

**Summary Listing of All Solid Waste Related Bills**

May 2007

To obtain a copy of the actual bill language, go to: <http://www.leginfo.ca.gov/bilinfo.html>



# ESJPA BILLS

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CA AB 48      **AUTHOR:**                      Saldana (D)  
**TITLE:**                                      Hazardous Waste: Electronic Devices  
**LOCATION:**                                Assembly Appropriations Committee  
**SUMMARY:**  
Relates to the Electronic Waste Recycling Act of 2003. Defines the term "ROHS" directive "for purposes of that sale prohibition to mean, instead, a device that is dependent on electric currents or electromagnetic fields to work properly or that is a device for the generation, transfer, or measurement of electric currents or fields that is designated for use with a voltage rating that does not exceed a specified amount. Excludes fixed installation electrical, or mechanical, or both electrical and mechanical.  
**STATUS:**  
04/24/2007                                From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA AB 258      **AUTHOR:**                                Krekorian (D)  
**TITLE:**                                      Environment: Marine Debris: Plastic Discharges  
**LAST AMEND:**                            04/09/2007  
**LOCATION:**                                Assembly Appropriations Committee  
**SUMMARY:**  
Requires the Water Resources Control Board and regional boards to implement a program for the control of discharges of preproduction plastics, from point and nonpoint sources, including waste discharge, monitoring, and reporting requirements that target facilities that handle preproduction and nonpoint sources involved in the transfer of preproduction plastic, and the implementation of best management practices. Establishes criteria for no exposure certification for plastic manufacturing and processing.  
**STATUS:**  
04/16/2007                                From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Kathy	Watch	Mary	ESJPA WaterQuality

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CA AB 484      **AUTHOR:**                                Nava (D)  
**TITLE:**                                      Recycling: Highway Construction and Repair  
**FILE:**                                        9  
**LOCATION:**                                Assembly Second Reading File  
**SUMMARY:**  
Requires the Department of Transportation, unless it determines that the use of the materials is not cost effective, to use recycled aggregate base, for at least 50% of the total amount of aggregate base used on and after 1/1/2008 and for at least 75% of the total amount of aggregate base used on and after. Requires the Secretary of the Business, Transportation and Housing Agency to prepare a specified analysis.  
**STATUS:**

05/02/2007

From ASSEMBLY Committee on APPROPRIATIONS: Do pass.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 501

**AUTHOR:** Swanson (D)  
**TITLE:** Pharmaceutical Devices  
**LAST AMEND:** 04/30/2007  
**COMMITTEE:** Assembly Health Committee  
**HEARING:** 05/08/2007 1:30 pm  
**SUMMARY:**

Requires a pharmaceutical company whose product is dispensed through a prefilled syringe, prefilled pen needle, or other prefilled injection device to provide each person for whom the product is prescribed with a specified method for the patient to safely dispose of the syringe, pen needle, or other injection device.

**STATUS:**

04/30/2007 From ASSEMBLY Committee on HEALTH with author's amendments.

04/30/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on HEALTH.

Analyst  
Nick

BOARD.PACKET  
MAR07

Lobbyist  
Paul

Position  
Support 03/26/2007

Staff  
Mary

Subject  
ESJPA

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CA AB 529

**AUTHOR:** Torrico (D)  
**TITLE:** Local Public Employees Organizations  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to existing law that gives public employees the right to form, join, and participate in the activities of employee organizations of their own choosing.

**STATUS:**

02/21/2007 INTRODUCED.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 546

**AUTHOR:** Brownley (D)  
**TITLE:** Electronic Waste  
**LAST AMEND:** 04/18/2007  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Relates to the Electronic Waste Recycling Act of 2003 that requires each manufacturer of a covered electronic device to make information available to consumers. Requires the Integrated Waste Management Board to develop an information program to provide retailers with a list of authorized collectors operating in the county where the retailer is located. Requires a retailer to provide a customer who purchases an electronic device with that list.

**STATUS:**

04/24/2007 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

Analyst  
Nick

Lobbyist  
Paul

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 548      **AUTHOR:** Levine (D)  
**TITLE:** Solid Waste: Multifamily Dwellings  
**LAST AMEND:** 04/26/2007  
**FILE:** 81  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:**  
Requires an owner of a defined multifamily dwelling to provide recycling services that are appropriate for the multifamily dwelling, in accordance with the local agency's source reduction and recycling element, statutory provisions regarding development projects, and any other applicable state or local law or requirement application to the collection, handling, or recycling of solid waste. Specifies what is included in such services.  
**STATUS:**  
05/02/2007      From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA AB 656      **AUTHOR:** Plescia (R)  
**TITLE:** Hazardous Waste: Alkaline Batteries  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee  
**SUMMARY:**  
Requires the Integrated Waste Management Board and the State Water Resources Control Board to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility.  
**STATUS:**  
03/12/2007      To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA AB 679      **AUTHOR:** Benoit (R)  
**TITLE:** Illegal Dumping: Assessments  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:**  
Requires the court to impose a civil assessment on violators equal to the fine imposed on the offenders for committing certain littering or illegal dumping offenses. Requires that the assessments be deposited in the city's or county's general fund for use for illegal dumping enforcement.  
**STATUS:**  
05/01/2007      From ASSEMBLY Committee on JUDICIARY: Do pass as amended.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending	Mary	ESJPA

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CA AB 712      **AUTHOR:** De Leon (D)  
**TITLE:** Vehicle Clean Air Program

**LAST AMEND:** 05/02/2007  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Creates a fee for solid waste disposal at a disposal facility. Creates the Off-Road Solid Waste and Recycling Vehicle Clean Air Account. Distributes the fees to an operator of an off-road solid waste and recycling vehicle for the costs of complying with a certain State Air Resources Board regulation. Awards grants for projects that divert organic materials from disposal in order to reduce greenhouse gas emission from landfills. Requires the board to provide reports on expenditures and emissions reduced.

**STATUS:**  
05/02/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Oppose	Mary	ESJPA

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CA AB 722 **AUTHOR:** Levine (D)  
**TITLE:** Energy: General Service Incandescent Lamp  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Amends the Warren-Alquist State Resources Conservation and Development Act which requires the State Energy Resources Conservation and Development Commission to prescribe the minimum level of operating efficiency for lighting devices. Prohibits on and after a specified date the sale of general service incandescent lamps.

**STATUS:**  
04/23/2007 From ASSEMBLY Committee on UTILITIES AND COMMERCE: Do pass to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Kathy	Watch	Mary	ESJPA Energy

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CA AB 729 **AUTHOR:** Mullin (D)  
**TITLE:** Recycling: E-Waste  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires the integrated Waste Management Board to adopt regulations for the proper and legal donation of covered electronic devices intended for reuse by a nonprofit organization including, but not limited to, the development of a form that may be used by an authorized collector when a covered electronic device is transferred by a person or company for refurbishing or reuse by a nonprofit organization.

**STATUS:**  
03/12/2007 To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA AB 820 **AUTHOR:** Karnette (D)  
**TITLE:** Recycling Polystyrene: State Facilities  
**LAST AMEND:** 04/09/2007  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Prohibits a state facility from selling, possessing, or distributing an expanded

polystyrene food container. Directs a state agency to require each prospective bidder or contractor to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement will adhere to this prohibition. Provides that this requirement applies to the campuses of the University of California under specified circumstances. Provides exemptions for prisons and state mental health facilities.

**STATUS:**

05/02/2007

In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 844

**AUTHOR:**

Berryhill (R)

**TITLE:**

Junk Dealers and Recyclers: Scrap Metal and Alloys

**LAST AMEND:**

05/01/2007

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Revises the definition of a junk dealer and deletes provisions of existing law exempting certain purchases of scrap metals from the provisions regulating junk dealers. Exempts automobile dismantlers. Requires the written records of junk dealers and recyclers to include a physical description, or photograph or video, of a person from whom junk is purchased. Establishes further provisions regarding required record keeping and the purchase and sale of scrap metal and alloys by junk dealers and recyclers.

**STATUS:**

05/01/2007

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 904

**AUTHOR:**

Feuer (D)

**TITLE:**

Recycling: Food Containers

**LAST AMEND:**

04/17/2007

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act. Prohibits a take-out food provider from distributing single use food service packaging to a consumer, unless that packaging is either compostable packaging or recyclable packaging. Prohibits a take-out food provider from distributing single use food service packaging to packaging is also recovered for composting at a rate of 25% or more or is recovered for recycling at a rate of 25% or more.

**STATUS:**

04/23/2007

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 1018

**AUTHOR:**

Emmerson (R)

**TITLE:**

Porter-Cologne Water Quality Control Act

**LOCATION:**

ASSEMBLY

**SUMMARY:**

Amends the Porter-Cologne Water Quality Control Act. Authorizes a water quality control board to expend money under specified circumstances.

**STATUS:**

02/22/2007 INTRODUCED.

Lobbyist  
Kathy

Position  
Watch

Staff  
Mary

Subject  
ESJPA  
WaterQuality

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CA AB 1023

**AUTHOR:** DeSaulnier (D)  
**TITLE:** Recycling: Compostable and Biodegradable Plastic  
**LAST AMEND:** 04/16/2007  
**LOCATION:** SENATE

**SUMMARY:**  
Amends the existing law that requires a manufacturer of plastic trash bags to obtain from its supplier of recycled plastic postconsumer material a statement containing specified information, and that requires the manufacturer to certify to the Integrated Waste Management Board that it is in compliance with the recycled plastic postconsumer material requirements. Exempts a manufacturer that produces specified compostable and biodegradable plastic products.

**STATUS:**  
05/03/2007 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 1048

**AUTHOR:** Richardson (D)  
**TITLE:** Illegal Dumping Enforcement Officers  
**LOCATION:** SENATE

**SUMMARY:**  
Corrects an erroneous cross-reference and provide that illegal dumping enforcement officers, shall be among those persons who enforce provisions of law relating to solid waste disposal.

**STATUS:**  
05/03/2007 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 1075

**AUTHOR:** Cook (R)  
**TITLE:** Solid Waste Diversion  
**LAST AMEND:** 03/28/2007  
**LOCATION:** Assembly Natural Resources Committee

**SUMMARY:**  
Relates to the Integrated Waste Management Program that allows the solid waste reduction and recycling element of the program to include not more than 10% diversion through transformation and not more than 10% diversion through biomass conversion and if the ash from the biomass conversion is considered class 1 hazardous waste, then the ash is to be sent to a class 1 hazardous waste facility. Specifies the existing authority for making the classification of such waste facility. Defines transformation.

**STATUS:**  
03/28/2007 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.

03/28/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.





CA AB 1193

**AUTHOR:** Ruskin (D)  
**TITLE:** Mercury-Added Thermostats: Collection Program  
**LAST AMEND:** 03/29/2007  
**LOCATION:** Assembly Appropriations Committee

**SUMMARY:**  
Enacts the Mercury Thermostat Collection Act of 2007. Requires a manufacturer that sold mercury added thermostats in this state to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. Prohibits a manufacturer from selling a thermostat in this state unless the manufacturer complies with the act. Requires a collection and recycling program for out-of-service thermostats to meet certain requirements.

**STATUS:**  
05/02/2007 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Support	Mary
<u>Subject</u>			
ESJPA			

CA AB 1195

**AUTHOR:** Torrico (D)  
**TITLE:** Recycling: Used Oil: Payment  
**LAST AMEND:** 04/18/2007  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/09/2007 9:00 am

**SUMMARY:**  
Prohibits the payment of the recycling incentive for any used oil transported out of state. Requires a used oil facility to be tested and analyzed by an accredited laboratory to ensure the oil meets specified criteria. Provides that a generator of the used oil, a registered hazardous waste transporter, or a recycling facility would be required to accomplish the testing and analysis. Requires the generator and transporter to submit an annual report containing information on out-of-state shipment of used oil.

**STATUS:**  
04/24/2007 From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1207

**AUTHOR:** Smyth (R)  
**TITLE:** Solid Waste: Biosolids  
**LOCATION:** Assembly Natural Resources Committee

**SUMMARY:**  
Relates to existing law that requires the State Water Resources Control Board to adopt minimum standards for solid waste facilities. Requires those minimum standards to include standards for the land application of biosolids which would include standards for the land application of biosolids according to sound principles of land use, agriculture, conservation, resource management, public health, and protection of ground water.

**STATUS:**  
03/26/2007 To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 1237

**AUTHOR:** Hancock (D)  
**TITLE:** Solid Waste: Solid Waste Facilities  
**LOCATION:** Assembly Natural Resources Committee

**SUMMARY:**

Relates to existing law which requires the Integrated Waste Management Board to either concur or object to the issuance or revision of a solid waste facility permit within 60 days from the board's receipt of a facility permit. Extends the time period in which the board may concur or object to 90 days. Eliminates the need for a public hearing prior to an enforcement action by the board.

**STATUS:**

03/15/2007 To ASSEMBLY Committee on NATURAL RESOURCES.

Analyst

Nick

Lobbyist

Paul

Position

Watch

Staff

Mary

Subject

ESJPA

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CA AB 1447

**AUTHOR:** Calderon C (D)  
**TITLE:** Hazardous Waste: Major Appliances  
**LAST AMEND:** 04/12/2007  
**FILE:** 62  
**LOCATION:** Assembly Second Reading File

**SUMMARY:**

Allows an appliance service technician to remove refrigerant from a major appliance. Allows a person who is not a certified appliance recycler to transport, deliver, or sell a discarded major appliance to a certified appliance recycler. Provides that violation would be a crime. Requires a scrap recycling facility that accepts more than one appliance in a specified period, to provide the Department of Toxic Substance Control and the local Certified Unified Program Agency with specified information.

