

**Environmental Services Joint Powers' Authority
Board of Directors' Meeting**

Thursday, December 10, 2015

**Agenda Item VI
Legislative Update**

Complete Text of Selected Solid Waste Bills

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Assembly Bill No. 876

CHAPTER 593

An act to add Section 41821.4 to the Public Resources Code, relating to solid waste.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 876, McCarty. Compostable organics.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. On and after January 1, 2000, the element is required to provide for the diversion of 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. Existing law requires each city, county, and regional agency to submit an annual report to the department summarizing its progress in reducing solid waste.

This bill would require, commencing August 1, 2017, a county or regional agency to include in its annual report to the department an estimate of the amount of organic waste in cubic yards that will be generated in the county or region over a 15-year period, an estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process that amount of waste, and areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting that additional need, thereby imposing a state-mandated local program. The bill would also make legislative findings and declarations.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

(a) With the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), the Legislature required the Department of Resources

Recycling and Recovery and local agencies to promote recycling, anaerobic digestion, and composting over land disposal and transformation.

(b) Since the enactment of the act, local governments and private industries have worked jointly to create an extensive material collection infrastructure and have implemented effective programs to achieve a statewide diversion rate of greater than 50 percent.

(c) Although California now leads the nation in waste reduction and recycling, the state continues to dispose of more than 15 million tons of compostable organics each year in solid waste landfills.

(d) To reduce the landfilling of organics, increase composting and anaerobic digestion, and meet the state's organic diversion goals, cities and counties must plan for organics processing facilities that can process organics diverted from landfills and organics waste generators.

SEC. 2. Section 41821.4 is added to the Public Resources Code, to read:

41821.4. (a) Commencing August 1, 2017, a county or regional agency shall include, in the annual report required pursuant to Section 41821, the following information:

(1) An estimate of the amount of organic waste in cubic yards that will be generated in the county or region over a 15-year period.

(2) An estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process the amount of organic waste identified pursuant to paragraph (1).

(3) Areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified pursuant to paragraph (2).

(b) To provide the information pursuant to subdivision (a), the county or regional agency may use existing data regarding its diversion programs and is not required to perform additional waste characterization studies.

(c) For purposes of this section, "organic waste recycling facility" has the same meaning as defined in paragraph (2) of subdivision (d) of Section 42649.82.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 8, 2015

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 876 (McCarty) – REQUEST FOR VETO

Dear Governor Brown:

The Rural County Representatives of California (RCRC) respectfully urges your veto of Assembly Bill 876. AB 876, which is authored by Assembly Member Kevin McCarty, would require local jurisdictions to report an estimate of the total solid waste organics processing capacity that will be needed over a fifteen-year period and identify specific locations for new and expanded organic waste recycling facilities. RCRC is an association of thirty-four rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Last year, you signed into law Assembly Bill 1826 (Chesbro) which established California's commercial organics recycling program. RCRC was very engaged in the development of AB 1826 and worked with your Department of Resources, Recycling and Recovery (CalRecycle) to ensure the feasibility of the provisions. After a number of delicately-negotiated amendments were incorporated to address rural county concerns, we encouraged your signature on this measure and have continued working with your agencies to help implement this landmark recycling statute. Unfortunately, AB 876 undermines many of those efforts.

AB 876 requires local governments to estimate the amount of organic waste that will be generated within its jurisdiction over a fifteen-year period and estimate the additional organic waste recycling facility capacity that will be needed to process that amount of organic waste in its annual report to CalRecycle. RCRC believes this is unnecessary as AB 1826 already requires each jurisdiction to implement an organic waste recycling program to divert organic waste generated by businesses and to report annually specific information about existing organics recycling infrastructure, capacity needs, siting and permitting challenges, and potential remedies to those challenges.

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO
MERCED MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SHASTA SIERRA SISKIYOU SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

The Honorable Edmund G. Brown, Jr.
Assembly Bill 876
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RCRC believes that AB 876 is not only duplicative, as local governments are required to include much of the same information under AB 1826, but actually creates more of a challenge at the local agency level. AB 876 also includes a requirement that would oblige local governments to identify potential sites for new and expanded organics recycling facilities in its annual report to CalRecycle. This requirement was not included in AB 1826 as it was recognized that identifying specific areas would lead to public controversy and additional environmental review hurdles prematurely. Rather, under AB 1826 local governments are required to identify the appropriate zoning and permitting requirements for new facilities, which allows jurisdictions the ability to work with property owners and the community at the appropriate time to determine the specific locations for organics recycling facilities.

We believe that the appropriate follow-up to AB 1826 involves two important components. First, new financial resources are needed to develop markets and develop the infrastructure for adequate organics recycling. To this point we have been working with your agencies to create new and sustainable revenue streams to construct the much-needed organics infrastructure. To that end, we had hoped that Assembly Bill 1063 (Williams) could have been enacted this year to provide such resources.

Second, we strongly endorse revising the siting and permitting process at both the State and local level to ensure organics processing facilities are built and operative in a time frame that meets the requirement of our State's recycling and greenhouse gas reduction goals. AB 876 misses the mark in this aspect as it only compounds the difficulties local agencies have in getting these facilities developed.

RCRC respectfully requests your veto on AB 876. Thank you for your consideration in this matter.

Sincerely,



PATRICIA MEGASON
Executive Vice President

cc: The Honorable Kevin McCarty, Member of the California State Assembly

Assembly Bill No. 901

CHAPTER 746

An act to amend Section 41821.5 of, to amend, renumber, and add Section 41821.6 of, and to add Sections 41821.7 and 41821.8 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 10, 2015. Filed with
Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 901, Gordon. Solid waste: reporting requirements: enforcement.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. Existing law requires disposal facility operators to submit information to counties from periodic tracking surveys on the disposal tonnages that are disposed of at the disposal facility by jurisdiction or region of origin. Existing law requires solid waste handlers and transfer station operators to provide information to the disposal facility on the origin of the solid waste they deliver to the disposal facility. Existing law requires recycling and composting facilities to submit periodic information to counties on the types and quantities of materials that are disposed of, sold to end users, or sold to exporters or transporters for sale outside of the state, by county of origin. Existing law requires counties to submit periodic reports to the cities within the county, to any regional agency of which the county is a member, and to the Department of Resources Recycling and Recovery on the amounts of solid waste disposed of by jurisdiction or region of origin, and on the categories and amounts of solid waste diverted to recycling and composting facilities within the county or region. Existing law authorizes the department to adopt regulations in this regard.

This bill would revise these provisions by, among other things, (1) requiring recycling and composting operations and facilities to submit specified information directly to the department, rather than to counties, (2) requiring disposal facility operators to submit tonnage information to the department, and to counties only on request, and (3) deleting the requirement for counties to submit that information to cities, regional agencies, and the department. The bill would delete references to periodic tracking surveys. The bill would require exporters, brokers, and transporters of recyclables or compost to submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state, and would authorize the department to provide this information, on an aggregated basis, to jurisdictions, as specified. The bill would make the aggregated information, other than that

aggregated by company, public information. The bill would make other related changes to the various reporting requirements. The bill would provide for imposition of civil penalties on any person who refuses or fails to submit information required by the governing regulations, and on any person who knowingly or willfully files a false report, refuses to permit the department to inspect or examine associated records, or alters, cancels, or obliterates entries in the records, as specified. The bill would provide that the civil penalties may be imposed either in a civil action or administratively pursuant to procedures specified in the bill. The bill would specify the types of waste disposal records that are subject to inspection and copying by the department, and also by an employee of a government entity, as defined, with respect to tonnage received at a disposal facility on or after July 1, 2015, that originates within the government entity's geographic jurisdiction. The bill, with respect to those records, would prohibit a government entity from disclosing the name of a waste hauler using a specific landfill unless necessary as part of an administrative or judicial proceeding, as specified. The bill would also authorize a government entity to petition the superior court for injunctive or declaratory relief to enforce these provisions. The bill would require recovered civil penalties to be deposited in the Integrated Waste Management Account.

The California Public Records Act provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and that every person has a right to inspect any public record, but exempts certain records from those requirements. Existing law, upon the request of any person furnishing any report, notice, application, plan, or other document required by the California Integrated Waste Management Act of 1989, provides that neither the department nor an enforcement agency shall make available for inspection by the public any portion of the report, notice, application, plan, or other document that contains a trade secret, as specified.

This bill would exempt certain waste disposal records subject to inspection and copying by the department or a government entity from disclosure under certain California Public Records Act provisions. The bill would also make certain waste disposal records subject to nondisclosure under the trade secrets provisions.

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

SECTION 1. Section 41821.5 of the Public Resources Code is amended to read:

41821.5. (a) Disposal facility operators shall submit information on the disposal tonnages by jurisdiction or region of origin that are disposed of at each disposal facility to the department, and to counties that request the information, in a form prescribed by the department. To enable disposal facility operators to provide that information, solid waste handlers and transfer station operators shall provide information to disposal facility

operators on the origin of the solid waste that they deliver to the disposal facility.

(b) (1) Recycling and composting operations and facilities shall submit periodic information to the department on the types and quantities of materials that are disposed of, sold, or transferred to other recycling or composting facilities, end users inside of the state or outside of the state, or exporters, brokers, or transporters for sale inside of the state or outside of the state.

(2) Exporters, brokers, and transporters of recyclables or compost shall submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred.

(3) The information in the reports submitted pursuant to this subdivision may be provided to the department on an aggregated facility-wide basis and may exclude financial data, such as contract terms and conditions (including information on pricing, credit terms, volume discounts and other proprietary business terms), the jurisdiction of the origin of the materials, or information on the entities from which the materials are received. The department may provide this information to jurisdictions, aggregated by company, upon request. The aggregated information, other than that aggregated by company, is public information.

(c) The department shall adopt regulations pursuant to this section requiring practices and procedures that are reasonable and necessary to implement this section, and that provide a representative accounting of solid wastes and recyclable materials that are handled, processed, or disposed. Those regulations approved by the department shall not impose an unreasonable burden on waste and recycling handling, processing, or disposal operations or otherwise interfere with the safe handling, processing, and disposal of solid waste and recyclables. The department shall include in those regulations both of the following:

(1) Procedures to ensure that an opportunity to comply is provided prior to initiation of enforcement authorized by Section 41821.7.

(2) Factors to be considered in determining penalty amounts that are similar to those provided in Section 45016.

(d) Any person who refuses or fails to submit information required by regulations adopted pursuant to this section is liable for a civil penalty of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(e) Any person who knowingly or willfully files a false report, or any person who refuses to permit the department or any of its representatives to make inspection or examination of records, or who fails to keep any records for the inspection of the department, or who alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required by regulations adopted pursuant to this section, is liable for a civil penalty of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000) for each violation of a separate provision or, for continuing violations, for each day that the violation continues.

(f) Liability under this section may be imposed in a civil action, or liability may be imposed administratively pursuant to this article.

(g) (1) Notwithstanding Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code and Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, all records that the facility or operator is reasonably required to keep to allow the department to verify information in, or verification of, the reports required pursuant to subdivisions (a) and (b) and implementing regulations shall be subject to inspection and copying by the department, but shall be confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(2) Notwithstanding Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code and Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, an employee of a government entity may, at the disposal facility, inspect and copy records related to tonnage received at the facility on or after July 1, 2015, and originating within the government entity's geographic jurisdiction. Those records shall be limited to weight tags that identify the hauler, vehicle, quantity, date, type, and origin of waste received at a disposal facility. Those records shall be available to those government entities for the purposes of subdivision (a) and as necessary to enforce the collection of local fees, but those records shall be confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). Names of haulers using specific landfills shall not be disclosed by a government entity unless necessary as part of an administrative or judicial enforcement proceeding to fund local programs or enforce local franchises.

(3) A government entity may petition the superior court for injunctive or declaratory relief to enforce its authority under paragraph (2). The times for responsive pleadings and hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

(4) For purposes of this section, a government entity is an entity identified in Section 40145 or an entity formed pursuant to Section 40976.

