

Summary Listing of All Solid Waste Related Bills

August 2007

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

ESJPA BILLS

CA AB 48

AUTHOR: Saldana (D)
TITLE: Hazardous Waste: Electronic Devices
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am
SUMMARY:

**SET FOR
8/20**

Relates to the Electronic Waste Recycling Act of 2003. Defines the term "ROHS" directive "for purposes of that sale prohibition to mean, instead, a device that is dependent on electric currents or electromagnetic fields to work properly or that is a device for the generation, transfer, or measurement of electric currents or fields that is designated for use with a voltage rating that does not exceed a specified amount. Excludes fixed installation electrical, or mechanical, or both electrical and mechanical.

STATUS:

07/10/2007

From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 258

AUTHOR: Krekorian (D)
TITLE: Water Quality: Plastic Discharges
LAST AMEND: 08/01/2007
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am
SUMMARY:

**SET FOR
8/20**

Requires the Water Resources Control Board and regional boards to implement a program for the control of discharges of preproduction plastics, from point and nonpoint sources, including waste discharge, monitoring, and reporting requirements that targets facilities handling preproduction and nonpoint sources involved in the transfer of preproduction plastic, and the implementation of minimum best management practices. Establishes criteria for no exposure certification. Requires a stormwater discharge permit.

STATUS:

08/01/2007

From SENATE Committee on APPROPRIATIONS with author's amendments.

08/01/2007

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

Lobbyist
Kathy

Position
Watch

Staff
Mary

Subject
ESJPA
WaterQuality

CA AB 484

AUTHOR: Nava (D)
TITLE: Landfill Disposal: Concrete
LAST AMEND: 07/18/2007
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am
SUMMARY:

**SET FOR
8/20**

Prohibits a contractor, under contract with the Department of Transportation, from disposing of asphalt concrete or Portland cement in a solid waste landfill, unless the contractor determines that no other means of using or disposing the material is feasible or the concrete will be used for beneficial reuse in the construction or operation of a solid waste landfill. Requires a report detailing the approximate amount of concrete disposed of in a landfill and the reason for no diversion to a landfill.

STATUS:

07/18/2007

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

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 501

AUTHOR: Swanson (D)
TITLE: Pharmaceutical Devices
LAST AMEND: 06/21/2007
LOCATION: Assembly Health Committee
SUMMARY:

2 YEAR BILL

Requires a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen needle, or other prefilled injection device to provide each person who uses the product with a container for the safe disposal of the used sharps from the device. Requires the container to have a sticker with a specified warning and a toll-free telephone number that identifies safe disposal methods. Requires the manufacturer to keep specified records.

RCRC HAS BEEN VERY ENGAGED ON THIS BILL

STATUS: 06/21/2007
06/21/2007 From ASSEMBLY Committee on HEALTH with author's amendments. In ASSEMBLY. Read second time and amended. Re-referred to Committee on HEALTH.

Analyst BOARD.PACKET Lobbyist Position
Nick MAR07 Paul Support 03/26/2007

Staff Subject
Mary ESJPA

CA AB 546

AUTHOR: Brownley (D)
TITLE: Electronic Waste
LAST AMEND: 07/16/2007
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am

SET FOR 8/20

SUMMARY:

LIKELY TO BE SENT TO SUSPENSE

Relates to the Electronic Waste Recycling Act of 2003 that requires each manufacturer of a covered electronic device to make information available to consumers. Requires a retailer to provide a customer with specified information regarding such device, including the Integrated Waste Management Board's Web site and to provide this information with the sales receipt. Requires the manufacturer to provide such information and other information in the instruction manual, and in the final product packaging.