**STATUS:**

05/02/2007 From ASSEMBLY Committee on APPROPRIATIONS: Do pass.  
To Consent Calendar.

Position

Watch

Staff

Mary

Subject

ESJPA

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CA AB 1473

**AUTHOR:** Feuer (D)  
**TITLE:** Solid Waste Facility: Permits: Enforcement  
**LAST AMEND:** 04/11/2007  
**LOCATION:** Assembly Appropriations Committee

**SUMMARY:**

Allows an enforcement agency to stay the issuance of a cease and desist order if the solid waste facility accepts only materials that are source separated for recycling and meets other specified conditions with regard to the operation of the facility. Requires the Integrated Waste Management Board to conduct a study of the environmental and public health impacts of solid waste facilities that accept only materials that are source separated for recycling.

**STATUS:**

04/23/2007 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

Position

Staff

Subject

Watch

Mary

ESJPA

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CA AB 1535

**AUTHOR:**

Huffman (D)

**TITLE:**

Electronic Waste: Personal Computers

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Relates to the Electronic Waste Recycling Act of 2003, to include a personal computer. Provides that a retailer would be required to collect a fee from the consumer at the time of the retail sale of a personal computer.

**STATUS:**

04/24/2007

From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.

Analyst

Nick

Lobbyist

Paul

Position

Watch

Staff

Mary

Subject

ESJPA

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CA AB 1610

**AUTHOR:**

Nunez (D)

**TITLE:**

Solid Waste: Fees

**COMMITTEE:**

Assembly Appropriations Committee

**HEARING:**

05/09/2007 9:00 am

**SUMMARY:**

Amends the California Integrated Waste Management Act of 1989 which requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of equalization, for all waste disposed of at each disposal site. Increases the amount up to which the board may impose the fee, to not more than a certain amount per ton.

**STATUS:**

04/23/2007

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS.

Analyst

Nick

Lobbyist

Paul

Position

Concerns

Staff

Mary

Subject

ESJPA

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CA SB 229

**AUTHOR:**

Margett (R)

**TITLE:**

Vehicles: Large or Heavy Loads

**LOCATION:**

Senate Transportation and Housing Committee

**SUMMARY:**

Requires a local authority to use certain specified criteria in determining whether extra insurance or other financial security is required by an unusually large or heavy load that poses a substantial risk to public facilities.

**STATUS:**

02/20/2007

To SENATE Committee on TRANSPORTATION AND HOUSING.

Position

Watch

Staff

Mary

Subject

ESJPA

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CA SB 447

**AUTHOR:**

Maldonado (R)

**TITLE:**

Junk Dealers

**LAST AMEND:**

03/26/2007

**LOCATION:** Senate Public Safety Committee

**SUMMARY:**

Requires a junk dealer to include in records the thumbprint of the seller of junk. Requires the dealer to report specified information, using forms approved or provided an actual cost by the Department of Justice, to the sheriff of the county in which the junk dealer received or purchased the junk.

**STATUS:**

04/10/2007

In SENATE Committee on PUBLIC SAFETY: Heard, remains in Committee.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 492

**AUTHOR:**

Maldonado (R)

**TITLE:**

Vehicles: Abandonment: Fines

**COMMITTEE:**

Senate Transportation and Housing Committee

**HEARING:**

05/08/2007 1:30 pm

**SUMMARY:**

Increases to \$1,000 the minimum fine for a person convicted of abandoning a vehicle.

**STATUS:**

02/28/2007

To SENATE Committee on TRANSPORTATION AND HOUSING.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 577

**AUTHOR:**

Oropeza (D)

**TITLE:**

State Highways

**LOCATION:**

Senate Rules Committee

**SUMMARY:**

Relates to existing law that requires the Department of Transportation to maintain the state highways, to assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas, and to use litter traps in drains.

**STATUS:**

03/08/2007

To SENATE Committee on RULES.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 585

**AUTHOR:**

Lowenthal (D)

**TITLE:**

Recycled Concrete: Department of Transportation

**LOCATION:**

Senate Transportation and Housing Committee

**SUMMARY:**

Requires the Department of Transportation to report on the amount of recycled concrete materials used. Requires the department to contract with the Institute of Transportation Studies to conduct workshops for public works professionals on using recycled concrete materials.

**STATUS:**

03/08/2007

To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 613

**AUTHOR:**

Simitian (D)

**TITLE:** Local Governments: Vehicle Fees  
**LAST AMEND:** 04/12/2007  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Provides that the City/County Association of Governments of San Mateo County may reauthorize a fee on motor vehicles registered within the county for a program for the management of traffic congestion and stormwater pollution within that county for a specified period.

**STATUS:**  
04/16/2007 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA SB 679 **AUTHOR:** Romero (D)  
**TITLE:** Public Education: Community Schools, Continuation  
**LAST AMEND:** 03/29/2007  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/14/2007 10:00 am  
**SUMMARY:**

Relates to public education, community and continuation schools. Requires such schools to offer a minimum school day. Allows pupils to earn hours of the school day with attendance at a regional occupational center or program. Provides for components to an alternative accountability system. Provides that if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made. Provides for continuous supervision of pupils.

**STATUS:**  
04/26/2007 From SENATE Committee on EDUCATION: Do pass to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Paul	Support	ESJPA

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CA SB 697 **AUTHOR:** Wiggins (D)  
**TITLE:** Compost  
**LAST AMEND:** 04/19/2007  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Relates to Integrated Waste Management Act of 1989. Requires the Department of General Services and the Integrated Waste Management Board to use compost in place of, or to supplement, petroleum-based commercial fertilizer in the state's highway landscape maintenance program. Requires a program to increase the use of mulch, compost and mulch products while phasing out the use of pesticides.

**STATUS:**  
04/19/2007 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

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CA SB 735 **AUTHOR:** Wiggins (D)  
**TITLE:** Recycling: Paving Materials: Tracking  
**LAST AMEND:** 04/19/2007  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/07/2007 10:00 am

**SUMMARY:**

Relates to paving materials. Requires the Department of Transportation to create a tracking system to record the type of recycled material, the amount and percentage, the projects, the dates of the projects and the location of the projects in which specified recycled materials are used. Requires the department to update the tracking system and to report the information to the Legislature.

**STATUS:**

04/30/2007

In SENATE Committee on APPROPRIATIONS: Not heard.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 826

**AUTHOR:**

Padilla (D)

**TITLE:**

Solid Waste: Environmental Justice: Facilities Permits

**LAST AMEND:**

04/12/2007

**COMMITTEE:**

Senate Appropriations Committee

**HEARING:**

05/07/2007 10:00 am

**SUMMARY:**

Requires the Integrated Waste Management Board to adopt regulations setting minimum standards for solid waste facilities and to identify and mitigate impacts in disproportionately affected communities in which such facilities are located. Requires before issuing a facilities permit, the enforcement agency to provide notice including the Web site where the permit is available for review. Extends the time period in which the board may concur or object to the issuance, modification or revision of a permit.

**STATUS:**

04/30/2007

In SENATE Committee on APPROPRIATIONS: Not heard.

Analyst  
Nick

Lobbyist  
Paul

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 842

**AUTHOR:**

Scott (D)

**TITLE:**

Integrated Waste Management

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Relates to the Integrated Waste Management Act of 1989 and the definition of the term gasification as meaning a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity. Requires that the technology produces no discharges of air contaminants or emissions exceeding standards set by the State Air Resources Board, air pollution control districts, or air quality management districts.

**STATUS:**

03/08/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 896

**AUTHOR:**

Negrete McLeod (D)

**TITLE:**

Solid Waste: Beverage Container Recycling

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Provides that the California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container sold or transferred,

for deposit in the California Beverage Container Recycling Fund. Provides that the moneys in the fund are to pay refund values, administrative fees, and a reserve for contingencies.

**STATUS:**

03/15/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 898

**AUTHOR:**

Simitian (D)

**TITLE:**

Beverage Containers: Solid Waste Cleanup

**LAST AMEND:**

03/26/2007

**LOCATION:**

Senate Appropriations Committee

**SUMMARY:**

Relates to existing law that requires all rigid plastic bottles and containers to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters. Includes in the list of those codes the letter O or letters PLA which indicates bottles and containers made with polylactic acid. Requires recommending guidelines and programs for the removal and disposal of derelict fishing gear and marina and vessel operator waste management programs.

**STATUS:**

04/23/2007

In SENATE Committee on APPROPRIATIONS: To Suspend File.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 935

**AUTHOR:**

Perata (D)

**TITLE:**

Public Works: Utility Workers: Wage Protection

**LOCATION:**

Senate Labor and Industrial Relations Committee

**SUMMARY:**

Specifies that a public utility, defined as a public entity for limited purposes, must require the payment bond of its contractors, and must submit copies of those payment bonds to the Public Utilities Commission or any worker or member of the public. Declares the intent of the Legislature to extend the protections offered to workers employed on public works projects to workers employed on construction projects for public utilities.

**STATUS:**

03/15/2007

To SENATE Committee on LABOR AND INDUSTRIAL RELATIONS.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA SB 937

**AUTHOR:**

Perata (D)

**TITLE:**

County Highways: Construction

**LOCATION:**

Senate Rules Committee

**SUMMARY:**

Relates to existing law which requires counties, with the approval of the board of supervisors, to comply with certain procedures when soliciting and evaluating bids and awarding contracts for the construction, repair, or maintenance of a county highways, as specified.

**STATUS:**

03/15/2007

To SENATE Committee on RULES.

Analyst

Position

Staff

Subject



Melissa                      Watch                      Mary                      ESJPA  
Transportation

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CA SB 966      **AUTHOR:**                      Simitian (D)  
**TITLE:**                              Pharmaceutical Drug Disposal  
**LAST AMEND:**                      04/30/2007  
**FILE:**                                74  
**LOCATION:**                         Senate Third Reading File  
**SUMMARY:**  
Requires every retailer of a drug to have in place a system for the acceptance and collection of drugs for proper disposal that includes specified elements. Provides that the provisions do not apply to a controlled substance, as defined.  
**STATUS:**  
05/01/2007                              In SENATE. Read second time. To third reading.  

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Support 03/26/2007	Mary

Subject  
ESJPA

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CA SB 1016      **AUTHOR:**                         Wiggins (D)  
**TITLE:**                                Diversion: Annual Reports  
**LAST AMEND:**                      04/10/2007  
**FILE:**                                47  
**LOCATION:**                         Senate Third Reading File  
**SUMMARY:**  
Authorizes the Integrated Waste Management Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to submit once every 2 years the information required in a specified report. Provides that, for a city or county submitting the report every 2 years, they must return to annual submission if they fail to divert 50% of the solid waste, or if the board rescinds the authorization.  
**STATUS:**  
04/24/2007                              In SENATE. Read second time. To third reading.  

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Support.If.Amended	Mary

Subject  
ESJPA

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CA SB 1020      **AUTHOR:**                         Padilla (D)  
**TITLE:**                                Solid Waste: Diversion  
**LAST AMEND:**                      04/09/2007  
**COMMITTEE:**                        Senate Appropriations Committee  
**HEARING:**                         05/07/2007 10:00 am  
**SUMMARY:**  
Requires, with exceptions, that a city or county divert from landfill disposal or transformation no less than 75% of all solid waste, through source reduction, recycling, and composting activities. Makes nonsubstantive technical changes.  
**STATUS:**  
04/30/2007                              In SENATE Committee on APPROPRIATIONS: Not heard.  

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	MAR07	Paul	Oppose

Staff  
Mary

Subject  
ESJPA

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CA SB 1021

**AUTHOR:** Padilla (D)  
**TITLE:** Beverage Containers: Grants  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/07/2007 10:00 am  
**SUMMARY:**

Authorizes the Department of Conservation to expend funding to provide grants to local governments or nonprofit agencies to place source separated beverage container recycling receptacles in multifamily housing.

**STATUS:**  
04/30/2007 In SENATE Committee on APPROPRIATIONS: Not heard.

Analyst  
Nick

Lobbyist  
Paul

Position  
Support

Staff  
Mary

Subject  
ESJPA

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## **Complete Text of Selected Solid Waste Bills**

- AB 501 Swanson      Pharmaceutical devices
- AB 712 De Leon      Solid waste fee increase
- AB 1193 Ruskin      Mercury-added thermostats: collection program
- AB 1195 Torrico      Recycling: used oil: payment
- SB 966 Kuehl      Pharmaceutical drug disposal
- SB 1016 Wiggins      Diversion: annual report
- SB 1020 Padilla      Solid waste: diversion



AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 501**

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**Introduced by Assembly Members Swanson and Hancock**

February 20, 2007

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An act to add Section ~~119404~~ 118288 to the Health and Safety Code, relating to pharmaceutical devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as amended, Swanson. Pharmaceutical devices.

The existing Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste, as defined. Effective July 1, 2007, these duties will be transferred to the State Department of Public Health. Under existing law, certain items, such as home-generated sharps waste, as defined, are specifically excluded from the definition of medical waste. The act also prohibits, on or after September 1, 2008, a person from knowingly placing home-generated sharps waste in certain types of containers, provides that home-generated sharps waste is to be transported only in a sharps container, as defined, or other container approved by the department or local enforcement agency, and requires this waste to only be managed at specified locations consistent with existing law.