(5) For purposes of this subdivision, "disposal" and "disposal facility" have the same meanings as prescribed by Sections 40120.1 and 40121, respectively.

(6) Nothing in this subdivision shall be construed to limit or expand the authority of a government entity that may have been provided by this section and implementing regulations as they read on December 31, 2015.

(7) The records subject to inspection and copying by the department pursuant to paragraph (1) or by an employee of a government entity pursuant to paragraph (2) may be redacted by the operator before inspection to exclude confidential pricing information contained in the records, such as contract terms and conditions (including information on pricing, credit terms, volume

discounts, and other proprietary business terms), if the redacted information is not information that is otherwise required to be reported to the department.

(h) Notwithstanding the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code), reports required by this section shall be submitted electronically, using an electronic reporting format system established by the department.

(i) All records provided in accordance with this section shall be subject to Section 40062.

SEC. 2. Section 41821.6 of the Public Resources Code is amended and renumbered to read:

41821.9. To assist market development efforts by the department, local agencies, and the private sector, the department shall use existing data resources.

SEC. 3. Section 41821.6 is added to the Public Resources Code, to read:

41821.6. In order to ensure that records required pursuant to this article are properly maintained, in addition to inspecting all relevant records, the department may conduct audits, perform site inspections, observe facility operations, and otherwise investigate the recordkeeping and reporting of persons subject to the requirements of this article. Any records, reports, notes, studies, drawings, schematics, photographs, or trade secrets, as defined in Section 3426.1 of the Civil Code, obtained, produced, or created by the department in connection with or arising from such audits, inspections, or observations are confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 4. Section 41821.7 is added to the Public Resources Code, to read:

41821.7. (a) The department may issue an administrative complaint to any person on whom civil liability may be imposed pursuant to this article. The complaint shall allege the acts or failures to act that constitute the basis for liability and the amount of the proposed civil liability. The complaint shall be served by personal service or certified mail and shall inform the party so served that a hearing shall be conducted within 60 days after the party has been served, unless the party waives the right to a hearing.

(b) If the party waives the right to a hearing, the department shall issue an order setting liability in the amount proposed in the complaint unless the department and the party have entered into a settlement agreement, in which case the department shall issue an order setting liability in the amount specified in the settlement agreement. If the party has waived the right to a hearing or if the department and the party have entered into a settlement agreement, the order shall not be subject to review by any court or agency.

(c) Any hearing required under this section shall be conducted by an independent hearing officer according to the procedures specified in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, except as otherwise specified in this section.

SEC. 5. Section 41821.8 is added to the Public Resources Code, to read:

41821.8. (a) Orders setting civil liability issued under this article shall become effective and final upon issuance thereof, and payment shall be

made within 30 days of issuance. Copies of these orders shall be served by personal service or by certified mail upon the party served with the complaint and upon other persons who appeared at the hearing and requested a copy.

(b) Within 30 days after service of a copy of a decision, any person so served may file with the superior court a petition for writ of mandate for review of the decision. Any person who fails to file the petition within the 30-day period may not challenge the reasonableness or validity of a decision or order of the hearing officer in any judicial proceedings brought to enforce the decision or order or for other remedies.

(c) Except as otherwise provided in this section, Section 1094.5 of the Code of Civil Procedure governs any proceedings conducted pursuant to this subdivision.

(d) This section does not prohibit the court from granting any appropriate relief within its jurisdiction.

(e) All penalties collected under this article shall be deposited in the Integrated Waste Management Account created pursuant to Section 48001.

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 14, 2015

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 901 (Gordon) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Rural County Representatives of California (RCRC) respectfully requests your signature for Assembly Bill 901. AB 901, which is authored by Assembly Member Richard Gordon, strengthens the requirement of solid waste operators to provide data to the California Department of Resources Recycling and Recovery (CalRecycle). RCRC is an association of thirty-four rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

The State and its counties need timely, accurate, and reliable information to ensure compliance in meeting their recycling targets. Unfortunately, localities have very little tools to ensure proper information is gathered from some solid waste operators. AB 901 addresses this issue by further strengthening the law to mandate solid waste operators report both traditional waste disposal information as well as organic materials information directly to CalRecycle. The bill also allows local governments to access this information. RCRC welcomes AB 901 as a way to put in place clarity and enforcement mechanisms to ensure that local governments and the State can receive accurate data, while striking a balance to protect proprietary confidentiality.

Again, RCRC respectfully requests your signature on AB 901. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Richard Gordon, Member of the California State Assembly

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO
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Assembly Bill No. 1045

CHAPTER 596

An act to add and repeal Sections 42649.87 and 43032 to the Public Resources Code, relating to solid waste.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1045, Irwin. Organic waste: composting.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. Those entities are required to divert 50% of all solid waste through source reduction, recycling, and composting.

This bill would require the California Environmental Protection Agency, in coordination with the department, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, to develop and implement policies to aid in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state. The bill would require the agency to promote a goal of reducing at least 5 million metric tons of greenhouse gas emissions per year through the development and application of compost on working lands, and would require the agency to work with the Department of Food and Agriculture to achieve this goal. The bill would also require the Secretary for Environmental Protection and the Secretary of Food and Agriculture to ensure proper coordination of agency regulations and goals to implement these requirements and would require the agency and the Department of Food and Agriculture, with the department, the State Water Resources Control Board, and the State Air Resources Board, to perform other specified functions. The bill would repeal these provisions on January 1, 2021.

(2) Existing law requires the Department of Resources Recycling and Recovery to adopt regulations relating to waste management, including standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities, and for solid waste handling, transfer, composting, transformation, and disposal. Existing law prohibits the solid waste handling, transfer, composting, transformation, and disposal standards from including any requirement that is under the authority of the State Air Resources Board for the prevention of air pollution or the State Water Resources Control Board for the prevention of water pollution and prohibits the solid waste

facilities standards from including aspects of solid waste handling and disposal that are within the jurisdiction of the State Air Resources Board, air pollution control districts, and air quality management districts, or the State Water Resources Control Board or a regional water district.

Existing law prohibits a person from discharging a quantity of air contaminants or other material that causes injury, detriment, nuisance, or annoyance to the public, or that endangers the comfort, repose, health, or safety of the public, or that causes injury or damage to business or property, except as provided.

Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state. The act, with certain exceptions, requires a waste discharger to file certain information with the appropriate regional board and to pay an annual fee.

This bill would require, until January 1, 2021, the Department of Resources Recycling and Recovery, in coordination with the State Air Resources Board and the State Water Resources Control Board, to develop a policy that promotes the development of coordinated permitting and regulation of composting facilities while protecting the environment.

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

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

(a) With the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), the Legislature declared that the Department of Resources Recycling and Recovery and local agencies shall promote composting.

(b) Since the enactment of the act, local governments and private industries have worked jointly to create an extensive material collection infrastructure and have implemented effective programs to achieve a statewide diversion rate greater than 50 percent.

(c) Although California now leads the nation in waste reduction and recycling, the state continues to dispose of more than 15 million tons of compostable organics each year in solid waste landfills.

(d) Composting organic materials results in substantial environmental and agricultural benefits, including the reduction of naturally occurring volatile organic compounds and ammonia.

(e) The Economic and Technology Advancement Advisory Committee, formed pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), has identified composting as a cost-effective technology for reducing greenhouse gas emissions.

(f) The application of compost in agriculture and landscaping has been shown to offer significant soil-carbon sequestration and water quality

benefits, provide erosion control, reduce the need for synthetic fertilizers and pesticides, and conserve water and irrigation-associated energy.

(g) In 2007, the department's predecessor agency adopted Strategic Directive 6.1 to reduce the amount of organics in the waste stream by 50 percent by the year 2020.

(h) In 2014, the state required organic waste generators that produce four cubic yards or more of organic waste a week to arrange to recycle this material (Chapter 12.9 (commencing with Section 42649.8) of the Public Resources Code).

(i) To reduce the amount of organics in landfills, the state must promote the development and permitting of composting facilities and ensure that state regulations account for the lifecycle emissions reduction and water quality benefits of compost, while continuing to protect air and water quality.

SEC. 2. Section 42649.87 is added to the Public Resources Code, to read:

42649.87. (a) The California Environmental Protection Agency, in coordination with the department, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, shall develop and implement policies to aid in diverting organic waste from landfills by promoting the use of agricultural, forestry, and urban organic waste as a feedstock for compost and by promoting the appropriate use of that compost throughout the state.

(b) In developing policies pursuant to subdivision (a), the California Environmental Protection Agency shall promote a goal of reducing at least five million metric tons of greenhouse gas emissions per year through the development and application of compost on working lands, which include, but are not limited to, agricultural land, land used for forestry, and rangeland. The California Environmental Protection Agency shall work with the Department of Food and Agriculture to achieve this goal.

(c) The California Secretary for Environmental Protection Agency and the Secretary of Food and Agriculture shall ensure proper coordination of agency regulations and goals to implement this section. The California Environmental Protection Agency and the Department of Food and Agriculture, with the department, the State Water Resources Control Board, and the State Air Resources Board shall do all of the following:

(1) Assess the state's progress towards developing the organic waste processing and recycling infrastructure necessary to meet the state goals specified in Assembly Bill 341 (Chapter 476 of the Statutes of 2011), Assembly Bill 1826 (Chapter 727 of the Statutes of 2014), the State Air Resources Board's May 2015 Short-Lived Climate Pollutant Reduction Strategy concept paper, and the Department of Food and Agriculture's Healthy Soils Initiative.

(2) Meet at least quarterly and consult with interested stakeholders, including, but not limited to, the compost industry, local governments, and environmental organizations, to encourage the continued viability of the state's organic waste processing and recycling infrastructure.

(3) Hold at least one public workshop annually to inform the public of actions taken to implement this section and to receive public comment.

(4) Develop recommendations for promoting organic waste processing and recycling infrastructure statewide, which shall be posted on the California Environmental Protection Agency's Internet Web site no later than January 1, 2017, and updated annually thereafter.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 3. Section 43032 is added to the Public Resources Code, to read:

43032. (a) The department, in coordination with the State Air Resources Board and the State Water Resources Control Board, shall develop a policy that promotes the development of coordinated permitting and regulation of composting facilities while protecting the environment.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 16, 2015

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 1045 (Irwin) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Rural County Representatives of California (RCRC) respectfully requests your signature for Assembly Bill 1045. AB 1045, which is authored by Assembly Member Jacqui Irwin, addresses the diversion of organic waste from disposal. RCRC is an association of thirty-four rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

Last year, you signed into law Assembly Bill 1826 (Chesbro) which established California's commercial organics recycling program. RCRC was very engaged in the development of AB 1826 and worked with the California Department of Resources, Recycling and Recovery (CalRecycle) to ensure the feasibility of the provisions. In addition, CalRecycle is required to review local programs and identify and recommend actions to address state and federal permitting and siting challenges.

AB 1045 requires a number of state agencies, including the California Environmental Protection Agency, to develop and implement policies to aid in diverting organic waste from landfills. Most importantly, AB 1045 also requires CalRecycle to develop a policy that promotes the development of streamlined permitting and regulation of composting facilities. We continue to join a number of solid waste stakeholders in calling for a streamlined permitting process in order to be able to construct the infrastructure necessary to process the increased diversion of organic materials. Unfortunately, it is very difficult for local agencies to issue permits for organics processing facilities. This difficulty is the result of restrictions and conditions imposed by various state agencies, as well as the local review process afforded in state law. These impediments exist despite the State's goals of reducing organics and other materials from disposal into landfills. Thus, it is essential that the State should examine ways to streamline the process for permitting these organic waste facilities.

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO
MERCED MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SHASTA SIERRA SISKIYOU SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

The Honorable Edmund G. Brown, Jr.
Assembly Bill 1045
September 16, 2015
Page 2

Again, RCRC respectfully requests your signature on AB 1045. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Patricia Megason". The signature is written in a cursive, flowing style.