STATUS: 07/16/2007 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

Analyst Lobbyist Position Staff
Nick Paul Watch Mary

Subject
ESJPA

CA AB 548

AUTHOR: Levine (D)
TITLE: Solid Waste: Multifamily Dwellings
LAST AMEND: 06/19/2007
LOCATION: Assembly Unfinished Business
SUMMARY:

AWAITING CONCURRENCE; LIKELY TO OCCUR ON 8/20

Requires an owner of a defined multifamily dwelling to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

STATUS:

07/02/2007

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY for concurrence.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 656

AUTHOR: Plescia (R)
TITLE: Hazardous Waste: Alkaline Batteries
LOCATION: Assembly Environmental Safety and Toxic Materials Committee
SUMMARY:

2 YEAR BILL

Requires the Integrated Waste Management Board and the State Water Resources Control Board to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility.

STATUS:

03/12/2007

To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 679

AUTHOR: Benoit (R)
TITLE: Illegal Dumping: Assessments
LAST AMEND: 07/09/2007
FILE: 135
LOCATION: Senate Third Reading File
SUMMARY:

RCRC HAS BEEN VERY ENGAGED ON THIS BILL

Requires the court to impose a civil fine on violators for illegal dumping in addition to any other penalty or fine. Requires that the money from the civil fines be deposited in the city's or county's general fund for use for illegal dumping enforcement.

STATUS:

07/09/2007

In SENATE. Read second time and amended. To third reading.

BOARD.PACKET
JUN07

Lobbyist
Paul

Position
Support

Staff
Mary

Subject
ESJPA

CA AB 712

AUTHOR: De Leon (D)
TITLE: Solid Waste and Recycling Vehicle Clean Air Program
LAST AMEND: 07/12/2007
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am
SUMMARY:

SET FOR 8/20

RCRC HAS BEEN VERY ENGAGED ON THIS BILL

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

STATUS:

07/12/2007

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

BOARD.PACKET
JUN07
MAY2007
MAY2007

Lobbyist
Paul

Position
Oppose

Staff
Mary

Subject
ESJPA

CA AB 722 **AUTHOR:** Levine (D)
TITLE: Energy: General Service Lamp
LAST AMEND: 06/04/2007
LOCATION: Assembly Inactive File
SUMMARY:

DEAD

Amends the Warren-Alquist State Resources Conservation and Development Act which requires the State Energy Resources Conservation and Development Commission to prescribe the minimum level of operating efficiency for lighting devices. Requires general service lamps sold in the state within specified ranges of lumen output to meet a minimum energy efficiency standard of a specified lumens per watt.

(ALL EYES ARE
ON AB 1109)

STATUS:
06/07/2007 In ASSEMBLY. To Inactive File.

Lobbyist
Kathy

Position
Watch

Staff
Mary

Subject
ESJPA
Energy

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

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

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

Position
Watch

Staff
Mary

Subject
ESJPA

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

DEAD

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

STATUS:
05/31/2007 In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 844 **AUTHOR:** Berryhill (R)
TITLE: Junk Dealers and Recyclers: Scrap Metal and Alloys
LAST AMEND: 06/26/2007
LOCATION: Senate Business, Professions & Economic Development Committee

2 YEAR BILL

SUMMARY:

Prohibits a junk dealer or recycler from providing payment for non ferrous material, the payment is made by check, the check is provide no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information to be retained by the dealer or recycler for a certain period of time. Provides these provisions do not apply to the redemption of such materials of a certain value at a recycling center, a coin dealer, or automobile recyclers. Prohibits related actions.

STATUS:

07/10/2007

In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 904

AUTHOR:

Feuer (D)

TITLE:

Recycling: Food Containers

LAST AMEND:

06/01/2007

LOCATION:

Assembly Inactive File

SUMMARY:

DEAD

Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act. Prohibits a take-out food provider from distributing single use food service packaging to a consumer, unless that packaging is either compostable packaging or recyclable packaging. Prohibits a take-out food provider from distributing single use food service packaging to packaging is also recovered for composting at a specified rate statewide or in the city or the unincorporated area of the county. Imposes a civil penalty.