This bill would require a pharmaceutical company whose product is dispensed through a prefilled syringe, prefilled pen needle, or other prefilled injection device to provide each person for whom the product is prescribed with a specified method for the patient to safely dispose of the syringe, pen needle, or other injection device.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:

3 (a) An estimated 1 million Californians must self-inject  
 4 prescription medications annually to treat a broad range of serious  
 5 health problems.

6 (b) The use of prefilled syringes, pens, and devices with needles  
 7 is an effective method of prescription drug delivery and is expected  
 8 to increase significantly in the future. *Prefilled syringes, pens, and*  
 9 *devices with needles are clearly identified and linked to specific*  
 10 *pharmaceutical manufacturers for the provision of their product*  
 11 *to California residents.*

12 (c) The increased use of prefilled syringes, pens, and devices  
 13 with needles will generate millions of home-generated sharps each  
 14 year. *Prefilled pen needles are being used for the treatment of*  
 15 *some of the most serious health conditions such as HIV/AIDS,*  
 16 *hepatitis C, and many other diseases.* If improperly disposed in  
 17 solid waste and recycling containers these needles will result in  
 18 significant public health risks.

19 (d) The Legislature has found that sharps mail-back programs  
 20 utilizing containers and packaging approved by the United States  
 21 Postal Service offer one of the most convenient means for  
 22 collecting and destroying home-generated sharps and that the  
 23 cooperative efforts of the pharmaceutical industry is needed to  
 24 develop a safe needle disposal system for California.

25 SEC. 2. ~~Section 119404 is added to the Health and Safety Code,~~  
 26 ~~to read:~~

27 ~~119404. (a) Every pharmaceutical company whose product is~~  
 28 ~~dispensed through a prefilled syringe, prefilled pen needle, or other~~  
 29 ~~prefilled injection device shall provide each person for whom the~~  
 30 ~~product is prescribed in this state with a method described in this~~  
 31 ~~section to safely dispose of the syringe, pen needle, or other~~  
 32 ~~injection device. If the person receives this syringe, pen needle,~~  
 33 ~~or other injection device as part of a patient starter kit, the~~  
 34 ~~pharmaceutical company shall make available to the person, at no~~  
 35 ~~additional charge, a postage prepaid, mail-back sharps container~~

1 ~~by including this container or a coupon for this container in the~~  
2 ~~patient starter kit or by providing the person with a distribution~~  
3 ~~point chosen by the pharmaceutical company. The pharmaceutical~~  
4 ~~company shall also make available, at no additional charge and~~  
5 ~~through an annually renewable program, postage prepaid, mail-back~~  
6 ~~sharps containers to any person who uses this pharmaceutical~~  
7 ~~company's product.~~

8 *SEC. 2. Section 118288 is added to the Health and Safety Code,*  
9 *to read:*

10 *118288. (a) Effective January 1, 2008, pharmaceutical*  
11 *manufacturers whose product is dispensed via a prefilled syringe,*  
12 *prefilled pen needle, or other prefilled injection device shall*  
13 *provide each new patient for whom the product is dispensed in*  
14 *this state with a method described in this section to safely dispose*  
15 *of the prefilled syringe, prefilled pen needle, or other prefilled*  
16 *injection device after it is used. If the new patient receives this*  
17 *prefilled syringe, prefilled pen needle, or other prefilled injection*  
18 *device as part of the patient's treatment, the pharmaceutical*  
19 *manufacturer shall make available to the new patient, at no*  
20 *additional charge, a postage prepaid, mail-back sharps container,*  
21 *or an alternative safe needle disposal method. The safe needle*  
22 *disposal method shall be accountable and substantiated by*  
23 *documented evidence that these prefilled syringes, prefilled pen*  
24 *needles, and prefilled devices are being disposed of properly and*  
25 *are diverted from the solid waste stream. If using a mail-back*  
26 *container as a safe needle disposal method of choice, the container*  
27 *shall be approved by the United States Postal Service and State*  
28 *Department of Public Health.*

29 *(b) The pharmaceutical manufacturer shall also make available,*  
30 *at no additional charge, an annually renewable program which*  
31 *provides postage prepaid mail-back sharps containers or an*  
32 *alternative disposal method to any person who continues to use*  
33 *the pharmaceutical manufacturer's product.*

34 *(c) This section shall not apply to drugs compounded or*  
35 *dispensed for use within a hospital.*

36 ~~(b)~~

37 *(d) For purposes of this section, the following definitions shall*  
38 *apply:*

39 *(1) "Coupon" means any written material that allows a person*  
40 *who uses a pharmaceutical company's product pursuant to a*

1 prescription to receive a postage prepaid, mail-back sharps  
2 container from a distribution point chosen by the pharmaceutical  
3 company.

4 (2) *“New patient” means a new start or treatment-naive patient*  
5 *who is initiating self-injected drug therapy.*

6 ~~(2)~~

7 (3) *“Patient starter kit” means a package of educational, training,*  
8 *or otherwise instructional materials prepared by, or on behalf of,*  
9 *the pharmaceutical company to educate a person on how to safely*  
10 *use the pharmaceutical company’s self-injectable pharmaceutical*  
11 *product.*

12 ~~(3)~~

13 (4) *“Sharps container” has the same meaning as in Section*  
14 *117750.*

O



AMENDED IN ASSEMBLY MAY 2, 2007  
AMENDED IN ASSEMBLY APRIL 10, 2007  
CALIFORNIA LEGISLATURE—2007-08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 712**

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**Introduced by Assembly Member De Leon**

February 22, 2007

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An act to add Chapter 9.2 (commencing with Section 44299.25) to Part 5 of Division 26 of, and to repeal Sections 44299.27, 44299.28, 44299.29, 44299.31, and 44299.32 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 712, as amended, De Leon. Off-road solid waste and recycling vehicle clean air program.

Existing law requires the State Air Resources Board to adopt standards and regulations for off-road or nonvehicle engines, and to identify toxic air contaminants and establish airborne toxic control measures for toxic air contaminants.

Existing law requires each operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization.

This bill would require, commencing April 1, 2008, a person disposing of solid waste at a disposal facility that is subject to the quarterly fee described above to pay a fee of \$0.50 for each ton of solid waste submitted for disposal at the facility. The operator of the facility would be required to collect the fees and submit the fees to the State Board of Equalization, which would be required to transfer the fees to the Off-Road Solid Waste and Recycling Vehicle Clean Air Account, which the bill would establish within the Air Pollution Control Fund.

The bill would require the ~~state board~~ *State Air Resources Board* to expend the funds deposited in the account, upon appropriation by the Legislature, to pay an operator of an off-road solid waste and recycling vehicle, as defined, for the operator's eligible actual costs of complying with a specified ~~state board~~ *State Air Resources Board* regulation, if adopted, not including costs that have previously been paid with public funds. The ~~state board~~ *California Integrated Waste Management Board* would also be required to award grants ~~up to a total amount not to exceed \$4,000,000 per year for demonstration projects that advance the commercialization of technologies that generate renewable transportation fuels from solid waste or recovered landfill gas and reduce greenhouse gases, and the distribution of these fuels, and projects that demonstrate the viability of using alternative fuels in off-road equipment, upon appropriation, for projects that divert organic materials from disposal in order to reduce greenhouse gas emissions from landfills.~~ The ~~state board~~ *State Air Resources Board* would be required to report annually to the Legislature on the expenditures from the account and the emission reductions estimated to have been achieved by these expenditures. The provisions of the bill relating to imposition of the fee would be repealed January 1, ~~2019~~ 2015, and the bill would require funds then remaining in the account to be used for certain research and demonstration projects.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The State Air Resources Board identified diesel particulate
- 4 matter as a toxic air contaminant in 1998 and adopted a Diesel
- 5 Risk Reduction Plan in 2000 to reduce particulate matter emissions
- 6 from diesel-fueled engines and vehicles in order to reduce cancer
- 7 risks by 75 percent.
- 8 (b) The State Air Resources Board has proposed the adoption
- 9 of a specific control measure that will require all diesel-fueled
- 10 off-road vehicles, including those used by the solid waste and
- 11 recycling industry, to use prescribed emission control strategies
- 12 to retrofit, replace, or repower existing vehicles and engines to
- 13 reduce particulate matter emissions.

1 (c) It is the goal of this program to ensure the maximum feasible  
2 reduction in both particulate matter and nitrogen oxides emissions.

3 (d) The funding mechanism established by this act is intended  
4 to (1) ensure that California benefits immediately from the most  
5 effective technologies to reduce both particulate matter and oxides  
6 of nitrogen emissions as well as greenhouse gas emissions from  
7 solid waste and recycling diesel fueled off-road vehicles, (2)  
8 encourage the early implementation of the proposed in-use off-road  
9 vehicle control measure by the solid waste and recycling industry,  
10 ~~(3) promote projects that will demonstrate the commercial viability~~  
11 ~~of producing clean transportation fuels from municipal solid waste~~  
12 ~~and recovered landfill gas as a means of reducing both criteria air~~  
13 ~~pollutants and greenhouse gas emissions from both on-road and~~  
14 ~~off-road vehicles, and (4) support projects that demonstrate the~~  
15 ~~viability of using alternative fuels in off-road equipment, including~~  
16 ~~solid waste and recycling vehicles. and (3) promote projects that~~  
17 *divert organic materials from disposal in order to reduce*  
18 *greenhouse gas emissions from landfills.*

19 (e) Given the magnitude of the diesel emission reduction  
20 requirements proposed by the State Air Resources Board and the  
21 need for timely and effective implementation, it is in the public  
22 interest to establish a temporary fee on persons disposing of solid  
23 waste for the sole purpose of reducing emissions from solid waste  
24 and recycling diesel-fueled off-road vehicles, promoting the  
25 production, distribution, and use of clean nonfossil fuels within  
26 California's solid waste and recycling industry, and ~~demonstrating~~  
27 ~~the viability of using alternative fuels in off-road equipment~~  
28 *reducing greenhouse gas emissions from landfills.*

29 (f) It is the intent of the Legislature that financial assistance be  
30 provided through the fee revenues generated by this act to all public  
31 and private operators of solid waste and recycling diesel-fueled  
32 off-road vehicles that are subject to the State Air Resources Board's  
33 proposed off-road vehicle control measure.

34 (g) The imposition of a fee on persons disposing of solid waste  
35 at disposal facilities pursuant to this act would not result in the  
36 imposition of a tax within the meaning of Section 3 of Article  
37 XIII A of the California Constitution, because the amount and  
38 nature of the fee has a fair and reasonable relationship to the  
39 adverse environmental burdens imposed by the operation of  
40 off-road solid waste and recycling vehicles and there is a sufficient

1 nexus between the fees imposed and the use of those fees to support  
2 programs that reduce the diesel particulate matter and nitrogen  
3 oxides emissions caused by those vehicles.

4 SEC. 2. Chapter 9.2 (commencing with Section 44299.25) is  
5 added to Part 5 of Division 26 of the Health and Safety Code, to  
6 read:

7  
8 CHAPTER 9.2. OFF-ROAD SOLID WASTE AND RECYCLING  
9 VEHICLE CLEAN AIR PROGRAM

10  
11 44299.25. For purposes of this chapter, the following  
12 definitions shall apply:

13 (a) "Account" means the Off-Road Solid Waste and Recycling  
14 Vehicle Clean Air Account established pursuant to Section  
15 44299.26.

16 (b) "Disposal facility" means disposal facility as defined in  
17 Section 40121 of the Public Resources Code.

18 (c) "NO<sub>x</sub>" means oxides of nitrogen.

19 (d) "Off-road solid waste and recycling vehicle" means an  
20 off-highway motor vehicle as defined in Section 38006 of the  
21 Vehicle Code that operates with a diesel fueled compression  
22 ignition engine with maximum power of 25 horsepower or greater  
23 that is used for the purpose of transferring, processing or disposing  
24 of solid waste, for construction or maintenance activities at a solid  
25 waste facility, or for transferring and processing recyclable  
26 materials.

27 (e) "Operator of an off-road solid waste and recycling vehicle"  
28 means either of the following:

29 (1) A city, county, city and county, or special district that  
30 operates off-road solid waste and recycling vehicles.

31 (2) An individual, firm, limited liability company, partnership,  
32 private corporation, or nonprofit entity that operates off-road solid  
33 waste and recycling vehicles in the business of transferring,  
34 processing or disposing of solid waste, or transferring and  
35 processing recyclable materials pursuant to a contract, franchise,  
36 license, permit, or other authorization granted by a public agency.

37 (f) "PM" means particulate matter.

38 (g) "Recycling" means recycling as defined in Section 40180  
39 of the Public Resources Code.

1 (h) "Solid waste" means solid waste as defined in Section 40191  
2 of the Public Resources Code.

3 44299.26. The Off-Road Solid Waste and Recycling Vehicle  
4 Clean Air Account is hereby established within the Air Pollution  
5 Control Fund, to be administered by the state board.

6 44299.27. (a) On and after April 1, 2008, a person disposing  
7 of solid waste at a disposal facility that is subject to the  
8 requirements of Section 48000 of the Public Resources Code, shall  
9 pay a fee of 50 cents (\$0.50) for each ton of solid waste submitted  
10 for disposal at the solid waste disposal facility.

11 (b) The operator of the solid waste disposal facility shall collect  
12 the fee paid pursuant to subdivision (a) and shall submit the fee to  
13 the State Board of Equalization in a manner consistent with the  
14 manner in which the fee created by Section 48000 of the Public  
15 Resources Code is submitted. For the purposes of this subdivision  
16 "operator" has the same meaning described in Section 40160 of  
17 the Public Resources Code.