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Jacqui Irwin, Member of the State Assembly

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 15, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1063

Introduced by Assembly Member Williams

February 26, 2015

An act to amend Sections 48001 and 48004 of, to amend, repeal, and add Section 48000 of, and to add ~~and repeal~~ Section 48000.1 ~~of, to~~, the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as amended, Williams. Solid waste: charges.

(1) Existing law requires the operator of a disposal facility to pay to the State Board of Equalization a fee based on the amount of all solid waste disposed of at each disposal site. The act requires the Department of Resources Recycling and Recovery to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. Existing law requires the moneys collected from the fee to be deposited in the Integrated Waste Management Account and to be used by the department, upon appropriation, for specified purposes.

This bill would raise the fee imposed on an operator of a disposal facility ~~from a maximum of \$1.40 per ton to \$5 \$4 per ton between commencing January 1, 2017, and January 1, 2022, inclusive, and to \$3.50 per ton on and after January 1, 2022. 2017.~~ The bill would require a minimum of ~~\$1~~ \$1.50 per ton of the fee collected from each ~~operator between January 1, 2017, and operator, until January 1, 2022, and~~

would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified.

The

This bill additionally would require the department, commencing January 1, 2019, to establish, as provided, and impose a charge on all solid waste generators to be collected by a city, county, or city and county and remitted to the state board, as specified. The bill would require that the moneys collected from each solid waste generator between January 1, 2019, and would, until January 1, 2022, be allocated by authorize the department to allocate a portion of the moneys collected to fund activities that promote recycling and the highest and best use of materials, as specified. By adding to the duties of local governments, this bill would impose 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 48000 of the Public Resources Code is
- 2 amended to read:
- 3 48000. (a) Each operator of a disposal facility shall pay a fee
- 4 quarterly to the state board, which is based on the amount, by
- 5 weight or volumetric equivalent, as determined by the department,
- 6 of all solid waste disposed of at each disposal site.
- 7 (b) (1) The fee for solid waste disposed of shall be one dollar
- 8 and thirty-four cents (\$1.34) per ton. Commencing with the
- 9 1995–96 fiscal year, the amount of the fee shall be established by
- 10 the department at an amount that is sufficient to generate revenues
- 11 equivalent to the approved budget for that fiscal year, including a

1 prudent reserve, but shall not exceed one dollar and forty cents
2 (\$1.40) per ton.

3 (2) On and after July 1, 2012, the amount of the fee established
4 by the department pursuant to paragraph (1) shall be increased by
5 twelve cents (\$0.12) per ton for each operator of a solid waste
6 landfill whose owner has notified the department that it elects to
7 participate in the State Solid Waste Postclosure and Corrective
8 Action Trust Fund pursuant to Article 2.1 (commencing with
9 Section 48010).

10 (c) The department shall notify the state board on the first day
11 of the period in which the rate shall take effect of any rate change
12 adopted pursuant to paragraphs (1) and (2) of subdivision (b).

13 (d) The department and the state board shall ensure that all of
14 the fees for solid waste imposed pursuant to this section that are
15 collected at a transfer station are paid to the state board in
16 accordance with this article.

17 (e) (1) The fee imposed by paragraph (2) of subdivision (b)
18 shall not be operative on or after July 1, 2012, unless the
19 department receives, on or before January 1, 2012, letters of
20 participation in the State Solid Waste Postclosure and Corrective
21 Action Trust Fund from landfill owners representing at least 50
22 percent of the total volume of waste disposed of in 2010.

23 (2) The department shall notify the state board, on or before
24 February 29, 2012, if the fee imposed by paragraph (2) of
25 subdivision (b) shall become operative pursuant to paragraph (1).

26 (f) This section shall remain in effect only until January 1, 2017,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2017, deletes or extends that date.

29 SEC. 2. Section 48000 is added to the Public Resources Code,
30 to read:

31 48000. (a) (1) Each operator of a disposal facility shall
32 quarterly pay a fee that is based on the amount, by weight or
33 volumetric equivalent as determined by the department, of all solid
34 waste disposed at each disposal site. The fee shall be ~~five dollars~~
35 ~~(\$5.00)~~ *four dollars (\$4.00)* per ton.

36 (2) The fee imposed by this subdivision shall be remitted to the
37 state board.

38 (b) (1) Notwithstanding Section 48004, *until January 1, 2022,*
39 *no less than one dollar* ~~(\$1.00)~~ *and fifty cents (\$1.50)* per ton
40 collected pursuant to subdivision (a) shall be allocated by the

1 department, upon appropriation by the Legislature, to fund
 2 activities that promote recycling and the highest and best use of
 3 materials through any of the following:

4 (A) Market incentive payments for recycling infrastructure and
 5 activities.

6 (B) Grants to local governments to implement programs that
 7 increase recycling and reduce disposal.

8 (C) Grants and loans to develop recycling infrastructure.

9 (2) When implementing paragraph (1), if the department
 10 determines there are sufficient moneys collected pursuant to this
 11 section, it shall prioritize the funding of market incentive payments.

12 ~~(c) This section shall become operative on January 1, 2017.~~

13 ~~(d) This section shall remain in effect only until January 1, 2022,~~
 14 ~~and as of that date is repealed, unless a later enacted statute, that~~
 15 ~~is enacted before January 1, 2022, deletes or extends that date.~~

16 ~~(c) Notwithstanding Section 48004, on and after January 1,~~
 17 ~~2022, moneys collected pursuant to subdivision (a) may be~~
 18 ~~allocated by the department, upon appropriation by the Legislature,~~
 19 ~~to fund activities identified in subdivision (b).~~

20 ~~(d) This section shall become operative on January 1, 2017.~~

21 ~~SEC. 3. Section 48000 is added to the Public Resources Code,~~
 22 ~~to read:~~

23 ~~48000. (a) (1) Each operator of a disposal facility shall~~
 24 ~~quarterly pay a fee that is based on the amount, by weight or~~
 25 ~~volumetric equivalent as determined by the department, of all solid~~
 26 ~~waste disposed at each disposal site. The fee shall be three dollars~~
 27 ~~and fifty cents (\$3.50) per ton.~~

28 ~~(2) The fee imposed by this subdivision shall be remitted to the~~
 29 ~~state board.~~

30 ~~(b) Notwithstanding Section 48004, moneys collected pursuant~~
 31 ~~to subdivision (a) may be allocated by the department, upon~~
 32 ~~appropriation by the Legislature, to fund activities that promote~~
 33 ~~recycling and the highest and best use of materials through any of~~
 34 ~~the following:~~

35 ~~(1) Market incentive payments for recycling infrastructure and~~
 36 ~~activities.~~

37 ~~(2) Grants to local governments to implement programs that~~
 38 ~~increase recycling and reduce disposal.~~

39 ~~(3) Grants and loans to develop recycling infrastructure.~~

40 ~~(c) This section shall become operative on January 1, 2022.~~

1 ~~SEC. 4.~~ Section 48000.1 is added to the Public Resources Code,
2 to read:

3 48000.1. ~~(a) (1) The department shall establish and impose a~~
4 ~~quarterly charge on solid waste generators in an amount sufficient~~
5 ~~to ensure fifteen million dollars (\$15,000,000) per calendar year~~
6 ~~is available to be used pursuant to subdivision (c):~~

7 ~~(2) To the extent possible, the charge shall apply to all solid~~
8 ~~waste generators, including residential entities, commercial entities,~~
9 ~~public entities, and self-haulers:~~

10 ~~(b) (1) The charge shall be collected by a city, county, or a city~~
11 ~~and county or up to two designees per city or county or city and~~
12 ~~county:~~

13 ~~(2) The charge imposed by this section shall be remitted to the~~
14 ~~state board:~~

15 ~~(c) (1) Notwithstanding Section 48004, the moneys collected~~
16 ~~pursuant to this section shall be allocated by the department, upon~~
17 ~~appropriation by the Legislature, to fund activities that promote~~
18 ~~recycling and the highest and best use of materials through any of~~
19 ~~the following:~~

20 ~~(A) Market incentive payments for recycling infrastructure and~~
21 ~~activities:~~

22 ~~(B) Grants to local governments to implement programs that~~
23 ~~increase recycling and reduce disposal:~~

24 ~~(C) Grants and loans to develop recycling infrastructure.~~

25 ~~(2) When implementing paragraph (1), if the department~~
26 ~~determines there are sufficient moneys collected pursuant to this~~
27 ~~section, it shall prioritize the funding of market incentive payments:~~

28 ~~(d) This section shall become operative on January 1, 2019.~~

29 ~~(e) This section shall remain in effect only until January 1, 2022,~~
30 ~~and as of that date is repealed, unless a later enacted statute, that~~
31 ~~is enacted before January 1, 2022, deletes or extends that date:~~

32 ~~SEC. 5.~~

33 ~~SEC. 3.~~ Section 48000.1 is added to the Public Resources Code,
34 to read:

35 48000.1. (a) (1) The department shall establish and impose a
36 quarterly charge on solid waste generators as follows:

37 (A) Commencing January 1, ~~2022, 2019~~, and every three years
38 thereafter, the charge on solid waste generators shall be calculated
39 to collect moneys sufficient to recover the department's costs to
40 ~~implement this division described in Section 48004~~ that are not

1 covered by the moneys annually collected pursuant to Section
2 48000 during the prior three fiscal years.

3 (B) In determining the amount of moneys required to implement
4 ~~this division~~, recover the costs described in Section 48004, the
5 department shall set the charge based on the moneys deposited in
6 the account for the ~~2018-19~~ 2017-18 fiscal year ~~less the amount~~
7 ~~set to fund activities pursuant to subdivision (b) of Section 48000~~
8 plus any additional or reduced collected moneys necessary to
9 implement any additional or reduced allocations and transfers
10 approved by the Legislature.

11 (C) *Until January 1, 2022, in addition to the amount determined*
12 *pursuant to subparagraph (A), the charge shall include an amount,*
13 *determined by the department, sufficient to ensure that not less*
14 *than fifteen million dollars (\$15,000,000) for each calendar year*
15 *is collected for the purposes of subdivision (c).*

16 (2) To the extent possible, the charge shall apply to all solid
17 waste generators, including residential entities, commercial entities,
18 public entities, and self-haulers.

19 (b) (1) The charge shall be collected by a city, county, or a city
20 and county or up to two designees per city or county or city and
21 county.

22 (2) The charge imposed by this section shall be remitted to the
23 state board.

24 ~~(c) This section shall become operative on January 1, 2022.~~

25 (c) (1) *Notwithstanding Section 48004, moneys collected*
26 *pursuant to subparagraph (C) of paragraph (1) of subdivision (a)*
27 *may be allocated by the department, upon appropriation by the*
28 *Legislature, to fund activities that promote recycling and the*
29 *highest and best use of materials through any of the following:*

30 (A) *Market incentive payments for recycling infrastructure and*
31 *activities.*

32 (B) *Grants to local governments to implement programs that*
33 *increase recycling and reduce disposal.*

34 (C) *Grants and loans to develop recycling infrastructure.*

35 (2) *When implementing paragraph (1), if the department*
36 *determines there are sufficient moneys collected pursuant to this*
37 *chapter, it shall prioritize the funding of market incentive payments.*

38 ~~SEC. 6.~~

39 SEC. 4. Section 48001 of the Public Resources Code is
40 amended to read:

1 48001. (a) The revenue from the fees paid pursuant to this
2 chapter shall be deposited, after payment of refunds and
3 administrative costs of collection, in the Integrated Waste
4 Management Account, which is hereby created in the fund.

5 (b) The department and the state board shall ensure all of the
6 fees for solid waste imposed pursuant to this chapter, including,
7 but not limited to, fees on solid waste that is exported for disposal,
8 are remitted to the state board in accordance with this article.

9 ~~SEC. 7:~~

10 *SEC. 5.* Section 48004 of the Public Resources Code is
11 amended to read:

12 48004. (a) The money in the account shall be used by the
13 department, upon appropriation by the Legislature, for the
14 following purposes:

15 (1) The administration and implementation of this division by
16 the department, including a prudent reserve.