STATUS:

06/07/2007

In ASSEMBLY. To Inactive File.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 1023

AUTHOR:

DeSaulnier (D)

TITLE:

Recycling: Compostable and Biodegradable Plastic

LAST AMEND:

06/21/2007

LOCATION:

Chaptered

SUMMARY:

CHAPTERED

Amends the existing law that requires a manufacturer of plastic trash bags to obtain from its supplier of recycled plastic postconsumer material a statement containing specified information, and that requires the manufacturer to certify to the Integrated Waste Management Board that it is in compliance with the recycled plastic postconsumer material requirements. Exempts from these requirements a plastic bag that is labeled with one of the terms required and meets the standards.

STATUS:

07/27/2007

*****To GOVERNOR.

07/27/2007

Signed by GOVERNOR.

07/27/2007

Chaptered by Secretary of State. Chapter No. 143

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 1048

AUTHOR:

Richardson (D)

TITLE:

Illegal Dumping Enforcement Officers

LAST AMEND:

07/17/2007

FILE:

266

LOCATION:

Senate Third Reading File

SUMMARY:

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

Provides that the Attorney General may furnish illegal dumping enforcement officers state summary criminal history information upon the showing of a compelling need.

STATUS:

07/25/2007

In SENATE. Read second time. To third reading.

Position

Watch

Staff

Mary

Subject

ESJPA

CA AB 1075

AUTHOR:

Cook (R)

TITLE:

Solid Waste Diversion

LAST AMEND:

03/28/2007

LOCATION:

Assembly Natural Resources Committee

SUMMARY:

DEAD

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

STATUS:

03/28/2007

From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.

03/28/2007

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

Position

Watch

Staff

Mary

Subject

ESJPA

CA AB 1109

AUTHOR:

Huffman (D)

TITLE:

Energy Resources: Lighting Efficiency: Hazardous Waste

LAST AMEND:

08/01/2007

COMMITTEE:

Senate Appropriations Committee

HEARING:

08/20/2007 10:00 am

**SET FOR
8/20**

SUMMARY:

Enacts the Lighting Efficiency and Toxics Reduction Act. Prohibits a person from selling or offering for sale general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the ROHS Directive. Requires a manufacturer to prepare a technical document or other information showing that its general purpose lights comply with the requirements of that directive. Convenes a task force to consider proper collection and recycling of end-of-life general purpose lights.

STATUS:

08/01/2007

From SENATE Committee on APPROPRIATIONS with author's amendments.

08/01/2007

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

Analyst

Nick

Lobbyist

Paul

Position

Support

Staff

Mary

Subject

ESJPA

CA AB 1150

AUTHOR:

Lieu (D)

TITLE:

Solid Waste: Transformation

LOCATION:

Assembly Natural Resources Committee

SUMMARY:

DEAD

Relates to a transformation integrated waste management program. Defines transformation as

the incineration of solid waste, or the processing of solid waste through a noncombustion thermal, chemical, or biological process.

STATUS:

03/15/2007

To ASSEMBLY Committee on NATURAL RESOURCES.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 1193

AUTHOR:

Ruskin (D)

TITLE:

Mercury-Added Thermostats: Collection Program

LAST AMEND:

03/29/2007

LOCATION:

Assembly Appropriations Committee

SUMMARY:

DEAD

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

STATUS:

05/31/2007

In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

Analyst
Nick

Lobbyist
Paul

Position
Support

Staff
Mary

Subject
ESJPA

CA AB 1195

AUTHOR:

Torrico (D)

TITLE:

Recycling: Used Oil: Incentive Payments

LAST AMEND:

08/01/2007

COMMITTEE:

Senate Appropriations Committee

HEARING:

08/20/2007 10:00 am

SUMMARY:

RCRC HAS BEEN
VERY ENGAGED
ON THIS BILL

Requires a used oil recycling program that pays a recycling incentive to specified entities for the collection of used oil that is transported to a used oil recycling facility to promote methods to reduce the amount of used oil generated and the use of re-refined oil in automotive and industrial lubricants. Requires used lubrication oil for which an incentive was paid to be transported to a certified facility. Prohibits an incentive for burning oil that does not meet specified standards. Relates to grants.

STATUS:

08/01/2007

From SENATE Committee on APPROPRIATIONS with author's amendments.