18 (c) The State Board of Equalization shall transfer the fees  
19 collected pursuant to this section to the account. All fees collected  
20 by the State Board of Equalization shall be collected and  
21 administered by the State Board of Equalization in a manner  
22 consistent with Part 23 (commencing with Section 45001) of  
23 Division 2 of the Revenue and Taxation Code.

24 (d) The state board shall reduce the fee imposed pursuant to this  
25 section if it determines that projected revenues will exceed  
26 projected demands for payment and shall notify the appropriate  
27 policy committees of the Legislature if the state board projects  
28 that the fee will generate inadequate revenues to meet anticipated  
29 demands for payment.

30 (e) This section shall remain in effect only until January 1, ~~2019~~  
31 2015, and as of that date is repealed, unless a later enacted statute,  
32 that is enacted before January 1, ~~2019~~ 2015, deletes or extends  
33 that date.

34 44299.28. (a) The state board shall expend the funds deposited  
35 in the account, upon appropriation by the Legislature, to assist an  
36 operator of an off-road solid waste and recycling vehicle in paying  
37 for the operator's eligible actual costs of complying with  
38 regulations to reduce diesel PM and criteria air pollutant emissions  
39 from in-use off-road vehicles, contained in Section 2449 of Title  
40 13 of the California Code of Regulations, upon the adoption of

1 these regulations, including the operator's early implementation  
2 of these regulations prior to their adoption. The costs the state  
3 board may help pay include, but are not limited to, any of the  
4 following:

5 (1) The reasonable cost of the best available control technology  
6 to reduce diesel PM emissions from off-road solid waste and  
7 recycling vehicles, including the cost of installation.

8 (2) The reasonable cost of the best available control technology  
9 to reduce NO<sub>x</sub> emissions from off-road solid waste and recycling  
10 vehicles, including the cost of installation.

11 (3) The reasonable cost of purchasing and installing engine  
12 backpressure monitors and similar devices approved by the state  
13 board if required for the safe and effective use of the best available  
14 control technology device on off-road solid waste and recycling  
15 vehicles.

16 ~~(b) The state board shall also award grants up to a total amount~~  
17 ~~not to exceed four million dollars (\$4,000,000) per year for~~  
18 ~~demonstration projects that advance the commercialization of~~  
19 ~~technologies that generate renewable transportation fuels from~~  
20 ~~solid waste or recovered landfill gas and reduce greenhouse gases,~~  
21 ~~and the distribution of these fuels, and projects that demonstrate~~  
22 ~~the viability of using alternative fuels in off-road equipment.~~

23 (e)

24 (b) The state board shall, after at least one public hearing,  
25 develop and adopt guidelines and an appropriate process for  
26 equitably distributing available funds from the account including  
27 funding levels for retrofit, repower, replacement, and other best  
28 available control technologies to achieve the greatest and most  
29 cost-effective levels of PM and NO<sub>x</sub> reductions, *and* equitably  
30 distributing available funds from the account for best available  
31 control technologies based on the use of alternative fuels, ~~and~~  
32 ~~awarding grant funds for demonstration projects.~~

33 (d)

34 (c) The state board shall expend, upon appropriation by the  
35 Legislature, no more than 4 percent of the funds deposited each  
36 fiscal year in the account for purposes of administering this chapter  
37 including those actual and necessary costs incurred by the State  
38 Board of Equalization for the collection of the fee authorized by  
39 this chapter.

1 (d) (1) *The state board shall transfer an amount not to exceed*  
2 *four million dollars (\$4,000,000) per year from the account to the*  
3 *Integrated Waste Management Account created by Section 48001*  
4 *of the Public Resources Code.*

5 (2) (A) *The California Integrated Waste Management Board*  
6 *shall, upon appropriation by the Legislature from the funds*  
7 *deposited into the Integrated Waste Management Account pursuant*  
8 *to paragraph (1), award grants for projects that divert organic*  
9 *materials from disposal in order to reduce greenhouse gas*  
10 *emissions from landfills.*

11 (B) *Eligible projects include all of the following:*

12 (i) *Compost and mulch programs and market development of*  
13 *these programs.*

14 (ii) *Food waste management programs and market development*  
15 *of these programs.*

16 (iii) *Energy and fuel production, including anaerobic digestion,*  
17 *hydrolysis, and landfill gas to energy. Eligible projects shall not*  
18 *include thermal technologies.*

19 (C) *The California Integrated Waste Management Board shall*  
20 *expend no more than 4 percent of the funds transferred to the*  
21 *Integrated Waste Management Account pursuant to paragraph*  
22 *(1) for administering the program created by this subdivision.*

23 (e) *This section shall remain in effect only until January 1, 2019*  
24 *2015, and as of that date is repealed, unless a later enacted statute,*  
25 *that is enacted before January 1, 2019 2015, deletes or extends*  
26 *that date.*

27 44299.29. (a) *The state board shall develop and distribute a*  
28 *one-page form for the operator of an off-road solid waste and*  
29 *recycling vehicle to document the actual costs of the operator for*  
30 *which payment is sought. The state board shall include with the*  
31 *form, instructions for submitting to the state board an invoice and*  
32 *documentation to request payment for eligible costs.*

33 (b) *The state board shall not pay an operator of an off-road solid*  
34 *waste and recycling vehicle for costs that have previously been*  
35 *paid with funds awarded by a federal agency, the state board, a*  
36 *local air pollution control or air quality management district, or*  
37 *with any other source of public funds for the cost of deploying,*  
38 *retrofitting, or repowering off-road solid waste and recycling*  
39 *vehicles with best available control technologies. When submitting*  
40 *an invoice to the state board, an operator shall deduct, from the*

1 total cost of the best available control technology, the amount of  
2 any costs paid for with public grant funds awarded to, or previously  
3 received by, the operator.

4 (c) To the extent practical, the state board shall make the  
5 payments to an eligible operator within 30 working days of  
6 receiving a complete invoice and required documentation.

7 (d) The state board may adopt regulations to implement this  
8 section.

9 (e) This section shall remain in effect only until January 1, ~~2019~~  
10 2015, and as of that date is repealed, unless a later enacted statute,  
11 that is enacted before January 1, ~~2019~~ 2015, deletes or extends  
12 that date.

13 44299.30. (a) If an operator of an off-road solid waste and  
14 recycling vehicle knowingly submits false information to the state  
15 board concerning the eligibility for the payment of funds pursuant  
16 to this chapter, the state board shall, within 60 days of making this  
17 determination, refer the information to the Attorney General for  
18 investigation and appropriate action pursuant to the False Claims  
19 Act (Article 9 (commencing with Section 12650) of Chapter 6 of  
20 Part 2 of Division 3 of the Government Code).

21 (b) The state board shall keep accurate books, records, and  
22 accounts on all disbursements from the account and may audit  
23 invoices received from operators of off-road solid waste and  
24 recycling vehicles to substantiate that payments made by the state  
25 board are those eligible for payment pursuant to this chapter.

26 44299.31. (a) Beginning no later than January 1, 2009, the  
27 state board shall report annually to the Legislature on the  
28 expenditures from the account and the emission reductions  
29 estimated to have been achieved by these expenditures.

30 (b) On or before January 1, 2009, the state board shall submit  
31 to the appropriate policy committees of the Legislature an  
32 assessment of whether the funding program created by this chapter  
33 would be more effectively implemented through air pollution  
34 control districts and air quality management districts in a manner  
35 similar to the Carl Moyer Memorial Air Quality Standards  
36 Attainment Program created by Chapter 9 (commencing with  
37 Section 44275).

38 (c) This section shall remain in effect only until January 1, ~~2019~~  
39 2015, and as of that date is repealed, unless a later enacted statute,



1 that is enacted before January 1, ~~2019~~ 2015, deletes or extends  
2 that date.

3 44299.32. (a) The program implemented pursuant to this  
4 chapter shall be fully supported from the fees collected pursuant  
5 to Section 44299.27. Notwithstanding the scope of activity  
6 mandated by this chapter, in no event shall this chapter be  
7 interpreted to require services necessitating expenditures in a fiscal  
8 year in excess of the fees, and earnings therefrom, collected  
9 pursuant to Section 44299.27. This chapter shall be implemented  
10 only to the extent that fee revenues generated pursuant to Section  
11 44299.27 are available for expenditure for purposes of this chapter.  
12 The fees collected pursuant to this chapter, and the earnings  
13 therefrom, shall be used solely for the purpose of implementing  
14 this chapter.

15 (b) This section shall remain in effect only until January 1, ~~2019~~  
16 2015, and as of that date is repealed, unless a later enacted statute,  
17 that is enacted before January 1, ~~2019~~ 2015, deletes or extends  
18 that date.

19 44299.33. On and after January 1, ~~2019~~ 2015, if any  
20 unexpended funds are available in the account, those funds shall  
21 be expended by the state board for ~~additional~~ research and  
22 demonstration projects related to innovative technologies to further  
23 reduce criteria air pollutants and greenhouse gas emissions from  
24 on-road and off-road solid waste and recycling vehicles.



AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1193**

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**Introduced by Assembly Member Ruskin**

February 23, 2007

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An act to add Article 10.2.2 (commencing with Section 25214.8.10) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1193, as amended, Ruskin. Mercury-added thermostats: collection program.

(1) Existing law prohibits, on and after January 1, 2006, a person from selling, offering to sell, or distributing for promotional purposes, in this state, a mercury-added thermostat, as defined, unless the mercury-added thermostat meets specified criteria. A violation of the hazardous waste control laws is a crime.

This bill would enact the Mercury Thermostat Collection Act of 2007 and would require a manufacturer that sold mercury-added thermostats in this state before January 1, 2006, and that sells thermostats in this state on and after January 1, 2008, to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. The act would prohibit a manufacturer from selling a thermostat in this state on and after July 1, 2008, unless the manufacturer complies with the act and would prohibit a person, on and after July 1, 2008, from selling a thermostat in this state if the manufacturer of that thermostat is subject to, and is not in compliance with, the act. Since a violation of the act's requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes.

The bill would require a collection and recycling program for out-of-service mercury-added thermostats to meet certain requirements, including achieving an annual rate for the collection of mercury from mercury-added thermostats *that become waste in that year* and implementing a manufacturer financial incentive plan providing a financial incentive for the return of each mercury-added thermostat to an authorized mercury-added thermostat collection point. The Department of Toxic Substances Control would be required, by July 1, 2008, to adopt regulations for the ~~establishment and implementation of the manufacturer financial incentive plan, collection and recycling programs~~, which would require on and after January 1, 2009, that a financial incentive be provided for the collection of mercury-added thermostats from contractors and service technicians, and on and after January 1, 2010, that a financial incentive be provided for the collection of mercury-added thermostats from homeowners. The bill would require the financial incentive to be set at a minimum of \$5, but would require the department to decrease that amount if it makes a certain determination.

*The bill would prohibit on and after January 1, 2009, a wholesaler or retailer from selling a thermostat in the state unless the wholesaler or retailer acts as a collection site for out-of-service mercury-added thermostats. Each wholesaler and retailer would be required to distribute the educational and outreach materials developed by manufacturers to the customers of that wholesaler or retailer. The bill would require the department, by January 1, 2009, to notify each person whom the department determines is a wholesaler and, not less than once every 3 months thereafter, to notify all persons who commences operations as a wholesaler.*

*The department would be authorized to adopt regulations to require a collection and recycling program to achieve, on and after January 1, 2015, a collection rate for mercury-added thermostats that is greater than 80%.*

The act would require each program to submit an annual report to the department regarding the collection of mercury-added thermostats and the department would be required to ~~submit an annual report to the Legislature~~ *post information on its Internet Web site* on the implementation of the act in collecting and recycling mercury-added thermostats.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10.2.2 (commencing with Section  
2 25214.8.10) is added to Chapter 6.5 of Division 20 of the Health  
3 and Safety Code, to read:

4  
5 Article 10.2.2. Mercury Thermostat Collection Act of 2007

6  
7 25214.8.10. (a) The Legislature finds and declares all of the  
8 following:

9 (1) According to a 2004 study by the Environmental Protection  
10 Agency, more than 10 percent of the estimated mercury reservoir  
11 still currently in use in the United States resides in mercury-added  
12 thermostats.

13 (2) State law bans the sale of new mercury-added thermostats  
14 for most uses after January 1, 2006, but the long lifetime of  
15 thermostats means that many of them are still in use.

16 (3) *State law bans disposal of mercury-added thermostats in  
17 solid waste landfills, but a system for collecting and recycling  
18 mercury-added thermostats at the end of their useful lives has not  
19 been established.*

20 (3)  
21 (4) In 2000, the largest thermostat makers, General Electric,  
22 Honeywell and White Rodgers, established the Thermostat  
23 Recycling Corporation (TRC) to run a program for collecting waste  
24 mercury-added thermostats. Under the TRC program, thermostat  
25 wholesalers volunteer to place bins where heating, ventilation, and  
26 air conditioning (HVAC) contractors can drop off thermostats.

27 ~~(4) Currently, less than \_\_\_\_\_~~

28 (5) *Currently, less than 5 percent of the mercury-added  
29 thermostats removed from buildings in state is turned in to the  
30 TRC collection program, according to TRC collection estimates.*

1     ~~(5)~~

2     (6) Companies that historically manufactured and sold  
3 mercury-added thermostats in California before 2006 have a  
4 responsibility to recover discarded mercury thermostats and assure  
5 that they are properly handled and recycled.