17 (2) The state water board's and regional water boards'
18 administration and implementation of Division 7 (commencing
19 with Section 13000) of the Water Code at solid waste disposal
20 sites.

21 (b) It is the intent of the Legislature that an amount that is
22 sufficient to fund state water board and regional water board
23 regulatory activities for solid waste landfills be appropriated from
24 the account by the Legislature in the annual Budget Act. Those
25 persons who are required to pay the fee imposed pursuant to
26 Section 48000 shall not be required to pay the annual fee imposed
27 pursuant to subdivision (d) of Section 13260 of the Water Code
28 with regard to the same discharge if the requirements for the waiver
29 of that fee set forth in paragraph (3) of subdivision (d) of Section
30 13260 of the Water Code are met.

31 (c) Notwithstanding subdivisions (a) and (b), if the fee
32 established pursuant to Section 48000 does not generate revenues
33 sufficient to fund the programs specified in this section or if the
34 amount appropriated by the Legislature for these purposes is
35 reduced, those reductions shall be equally and proportionally
36 distributed between funding for the solid waste programs of the
37 state water board and the regional water boards and the department.

38 ~~SEC. 8:~~

39 *SEC. 6.* If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

4 ~~SEC. 9.~~

5 *SEC. 7.* This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety within
7 the meaning of Article IV of the Constitution and shall go into
8 immediate effect. The facts constituting the necessity are:

9 To ensure the Department of Resources Recycling and Recovery
10 has sufficient resources to efficiently and effectively regulate the
11 generation and disposal of solid waste for the protection of public
12 health and safety, it is necessary for this measure to take effect
13 immediately.

O

AMENDED IN SENATE JULY 15, 2015
AMENDED IN ASSEMBLY APRIL 20, 2015
california legislature—2015–16 regular session

ASSEMBLY BILL

No. 1063

Introduced by Assembly Member Williams

February 26, 2015

An act to amend Sections 48001 and 48004 of, to amend, repeal, and add Section 48000 of, and to add ~~and repeal~~ Section 48000.1 ~~to~~ of to, the Public Resources Code, relating to solid ~~waste~~ waste, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

AB 1063, as amended, Williams. Solid waste: disposal facility: fees: charges.

Existing

(1) Existing law requires the operator of a disposal facility to pay to the State Board of Equalization a fee based on the amount of all solid waste disposed of at each disposal site. The act requires the Department of Resources Recycling and Recovery to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. Existing law requires the moneys collected from the fee to be deposited in the Integrated Waste Management Account and to be used by the department, upon appropriation, for specified purposes.

This bill would raise the fee imposed on an operator of a disposal facility from a maximum of \$1.40 per ton to \$5 per ton between January 1, 2017, and January 1, 2022, inclusive, and to \$3.50 per ton on and after January 1, 2022. The bill would require a minimum of \$1 per ton of the fee collected from each operator between January 1, 2017, and

January 1, 2022, and would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified.

The bill additionally would require the department, commencing January 1, 2019, to establish, as provided, and impose a charge on all solid waste generators to be collected by a city, county, or city and county and remitted to the state board, as specified. The bill would require that the moneys collected from each solid waste generator between January 1, 2019, and January 1, 2022, be allocated by the department to activities that promote recycling and the highest and best use of materials, as specified. By adding to the duties of local governments, this bill would impose 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~This bill would require, on or before July 1, 2016, the Department of Resources Recycling and Recovery, to hold a public hearing and workshop to develop a proposal for the Legislature regarding a new solid waste management fee which would provide the department with the revenue necessary to carry out certain actions. The bill would require the department, within 6 months of the public hearing and workshop, to propose a new solid waste management fee to the Legislature.~~

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 48000 of the Public Resources Code is
- 2 amended to read:
- 3 48000. (a) Each operator of a disposal facility shall pay a fee
- 4 quarterly to the ~~State Board of Equalization~~, state board, which is
- 5 based on the amount, by weight or volumetric equivalent, as
- 6 determined by the ~~Department of Resources Recycling and~~

1 ~~Recovery~~, department, of all solid waste disposed of at each
2 disposal site.

3 (b) (1) The fee for solid waste disposed of shall be one dollar
4 and thirty-four cents (\$1.34) per ton. Commencing with the
5 1995–96 fiscal year, the amount of the fee shall be established by
6 the ~~Department of Resources Recycling and Recovery~~ department
7 at an amount that is sufficient to generate revenues equivalent to
8 the approved budget for that fiscal year, including a prudent
9 reserve, but shall not exceed one dollar and forty cents (\$1.40) per
10 ton.

11 (2) On and after July 1, 2012, the amount of the fee established
12 by the ~~Department of Resources Recycling and Recovery~~
13 department pursuant to paragraph (1) shall be increased by twelve
14 cents (\$0.12) per ton for each operator of a solid waste landfill
15 whose owner has notified the department that it elects to participate
16 in the State Solid Waste Postclosure and Corrective Action Trust
17 Fund pursuant to Article 2.1 (commencing with Section 48010).

18 (c) The ~~Department of Resources Recycling and Recovery~~
19 department shall notify the state board on the first day of the period
20 in which the rate shall take effect of any rate change adopted
21 pursuant to paragraphs (1) and (2) of subdivision (b).

22 (d) The ~~Department of Resources Recycling and Recovery~~
23 department and the state board shall ensure that all of the fees for
24 solid waste imposed pursuant to this section that are collected at
25 a transfer station are paid to the state board in accordance with this
26 article.

27 (e) (1) The fee imposed by paragraph (2) of subdivision (b)
28 shall not be operative on or after July 1, 2012, unless the
29 ~~Department of Resources Recycling and Recovery~~ department
30 receives, on or before January 1, 2012, letters of participation in
31 the State Solid Waste Postclosure and Corrective Action Trust
32 Fund from landfill owners representing at least 50 percent of the
33 total volume of waste disposed of in 2010.

34 (2) The ~~Department of Resources Recycling and Recovery~~
35 department shall notify the state board, on or before February 29,
36 2012, if the fee imposed by paragraph (2) of subdivision (b) shall
37 become operative pursuant to paragraph (1).

38 (f) *This section shall remain in effect only until January 1, 2017,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2017, deletes or extends that date.*

1 SEC. 2. Section 48000 is added to the Public Resources Code,
2 to read:

3 48000. (a) (1) Each operator of a disposal facility shall
4 quarterly pay a fee that is based on the amount, by weight or
5 volumetric equivalent as determined by the department, of all solid
6 waste disposed at each disposal site. The fee shall be ~~five dollars~~
7 ~~(\$5.00)~~ four dollars (\$4.00) three dollars and fifty cents (\$3.50) per ton.

8 (2) The fee imposed by this subdivision shall be remitted to the
9 state board.

10 (b) (1) Notwithstanding Section 48004, until January 1, 2022 no less than one dollar and fifty
cents (\$1.50)

11 ~~(\$1.00)~~ per ton collected pursuant to subdivision (a) shall be
12 allocated by the department, upon appropriation by the Legislature,
13 to fund activities that promote recycling and the highest and best
14 use of materials through any of the following:

15 (A) Market incentive payments for recycling infrastructure and
16 activities.

17 (B) Grants to local governments or private industry to implement programs that
18 increase recycling and reduce disposal.

19 (C) Grants and loans to develop recycling infrastructure.

20 (2) When implementing paragraph (1), if the department
21 determines there are sufficient moneys collected pursuant to this
22 section, it shall prioritize the funding of market incentive payments.

23 ~~(e) This section shall become operative on January 1, 2017.~~

24 ~~(d) This section shall remain in effect only until January 1, 2022,~~
25 ~~and as of that date is repealed, unless a later enacted statute, that~~
26 ~~is enacted before January 1, 2022, deletes or extends that date.~~

(c) Notwithstanding Section 48004, on and after January 1, 2022, moneys collected pursuant
to subdivision (a) may be allocated by the department, upon appropriation by the Legislature to
fund activities identified in subdivisions (b).

(d) (1) The department shall prepare a report for submission to the Legislature by January 1,
2023 that will provide an analysis of the following issues:

(A) The adequacy and effectiveness of the fees imposed under Section 48000 and Section
48000.1.

(B) The effectiveness of the activities funded by Section 48000 (b) and Section 48000.1 (c)
in achieving the department's organics recycling goals.

(2) The report and the fees imposed by Sections 48000 and Section 48000.1 shall be subject to
review by the appropriate policy committees of the Legislature. The review shall be performed as
if this section were scheduled to be repealed as of January 1, 2025.

(d) (e) This section shall become operative on January 1, 2017.

27 SEC. 3. Section 48000 is added to the Public Resources Code,
28 to read:

29 ~~48000. (a) (1) Each operator of a disposal facility shall~~
30 ~~quarterly pay a fee that is based on the amount, by weight or~~
31 ~~volumetric equivalent as determined by the department, of all solid~~
32 ~~waste disposed at each disposal site. The fee shall be three dollars~~
33 ~~and fifty cents (\$3.50) per ton.~~

34 ~~(2) The fee imposed by this subdivision shall be remitted to the~~
35 ~~state board.~~

36 ~~(b) Notwithstanding Section 48004, moneys collected pursuant~~
37 ~~to subdivision (a) may be allocated by the department, upon~~
38 ~~appropriation by the Legislature, to fund activities that promote~~
39 ~~recycling and the highest and best use of materials through any~~
40 ~~of the following:~~

1 (1) Market incentive payments for recycling infrastructure and
2 activities.

3 ~~(2) Grants to local governments to implement programs that
4 increase recycling and reduce disposal.~~

5 ~~(3) Grants and loans to develop recycling infrastructure.~~

6 ~~(e) This section shall become operative on January 1, 2022.~~

7 ~~SEC. 4. Section 48000.1 is added to the Public Resources Code,
8 to read:~~

9 ~~48000.1. (a) (1) The department shall establish and impose
10 a quarterly charge on solid waste generators in an amount
11 sufficient to ensure fifteen million dollars (\$15,000,000) per
12 calendar year is available to be used pursuant to subdivision (e).~~

13 ~~(2) To the extent possible, the charge shall apply to all solid
14 waste generators, including residential entities, commercial
15 entities, public entities, and self-haulers.~~

16 ~~(b) (1) The charge shall be collected by a city, county, or a city
17 and county or up to two designees per city or county or city and
18 county.~~

19 ~~(2) The charge imposed by this section shall be remitted to the
20 state board.~~

21 ~~(c) (1) Notwithstanding Section 48004, the moneys collected
22 pursuant to this section shall be allocated by the department, upon
23 appropriation by the Legislature, to fund activities that promote
24 recycling and the highest and best use of materials through any
25 of the following:~~

26 ~~(A) Market incentive payments for recycling infrastructure and
27 activities.~~

28 ~~(B) Grants to local governments to implement programs that
29 increase recycling and reduce disposal.~~

30 ~~(C) Grants and loans to develop recycling infrastructure.~~

31 ~~(2) When implementing paragraph (1), if the department
32 determines there are sufficient moneys collected pursuant to this
33 section, it shall prioritize the funding of market incentive payments.~~

34 ~~(d) This section shall become operative on January 1, 2019.~~

35 ~~(e) This section shall remain in effect only until January 1, 2022,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2022, deletes or extends that date.~~

38 ~~SEC. 5. SEC. 3. Section 48000.1 is added to the Public Resources Code,
39 to read:~~

1 48000.1. (a) (1) The department shall establish and impose
2 a quarterly charge on solid waste generators as follows:

3 (A) Commencing January 1, ~~2022, 2019~~, and every three
4 years
5 thereafter, the charge on solid waste generators shall be calculated
6 to collect moneys sufficient to recover the department's costs to
7 ~~implement this division~~ recover the costs described in section 48004 that
8 are not covered by the moneys annually
9 collected pursuant to Section 48000 during the prior three fiscal
10 years.