08/01/2007

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

BOARD.PACKET
JUN07

Lobbyist
Paul

Position
Oppose.Unless.Amend

Staff
Mary

Subject
ESJPA

CA AB 1207

AUTHOR:

Smyth (R)

TITLE:

Solid Waste: Biosolids

LOCATION:

Assembly Natural Resources Committee

SUMMARY:

2 YEAR
BILL

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

STATUS:
03/26/2007

To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

BOARD.PACKET
JUN07

Lobbyist
Paul

Position
Pending

Staff
Mary

Subject
ESJPA

CA AB 1237

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

DEAD

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

STATUS:
03/15/2007

To ASSEMBLY Committee on NATURAL RESOURCES.

Analyst
Nick

Lobbyist
Paul

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 1447

AUTHOR: Calderon C (D)
TITLE: Hazardous Waste: Major Appliances
LAST AMEND: 06/12/2007
FILE: 276
LOCATION: Senate Third Reading File
SUMMARY:

Allows an appliance service technician to remove refrigerant from a major appliance. Allows a person who is not a certified appliance recycler to transport, deliver, or sell a discarded major appliance to a certified appliance recycler. Requires a scrap recycling facility that accepts an appliance from a person who is not certified as an appliance recycler to submit a report to the appropriate government agencies. Revises the application for a certified appliance recycler to include additional information.

STATUS:
07/25/2007

In SENATE. Read second time. To third reading.

Position
Watch

Staff
Mary

Subject
ESJPA

CA AB 1473

AUTHOR: Feuer (D)
TITLE: Solid Waste Facility: Permits: Enforcement
LAST AMEND: 07/18/2007
COMMITTEE: Senate Appropriations Committee
HEARING: 08/20/2007 10:00 am
SUMMARY:

Allows an enforcement agency to stay the issuance of a cease and desist order if a solid waste facility only receives material that has been separated for reuse prior to receipt and meets other specified conditions with regard to the operation of the facility, including entering into a stipulated order with the enforcement agency. Requires the agency that elects to stay the enforcement of such order to inspect the facility at least once each month. Requires a related environmental and health impact study.

STATUS:
07/18/2007

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

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

CA AB 1535 **AUTHOR:** Huffman (D)
TITLE: Electronic Waste: Personal Computers
LOCATION: Assembly Appropriations Committee
SUMMARY:

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

STATUS:
05/31/2007 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary

Subject
ESJPA

CA SB 492 **AUTHOR:** Maldonado (R)
TITLE: Vehicles: Abandonment: Fines
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

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

STATUS:
05/08/2007 In SENATE Committee on TRANSPORTATION AND HOUSING: Failed passage.

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

CA SB 577 **AUTHOR:** Oropeza (D)
TITLE: State Highways
LOCATION: Senate Rules Committee
SUMMARY:

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

STATUS:
03/08/2007 To SENATE Committee on RULES.

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

CA SB 585 **AUTHOR:** Lowenthal (D)
TITLE: Recycled Concrete: Department of Transportation
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

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

STATUS:
03/08/2007 To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.

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

CA SB 697

AUTHOR: Wiggins (D)
TITLE: Compost
LAST AMEND: 06/25/2007
LOCATION: Assembly Inactive File
SUMMARY:

2 YEAR BILL

Relates to the Integrated Waste Management Act of 1989 which requires the Department of Transportation to use compost in place or, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program. Requires the compost used by the department and all persons contracting with the department, to be produced in the state.

STATUS:
07/19/2007 In ASSEMBLY. To Inactive File.

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

CA SB 735

AUTHOR: Wiggins (D)
TITLE: Recycling: Paving Materials: Tracking
LAST AMEND: 07/05/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

2 YEAR BILL

Relates to procurement of paving materials. Requires the Department of Transportation to track the type of recycled material, the amount and percentage, the projects, the dates of the projects and the location of the projects in which specified recycled materials are used. Requires the department to report the information to the Legislature. Relates to use of virgin material for subbase, base and lean concrete base.