6     (b) This article shall be known, and may be cited, as the  
7 “Mercury Thermostat Collection Act of 2007.”

8     25214.8.11. For purposes of this article, the following  
9 definitions shall apply:

10    (a) “Manufacturer” means a business concern that sold  
11 mercury-added thermostats in this state before January 1, 2006,  
12 that were made by the business concern, and that sells thermostats  
13 in this state that are made by that business concern, on and after  
14 January 1, 2008, that are not mercury-added thermostats.

15    (b) “Mercury-added thermostat” has the same meaning as  
16 defined in paragraph (2) of subdivision (b) of Section 25214.8.1.

17    (c) “Out-of-service mercury added thermostat” means a  
18 mercury-added thermostat that is removed from a building or  
19 facility in this state and is intended to be discarded.

20    (d) “Retailer” means a person who sells thermostats of any  
21 kind directly to a homeowner or other nonprofessional through a  
22 selling or distribution mechanism, including, but not limited to, a  
23 sale using catalogs or the Internet. A retailer may also be a  
24 wholesaler if the person meets the definition of wholesaler.

25    ~~(4)~~

26    (e) “Thermostat” means a product or device that uses a switch  
27 to sense and control room temperature through communication  
28 with heating, ventilating, or air-conditioning equipment.  
29 “Thermostat” includes a thermostat used to sense and control room  
30 temperature in residential, commercial, industrial, and other  
31 buildings, but does not include a thermostat used to sense and  
32 control temperature as part of a manufacturing process.

33    (f) “Wholesaler” means a person who is notified by the  
34 department pursuant to Section 25214.8.14, and whom the  
35 department determines is engaged in the distribution and wholesale  
36 selling of significant quantities of heating, ventilation, and  
37 air-conditioning components to contractors who install heating,  
38 ventilation, and air-conditioning components.

39    (g) “Universal waste rules” means the regulations adopted by  
40 the department for the management of universal waste, pursuant

1 *to this chapter, as found in Chapter 23 (commencing with Section*  
2 *66273.1) of Division 4.5 of Title 22 of the California Code of*  
3 *Regulations.*

4 25214.8.12. (a) A manufacturer shall not sell a thermostat in  
5 this state on and after July 1, 2008, unless the manufacturer  
6 establishes and maintains a collection and recycling program for  
7 out-of-service mercury-added thermostats in compliance with this  
8 article. The collection and recycling program may be established  
9 by an individual manufacturer or collectively with other  
10 manufacturers, but the program shall meet all of the requirements  
11 of Section 25214.8.13.

12 (b) On and after July 1, 2008, a person shall not sell a thermostat  
13 in this state if the manufacturer of that thermostat is subject to,  
14 and is not in compliance with, this article.

15 25214.8.13. A collection and recycling program for  
16 out-of-service mercury-added thermostats shall meet all of the  
17 following requirements, in accordance with the regulations adopted  
18 by the department pursuant to this article:

19 (a) The program achieves the following rate of collection of  
20 mercury-added thermostats:

21 (1) On and after January 1, 2009, the program *annually* collects  
22 ~~no less than 125 pounds of mercury annually from mercury-added~~  
23 ~~thermostats: than 50 percent of the mercury-added thermostats~~  
24 ~~that become waste in that year, as determined by the department.~~

25 (2) On and after January 1, 2012, the program *annually* collects  
26 ~~no less than 160 pounds of mercury annually from mercury-added~~  
27 ~~thermostats: than 80 percent of the mercury-added thermostats~~  
28 ~~that become waste in that year, as determined by the department.~~

29 (3) *On and after January 1, 2015, the percentage collection*  
30 *rate established by the department, if the department adopts*  
31 *regulations pursuant to Section 25214.8.16.*

32 (b) The mercury-added thermostats collected by the program  
33 are collected, handled, and recycled in compliance with this chapter  
34 and the regulations adopted pursuant to this chapter.

35 (c) ~~Authorized bins for mercury-added thermostat collection~~  
36 ~~are made available at all heating, ventilation, and air conditioning~~  
37 ~~supply locations, electrical supply locations, and plumbing supply~~  
38 ~~distributor locations that sell thermostats that are sold by a~~  
39 ~~manufacturer subject to this article: are made available at all~~  
40 *wholesalers and retailers.*

1 (d) On and after January 1, 2009, the program makes available  
2 authorized bins for mercury-added thermostat collection to any  
3 local agency that requests a bin for mercury-added thermostat  
4 collection at a household hazardous waste collection facility or  
5 event, if the facility or event is authorized by the department for  
6 the collection of mercury-added thermostat.

7 (e) *The program develops educational and outreach materials*  
8 *aimed at contractors and homeowners, and makes those materials*  
9 *available to wholesalers, retailers, and household hazardous waste*  
10 *programs. These materials may include, but are not limited to,*  
11 *one or more of the following:*

12 (1) *Signage that is prominently displayed and easily visible to*  
13 *the consumer.*

14 (2) *Written materials provided to the consumer at the time of*  
15 *purchase, or delivery, or both.*

16 (3) *Reference to the recycling opportunity in advertising or*  
17 *other promotional materials, or both.*

18 (4) *Direct communications with the consumer at the time of*  
19 *purchase.*

20 (e)

21 (f) (1) On and after January 1, 2009, the program implements  
22 phase 1 of the manufacturer financial incentive plan adopted by  
23 the department, by providing a financial incentive for the return  
24 of each mercury-added thermostat by a contractor or service  
25 technician to an authorized mercury-added thermostat collection  
26 point.

27 (2) On and after January 1, 2010, the program implements phase  
28 2 of the manufacturer financial incentive plan adopted by the  
29 department, by providing a financial incentive for the return of  
30 each mercury-added thermostat by a homeowner to an authorized  
31 mercury-added ~~thermometer~~ *thermostat* collection point.

32 (f)

33 (g) On and after January 30, 2008, and by January 30 annually  
34 thereafter, the program submits an annual report to the department  
35 that includes all of the following:

36 (1) The number of mercury-added thermostats collected and  
37 recycled by the program pursuant to this article during the previous  
38 calendar year.



1 (2) The estimated total amount of mercury contained in the  
2 thermostat components collected by the program pursuant to this  
3 article.

4 (3) An evaluation of the effectiveness of the program and the  
5 financial incentives provided pursuant to subdivision-(e) (f).

6 (4) An accounting of the administrative costs incurred in the  
7 course of administering the program and the financial incentive  
8 plan developed pursuant to subdivision-(e) (f).

9 (5) *Copies, in an electronic format, of outreach and educational*  
10 *materials used by the program.*

11 25214.8.14. (a) *On and after January 1, 2009, a wholesaler*  
12 *or retailer shall not sell a thermostat in the state unless the*  
13 *wholesaler or retailer acts as a collection site for out-of-service*  
14 *mercury-added thermostats.*

15 (b) *A wholesaler or retailer shall comply with subdivision (a)*  
16 *by taking one of the following actions:*

17 (1) *Participate as a collection site in a manufacturer collection*  
18 *and recycling program conducted pursuant to Section 25214.8.13.*

19 (2) *Collect out-of-service mercury-added thermostats and ensure*  
20 *the recycling of those collected thermostats in accordance with*  
21 *the universal waste rules.*

22 (c) *Each wholesaler and retailer shall distribute the educational*  
23 *and outreach materials developed by manufacturers pursuant to*  
24 *Section 25214.8.13, to the customers of that wholesaler or retailer.*

25 (d) *On or before January 1, 2009, the department shall notify*  
26 *each person whom the department determines is a wholesaler for*  
27 *purposes of this article. Not less than once every three months*  
28 *thereafter, the department shall notify all persons who commence*  
29 *operations as a wholesaler.*

30 ~~25214.8.14. On or before July 1, 2008, the department shall~~  
31 ~~adopt regulations for the establishment and implementation of a~~  
32 ~~manufacturer financial incentive plan, which shall be developed~~  
33 ~~in accordance with all of the following:~~

34 (a) ~~(1) Phase 1 of the plan shall require, on and after January 1,~~  
35 ~~2009, a financial incentive to be provided for the collection of~~  
36 ~~mercury-added thermostats from contractors and service~~  
37 ~~technicians.~~

38 ~~(2) Phase 2 of the plan shall require, on and after January 1,~~  
39 ~~2010, a financial incentive to be provided for the collection of~~  
40 ~~mercury-added thermostats from homeowners.~~

1 ~~(b) The department shall develop the plan in consultation with~~  
2 ~~a stakeholder group that includes representatives from the~~  
3 ~~thermostat industry, environmental groups, thermostat wholesalers,~~  
4 ~~and service contractors.~~

5 25214.8.15. (a) *On or before July 1, 2008, the department*  
6 *shall adopt regulations governing the manufacturer collection and*  
7 *recycling program required to be established pursuant to this*  
8 *article.*

9 (1) *Phase 1 of the regulations shall require, on and after*  
10 *January 1, 2009, a financial incentive to be provided by a*  
11 *manufacturer for the collection of mercury-added thermostats*  
12 *from contractors and service technicians.*

13 (2) *Phase 2 of the regulations shall require, on and after*  
14 *January 1, 2010, a financial incentive to be provided by a*  
15 *manufacturer for the collection of mercury-added thermostats*  
16 *from homeowners.*

17 (b) *The regulations shall specify the methods used for*  
18 *determining the collection rates required by Section 25214.8.13.*

19 (c) *The department shall develop the regulations in consultation*  
20 *with representatives from local governments, manufacturers,*  
21 *environmental groups, retailers, wholesalers, and service*  
22 *contractors.*

23 (e)

24 (d) (1) *Except as provided in paragraph (2), the plan shall*  
25 *require that a financial incentive with a minimum value of five*  
26 *dollars (\$5) be provided to each eligible person who returns a*  
27 *mercury-added thermostat to an authorized collection point.*

28 (2) *The department shall decrease the amount of the financial*  
29 *incentive required to be provided pursuant to this section if it*  
30 *determines that the five dollar (\$5) financial incentive is excessive*  
31 *and unreasonable, in which case the department shall set the*  
32 *amount of the financial incentive in a fair and reasonable amount*  
33 *needed to encourage the return of mercury-added thermostats.*

34 (3) *The financial incentive may include, but is not limited to,*  
35 *cash, rebates, discounts, coupons, or other incentives, as approved*  
36 *by the department.*

37 (d)

38 (e) *The plan shall ensure, to the maximum extent practical, that*  
39 *all of the following occur:*

1 (1) The plan maximizes the capture rate of out-of-service  
2 mercury-added thermostats.

3 (2) The plan provides adequate incentives and education to  
4 contractors, service technicians, and homeowners to encourage  
5 return of thermostats to established recycling collection points.

6 (3) The plan minimizes administrative costs.

7 (4) The plan encourages the purchase of nonmercury thermostats  
8 that qualify for the Energy Star program of the Environmental  
9 Protection Agency, as replacements for mercury-added thermostats.

10 (5) The plan includes mechanisms to protect against the  
11 fraudulent return of thermostats.

12 *25214.8.16. The department may adopt regulations to require*  
13 *a collection and recycling program for out-of-service*  
14 *mercury-added thermostats to achieve, on and after January 1,*  
15 *2015, an annual collection rate of mercury-added thermostats that*  
16 *become waste in a year that is greater than 80 percent.*

17 ~~25214.8.15.~~

18 *25214.8.17. On and before July 1, 2008, and on or before July*  
19 *1 annually thereafter, the department shall*~~submit a report to the~~  
20 ~~Legislature~~ *post on its Internet Web site information on the*  
21 *implementation of this article in collecting and recycling*  
22 *mercury-added thermostats in the state.*

23 (a) ~~The report submitted on July 1, 2008,~~ *information* shall  
24 include a description and discussion of the financial incentive plan  
25 proposed to be established pursuant to this article and  
26 recommendations for any statutory changes concerning the  
27 collection and recycling of mercury-added thermostats.

28 (b) ~~The reports submitted on and after July 1, 2009,~~ *On and*  
29 *after July 1, 2009, the information* shall include an evaluation of  
30 thermostat collection and recycling programs established pursuant  
31 to this article, information on actual collection rates, and  
32 recommendations for any statutory changes concerning the  
33 collection and recycling of mercury-added thermostats.

34 (c) *The information posted shall also include the annual report*  
35 *submitted by the program pursuant to subdivision (g) of Section*  
36 *25214.8.13.*

37 SEC. 2. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

6

7

8 **CORRECTIONS:** \_\_\_\_\_

9 **Text—Pages 5 and 6.**

10 \_\_\_\_\_

O

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1195**

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**Introduced by Assembly Member Torrico**

February 23, 2007

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An act to add Section 25250.29 to the Health and Safety Code, and to amend Section 48651 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Torrico. Recycling: used oil: payment.

(1) Existing law requires the California Integrated Waste Management Board to pay a recycling incentive to specified entities for the collection of used oil that is transported to a used oil recycling facility. An entity that generates used industrial oil or a facility that accepts used oil is required to transport the used oil to a certified used oil facility or a registered out-of-state recycling facility.