11 (B) In determining the amount of moneys required to implement
12 this division, the department shall set the charge based on the
13 moneys deposited in the account for the ~~2018-19~~ 2017-18 fiscal year less
14 ~~the amount set to fund activities pursuant to subdivision (b) of~~
15 ~~Section 48000 plus any additional or reduced collected moneys~~
16 necessary to implement any additional or reduced allocations and
17 transfers approved by the Legislature.

18 (C) Until January 1, 2022, in addition to the amount determined pursuant to subparagraph
19 (A), the charge shall include an amount, determined by the department, sufficient to ensure that not
20 less than fifteen million dollars (\$15,000,000) for each calendar year is collected for the purposes
21 of subdivision (c)

22 (2) To the extent possible, the charge shall apply to all solid
23 waste generators, including residential entities, commercial
24 entities, public entities, and self-haulers.

25 (b) (1) The charge shall be collected by a city, county, or a city
26 and county or up to two their designees per city or county or city and
27 county under conditions approved by the department.

28 (2) The charge shall also cover the reasonable administrative cost to collect the charge of a
29 city, county, or a city and county, or their designees under conditions approved by the
30 department.

31 ~~(3) The charge imposed by this section shall be remitted to the~~
32 ~~state board.~~

33 ~~(e) This section shall become operative on January 1, 2022.~~

34 (c)(1) Notwithstanding Section 48004, moneys collected pursuant to subparagraph (C) of
35 paragraph (1) of subdivision (a) may be allocated by the department upon appropriation by the
36 Legislature, to fund activities that promote recycling and the highest and best use of materials
37 through any of the following:

38 (A) Market incentive payments for recycling infrastructure and activities.

39 (B) Grants to local governments to implement programs that increase recycling and reduce
40 disposal.

41 (C) Grants and loans to develop recycling infrastructure.

42 (2) When implementation paragraph (1) if the department determines there are sufficient moneys
43 collected pursuant to this chapter, it shall prioritize the funding of market incentive payments.

44 ~~SEC. 6. SEC. 4 Section 48001 of the Public Resources Code is~~
45 ~~amended to read:~~

46 48001. (a) The revenue from the fees paid pursuant to
47 paragraph (1) of subdivision (b) of Section 48000 shall, after
48 payment of refunds and administrative costs of collection, be
49 deposited this chapter shall be deposited, after payment of refunds
50 and administrative costs of collection, in the Integrated Waste
51 Management Account, which is hereby created in the fund.

52 (b) The department and the state board shall ensure all of the
53 fees for solid waste imposed pursuant to this chapter, including,
54 but not limited to, fees on solid waste that is exported for disposal,
55

1 48004. (a) The money in the account shall be used by the
36 *are remitted to the state board in accordance with this article.*
37 ~~SEC. 7.~~ SEC. 5. *Section 48004 of the Public Resources Code is*
38 *amended to read:*

7

1 48000.1. (a) (1) *The department shall establish and impose*
2 ~~Department of Resources Recycling and Recovery department,~~
3 upon appropriation by the Legislature, for the following purposes:

4 (1) The administration and implementation of this division by
5 ~~the Department of Resources Recycling and Recovery department,~~
6 *including a prudent reserve.*

7 (2) The state water board's and regional water boards'
8 administration and implementation of Division 7 (commencing
9 with Section 13000) of the Water Code at solid waste disposal
10 sites.

11 (b) It is the intent of the Legislature that an amount that is
12 sufficient to fund state water board and regional water board
13 regulatory activities for solid waste landfills be appropriated from
14 the account by the Legislature in the annual Budget Act. Those
15 persons who are required to pay the fee imposed pursuant to
16 Section 48000 shall not be required to pay the annual fee imposed
17 pursuant to subdivision (d) of Section 13260 of the Water Code
18 with regard to the same discharge if the requirements for the waiver
19 of that fee set forth in paragraph (3) of subdivision (d) of Section
20 13260 of the Water Code are met.

21 (c) Notwithstanding subdivisions (a) and (b), if the fee
22 established pursuant to Section 48000 does not generate revenues
23 sufficient to fund the programs specified in this ~~section,~~ *section*
24 or if the amount appropriated by the Legislature for these purposes
25 is reduced, those reductions shall be equally and proportionally
26 distributed between funding for the solid waste programs of the
27 state water board and the regional water boards and the ~~Department~~
28 ~~of Resources Recycling and Recovery department.~~

29 ~~SEC. 8. SEC. 6.~~ *If the Commission on State Mandates*
determines that

30 *this act contains costs mandated by the state, reimbursement to*
31 *local agencies and school districts for those costs shall be made*
32 *pursuant to Part 7 (commencing with Section 17500) of Division*
33 *4 of Title 2 of the Government Code.*

34 ~~SEC. 9. SEC. 7.~~ *This act is an urgency statute necessary*
for the

35 *immediate preservation of the public peace, health, or safety within*
36 *the meaning of Article IV of the Constitution and shall go into*
37 *immediate effect. The facts constituting the necessity are:*

38 *To ensure the Department of Resources Recycling and Recovery*
39 *has sufficient resources to efficiently and effectively regulate the*
40 *generation and disposal of solid waste for the protection of public*

1 *health and safety, it is necessary for this measure to take effect*
2 *immediately.*

3 ~~SECTION 1. Section 48000.1 is added to the Public Resources~~
4 ~~Code, to read:~~

5 ~~48000.1. (a) On or before July 1, 2016, the department shall~~
6 ~~hold a public hearing and workshop to develop a proposal for the~~
7 ~~Legislature regarding a new solid waste management fee which~~
8 ~~would provide the department with the revenue necessary to carry~~
9 ~~out all of the following:~~

10 ~~(1) Develop financial incentives to promote the recycling of~~
11 ~~organic material through activities, including, but not limited to,~~
12 ~~composting and anaerobic digestion.~~

13 ~~(2) Provide resources to develop infrastructure and incentives~~
14 ~~necessary to achieve the statewide policy goal pursuant to Section~~
15 ~~41780.01.~~

16 ~~(3) Provide a sustainable funding structure that ensures the~~
17 ~~department's ability to carry out its responsibilities under this~~
18 ~~division.~~

19 ~~(b) For the public hearing and workshop, the department shall~~
20 ~~seek public input from interested groups, including, but not limited~~
21 ~~to, representatives of the solid waste industry, local government,~~
22 ~~disadvantaged communities, and environmental groups.~~

23 ~~(c) Within six months of the public hearing and workshop held~~
24 ~~pursuant to subdivision (a), the department shall propose a new~~
25 ~~solid waste management fee to the Legislature pursuant to Section~~
26 ~~9795 of the Government Code.~~

O

AMENDED IN SENATE JULY 16, 2015
AMENDED IN ASSEMBLY MAY 19, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1103

Introduced by Assembly Member Dodd

February 27, 2015

An act to amend Section 42649.8 ~~of of~~, and to add Sections 42649.88, 42649.89, 42649.9, 42649.91, and 42649.92 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, as amended, Dodd. Solid waste: organic waste.

Existing law, on and after April 1, 2016, requires a business that generates a certain amount of organic waste to arrange for recycling services specifically for organic waste, and requires each city, county, or regional agency approved by the Department of Resources Recycling and Recovery to implement an organic waste recycling program designed to divert organic waste generated by those businesses, except as specified. Existing law defines the term "organic waste" for purposes of those provisions to include food waste and food-soiled paper waste.

This bill would ~~also define the terms "food-soiled paper" and "food waste" for purposes of those provisions.~~ *require a person who transports a certain amount of food waste to be registered by the department, except as specified. The bill would require a registered transporter to maintain a record of food waste transported that contains specified documents and information, and to certify, under penalty of perjury, to the accuracy of the record. By expanding the application of the crime of perjury, the bill would impose a state-mandated local program. The*

bill would authorize the department to impose fees on registered transporters for vehicles used to transport food waste for the department's reasonable regulatory costs in administering these provisions regulating the diversion of food waste, as specified. The bill would require food waste transporters and facilities to report specified information to the department at least quarterly, including, among other things, the quantity of food waste transported or received, as applicable. The bill would subject a registered transporter of food waste to a civil penalty, payable to the department, for a violation of these provisions. The bill would require a jurisdiction or other local governmental agency to inspect vehicles that are used by transporters to transport food waste. By imposing additional duties on local governmental agencies, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. (a) The Legislature finds and declares that a
2 statewide system of accounting for the diversion of food waste
3 through the implementation and enforcement of statewide
4 standards for hauling, processing, and transferring of food waste
5 is critical to protect public health and safety, to reduce the disposal
6 of food waste in landfills, and to improve the environment through
7 the reduction of greenhouse gases. According to the State Air
8 Resources Board's May 2015 Short-Lived Climate Pollutant
9 Reduction Strategy concept paper, "The strategy will consider
10 measures to meet a goal of diverting 90 percent of organics from
11 landfills through source reduction and organics recycling by
12 2025."

1 (b) *It is the intent of the Legislature that food waste material*
2 *be managed in a manner that is consistent statewide and that tracks*
3 *the movement of food waste through a regulated system to*
4 *significantly improve the state's ability to do both of the following:*

5 (1) *Quantify progress toward greenhouse gas reduction goals*
6 *statewide.*

7 (2) *Report diversion levels for determining progress toward the*
8 *state's current 75 percent recycling goal.*

9 ~~SECTION 1:~~

10 SEC. 2. Section 42649.8 of the Public Resources Code is
11 amended to read:

12 42649.8. For purposes of this chapter, the following terms shall
13 apply:

14 (a) "Business" means a commercial or public entity, including,
15 but not limited to, a firm, partnership, proprietorship, joint stock
16 company, corporation, or association that is organized as a
17 for-profit or nonprofit entity, or a multifamily residential ~~dwelling.~~
18 *dwelling, and including federal, state, county, and municipal*
19 *entities, special districts, schools, and colleges.*

20 (b) "Commercial waste generator" means a business subject to
21 subdivision (a) of Section 42649.2.

22 ~~(c) "Food-soiled paper" includes, but is not limited to, food~~
23 ~~soiled napkins, towels, egg cartons, pizza boxes, waxed or unwaxed~~
24 ~~cardboard or paper food and beverage containers or wrappers,~~
25 ~~paper bags, coffee filters, tea bags, and plates and cups that do not~~
26 ~~have a plastic coating.~~

27 (d)

28 (c) "Food waste" means discarded putrescible solid, semisolid,
29 and liquid food, including, but not limited to, fruit, vegetables,
30 cheese, meat, bones, poultry, seafood, bread, rice, pasta, oils, and
31 herbs, and any other putrescible matter produced from human food
32 production and preparation activities. ~~Food waste includes~~
33 ~~food-soiled paper. Food waste does not include materials required~~
34 ~~to be handled pursuant to Chapter 5 (commencing with Section~~
35 ~~19200) of Part 3 of Division 9 of the Food and Agricultural Code.~~

36 (d) "Individual self-hauler" means a self-hauler with only one
37 transporter vehicle that transports not more than one cubic yard
38 of food waste per week from not more than one location.

1 (e) "Organic waste" means food waste, green waste, landscape
 2 and pruning waste, nonhazardous wood waste, and food-soiled
 3 paper waste that is mixed in with food waste.

4 (f) "Organic waste generator" means a business subject to
 5 subdivision (a) of Section 42649.81.

6 (g) "Rural jurisdiction" means a jurisdiction that is located
 7 entirely within one or more rural counties, or a regional agency
 8 comprised of jurisdictions that are located within one or more rural
 9 counties.

10 (h) "Rural county" means a county that has a total population
 11 of less than 70,000 persons.

12 (i) "Self-hauler" means a business that hauls *more than one*
 13 *cubic yard of its own food waste or hauls food waste from more*
 14 *than one location, rather than contracting for that service service,*
 15 and "self-haul" means to act as a self-hauler.