STATUS:
07/18/2007 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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

CA SB 826

AUTHOR: Padilla (D)
TITLE: Solid Waste: Environmental Justice: Facilities Permits
LAST AMEND: 06/04/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

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

STATUS:
07/18/2007 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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

CA SB 842

AUTHOR: Scott (D)
TITLE: Integrated Waste Management
LOCATION: Senate Environmental Quality Committee
SUMMARY:

DEAD

Relates to the Integrated Waste Management Act of 1989 and the definition of the term gasification as meaning a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity. Requires that the

technology produces no discharges of air contaminants or emissions exceeding standards set by the State Air Resources Board, air pollution control districts, or air quality management districts.

STATUS:

03/08/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position
Watch

Staff
Mary

Subject
ESJPA

CA SB 896

AUTHOR:

Negrete McLeod (D)

TITLE:

Solid Waste: Beverage Container Recycling

LOCATION:

Senate Environmental Quality Committee

SUMMARY:

Provides that the California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container sold or transferred, for deposit in the California Beverage Container Recycling Fund. Provides that the moneys in the fund are to pay refund values, administrative fees, and a reserve for contingencies.

STATUS:

03/15/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position
Watch

Staff
Mary

Subject
ESJPA

DEAD

CA SB 898

AUTHOR:

Simitian (D)

TITLE:

Beverage Containers: Solid Waste Cleanup

LAST AMEND:

07/09/2007

LOCATION:

Assembly Appropriations Committee

SUMMARY:

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

STATUS:

07/18/2007

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

Lobbyist
Paul

Position
Watch

Staff
Mary

Subject
ESJPA

CA SB 937

AUTHOR:

Perata (D)

TITLE:

County Highways: Construction

LOCATION:

Senate Rules Committee

SUMMARY:

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

STATUS:

03/15/2007

To SENATE Committee on RULES.

Analyst
Melissa

Position
Watch

Staff
Mary

Subject
ESJPA
Transportation

DEAD

CA SB 966

AUTHOR:

Simitian (D)

TITLE:

Pharmaceutical Drug Disposal

LAST AMEND:

06/27/2007

LOCATION:

Assembly Appropriations Committee

SUMMARY:

Authorizes every retailer of a drug to conduct project for the collection of drugs for proper disposal that includes specified elements. Requires the Department of Toxic Substances Control to coordinate state agencies to compile and make available on their Web sites information and resources about models of existing programs. Requires the department to identify the number of collection opportunities that are consistent with this bill, and to adopt regulations to implement this bill.

STATUS:

07/03/2007

From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

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

CA SB 1016

AUTHOR: Wiggins (D)
TITLE: Diversion: Annual Reports
LAST AMEND: 04/10/2007
LOCATION: Assembly Natural Resources Committee
SUMMARY:

2 YEAR BILL

Authorizes the Integrated Waste Management Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to submit once every 2 years the information required in a specified report. Provides that, for a city or county submitting the report every 2 years, they must return to annual submission if they fail to divert 50% of the solid waste, or if the board rescinds the authorization.

RCRC HAS BEEN VERY ENGAGED ON THIS BILL

STATUS: 05/24/2007 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Analyst</u> Nick	<u>BOARD.PACKET</u> JUN07 MAY2007 MAY2007	<u>Lobbyist</u> Paul	<u>Position</u> Support.If.Amended
<u>Staff</u> Mary	<u>Subject</u> ESJPA		

CA SB 1020

AUTHOR: Padilla (D)
TITLE: Solid Waste: Diversion
LAST AMEND: 06/26/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

RCRC HAS BEEN VERY ENGAGED ON THIS BILL

Requires the State Integrated Waste Management Board to adopt policies and incentives to ensure that, on or before a specified date, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that, on or before a specified date, 75% of all solid waste generated is source reduced, recycled, or composted.