This bill would prohibit the payment of the recycling incentive for any used oil transported out of state. ~~A generator of used~~ *Used* oil who transports the used oil to an out-of-state recycling facility would be required to have the used oil *be* tested and analyzed by ~~a~~ *an* accredited laboratory to ensure the used oil meets specified criteria. ~~Used oil that is collected by a registered hazardous waste transporter using a consolidated manifesting procedure may be tested and analyzed by the transporter or by a transfer facility permitted by the Department of Toxic Substances Control.~~ *The generator of the used oil, a registered hazardous waste transporter, a transfer facility permitted by the*

Department of Toxic Substances Control, or a recycling facility permitted by that department would be required to accomplish the testing and analysis. The generator or registered hazardous waste transporter would be required to submit to the department annually a report containing specified information regarding the out-of-state shipment of used oil. Because a violation of the requirements on ~~out-of-state shipment~~ of used oil is a crime, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25250.29 is added to the Health and  
2 Safety Code, to read:

3 25250.29. (a) ~~Used oil transported to an out-of-state recycling~~  
4 ~~facility registered with the United States Environmental Protection~~  
5 ~~Agency (EPA) shall be tested and analyzed by an accredited~~  
6 ~~laboratory prior to shipment out of state, or prior to recycling at~~  
7 ~~a recycling facility permitted by the department pursuant to this~~  
8 ~~chapter, to ensure that the used oil has all of the following~~  
9 ~~characteristics:~~

- 10 (1) A flashpoint ~~below~~ *above* 100 degrees Fahrenheit.
- 11 (2) A polychlorinated biphenyls (PCB) concentration of ~~at~~ less  
12 than 5 ppm.
- 13 (3) A concentration total halogens of 1000 ppm or less *unless*  
14 *the presumption in subclause (I) of clause (v) of subparagraph (C)*  
15 *of paragraph (1) of subdivision (a) of Section 25250.1 has been*  
16 *rebutted pursuant to subclause (II) of clause (v) of subparagraph*  
17 *(C) of paragraph (1) of subdivision (a) of Section 25250.1.*

18 (b) *The testing and analysis required pursuant to subdivision*  
19 *(a) shall be accomplished by one of the following:*

- 20 ~~(b) (1) Except as provide in paragraph (2),~~
- 21 (1) *By the generator of the used oil shall be responsible for*  
22 *testing and analysis required by subdivision (a) prior to shipment.*

1     ~~(2) Testing and analysis of used oil that is collected by~~ By a  
2 registered hazardous waste transporter ~~using the consolidated~~  
3 ~~manifesting procedure in accordance with the provisions of Section~~  
4 ~~25160.2 may be performed by the transporter or by~~ after collection.

5     (3) By a transfer facility permitted by the department pursuant  
6 to this chapter *prior to or after consolidation in a tank, prior to*  
7 *shipment.*

8     (4) *By a recycling facility permitted by the department pursuant*  
9 *to this chapter, prior to or after consolidation in a tank, prior to*  
10 *recycling.*

11     (c) Records of tests performed for ~~out-of-state shipments of~~  
12 used oil pursuant to subdivision (b) shall be maintained for three  
13 years and are subject to audit and verification by the department  
14 ~~or the board.~~

15     (d) A generator or registered hazardous waste hauler who is  
16 listed as the generator on the Uniform Hazardous Waste Manifest  
17 used to ship used oil out of state shall submit a report, on or before  
18 March 1st of each year, to the department, containing all of the  
19 following information for the preceding year:

20         (1) Total volume of used oil shipped out of state.

21         (2) Date of each shipment of used oil out of state.

22         (3) Uniform Hazardous Waste Manifest tracking number used  
23 to ship used oil out of the state.

24         (4) Volume of used oil shipped out of state listed on each  
25 manifest.

26         (5) Information pertaining to the out-of-state facility to which  
27 the used oil was shipped including facility name, facility address,  
28 and facility EPA ID number.

29         (6) Transporter name and EPA ID number used to transport  
30 used oil out of the state.

31         (7) Signed certification that all used oil shipped out of the state  
32 was analyzed and conformed to the requirements of subdivision  
33 (a).

34         (8) Any other information which the department may require.

35     (e) This section does not prohibit the transportation of used oil  
36 to a facility located outside the state, or to impose liability other  
37 than compliance with the requirements in this section upon, or in  
38 any other way affect the liability of a generator whose used oil is  
39 transported to a facility located outside the state.

1 SEC. 2. Section 48651 of the Public Resources Code is  
2 amended to read:

3 48651. (a) The board shall pay a recycling incentive to every  
4 industrial generator, curbside collection program, and certified  
5 used oil collection center, for used lubricating oil collected from  
6 the public, or generated by the certified used oil collection center  
7 or the industrial generator, and transported by a used oil hauler to  
8 the facilities specified in Section 48623 with the exception of  
9 out-of-state recycling facilities. The board shall not pay a recycling  
10 incentive for any used oil transported out of the state.

11 (b) A person or entity that generates used industrial oil or a used  
12 oil storage facility or a used oil transfer facility that accepts used  
13 oil shall cause that oil to be transported by a used oil hauler to a  
14 certified used oil recycling facility or an out-of-state recycling  
15 facility registered with the Environmental Protection Agency and  
16 operating in substantial compliance with applicable regulatory  
17 standards of the state in which the recycling facility is located.

18 SEC. 3. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section 17556 of  
24 the Government Code, or changes the definition of a crime within  
25 the meaning of Section 6 of Article XIII B of the California  
26 Constitution.



AMENDED IN SENATE APRIL 30, 2007

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 966**

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**Introduced by Senators Simitian and Kuehl**

February 23, 2007

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An act to add Chapter 6.9.2 (commencing with Section 25400.50) to Division 20 of the Health and Safety Code, relating to pharmaceuticals.

LEGISLATIVE COUNSEL'S DIGEST

SB 966, as amended, Simitian. Pharmaceutical drug disposal.

Existing law requires the Department of Toxic Substances Control to take renewal actions with respect to a hazardous substance that is an illegal controlled substance, a precursor of a controlled substance, or a material intended to be used in the manufacture of controlled substances, and the department is authorized to expend funds appropriated from the Illegal Drug Lab Cleanup Account in the General Fund for this purpose.

This bill would require every retailer of a drug, as defined, on and after July 1, 2008, to have in place a system for the acceptance and collection of drugs for proper disposal that includes specified elements. The bill would provide that its provisions shall not apply to a controlled substance, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 6.9.2 (commencing with Section  
2 25400.50) is added to Division 20 of the Health and Safety Code,  
3 to read:

4

5

CHAPTER 6.9.2. DRUG DISPOSAL

6

7 25400.50. The Legislature finds and declares all of the  
8 following:

9 (a) The United States Geological Survey conducted a study in  
10 2002 sampling 139 streams across 30 states and found that 80  
11 percent had measurable concentrations of prescription and  
12 nonprescription drugs, steroids, and reproductive hormones.

13 (b) Exposure, even to low levels of drugs, has been shown to  
14 have negative effects on fish and other aquatic species and may  
15 have negative effects on human health.

16 (c) In order to reduce the likelihood of improper disposal of  
17 drugs, it is the purpose of this ~~article~~ *chapter* to establish a program  
18 through which the public may return and ensure the safe and  
19 environmentally sound disposal of drugs and may do so in a way  
20 that is convenient for consumers and cost effective for retailers.

21 25400.51. For the purposes of this ~~article~~ *chapter*, the following  
22 terms have the following meanings, unless the context clearly  
23 requires otherwise:

24 (a) "Consumer" means an individual purchaser or owner of a  
25 drug. "Consumer" does not include a business, corporation, limited  
26 partnership, or an entity involved in a wholesale transaction  
27 between a distributor and retailer.

28 (b) "Drug" means any of the following:

29 (1) Articles recognized in the official United States  
30 Pharmacopoeia, the official National Formulary, the official  
31 Homeopathic Pharmacopoeia of the United States, or any  
32 supplement of the formulary or those pharmacopoeia.

33 (2) Articles intended for use in the diagnosis, cure, mitigation,  
34 treatment, or prevention of disease in humans or other animals.

35 (3) Articles, excluding food, intended to affect the structure or  
36 any function of the body of humans or other animals.

37 (4) Articles intended for use as a component of any article  
38 specified in paragraph (1), (2), or (3).

1 ~~(e) “Retailer” means a person or entity who makes a retail sale~~  
2 ~~of a drug to a consumer in this state. “Retailer” does not include~~  
3 ~~a veterinarian that disposes of drugs that he or she did not~~  
4 ~~personally manufacture or sell.~~

5 (c) (1) *“Retailer” means an entity that makes a retail sale of*  
6 *a drug to a consumer in this state and that meets either of the*  
7 *following requirements:*

8 (A) *Meets the definition of a “supermarket,” as defined in*  
9 *Section 14526.5 of the Public Resources Code.*

10 (B) *Has over 10,000 square feet of retail space that generates*  
11 *sales or use tax pursuant to the Bradley-Burns Uniform Local*  
12 *Sales and Use Tax Law (Part 1.5 (commencing with Section 7200)*  
13 *of Division 2 of the Revenue and Taxation Code) and has a*  
14 *pharmacy licensed pursuant to Chapter 9 (commencing with*  
15 *Section 4000) of Division 2 of the Business and Professions Code.*

16 (2) *“Retailer” does not include a veterinarian who disposes of*  
17 *drugs that he or she did not personally manufacture or sell.*

18 (d) *“Sale” includes, but is not limited to, transactions conducted*  
19 *through sales outlets, catalogs, or the Internet, or any other similar*  
20 *electronic means, but does not include a sale that is a wholesale*  
21 *transaction with a distributor or retailer.*

22 25400.52. (a) *On and after July 1, 2008, every retailer shall*  
23 *have in place a system for the acceptance and collection of drugs*  
24 *for proper disposal.*

25 (b) *A system for the acceptance and collection of drugs for*  
26 *proper disposal shall, at a minimum, include all of the following*  
27 *elements:*

28 (1) *The take-back, at no cost to the consumer, of a drug, the*  
29 *type or brand of which the retailer sold or previously sold.*

30 (2) *A notice to consumers that shall include informational*  
31 *materials, including, but not limited to, Internet Web site links or*  
32 *a telephone number, placed on the invoice or purchase order, or*  
33 *packaged with the drug, that provide consumers access to obtain*  
34 *more information about the opportunities and locations for no-cost*  
35 *drug-recycling disposal.*

36 (3) *Information made available to consumers about drug return*  
37 *opportunities provided by the retailer and encouraging consumers*  
38 *to utilize those opportunities. This information may include, but*  
39 *is not limited to, one or more of the following:*

1 (A) Signage that is prominently displayed and easily visible to  
2 the consumer.

3 (B) Written materials provided to the consumer at the time of  
4 purchase or delivery, or both.

5 (C) Reference to the drug take-back opportunity in retailer  
6 advertising or other promotional materials, or both.

7 (D) Direct communications with the consumer at the time of  
8 purchase.

9 (c) If a retailer is participating in an existing pharmaceutical  
10 drug take-back system and the system otherwise complies with  
11 the requirements of this ~~article~~ *Chapter*, *the retailer may continue*  
12 *to participate in that existing program.*

13 25400.53. This chapter shall not apply to a controlled substance,  
14 as defined in Section 11007.

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 1016

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Introduced by Senator Wiggins

February 23, 2007

---

An act to amend Sections 41825 and 41850 of, and to add Chapter 10 (commencing with Section 41979) to Part 2 of Division 30 of, the Section 41821 of, and to add Section 41826 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1016, as amended, Wiggins. Diversion: ~~alternative compliance system: annual report.~~

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert, from disposal or transformation, 50% of the solid waste through source reduction, recycling, and composting subject to the element, except as specified. ~~The board is required to review each city, county, or regional agency source reduction and recycling element and household hazardous waste element at least once every 2 years and is required to issue an order of compliance, if the board finds the city, county, or regional agency has failed to implement those elements. The board, in determining whether or not to impose any penalties on a city or county for violations of specified solid waste reduction and recycling requirements imposed by the act, is required to consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste~~

~~element. A city, county, or regional agency is required to submit an annual report to the board summarizing its progress in reducing solid waste.~~

~~This bill would enact the Alternative Diversion Compliance System Act, and would define terms. The act would require each city, county, and regional agency to implement the diversion programs set forth in its source reduction and recycling element, as specified. The bill would require the diversion programs in the source reduction and recycling element to prevent an increase in the countywide total tonnage of solid waste disposed by the cities in a county, and unincorporated area of the county, as compared to the base tonnage year, as defined, and would require the diversion programs to be implemented to prevent that increase. The board would be required to determine the tonnage of solid waste disposed of in each county and each regional agency, at least once every 2 years to determine whether or not the county has met the requirements regarding the prevention of an increase in the tonnage of waste disposed of in that county. authorize the board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to instead submit once every 2 years the information required in the report. The bill would provide that if the board authorizes a city or county to submit this information once every 2 years, and either the city or county subsequently fails to divert 50% of the solid waste, or if the board rescinds the authorization, the city or county would be required to submit the report annually.~~

~~The bill would require each city, county, and regional agency to prepare an initial update of its source reduction and recycling element and the household hazardous waste element to reflect all diversion programs that the jurisdiction is implementing, based on a specified schedule. A city, county, and regional agency would also be required to prepare an initial update of its nondisposable facility element. The bill would provide a procedure for the board review of the update.~~

~~The bill would require a jurisdiction, if it determines that it needs to expand or add programs, or utilize additional nondisposal facilities, beyond those included in the initial update, to provide a programmatic or nondisposal facility update of its source reduction and recycling element and household hazardous waste element to the board, pursuant to a specified process.~~

~~A jurisdiction would be required, by September 1, 2009, and on or before September 1 every 2 years thereafter, to submit a report to the~~

~~board, including information regarding the implementation of the diversion programs. The bill would require the board, on and after January 1, 2009, when the board conducts a compliance review, to additionally utilize specified criteria regarding compliance with the act's waste increase prevention requirements. The board would be required, in determining whether or not to issue a compliance order, to primarily consider whether the diversion programs are being implemented and would allow the board to consider a jurisdiction's compliance with the waste increase prevention requirements only as an indication as to whether the implementation requirements have been met. The bill would also require the board to consider specified factors in determining whether or not to issue a compliance order. The board would be required to provide technical assistance and outreach to assist jurisdictions to comply with the act's requirements.~~

~~The bill would make conforming changes regarding the compliance order and related enforcement provisions. The bill would impose a state-mandated local program by imposing new duties upon local agencies:~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason:~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes-no.~~~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 41821 of the Public Resources Code is  
2     amended to read:

3     41821. (a) (1) ~~Each~~ Except as provided in subdivision (b) of  
4     Section 41826, each year following the board's approval of a city,  
5     county, or regional agency's source reduction and recycling  
6     element, household hazardous waste element, and nondisposal  
7     facility element, the city, county, or regional agency shall submit  
8     a report to the board summarizing its progress in reducing solid  
9     waste as required by Section 41780.