16 (j) "Transporter vehicle" means a vehicle that transports and
 17 delivers food waste to an approved processing facility, and that
 18 is operated by a business required to be registered pursuant to
 19 Section 42649.89.

20 SEC. 3. Section 42649.88 is added to the Public Resources
 21 Code, to read:

22 42649.88. Any facility that is permitted or authorized by law
 23 to receive food waste may participate in the diversion of food waste
 24 pursuant to this chapter.

25 SEC. 4. Section 42649.89 is added to the Public Resources
 26 Code, to read:

27 42649.89. (a) Except as expressly provided herein, it is
 28 unlawful for any business to transport more than one cubic yard
 29 of food waste per week or to transport food waste from more than
 30 one location without being registered by the department as a
 31 transporter of food waste. The following are exempt from the
 32 registration and related requirements of this section:

33 (1) Licensed renderers lawfully operating pursuant to Chapter
 34 5 (commencing with Section 19200) of Part 3 of Division 9 of the
 35 Food and Agricultural Code.

36 (2) Transporters of agricultural byproducts destined for final
 37 disposition on land in a manner that is specifically authorized by
 38 the State Water Resources Control Board, or a Regional Water
 39 Quality Control Board, provided such final disposition does not
 40 adversely affect public health and safety or the environment.

1 (b) The department may impose fees on registered transporters
2 of food waste and individual self-haulers for transporter vehicles
3 for the reasonable regulatory costs to the department to administer
4 the provisions of this chapter regulating the diversion of food
5 waste, not to exceed the following:

6 (1) Except as specified in paragraph (2), three hundred dollars
7 (\$300) for each transporter vehicle.

8 (2) One hundred dollars (\$100) for the transporter vehicle of
9 an individual self-hauler.

10 (c) A registered transporter shall procure and maintain
11 insurance coverage against claims for injuries to persons or
12 damages to property that may arise from, or in connection with,
13 the performance of the work of the transporter. A registered
14 transporter shall maintain commercial liability, commercial
15 automobile liability, workers' compensation, and pollution liability
16 insurance policies, in an amount and type as determined by the
17 department, which amount shall be no less than one million dollars
18 (\$1,000,000). A registered transporter lawfully operating pursuant
19 to a franchise, contract, license, or permit issued by a local agency
20 shall be deemed to have satisfied the requirements of this
21 subdivision.

22 (d) A transporter vehicle shall be inspected on a regular basis,
23 at a frequency and in accordance with standards developed by the
24 department, by the jurisdiction or other local governmental entity
25 permitting the transporter's operation. The inspection shall
26 include, but is not limited to, the vehicle's cleanliness, whether
27 the vehicle is watertight, whether the food waste is properly
28 contained, and whether the vehicle has been inspected pursuant
29 to Section 34501.12 of the Vehicle Code. A transporter lawfully
30 operating pursuant to a franchise, contract, license, or permit
31 issued by a local agency shall be deemed to have satisfied the
32 requirements of this subdivision.

33 (e) A registered transporter shall comply with state or local
34 laws or requirements, including a local ordinance or agreement,
35 applicable to the collection, handling, or recycling of solid waste.

36 SEC. 5. Section 42649.9 is added to the Public Resources Code,
37 to read:

38 42649.9. (a) A registered transporter shall maintain a record
39 of transported food waste to document that food waste did not
40 remain on the premises of the generator for more than seven days,

1 consistent with, and subject to the exceptions provided in, Section
2 17331 of Title 14 of the California Code of Regulations, and was
3 handled in accordance with the provisions of this chapter, as
4 specified in regulations to be adopted pursuant to subdivision (e).

5 (b) The record shall include a receipt indicating the acceptance
6 of the material at a permitted or approved facility, the quantity of
7 the material, and the jurisdiction of origin of the food waste. The
8 transporter shall certify, under penalty of perjury, that the record
9 is accurate.

10 (c) A registered transporter shall submit an electronic report
11 to the department, at least quarterly, containing all information
12 required to be reported pursuant to subdivision (b) of Section
13 42649.91.

14 (d) A registered transporter shall maintain all records required
15 pursuant to this section for a minimum of three years.

16 (e) The department may adopt regulations requiring practices
17 and procedures that are reasonable and necessary to provide an
18 accounting of food waste transported, handled, processed, or
19 disposed. The regulations shall not impose an unreasonable burden
20 on the transporting, safe handling, processing, and disposal of
21 food waste.

22 SEC. 6. Section 42649.91 is added to the Public Resources
23 Code, to read:

24 42649.91. (a) The department shall compile a list of permitted
25 and approved facilities authorized to accept food waste and shall
26 also notify facilities and registered transporters of the requirements
27 relating to transportation of food waste by posting the information
28 on the department's Internet Web site.

29 (b) The department shall require a registered transporter or
30 facility that transports or receives food waste, as applicable, to
31 report information to the department at least quarterly concerning
32 the transportation and receipt of food waste, including all of the
33 following:

34 (1) The name of the transporter or facility.

35 (2) The jurisdiction of origin of the food waste.

36 (3) The quantity of the food waste transported or received in
37 weight or volume.

38 (4) The date and time the food waste was transported or
39 received.

1 (5) *The license plate number of the vehicle used for*
2 *transportation.*

3 (6) *Any other information required by the department.*

4 **SEC. 7.** *Section 42649.92 is added to the Public Resources*
5 *Code, to read:*

6 42649.92. *Any person who refuses or fails to submit*
7 *information required by regulations adopted pursuant to Sections*
8 *42649.88 to 42649.91, inclusive, is liable to the department for a*
9 *civil penalty of not less than five hundred dollars (\$500) and not*
10 *more than five thousand dollars (\$5,000) for each violation of a*
11 *separate provision or, for continuing violations, for each day that*
12 *the violation continues.*

13 **SEC. 8.** *No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution for certain*
15 *costs that may be incurred by a local agency or school district*
16 *because, in that regard, this act creates a new crime or infraction,*
17 *eliminates a crime or infraction, or changes the penalty for a crime*
18 *or infraction, within the meaning of Section 17556 of the*
19 *Government Code, or changes the definition of a crime within the*
20 *meaning of Section 6 of Article XIII B of the California*
21 *Constitution.*

22 *However, if the Commission on State Mandates determines that*
23 *this act contains other costs mandated by the state, reimbursement*
24 *to local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*

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Senate Bill No. 489

CHAPTER 419

An act to add Article 17 (commencing with Section 25259) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 1, 2015. Filed with
Secretary of State October 1, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 489, Monning. Hazardous waste: photovoltaic modules.

The Hazardous Waste Control Law, among other things, vests the Department of Toxic Substances Control with the authority to regulate the generation and disposal of hazardous waste. Under now-expired authority, the department adopted regulations exempting specified hazardous waste management activities from certain statutory requirements related to hazardous waste management. These regulations are to remain valid unless repealed. A violation of the Hazardous Waste Control Law, including a regulation adopted pursuant to that law, is a crime. Under existing law, the hazardous wastes that are deemed exempt from the Hazardous Waste Control Law are known as "universal waste" and are regulated pursuant to universal waste management provisions.

This bill would authorize the department to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject those modules to universal waste management. The bill would authorize the department to revise the regulations as necessary. Because a violation of these regulations would be a crime, this bill would impose a state-mandated local program.

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.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) California has adopted policies that have contributed to making the state a leader in the installation of solar energy systems and have resulted in a substantial increase in solar energy utilization by homes, businesses, and utilities.

(2) These policies include the California Solar Initiative (Chapter 8.8 (commencing with Section 25780) of Division 15 of the Public Resources Code), the state's net energy metering program, and the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

(3) Existing solar energy systems use photovoltaic technology to capture sunlight and convert it into electricity until the end of their useful lives, estimated to be between 25 and 40 years. Today, a wide variety of solar photovoltaic technologies, manufactured using processes and materials similar to those of the microelectronics industry, contribute to California's solar energy portfolio.

(4) The numerous renewable and customer-generated solar programs in California have led to a rapid expansion of solar energy systems and have given rise to an emerging photovoltaic industry. An increasing amount of end-of-life photovoltaic modules can be expected from 2020 onwards in California. It is critical to consider the end-of-life issues associated with photovoltaic modules. Recycling is the most sustainable way to manage end-of-life photovoltaic modules.

(b) It is the intent of the Legislature to do all of the following:

(1) Foster a comprehensive and innovative system for the reuse, recycling, and proper and legal disposal of end-of-life photovoltaic modules.

(2) Encourage the photovoltaic module industry to make end-of-life management of photovoltaic modules convenient for consumers and the public, to ensure the recovery and recycling of photovoltaic modules, which is the most efficient and environmentally safe disposition of end-of-life photovoltaic modules, by developing a plan for recycling end-of-life photovoltaic modules in the state in an economically efficient manner.

(3) Reduce the likelihood of end-of-life photovoltaic modules being disposed of in landfills.

(c) It is further the intent of the Legislature that photovoltaic modules should be designed for extended life, repair, and reuse, and that collection and recycling services should be promoted.

SEC. 2. Article 17 (commencing with Section 25259) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 17. Photovoltaic Modules

25259. The department may, by regulation, designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject those modules to universal waste management. The department may revise these regulations as necessary.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction,

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

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2015 Legislation
November 27, 2015

Summary Listing of Selected Solid Waste Related Bills

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

File name: RCRC

California

1. CA AB 45

Author: Mullin (D)
Title: Household Hazardous Waste
Last Amend: 04/30/2015
Location: Assembly Appropriations Committee
Summary: Requires each jurisdiction providing for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service area over the baseline. Provides the increase is to be determined in accordance with Department of Resources Recycling and Recovery regulations. Authorizes the adoption of a model ordinance for a comprehensive program for the collection of waste. Requires an annual report to the Department on progress in achieving compliance.
Status: 05/20/2015 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

BOARD.PACKET	Lobbyist	Position	Staff	Subject
APRIL2015	Paul	Oppose (03/20/2015)	Larry	ESJPA
DEC.2014			Mary	Solid.Waste
MAR2015				

2. CA AB 48

Author: Stone (D)
Title: Cigarettes: Single-Use Filters
Last Amend: 02/13/2015
Location: Assembly Governmental Organization Committee
Summary: Prohibits a person or entity from selling, giving, or in any way furnishing to another person of any age a cigarette utilizing a single-use filter made of any material, including cellulose acetate, or other fibrous plastic material, and any organic or biodegradable material. Prohibits selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction or by means of public or private method of shipment or delivery to an address in the State. Allows civil fines.
Status: 02/13/2015 From ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION with author's amendments.
02/13/2015 In ASSEMBLY. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION.

Lobbyist	Position	Staff	Subject
Paul	Watch (12/05/2014)	Mary	ESJPA Solid.Waste

3. CA AB 190

Author: Harper (R)
Title: Solid Waste: Single-Use Carryout Bags
Last Amend: 03/11/2015
Location: Assembly Natural Resources Committee
Summary: Imposes prohibitions and requirements regarding single-use carry-out bags on convenience food stores, foodmarts, and entities that are engaged in the sale of limited line of goods, or goods intended to be consumed off premises, and that hold a specified license with regard to alcoholic beverages. Provides that a law that would be created through the election process requires a reusable grocery bag sold by certain stores to a customer at the point of sale to meet specified requirements.
Status: 04/13/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.

04/13/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted.

Lobbyist	Position	Staff	Subject
Paul	Watch (02/04/2015)	Mary	ESJPA Solid.Waste

4. CA AB 191

Author: Harper (R)
Title: Solid Waste: Single-Use Carryout Bags
Last Amend: 03/11/2015
Location: Assembly Natural Resources Committee
Summary: Repeals the requirement that a store that distributes recycled paper bags make those bags available for purchase for not less than a specified amount.
Status: 04/13/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.
 04/13/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted.