STATUS: 07/18/2007 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

<u>Analyst</u> Nick	<u>BOARD.PACKET</u> JUN07 MAR07 MAY2007 MAY2007	<u>Lobbyist</u> Paul	<u>Position</u> Oppose
<u>Staff</u> Mary	<u>Subject</u> ESJPA		

CA SB 1021

AUTHOR: Padilla (D)

TITLE: Beverage Containers: Grants
LAST AMEND: 05/24/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

Authorizes the Department of Conservation to expend funding to provide grants to local governments or nonprofit agencies to place source separated beverage container recycling receptacles in multifamily housing. Authorizes the department to expend a specified amount of money from the Beverage Container Recycling Fund for the administrative costs of implementing the program.

STATUS:

07/18/2007

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

Analyst
Nick

BOARD.PACKET
MAY2007
MAY2007

Lobbyist
Paul

Position
Support

Staff
Mary

Subject
ESJPA

Complete Text of Selected Solid Waste Bills

- AB 548 Levine Solid Waste: Multifamily Dwellings
- AB 679 Benoit Illegal Dumping: Assessments
- AB 712 De Leon Solid waste fee increase
- AB 1195 Torrico Recycling: used oil: payment
- SB 898 Simitian Beverage Containers: Solid Waste Cleanup
- SB 1020 Padilla Solid waste: diversion

AMENDED IN SENATE JUNE 19, 2007
AMENDED IN ASSEMBLY MAY 21, 2007
AMENDED IN ASSEMBLY APRIL 26, 2007
AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 548

**Introduced by Assembly Member Levine
(Coauthor: Assembly Member Hancock)**

February 21, 2007

An act to add Section 42913 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 548, as amended, Levine. Solid waste: multifamily dwellings.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a local jurisdiction to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on or after July 1, 2008, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with ~~statutory provisions regarding development projects and any other applicable state or local-law~~ *laws or requirement requirements, including a local ordinance or agreement*, applicable to the collection, handling, or recycling of solid waste.

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

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

1 SECTION 1. Section 42913 is added to the Public Resources
2 Code, to read:
3 42913. (a) On and after July 1, 2008, an owner of a multifamily
4 dwelling shall arrange for recycling services that are appropriate
5 for the multifamily dwelling, consistent with ~~the requirements of~~
6 ~~Section 42911, and any other state or local law or requirement~~
7 *state or local law or requirements*, including a local ordinance or
8 agreement, applicable to the collection, handling, or recycling of
9 solid waste.
10 (b) For the purposes of this section, “multifamily dwelling”
11 means a residential facility that consists of five or more living
12 units.

O

AMENDED IN SENATE JULY 9, 2007
AMENDED IN SENATE JUNE 11, 2007
AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 679

Introduced by Assembly Member Benoit

February 21, 2007

An act to add Section 1202.51 to the Penal Code, relating to illegal dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 679, as amended, Benoit. Illegal dumping: assessments.

Existing law establishes various offenses for littering and illegal dumping. Existing law authorizes civil fines upon conviction for a violation of various environmental laws.

This bill would require the court to impose a civil fine on violators in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified. The bill would require that the money from the civil fines be deposited in the city's or county's general fund for use for illegal dumping enforcement, as specified.

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

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

1 SECTION 1. Section 1202.51 is added to the Penal Code, to
2 read:

1 1202.51. In any case in which a defendant is convicted of any
2 of the offenses enumerated in Section 372, 373a, 374.3, 374.4,
3 374.7, or 374.8, the court shall order the defendant to pay a civil
4 fine of one hundred dollars (\$100) if the conviction is for an
5 infraction or two hundred dollars (\$200) if the conviction is for a
6 misdemeanor, in addition to any other penalty or fine imposed. If
7 the court determines that the defendant has the ability to pay all
8 or part of the civil fine, the court shall set the amount to be paid
9 and order the defendant to pay that sum to the city or, if not within
10 a city, the county, where the violation occurred, to be used for the
11 city's or county's illegal dumping enforcement program.
12 *Notwithstanding any other provision of law, no state or county*
13 *penalty, assessment, fee, or surcharge shall be imposed on the fine*
14 *ordered under this section.*