10    (2) The annual report shall be due on or before August 1 of the  
11    year following board approval of the source reduction and recycling  
12    element, the household hazardous waste element, and the

1 nondisposal facility element, and on or before August 1 in each  
2 subsequent year. The information in this report shall encompass  
3 the previous calendar year, January 1 to December 31, inclusive.

4 (b) Each jurisdiction's annual report to the board shall, at a  
5 minimum, include the following:

6 (1) Calculations of annual disposal reduction.

7 (2) Information on the changes in waste generated or disposed  
8 of due to increases or decreases in population, economics, or other  
9 factors in complying with subdivision (c) of Section 41780.1.

10 (3) A summary of progress made in implementing the source  
11 reduction and recycling element and the household hazardous  
12 waste element. The city, county, or regional agency may also  
13 include information about existing and new programs it is  
14 implementing that are not part of the original or modified source  
15 reduction and recycling element adopted by the jurisdiction and  
16 approved by the board to achieve the diversion requirements of  
17 Section 41780.

18 (4) A summary of progress made in diversion of construction  
19 and demolition of waste material, including information on  
20 programs and ordinances implemented by the local government  
21 and quantitative data, where available.

22 (5) If the jurisdiction has been granted a time extension by the  
23 board pursuant to Section ~~41820~~ 41820.5, the jurisdiction shall  
24 include a summary of progress made in meeting the source  
25 reduction and recycling element implementation schedule pursuant  
26 to paragraph (2) of subdivision (a) of Section 41780 and complying  
27 with the jurisdiction's plan of correction, prior to the expiration  
28 of the time extension.

29 (6) If the jurisdiction has been granted an alternative source  
30 reduction, recycling, and composting requirement pursuant to  
31 Section ~~41785~~ 41786, the jurisdiction shall include a summary of  
32 progress made towards meeting the alternative requirement as well  
33 as an explanation of current circumstances that support the  
34 continuation of the alternative requirement.

35 (7) Other information relevant to compliance with Section  
36 41780.

37 (c) A jurisdiction may also include, in the report required by  
38 this section, all of the following:

39 (1) Any factor that the jurisdiction believes would affect the  
40 accuracy of the estimated waste disposal reduction calculation



1 provided in the report pursuant to paragraph (1) of subdivision (b)  
2 to accurately reflect the changes in the amount of solid waste that  
3 is actually disposed. The jurisdiction may include, but is not limited  
4 to including, all of the following factors:

5 (A) Whether the jurisdiction hosts a solid waste facility.

6 (B) The effects of self-hauled waste and construction and  
7 demolition waste.

8 (C) The original or subsequent base year calculation, the amount  
9 of orphan waste, and the waste disposal reduction adjustment  
10 methodology.

11 (2) Information regarding the programs the jurisdiction is  
12 undertaking to respond to the factors specified in paragraph (1),  
13 and why it is not feasible to implement programs to respond to  
14 other factors that affect the amount of waste that is disposed.

15 (3) An estimate that the jurisdiction believes reflects that  
16 jurisdiction's annual reduction or increase in the disposal of solid  
17 waste.

18 (d) The board shall use, but is not limited to the use of, the  
19 annual report in the determination of whether the jurisdiction's  
20 source reduction and recycling element needs to be revised.

21 (e) (1) The board shall adopt procedures for requiring additional  
22 information in a jurisdiction's annual report. The procedures shall  
23 require the board to notify a jurisdiction of any additional required  
24 information no later than 120 days after the board receives the  
25 report from the jurisdiction.

26 (2) Paragraph (1) does not prohibit the board from making  
27 additional requests for information in a timely manner. A  
28 jurisdiction receiving a request for information shall respond in a  
29 timely manner.

30 (f) The board shall adopt procedures for conferring with a  
31 jurisdiction regarding the implementation of a diversion program  
32 or changes to a jurisdiction's calculation of its annual disposal  
33 reduction.

34 *SEC. 2. Section 41826 is added to the Public Resources Code,*  
35 *to read:*

36 *41826. (a) The Legislature finds and declares all of the*  
37 *following:*

38 *(1) The statewide diversion rate for the year 2005 is expected*  
39 *to exceed 50 percent, and jurisdictions throughout the state have*

1 set forth comprehensive arrays of programs to divert solid waste  
2 from disposal.

3 (2) Adjustments to the ways in which diversion achievements  
4 are measured and evaluated need to be implemented to simplify  
5 the system, while improving its accuracy and adding additional  
6 emphasis to the implementation of those diversion programs.

7 (3) New methods of streamlining accounting of disposal  
8 quantification need to be examined while ensuring that the state  
9 takes a lead role in adopting statewide strategies to divert solid  
10 waste through source reduction, recycling, and composting.

11 (4) Each city or county should continue to implement diversion  
12 programs to prevent an increase in disposal, consistent with the  
13 waste management hierarchy specified in Section 40051 and in  
14 accordance with the existing requirements of this division.

15 (b) (1) If the board determines that a city or county has diverted  
16 more than 50 percent of solid waste from landfill disposal through  
17 source reduction, recycling, and composting activities, the board  
18 may authorize that city or county to submit once every 2 years the  
19 information required in the annual report pursuant to subdivision  
20 (b) of Section 41821. The biennial report shall be due on or before  
21 August 1 of the subsequent year following board authorization  
22 and shall encompass the two previous calendar years, January 1  
23 to December 31, inclusive.

24 (2) If the board authorizes a city or county to submit the  
25 information specified in paragraph (1) once every 2 years, and  
26 either the city or county subsequently fails to divert 50 percent of  
27 the solid waste, or if the board rescinds the authorization, the city  
28 or county shall submit the information required pursuant to  
29 subdivision (b) of Section 41821 annually.

30 ~~SECTION 1. Section 41825 of the Public Resources Code is~~  
31 ~~amended to read:~~

32  
33  
34 **All matter omitted in this version of the bill**  
35 **appears in the bill as introduced in the**  
36 **Senate, February 23, 2007. (JR11)**  
37

**Introduced by Senator Padilla**

February 23, 2007

---

An act to amend ~~Section 41780~~ *Sections 41780, 41820.5, and 41820.6* of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as amended, Padilla. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

This bill would increase that requirement to require, on and after January 1, 2012, *with exceptions*, that a city or county divert from landfill disposal or transformation no less than 75% of all solid waste, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties upon local agencies with regard to the management of solid waste.

*This bill would also make nonsubstantive technical changes.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 41780 of the Public Resources Code is  
2 amended to read:

3     41780. (a) Each city or county source reduction and recycling  
4 element shall include an implementation schedule that shows both  
5 of the following:

6     (1) For the initial element, the city or county shall divert 25  
7 percent of all solid waste from landfill disposal or transformation  
8 by January 1, 1995, through source reduction, recycling, and  
9 composting activities.

10    (2) Except as provided in Sections 41783, ~~41784, and 41785~~  
11 ~~and 41784~~, for the first and each subsequent revision of the  
12 element, the city or county shall divert 50 percent of all solid waste  
13 ~~on and after~~ by January 1, 2000, and 75 percent ~~on and after~~  
14 *January 1, 2012*, through source reduction, recycling, and  
15 composting activities.

16    (b) Nothing in this part prohibits a city or county from  
17 implementing source reduction, recycling, and composting  
18 activities designed to exceed these requirements.

19    SEC. 2. Section 41820.5 of the Public Resources Code is  
20 amended to read:

21    41820.5. (a) ~~In addition to its authority under Section 41820,~~  
22 ~~the~~ *The* board may, after a public hearing, grant a time extension  
23 from the diversion requirements of Section 41780 to a city if both  
24 of the following conditions exist:

25    (1) The city was incorporated pursuant to Division 3  
26 (commencing with Section 56000) of Title 5 of the Government  
27 Code after January 1, 1990, and before January 1, 2001.

28    (2) The county within which the city is located did not include  
29 provisions in its franchises that ensured that the now incorporated  
30 area would comply with the diversion requirements of Section  
31 41780.

32    (b) The board may authorize a city that meets the requirements  
33 of subdivision (a) to submit a source reduction and recycling  
34 element that includes an implementation schedule that shows both  
35 of the following:

1 (1) The city shall divert 25 percent of its estimated generation  
2 amount of solid waste from landfill or transformation facilities  
3 within three years from the date on which the source reduction  
4 and recycling element is due pursuant to subdivision (b) of Section  
5 41791.5, through source reduction, recycling, and composting  
6 activities.

7 (2) The city shall divert 50 percent of its estimated generation  
8 amount of solid waste from landfill or transformation facilities  
9 within eight years from the date on which the source reduction  
10 and recycling element is due pursuant to subdivision (b) of Section  
11 41791.5, through source reduction, recycling, and composting  
12 activities.

13 *SEC. 3. Section 41820.6 of the Public Resources Code is*  
14 *amended to read:*

15 41820.6. (a) ~~In addition to its authority under Section 41820,~~  
16 ~~the~~ *The board may, after a public hearing, grant a time extension*  
17 *from the diversion requirements of Section 41780 to a city if both*  
18 *of the following conditions exist:*

19 (1) The city was incorporated pursuant to Division 3  
20 (commencing with Section 56000) of Title 5 of the Government  
21 Code on or after January 1, 2001.

22 (2) The county within which the city is located did not include  
23 provisions in its franchises that ensured that the now incorporated  
24 area would comply with the diversion requirements of Section  
25 41780.

26 (b) The board may authorize a city that meets the requirements  
27 of subdivision (a) to submit a source reduction and recycling  
28 element that includes an implementation schedule that shows that  
29 the city shall divert 50 percent of its estimated generation amount  
30 of solid waste from landfill or transformation facilities, within  
31 three years from the date on which the source reduction and  
32 recycling element is due pursuant to subdivision (b) of Section  
33 41791.5, through source reduction, recycling, and composting  
34 activities.

35 *SEC. 4. No reimbursement is required by this act pursuant to*  
36 *Section 6 of Article XIII B of the California Constitution because*  
37 *a local agency or school district has the authority to levy service*  
38 *charges, fees, or assessments sufficient to pay for the program or*  
39 *level of service mandated by this act, within the meaning of Section*  
40 *17556 of the Government Code.*

1     ~~SECTION 1. Section 41780 of the Public Resources Code is~~  
2     ~~amended to read:~~

3     ~~41780. (a) Each city or county source reduction and recycling~~  
4     ~~element shall include an implementation schedule that shows~~  
5     ~~on and after January 1, 2012, the city or county shall divert from~~  
6     ~~landfill disposal or transformation, no less than 75 percent of all~~  
7     ~~solid waste, through source reduction, recycling, and composting~~  
8     ~~activities.~~

9     ~~(b) Nothing in this part prohibits a city or county from~~  
10    ~~implementing source reduction, recycling, and composting~~  
11    ~~activities designed to exceed these requirements.~~

12    ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
13    ~~Section 6 of Article XIII B of the California Constitution because~~  
14    ~~a local agency or school district has the authority to levy service~~  
15    ~~charges, fees, or assessments sufficient to pay for the program or~~  
16    ~~level of service mandated by this act, within the meaning of Section~~  
17    ~~17556 of the Government Code.~~

## 2007 Legislation

### Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 501 Swanson      Pharmaceutical devices - support
- AB 679 Benoit      Illegal dumping
- AB 712 De Leon      Solid waste fee increase - concerns
- AB 1193 Ruskin      Mercury-added thermostats: collection program - support
- SB 966 Kuehl      Pharmaceutical drug disposal - support
- SB 1016 Wiggins      Diversion: annual report – support if amended
- SB 1020 Padilla      Solid waste: diversion – concerns
- SB 1021 Padilla      Beverage containers: grants - support







CHAIR – SUE HORNE, NEVADA COUNTY

FIRST VICE CHAIR – DAVID FINIGAN, DEL NORTE COUNTY

SECOND VICE CHAIR – HARRY OVITT, SAN LUIS OBISPO COUNTY

PAST CHAIR – RICHARD FORSTER, AMADOR COUNTY

PRESIDENT AND CEO – GREG NORTON

EXECUTIVE VICE PRESIDENT – PATRICIA J. MEGASON

VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

March 26, 2007

The Honorable Sandre Swanson  
Member, California State Assembly  
State Capitol, Room 6012  
Sacramento, CA 95814

**RE: Assembly Bill 501 - SUPPORT**

Dear Assembly Member Swanson:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Assembly Bill 501, which would require manufacturers of pre-filled injection needles to provide consumers with a mail-back option for used needles.

