

“Because there’s only two and they’re kind of far away from everything, it is very expensive to take material there,” said Nick Lapis, director of advocacy for Californians Against Waste, a Sacramento-based environmental nonprofit. “So people are always looking for ways to not take material there, and that has sometimes resulted in people taking material out of state.”

The proposed changes would in theory give private industry a larger selection of in-state landfills where they could send their waste. The department says this would result in shorter trucking distances, less air pollution and lower costs.

But the state also could see cost savings from relaxing its policies. California has been funding the removal and replacement of soil in neighborhoods around the Exide battery plant in Southeast L.A. County — the state’s most expensive cleanup. State contractors are trucking hazardous soil from that site to nonhazardous waste landfills in Utah, Nevada and Arizona — states that use the more lenient federal hazardous waste standards.

California currently uses three tests to determine whether solid waste is hazardous based on its toxicity. One ensures that waste doesn’t exceed state-established limits for certain toxic substances when in a solid form. For example, soil with 1,000 parts per million of lead is considered toxic.

The other two tests measure the concentration of toxic substances that seep out of solid waste when it is exposed to an acid. These are intended to simulate how solid waste could release chemicals inside the landfill as it’s exposed to leachate — liquid waste from rainfall or decomposing garbage. One of these tests is based on federally established methods, and the other is based on the [stricter California-established standards](#).

The Department of Toxic Substances Control recommends allowing contaminated soil that fails the state’s leakage test to be dumped at nonhazardous waste landfills, so long as it passes the other two tests. It said hazardous soil would be sent to landfills with liners and leachate collection systems — equipment that gathers and pumps out liquid waste that trickles to the bottom of the dump.

Environmental advocates say liner systems can fail when damaged by [earthquakes](#) or [extreme heat](#). They contend that sending chemical-laced soil into such systems eventually would imperil groundwater near landfills and could lead to long-term contamination risks.

Residents who live near the landfills that are already accepting debris from the Eaton and Palisades wildfires say they are also worried about toxic dust.

One of these sites is the Sunshine Canyon Landfill, a 1,036-acre landfill in a blustery mountain pass in the northeastern San Fernando Valley where gusts often blow dust and odors into nearby communities. The landfill is less than a mile away from a popular recreational area with soccer fields and baseball diamonds.

After trucks moved fire debris to the landfill, Erick Fefferman, a resident of nearby Granada Hills, decided against allowing his son to participate in a youth soccer league there this year.

“We keep hearing about liners and leachate, but we’re not hearing about wind,” Fefferman said. “Things don’t just sink down — they also get lifted up.”

Contaminated soil is allowed to be used as “[daily cover](#),” a layer of material spread over municipal waste to prevent odors and pests. In a [November 2024 meeting](#), when state officials were asked whether California-only hazardous soil could be used as a cover, a DTSC representative said “it is a consideration.”

California’s hazardous waste laws were established in 1972 to direct the state to regulate the handling, transportation and disposal of dangerous materials within the state. The state adopted a more rigorous classification system and regulations, including the state leakage test, in the 1980s. Although California’s regulations are among the strictest in the nation, they have been loosened over time.

In 2021, for example, the state Legislature adopted rules allowing for wood coated with toxic metals such as chromium and arsenic to be taken to nonhazardous waste facilities.

Contaminated soil could be next. The department is working to identify regulatory or statutory avenues that would allow for soil that could be contaminated with heavy metals to be dumped at California landfills. To do so, the agency will need the cooperation of the state Water Resources Board and the state Department of Resources Recycling and Recovery, which regulate nonhazardous waste landfills. Landfill owners also would need to volunteer to accept contaminated soil, according to the DTSC draft plan.

The Board of Environmental Safety, a five-member committee that provides oversight of the department, will host [a series of public meetings](#) on the state's hazardous waste plan. The board is scheduled to vote on whether to approve the plan in July.

Environmental advocates say the plans probably will face stiff opposition.

“If we need more disposal capacity, maybe we should be requiring everybody to have the same standards as a hazardous waste landfill,” said Lapis, the advocacy director for Californians Against Waste. “Deregulation is not the right solution, the fact that they’re even proposing it is kind of crazy to me.”

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