Lobbyist	Position	Staff	Subject
Paul	Watch (02/04/2015)	Mary	ESJPA Solid.Waste

5. CA AB 197

Author: Garcia E (D)
Title: Public Utilities: Renewable Resources
Last Amend: 04/29/2015
Location: Senate Appropriations Committee
Summary: Requires the Public Utilities Commission, in adopting a process that provides criteria for the rank ordering and selection of eligible renewable energy resources by electrical corporations, to consider any statewide greenhouse gas emissions limit established pursuant to a specified Act and consideration of capacity and essential reliability services of the eligible renewable energy resource to ensure grid reliability. Relates to entering new resource contracts and constructing facilities within costs.
Status: 08/27/2015 In SENATE Committee on APPROPRIATIONS: Held in committee.

Analyst	Lobbyist	Position	Subject
Nick	Kathy	Watch (01/29/2015)	ESJPA Energy

6. CA AB 199

Author: Eggman (D)
Title: Alternative Energy: Recycled Feedstock
Last Amend: 09/10/2015
Location: Chaptered
Summary: Expands projects that promote the use of alternative energies eligible for the sale and use tax exclusion to include projects that process or utilize recycled feedstock. Provides that it would not include a project that processes or utilizes recycled feedstock in a manner that constitutes disposal.
Status: 10/11/2015 Chaptered by Secretary of State. Chapter No. 768

Lobbyist	Position	Staff	Subject
Paul	Pending (02/18/2015)	Mary	ESJPA

7. CA AB 263

Author: Patterson (R)
Title: Hazardous Waste: Regulations
Location: Assembly Environmental Safety and Toxic Materials Committee
Summary: Requires the Department of Toxic Substances Control to update, and periodically thereafter as appropriate, specified regulations relating to the use of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846.
Status: 02/17/2015 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
Lobbyist Position Staff Subject
 Paul Watch (03/03/2015) Mary ESJPA

8. CA AB 273

Author: Alejo (D)
Title: Hazardous Waste and Substances: Corrective Action
Last Amend: 07/08/2015
Location: Chaptered
Summary: Applies each of the provisions of existing law regarding a person's liability for cost recovery to the release of hazardous waste constituents into the environment. Makes the costs of response or corrective action recoverable. Subjects a monetary obligation to be subject to a specified rate of interest per annum, and provides a later rate. Requires a waiver of interest if the obligation is satisfied in a specified manner. Provides a specified notice to a disputing department.
Status: 10/02/2015 Signed by GOVERNOR.
 10/02/2015 Chaptered by Secretary of State. Chapter No. 456
Lobbyist Position Staff Subject
 Paul Watch (03/24/2015) Mary ESJPA

9. CA AB 274

Author: Alejo (D)
Title: Oversight Costs: Uncollectible Accounts
Last Amend: 08/19/2015
Location: Chaptered
Summary: Defines the term uncollectible account. Authorizes the Department of Toxic Substances Control not to pursue an uncollectible account of hazardous waste control costs and to write off or write down that uncollectible account pursuant to the hazardous waste control laws.
Status: 10/02/2015 Signed by GOVERNOR.
 10/02/2015 Chaptered by Secretary of State. Chapter No. 457
Lobbyist Position Staff Subject
 Paul Watch (04/23/2015) Mary ESJPA

10. CA AB 275

Author: Alejo (D)
Title: Hazardous Substances: Liability Recovery Actions
Last Amend: 08/19/2015
Location: Chaptered
Summary: Relates to hazardous substances. Deletes the requirement that the remaining portion of a judgment for costs and expenditures that is not apportioned among the liable persons be paid from the Toxic Substances Control Account. Allows an action for recovery of costs for carrying out or overseeing a response or corrective action to be commenced

either within a specified time period or within a specified time period after completion of operation and maintenance has been certified.

Status: 10/02/2015 Signed by GOVERNOR.
10/02/2015 Chaptered by Secretary of State. Chapter No. 458

Lobbyist	Position	Staff	Subject
Paul	Watch (03/24/2015)	Mary	ESJPA

11. CA AB 577

Author: Bonilla (D)
Title: Biomethane: Grant Program
Last Amend: 07/06/2015
Location: Senate Rules Committee
Summary: Requires the development and implementation of a grant program to award grants for projects that produce biomethane, that build or develop collection and purification technology or infrastructure, or that upgrade or expand existing biomethane facilities. Authorizes moneys in the Greenhouse Gas Reduction Fund to be used to fund grants awarded under the program.

Status: 09/11/2015 Re-referred to SENATE Committee on RULES.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

12. CA AB 628

Author: Bloom (D)
Title: Used Oil
Location: Senate Environmental Quality Committee
Summary: Clarifies that the synthetic oil referred to in the definition of used oil may be from any source.

Status: 05/21/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/03/2015)	Mary	ESJPA

13. CA AB 640

Author: Dahle (R)
Title: Household Hazardous Waste
Location: ASSEMBLY
Summary: Makes nonsubstantive changes to the definitions pertaining to existing law which authorizes public agencies to operate household hazardous waste collection facilities.

Status: 02/24/2015 INTRODUCED.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

14. CA AB 649

Author: Patterson (R)
Title: Medical Waste: Law Enforcement Drug Takeback
Last Amend: 06/24/2015
Location: Senate Appropriations Committee
Summary: Amends the Medical Waste Management Act that regulates the disposal of medical waste, including requiring medical waste to be treated by specified methods prior to disposal. Includes among those authorized treatment methods any alternative medical waste treatment solely designated to treat pharmaceutical waste, including a

pharmaceutical incinerator. Requires the first evaluation and approval by a specified date. Authorizes a law enforcement agency's drug takeback program to use an approved incinerator.

Status: 08/27/2015 In SENATE Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

15. CA AB 655

Author: Quirk (D)
Title: Rendering: Inedible Kitchen Grease: Registration Fee

Last Amend: 07/01/2015

Location: Senate Agriculture Committee

Summary: Increases the maximum amount of additional fees charged to each licensed inedible kitchen grease renderer and collection center for the costs of regulating such entities. Increases the registration fees for inedible kitchen grease transporters. Authorizes the Secretary of Food and Agriculture to determine additional fee amounts needed to carry out the governing provisions. Provides any additional fee must be recommended by the Rendering Industry Advisory Board.

Status: 07/07/2015 In SENATE Committee on AGRICULTURE: Not heard.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/03/2015)	Mary	ESJPA

16. CA AB 997

Author: Allen T (R)
Title: Recycling: Plastic Material
Location: Assembly Natural Resources Committee

Summary: Relates to the California Integrated Waste Management Act of 1989. Relates to the policy goal of the State to provide that the goal is for not less than 75% of solid waste generated to be source reduced, recycled, used for power generation in dedicated anaerobic digesters as well as in modern landfills capturing methane gas, or composted by the year 2020, and annually thereafter.

Status: 04/13/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Heard, remains in Committee.

Lobbyist	Position	Staff	Subject
Paul	Watch (04/13/2015)	Mary	ESJPA

17. CA AB 1019

Author: Garcia E (D)
Title: Metal Theft and Related Recycling Crimes
Location: Assembly Appropriations Committee

Summary: Requires the Department of Justice to establish a Metal Theft Task Force Program designed to enhance the capacity of the department to serve as the lead law enforcement agency in the investigation and prosecution of illegal recycling operations, and metal theft and related recycling crimes. Authorizes the department to enter into partnerships with local law enforcement agencies.

Status: 05/28/2015 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/25/2015)	Mary	ESJPA

18. CA AB 1063

Author: Williams (D)
Title: Solid Waste: Charges

Last Amend: 08/17/2015

Location: Senate Environmental Quality Committee

Summary: Requires the Department of Resources Recycling and Recovery to raise the fee on an operator of a solid waste disposal facility on the amount of all solid waste disposed of at the site. Authorizes some or all of the fee to be used to promote recycling and the highest and best use of materials. Requires a charge on all solid waste generators for the same above-mentioned purposes. Provides for grants to local recycling programs and to develop recycling infrastructure.

Status: 08/19/2015 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

BOARD.PACKET	Lobbyist	Position	Staff	Subject
AUG.2015	Paul	Support (06/01/2015)	Mary	ESJPA
JUNE2015				Solid.Waste
SEPT2015				

19. CA AB 1069

Author: Gordon (D)

Title: Prescription Drugs: Collection and Distribution

Last Amend: 07/01/2015

Location: Senate Appropriations Committee

Summary: Authorizes an entity participating in the medication repository and distribution program to transfer eligible donated medication to a participating entity in any other county. Prohibits such entity from transferring more than a specified percentage of its donated medications annually. Authorizes medication donated to the program to be maintained in new, properly labeled containers. Prohibits donated medication from being repackaged more than twice. Makes a technical, nonsubstantive change.

Status: 07/06/2015 From SENATE Committee on BUSINESS, PROFESSIONS AND ECON. DEVELOPMENT: Do pass to Committee on APPROPRIATIONS. (7-0)

Lobbyist	Position	Staff	Subject
Paul	Watch (02/27/2015)	Mary	ESJPA Solid.Waste

20. CA AB 1103

Author: Dodd (D)

Title: Solid Waste: Organic Waste

Last Amend: 07/16/2015

Location: Senate Environmental Quality Committee

Summary: Requires a person who transports a certain amount of food waste to be registered. Requires such transporter to maintain a record of waste transported that contain specified documents and information and to certify as to the accuracy of the record. Authorizes the imposition of fees on such transporters for vehicles used to transport such waste for costs in administering the diversion of food waste provisions. Subjects a transporter to a civil penalty for a related violation.

Status: 07/16/2015 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.

07/16/2015 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

21. CA AB 1108

Author: Low (D)

Title: Beverage Containers: Recycling
Last Amend: 05/05/2015
Location: Senate Environmental Quality Committee
Summary: Prohibits a certified recycling center from paying the refund value to a consumer for more than a specified weight of aluminum beverage containers or plastic beverage containers or any combination thereof, or a specified weight in glass beverage containers, submitted by the consumer to the certified recycling center in a specified time period.
Status: 06/04/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/27/2015)	Mary	ESJPA

22. CA AB 1136

Author: Steinorth (R)
Title: Reusable Grocery Bag and Recycled Paper Bag: Fee
Location: Assembly Natural Resources Committee
Summary: Expands the group of customers who would be provided a reusable grocery bag or a recycled paper bag at no cost at the point of sale to include a customer who is 65 years of age or older and a customer who provides proof of current attendance at a California college or university.
Status: 05/11/2015 In ASSEMBLY Committee on NATURAL RESOURCES: Not heard.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/03/2015)	Mary	ESJPA

23. CA AB 1159

Author: Gordon (D)
Title: Product Stewardship: Pilot: Batteries and Sharps Waste
Last Amend: 04/21/2015
Location: Assembly Appropriations Committee
Summary: Establishes the Product Stewardship Pilot Program. Requires producers and product stewardship organizations of consumer products that are home-generated sharps waste or household batteries to develop and implement a product stewardship plan to the Department of Resources Recycling and Recovery. Provides for administrative fees. Establishes the Product Stewardship Penalty Subaccount in the Integrated Waste Management Fund for deposit of fees. Requires audits and reporting requirements.
Status: 05/20/2015 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

Lobbyist	Position	Staff	Subject
Paul	Support (04/09/2015)	Mary	ESJPA

24. CA AB 1239

Author: Gordon (D)
Title: Tire Recycling: State Tire Regulatory Fee: Waste Tires
Last Amend: 05/05/2015
Location: Senate Environmental Quality Committee
Summary: Relates to the State Tire Recycling Management Fund. Requires a waste tire generator to pay a State regulatory tire fee. Authorizes the establishment of such fee in amount that is sufficient to costs association with regulating retail sellers. Enacts the Tire Recycling Incentive Program Act that would provide incentive payments for entities using crumb rubber. Authorizes an adjustment of such payments.
Status: 06/11/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
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Paul Support (06/22/2015) Mary ESJPA