RCRC is composed of members of the Boards of Supervisors from each of our 30 member counties. In addition, 22 member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs.

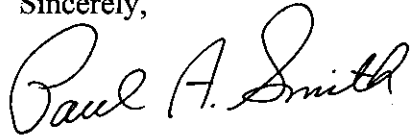
We applaud you for bringing forth legislation that attempts to provide a viable option to remove household needles (sharps) from the traditional waste stream. When routinely dumped into the waste stream, used sharps pose a health and safety danger to residents and employees of solid waste collection companies, solid waste processing, and disposal facilities.

With the enactment of SB 1305 (Figueroa) last year, on September 1<sup>st</sup> it will no longer be lawful to dispose sharps in the traditional waste stream. RCRC believes the next aspect to this policy issue must occur – giving household users of sharps an easily accessible alternative to dispose sharps. The first step is having manufacturers of pre-filled sharps provide a mail-back option. However, we would also request that your legislation review other options for the collections of used needles. Such options could include mandating that retailers construct 'take back' programs or having manufacturers provide appropriate containers/pick-up for household use or expanding the number of medical facilities that accept household sharps. To this effort, solid waste managers stand ready to work with you, consumers, manufacturers, retailers and state regulators to eliminate sharps from the traditional waste stream.

The Honorable Sandre Swanson  
March 26, 2007  
Page 2

RCRC looks forward to working with you to enact legislation that provides consumers of sharps viable options for proper and safe disposal.

Sincerely,

  
PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Assembly Health Committee  
Ms. Nicole Wordelman, County of Alameda



April 19, 2007

The Honorable Kevin De Leon  
Member, California State Assembly  
State Capitol, Room 4140  
Sacramento, CA 95814

RE: AB 712 (De Leon) – Concerns

Dear Assembly Member De Leon:

On behalf of the California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC), the League of California Cities (the League), and the Solid Waste Association of North America (SWANA), we write to express our “Concerns” position to your Assembly Bill 712, which relates to managing solid waste disposal facilities.

In many California counties and cities, the municipality operates a landfill. In other counties and cities, those operations are contracted with another party. Regardless of which party owns/operates a solid waste facility, \$1.40 per ton must be collected and remitted to the Integrated Waste Management Board (the Waste Board). The \$1.40 per ton is solely used to fund a variety of activities by the Waste Board to assist in reducing the amount of waste disposal throughout the State.

Next month, the California Air Resources Board is expected to adopt stringent regulations upon a variety of industries that use off-road diesel-powered vehicles in order to reduce oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM). It is expected that these regulation will impact the use of off-road vehicles at solid waste facilities.

AB 712 proposes to increase our state’s “tipping fee” by \$.50 per ton in order to raise monies for the Air Resources Board for retrofitting off-road diesel-powered vehicles that are used in the operation of a landfill. As such, we have a number of concerns with this approach. First is the precedent of putting forth a fee attachment that is used for an issue that is not directly related to reducing the amount of waste being disposed in California. We believe this invites others to see the tipping fee as a vehicle for raising revenue for other projects that may or may not be directly related to reducing disposal and/or the operations of a landfill. Furthermore, the Air Resources Board has yet to adopt their proposed regulations and it is likely there may be delays and/or extensions in the window period for retrofitting off-road vehicles.

Assembly Speaker Fabian Nunez has put forth Assembly Bill 1610 which gives the Waste Board the authority to increase the tipping up to \$2.00 per ton. We understand the Waste Board is the sponsor of AB 1610 and we are working with the Speaker and the Waste Board to better

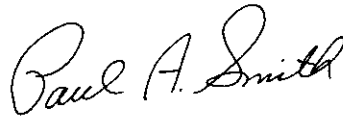
understand the reasons for the increase and the priorities of these additional monies. We respectfully request that there only be one bill moving through the Legislature that proposes to increase the tipping fee so that all discussions of whether to raise the fee and, if so, for what purpose(s) may be debated in the same context.

Lastly, we must observe that significant increases in the cost of waste disposal usually lead to dramatic increases in illegal dumping, particularly in rural counties. Keep in mind, for millions of Californians where there is no curbside pick-up and a monthly bill that accompanies that service, persons must take their waste to a facility and pay the fee directly. Simply put, increasing the tipping fee just gives persons a desire to dispose of this waste in another manner, most likely in an illegal one.

Sincerely,



KAREN KEENE  
Legislative Representative  
CSAC



PAUL A. SMITH  
Director, Legislative Affairs  
RCRC



PAUL YODER  
Legislative Advocate  
SWANA, California Chapter



KYRA EMANUELS ROSS  
Legislative Representative  
The League of California Cities

Cc: Members, Assembly Natural Resources Committee  
Members, Assembly Transportation Committee



CHAIR -- SUE HORNE, NEVADA COUNTY

FIRST VICE CHAIR -- DAVID FINIGAN, DEL NORTE COUNTY

SECOND VICE CHAIR -- HARRY OVITT, SAN LUIS OBISPO COUNTY

PAST CHAIR -- RICHARD FORSTER, AMADOR COUNTY

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VICE PRESIDENT OF HOUSING -- JEANETTE KOPICO

April 27, 2007

The Honorable John Benoit  
Member, California State Assembly  
State Capitol, Room 4144  
Sacramento, CA 95814

**RE: ASSEMBLY BILL 679 (Benoit) - SUPPORT**

Dear Assembly Member Benoit:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Assembly Bill 679 which relates to illegal dumping.

RCRC is an association of California's rural counties. In virtually every one of our 30-member counties, illegal dumping of items is a serious problem and the cost to clean-up this dumping can be extensive. Also, a number of counties devote resources to employ persons whose duties are to enforce illegal dumping laws; however, rural counties do not have adequate resources to properly deal with this problem.

AB 679 would assist jurisdictions, including rural counties, in providing resources to combat illegal dumping. Specifically, AB 679 would have courts impose a penalty assessment equal to the amount of the fine upon those convicted of illegal dumping. Proceeds from the penalty assessment would be directed to the jurisdiction where the illegal dumping occurred and those monies would be used for further enforcement of illegal dumping laws.

RCRC appreciates you bringing AB 679 to the Legislature, and we look forward to working with you to ensure this bill is enacted into law.

Sincerely,

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Assembly Judiciary Committee



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April 2, 2007

The Honorable Ira Ruskin  
Member, California State Assembly  
State Capitol, Room 3123  
Sacramento, CA 95814

**RE: ASSEMBLY BILL 1193 - SUPPORT**

Dear Assembly Member Ruskin:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Assembly Bill 1193, which would require manufacturers that sell mercury-added thermostats to establish and maintain a collection and recycling program for out-of-service thermostats.

RCRC is composed of members of the Boards of Supervisors from each of our 30 member counties. In addition, 22 member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs.

We applaud you for bringing forth legislation that attempts to provide a viable option to managing mercury-added thermostats. Mercury is a significant threat to California's drinking supply and recreational waterways. AB 1193 would provide a program to protect California's water by providing a program to collect mercury-added thermostats without burdening rural household hazardous waste programs that are all too often a dumping ground for banned hazardous wastes.

RCRC looks forward to working with you to enact this much-needed legislation.

Sincerely,

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Assembly Environmental Safety & Toxic Materials Committee



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VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

March 26, 2007

The Honorable Joe Simitian, Chair  
Senate Environmental Quality Committee  
State Capitol, Room 4062  
Sacramento, CA 95814

**Re: Senate Bill 966 (Simitian) – SUPPORT**

Dear Senator Simitian:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Senate Bill 966 regarding the disposal of un-used pharmaceutical drugs.

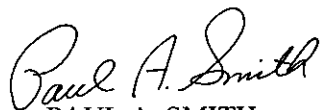
RCRC is composed of members of the Boards of Supervisors from each of our 30 member counties. In addition, 22 member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs. Furthermore, RCRC counties must deal with storm water run-off and mitigate against issues that cause pollution in our rivers and streams.

We applaud you for bringing forth legislation that attempts to provide a viable option to remove unused pharmaceutical drugs from the solid waste stream and/or waste water stream. Many of the rural counties of California provide the majority of water to the people of California and it is critical that water quality remains free of pharmaceutical drugs for human health as well as that of habitat.

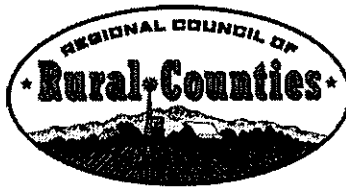
SB 966 requires retailers to provide for a 'take back' method for pharmaceutical drugs. Such a program should be in place after July 1, 2008 and not impose any costs to the consumer. RCRC believes SB 966 will make significant strides in eliminating pharmaceutical drugs – and the toxicity these items pose - from our water supply, thus increasing our water quality. SB 966 will also reduce the fiscal impact on our increasing challenged household hazardous waste programs by redirecting the handling cost of pharmaceuticals.

RCRC appreciates your efforts in this area of public policy, and we look forward to working with you to ensure SB 966 becomes law.

Sincerely,

  
PAUL A. SMITH  
Director of Legislative Affairs

cc: Members, Senate Environmental Quality Committee



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April 11, 2007

The Honorable Pat Wiggins  
Member, California State Senate  
State Capitol, Room 4081  
Sacramento, CA 95814

**RE: SENATE BILL 1016 – SUPPORT IF AMENDED**

Dear Senator Wiggins:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our “Support if Amended” position regarding your Senate Bill 1016, which allows the Integrated Waste Management Board to require counties to report its summary progress once every two years, instead of once a year, if a county has achieved the 50% diversion goal.

Rural jurisdictions have made significant strides in implementing programs for diversion of solid wastes from landfills even though the total amount of solid waste generated by rural counties is less than 4% of the entire state’s solid waste. RCRC has continually supported a program-based system since the current methodology has repeatedly proven inaccurate in calculating rural diversion efforts.

As you may know, the Waste Board has the authority to grant rural counties a reduction from the 50% diversion goal provided these counties are making a concerted effort to reduce solid wastes from their landfills. We respectfully request that rural jurisdictions that are approved with a rural reduction or a good faith effort should also be allowed to report once every two years instead of the current once a year requirement.

RCRC looks forward to working with your offices as well as the Senate Environmental Quality Committee to address our concern.

Sincerely,

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Senate Environmental Quality Committee  
The Honorable Don Perata, President pro Tempore of the State Senate





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April 11, 2007

The Honorable Alex Padilla  
Member, California State Senate  
State Capitol, Room 4032  
Sacramento, CA 95814

**RE: SENATE BILL 1020 - CONCERNS**

Dear Senator Padilla:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our concerns regarding your Senate Bill 1020 (Padilla), which proposes significant changes to the Integrated Waste Management Act and the diversion of waste from our state's solid waste landfills.

Rural jurisdictions have made significant strides in implementing programs for diversion of solid waste from landfills even though the total amount of solid waste generated by rural counties is less than 4% of the entire state's solid waste. RCRC has continually supported a program-based system since the current methodology has repeatedly proven inaccurate in calculating rural diversion efforts.

Simply increasing the diversion goal, as proposed by SB 1020, fails to recognize the inherent flaws in the current system. This is especially true as it relates to rural diversion efforts and would result in exponentially magnifying the current system's errors. Even holding the amount of waste disposal constant is difficult given a number of factors including population growth and economics. Small changes to these and other factors greatly influences the amount of solid waste disposed of in rural areas. The historic disposal rates for jurisdictions accumulated by the Integrated Waste Management Board should be of assistance in determining what direction legislative changes should be pursued.

RCRC looks forward to working with you and your staff as well as the Senate Environmental Quality Committee and the leadership of the Senate to address our concerns. We do recognize the need to better divert waste from current landfills and know that all counties have a role to play in this goal.

Sincerely,

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Senate Environmental Quality Committee  
The Honorable Don Perata, President pro Tempore of the State Senate



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April 11, 2007

The Honorable Alex Padilla  
Member, California State Senate  
State Capitol, Room 4032  
Sacramento, CA 95814

**RE: Senate BILL 1021 - SUPPORT**

Dear Senator Padilla:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for your Senate Bill 1021, which authorizes the Department of Conservation to expend up to \$15 million to fund grants to local governments to assist in collecting beverage containers in multi-family residential complexes.

Since the inception of our state's bottle bill program, there has been a desire to more adequately collect used beverage containers that are discarded in multi-family housing complexes. Despite several legislative attempts to mandate collection programs in these complexes, no such requirement exists upon apartment owners, residents, waste haulers or municipal governments. As such, millions of bottles and cans are not collected and recycled. This provides an important missed opportunity to reach recycling goals set out in current law for recycling beverage containers.

Collection of beverage containers in multi-family complexes can oftentimes be a challenge. Space, access, awareness, and ease-of-use by residents are all issues when coordinating an effective collection program. Cost also comes into play when instituting a viable option for apartment residents to recycle their bottles and cans. These costs are exacerbated in rural counties where the economies of scale are not achievable when instituting collection programs.

RCRC believes that SB 1021 can be of great assistance in mitigating costs to local governments, waste haulers, apartment managers/owners and residents by allowing for grants to assist in the collection of beverage containers.

Thank you for putting forth SB 1021. RCRC looks forward to working with you so that this bill becomes law.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive style.

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Senate Environmental Quality Committee