O

AMENDED IN SENATE JULY 12, 2007

AMENDED IN SENATE JUNE 26, 2007

AMENDED IN ASSEMBLY MAY 2, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 712

Introduced by Assembly Member De Leon

February 22, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

This bill would require, commencing April 1, 2009, a person disposing of solid waste at a disposal facility that is subject to the quarterly fee described above to pay a fee of \$0.50 for each ton of solid waste submitted for disposal at the facility. The operator of the facility would be required to collect the fees and submit the fees to the State Board of

Equalization, which would be required to transfer the fees to the Off-Road Solid Waste, Composting, and Recycling Vehicle Clean Air Account, which the bill would establish within the Air Pollution Control Fund.

The bill would require the State Air Resources Board to expend the funds deposited in the account, upon appropriation by the Legislature, to pay an operator of an off-road solid waste, composting, and recycling vehicle, as defined, for the operator's eligible actual costs of complying with a specified State Air Resources Board regulation, if adopted, not including costs that have previously been paid with public funds. The California Integrated Waste Management Board would be required to award grants, upon appropriation, for projects that demonstrate the commercial viability of producing clean transportation fuels from municipal solid waste and recovered landfill gas as a means of reducing both criteria air pollutants and greenhouse gas emissions from on-road and off-road vehicles. The State Air Resources Board would be required to report annually to the Legislature on the expenditures from the account and the emission reductions estimated to have been achieved by these expenditures. The provisions of the bill relating to imposition of the fee would be repealed January 1, 2016, and the bill would require funds then remaining in the account to be used for certain research and demonstration projects. *The bill would authorize the State Air Resources Board to adopt regulations to implement its provisions.*

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

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

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

1 control strategies to retrofit, replace, or repower existing vehicles
2 and engines to reduce particulate matter emissions.

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

5 (d) The funding mechanism established by this act is intended
6 to accomplish all of the following:

7 (1) Ensure that California benefits immediately from the most
8 effective technologies to reduce both particulate matter and oxides
9 of nitrogen emissions as well as greenhouse gas emissions from
10 solid waste, composting, and recycling diesel fueled off-road
11 vehicles.

12 (2) Encourage the early implementation of the proposed in-use
13 off-road vehicle control measure by the solid waste, composting,
14 and recycling industry.

15 (3) Promote projects that demonstrate the commercial viability
16 of producing clean transportation fuels from municipal solid waste
17 and recovered landfill gas as a means of reducing both criteria air
18 pollutants and greenhouse gas emissions from on-road and off-road
19 vehicles.

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

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

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

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

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

7

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

10

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

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

16 (b) "Composting" means the controlled biological decomposition
17 of organic wastes that are source separated from the municipal
18 waste stream or are separated at a centralized facility for the
19 purpose of producing compost, as defined in Section 40116 of the
20 Public Resources Code.

21 (c) "Disposal facility" means disposal facility as defined in
22 Section 40121 of the Public Resources Code.

23 (d) "NO_x" means oxides of nitrogen.

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

32 (f) "Operator of an off-road solid waste, composting, and
33 recycling vehicle" means either of the following:

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

36 (2) An individual, firm, limited liability company, partnership,
37 private corporation, or nonprofit entity that operates off-road solid
38 waste, composting, and recycling vehicles in the business of
39 transferring, processing, or disposing of solid waste, or transferring
40 and processing recyclable or compostable materials pursuant to a

1 contract, franchise, license, permit, or other authorization granted
2 by a public agency.

3 (g) “PM” means particulate matter.

4 (h) “Recycling” means recycling as defined in Section 40180
5 of the Public Resources Code.

6 (i) “Solid waste” means solid waste as defined in Section 40191
7 of the Public Resources Code.

8 44299.26. The Off-Road Solid Waste, Composting, and
9 Recycling Vehicle Clean Air Account is hereby established within
10 the Air Pollution Control Fund, to be administered by the state
11 board.

12 44299.27. (a) On and after April 1, 2009, a person disposing
13 of solid waste at a disposal facility that is subject to the
14 requirements of Section 48000 of the Public Resources Code, shall
15 pay a fee of 50 cents (\$0.50) for each ton of solid waste submitted
16 for disposal at the solid waste disposal facility.