25. CA AB 1247

Author: Irwin (D)
Title: Sales and Use Tax: Exemption: Organic Input Material
Last Amend: 03/24/2015
Location: Assembly Revenue and Taxation Committee
Summary: Provides an exemption from the sales and use taxes, the gross receipts from the sale in the State of, and the storage, use, or other consumption in the State of, defined organic input material, to be applied to land, the products of which are to be used as food for human consumption or are to be sold in the regular course of business.
Status: 05/11/2015 In ASSEMBLY Committee on REVENUE AND TAXATION: To Suspense File.
Lobbyist Position Staff Subject
 Paul Pending (03/03/2015) Mary ESJPA

26. CA AB 1256

Author: Williams (D)
Title: Solid Waste: Administration
Location: ASSEMBLY
Summary: Makes nonsubstantive changes to a provision establishing the Department of Resources Recycling and Recovery in the California Environmental Protection Agency.
Status: 02/27/2015 INTRODUCED.
Lobbyist Position Staff Subject
 Paul Pending (03/03/2015) Mary ESJPA

27. CA AB 1362

Author: Gordon (D)
Title: Local Government Assessments Fees and Charges
Location: Assembly Local Government Committee
Summary: Defines stormwater for purposes of the Proposition 218 Omnibus Implementation Act to mean any system of public improvements or service intended to provide for the quality, conservation, control, or conveyance of waters that land on or drain across the natural or man-made landscape.
Status: 03/23/2015 To ASSEMBLY Committee on LOCAL GOVERNMENT.
Analyst BOARD.PACKET Lobbyist Position Staff Subject
 Nick APRIL2015 Kathy Support (05/04/2015) Mary ESJPA
 JUNE2015 WaterQuality
 MAR2015
 SEPT2015

28. CA AB 1377

Author: Thurmond (D)
Title: Solid Waste: Recycling: Diversion: Green Material
Location: Assembly Natural Resources Committee
Summary: Amends existing law which requires each city, county, and regional agency, to develop a source reduction and recycling element of an integrated waste management plan. Deletes obsolete provisions relating to the adoption of regulations.
Status: 03/23/2015 To ASSEMBLY Committee on NATURAL RESOURCES.
Lobbyist Position Staff Subject
 Paul Pending (03/03/2015) Mary ESJPA

29. CA AB 1419

Author: Eggman (D)
Title: Recycling Centers
Last Amend: 05/05/2015
Location: Senate Environmental Quality Committee
Summary: Authorizes the Department of Resources Recycling and Recovery to revoke a certification of a certified recycling center found to be abandoned. Provides an opportunity for a hearing on that revocation to be conducted in the same manner as a hearing for an applicant whose original application for certification is denied.
Status: 06/04/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Staff Subject
 Paul Watch (04/23/2015) Mary ESJPA

30. CA AB 1435

Author: Alejo (D)
Title: Hazardous Waste: Toxics: Packaging
Last Amend: 08/18/2015
Location: Senate Appropriations Committee
Summary: Amends the Toxics in Packaging Prevention Act. Provides a similar exemption for a glass beverage, food, or drink container. Requires an evaluation of such packaging to determine if lead, mercury, cadmium or hexavalent chromium is present in such containers sold in the State. Requires, if such substances are found, the evaluation of whether and under what circumstances the metals can leach from the containers into food or beverage and if they are a human health and environmental risk.
Status: 08/18/2015 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
Lobbyist Position Staff Subject
 Paul Watch (04/23/2015) Mary ESJPA

31. CA AB 1454

Author: Wagner (R)
Title: Water Quality: Trash: Single-Use Carryout Bags
Last Amend: 04/20/2015
Location: Assembly Rules Committee
Summary: Suspends the operation of certain amendments to water quality control plans relating to the total maximum daily load for trash unless and until specified provisions inoperative due to a pending referendum election become effective. Requires the State Water Resources Control Board to revisit and revise the water quality control plans to address impaired water quality due to trash if the law pending referendum is defeated.
Status: 04/23/2015 Re-referred to ASSEMBLY Committee on RULES.
Position Subject
 Watch (04/22/2015) ESJPA
 WaterQuality

32. CA AB 1496

Author: Thurmond (D)
Title: Methane Emissions
Last Amend: 09/04/2015
Location: Chaptered

Summary: Amends existing law that establishes the State Air Resources Board as the State agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the State Board to complete a comprehensive study to reduce emissions of short-lived climate pollutants in the State. Requires the State Board to take specified actions and conduct specified analyses with respect to methane emissions.

Status: 10/08/2015 Chaptered by Secretary of State. Chapter No. 604

Lobbyist	Position	Staff	Subject
Paul	Watch (04/23/2015)	Mary	ESJPA

33. CA SB 47

Author: Hill (D)
Title: Environmental Health: Synthetic Turf

Last Amend: 03/25/2015

Location: Senate Appropriations Committee

Summary: Requires the Office of Environmental Health Hazard Assessment, in consultation with the Department of Resources Recycling and Recovery, the State Department of Public Health, and the Department of Toxic Substances Control, to prepare and provide to the Legislature and post on the office's Internet Web site a study analyzing synthetic turf, for potential adverse health impacts. Provides the information to be included in the study. Authorizes grant to crumb rubber businesses to find alternative markets.

Status: 05/28/2015 In SENATE Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/25/2015)	Mary	ESJPA

34. CA SB 179

Author: Berryhill (R)
Title: Secondhand Goods: Junk Dealers

Location: Senate Rules Committee

Summary: Makes nonsubstantive changes to existing law that prohibits a junk dealer or recycler from possessing a reasonably recognizable, disassembled, or inoperative fire hydrant or fire department connection, a manhole cover or lid, or a backflow device, that was owned by an agency, without a written certification on the agency's letterhead that the agency either has sold the material described or is offering the material for sale.

Status: 02/19/2015 To SENATE Committee on RULES.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/04/2015)	Mary	ESJPA

35. CA SB 360

Author: Cannella (R)
Title: Biomethane
Location: Senate Energy, Utilities and Communications Committee

Summary: Authorizes the Public Utilities Commission to consider providing the option to all corporations to engage in competitive bidding and direct investment in ratepayer financed biomethane collection equipment.

Status: 03/05/2015 To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

36. CA SB 423

Author: Bates (R)
Title: Retail Nonprescription Surplus Products: Reuse
 08/31/2015

Last**Amend:****Location:** ASSEMBLY**Summary:** Amends the Medical Waste Management Act. Establishes criteria for the handling and management of retail nonprescription pharmaceutical surplus products if a reasonable determination for reuse has been made or when such determination for reuse cannot be made but the product has been recalled as required by law. Authorizes the adoption of regulations as deemed necessary to establish standards for the proper and safe handling of retail non prescription pharmaceutical surplus products.**Status:** 09/01/2015 In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY. (40-0)

Lobbyist	Position	Staff	Subject
Paul	Pending (03/03/2015)	Mary	ESJPA

37. CA SB 489**Author:** Monning (D)**Title:** Hazardous Waste: Photovoltaic Modules**Last Amend:** 08/24/2015**Location:** Chaptered**Summary:** Authorizes the Department of Toxic Substances Control to adopt regulations to designate end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subjects those modules to universal waste management. Authorizes the Department to revise the regulations as necessary.**Status:** 10/01/2015 Chaptered by Secretary of State. Chapter No. 419

Lobbyist	Position	Staff	Subject
Paul	Support (04/27/2015)	Mary	ESJPA

38. CA SB 509**Author:** Hueso (D)**Title:** Plastic Products: Labeling**Location:** Senate Environmental Quality Committee**Summary:** Authorizes the labeling of commercial agricultural mulch film sold in the state as soil biodegradable, if it meets a specified standard for biodegradability of plastics adopted by ASTM International and that standard is also adopted by the Director of Resources Recycling and Recovery.**Status:** 03/12/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/04/2015)	Mary	ESJPA

39. CA SB 612**Author:** Jackson (D)**Title:** Hazardous Materials**Last Amend:** 09/04/2015**Location:** Chaptered**Summary:** Requires a hazardous materials generator to include all hazardous waste when computing whether it is required to comply with specified regulatory requirements. Requires a business plan of a business handling hazardous materials to contain a site map and to include additional map requirements. Excludes a tank or tank facility located on and operated on a farm from the definition of above ground storage tanks. Increases the administrative penalty for violations of the disposal of medical waste.**Status:** 10/02/2015 Signed by GOVERNOR.
10/02/2015 Chaptered by Secretary of State. Chapter No. 452

Lobbyist	Position	Staff	Subject
Paul	Watch (04/23/2015)	Mary	ESJPA

40. CA SB 625

Author: Galgiani (D)
Title: Water Management: Synthetic Plastic Microbeads
Last Amend: 04/20/2015
Location: Senate Environmental Quality Committee
Summary: Prohibits the selling, or offering for promotional purposes a person care product containing synthetic plastic microbeads. Exempts from this prohibition the sale or promotional offer of a product containing a specified amount of such microbeads. Makes a violator liable for a civil penalty for each violation. Authorizes the penalty to be recovered in a civil action brought by the Attorney General. Prohibits any local ordinance, resolution, or rule relating to the sale of such microbeads.

Status: 04/22/2015 Re-referred to SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.

Position	Subject
Watch (03/02/2015)	ESJPA WaterQuality

41. CA SB 654

Author: De Leon (D)
Title: Hazardous Waste: Facilities Permitting
Last Amend: 09/02/2015
Location: Assembly Inactive File
Summary: Requires the owner or operator of a hazardous waste facility to submit complete applications for a permit renewal prior to the permit's expiration date. Requires the issuance of a final permit decision within a specified time period of the permit's expiration. Provides that the permit shall be deemed extended for a period not to exceed a specified amount of months until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal.

Status: 09/08/2015 In ASSEMBLY. To Inactive File.

Lobbyist	Position	Staff	Subject
Paul	Watch (04/22/2015)	Mary	ESJPA

42. CA SB 673

Author: Lara (D)
Title: Hazardous Waste
Last Amend: 09/04/2015
Location: Chaptered
Summary: Requires the Department of Toxic Substances Control to establish or update criteria for use in determining whether to issue a new or modified hazardous waste facilities permit or a renewal of such permit, and to develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the Department's permitting program.

Status: 10/08/2015 Chaptered by Secretary of State. Chapter No. 611

Position	Staff	Subject
Watch (03/10/2015)	Mary	ESJPA

43. CA SB 687

Author: Allen (D)
Title: Renewable Gas Standard
Last Amend: 05/05/2015
Location: Senate Appropriations Committee
Summary: Requires the State Air Resources Board to adopt a carbon-based renewable gas standard that requires all gas sellers to provide specified percentages of renewable gas meeting certain deliverability requirements, to retail end-use customers for use in the state that increases over specified compliance periods, and to issue an analysis of the lifecycle emissions of greenhouse gases and reductions for different biogas types and end uses. Requires a renewable gas assessment.
Status: 05/28/2015 In SENATE Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/25/2015)	Mary	ESJPA

44. CA SB 732

Author: Pan (D)
Title: Beverage Container Recycling
Last Amend: 04/06/2015
Location: Senate Environmental Quality Committee
Summary: Relates to the Beverage Container Recycling and Litter Reduction Act. Deletes provisions prohibiting the imposition of a processing fee on certain PET beverage containers. Prohibits a reduction of processing fee requirements for any manufacturer unless the manufacturer demonstrates that the container is manufactured at a facility that meets or exceeds a percentage of recycled content. Requires demonstration that certain containers contain not less than a certain percent of postfilled material.
Status: 04/15/2015 In SENATE Committee on ENVIRONMENTAL QUALITY: Failed passage.
 04/15/2015 In SENATE Committee on ENVIRONMENTAL QUALITY: Reconsideration granted.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/04/2015)	Mary	ESJPA

45. CA SB 742

Author: Hertzberg (D)
Title: Solid Waste: Diversion
Last Amend: 04/06/2015
Location: Senate Appropriations Committee
Summary: Requires each state agency and large state facility to divert a specified percent of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities. Deletes an obsolete provision.
Status: 05/28/2015 In SENATE Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/04/2015)	Mary	ESJPA

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