17 (b) The operator of the solid waste disposal facility shall collect
18 the fee paid pursuant to subdivision (a) and shall submit the fee to
19 the State Board of Equalization in a manner consistent with the
20 manner in which the fee created by Section 48000 of the Public
21 Resources Code is submitted. For the purposes of this subdivision
22 “operator” has the same meaning described in Section 40160 of
23 the Public Resources Code.

24 (c) The State Board of Equalization shall transfer the fees
25 collected pursuant to this section to the account. All fees collected
26 by the State Board of Equalization shall be collected and
27 administered by the State Board of Equalization in a manner
28 consistent with Part 23 (commencing with Section 45001) of
29 Division 2 of the Revenue and Taxation Code.

30 (d) The state board shall reduce the fee imposed pursuant to this
31 section if it determines that projected revenues will exceed
32 projected demands for payment and shall notify the appropriate
33 policy committees of the Legislature if the state board projects
34 that the fee will generate inadequate revenues to meet anticipated
35 demands for payment.

36 (e) This section shall remain in effect only until January 1, 2016,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2016, deletes or extends that date.

39 44299.28. (a) The state board shall expend the funds deposited
40 in the account, upon appropriation by the Legislature, to assist an

1 operator of an off-road solid waste, composting, and recycling
2 vehicle in paying for the operator's eligible actual costs of
3 complying with regulations to reduce diesel PM and criteria air
4 pollutant emissions from in-use off-road vehicles, contained in
5 Section 2449 of Title 13 of the California Code of Regulations,
6 upon the adoption of these regulations, including the operator's
7 ~~early implementation of these regulations prior to their adoption.~~
8 *implementation of regulations, including proposed regulations,*
9 *prior to the required date.* The costs the state board may help pay
10 include, but are not limited to, any of the following:

11 (1) The reasonable cost of the best available control technology
12 to reduce diesel PM emissions from off-road solid waste,
13 composting, and recycling vehicles, including the cost of
14 installation.

15 (2) The reasonable cost of the best available control technology
16 to reduce NO_x emissions from off-road solid waste, composting,
17 and recycling vehicles, including the cost of installation.

18 (3) The reasonable cost of purchasing and installing engine
19 backpressure monitors and similar devices approved by the state
20 board if required for the safe and effective use of the best available
21 control technology device on off-road solid waste, composting,
22 and recycling vehicles.

23 (b) The state board shall, after at least one public hearing,
24 develop and adopt ~~guidelines~~ and an appropriate process for
25 equitably distributing available funds from the account including
26 funding levels for retrofit, repower, replacement, and other best
27 available control technologies to achieve the greatest and most
28 cost-effective levels of PM and NO_x reductions, and equitably
29 distributing available funds from the account for best available
30 control technologies based on the use of alternative fuels.

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

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

1 (2) (A) The California Integrated Waste Management Board
2 shall, upon appropriation by the Legislature from the funds
3 deposited into the Integrated Waste Management Account pursuant
4 to paragraph (1), award grants for projects that

5 demonstrate the commercial viability of producing clean
6 transportation fuels from municipal solid waste and recovered
7 landfill gas as a means of reducing both criteria air pollutants and
8 greenhouse gas emissions from both on-road and off-road vehicles.

9 (B) The California Integrated Waste Management Board shall
10 expend no more than 4 percent of the funds transferred to the
11 Integrated Waste Management Account pursuant to paragraph (1)
12 for administering the program created by this subdivision.

13 (e) This section shall remain in effect only until January 1, 2016,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2016, deletes or extends that date.

16 44299.29. (a) The state board shall develop and distribute a
17 one-page form for the operator of an off-road solid waste,
18 composting, and recycling vehicle to document the actual costs of
19 the operator for which payment is sought. The state board shall
20 include with the form, instructions for submitting to the state board
21 an invoice and documentation to request payment for eligible costs.

22 (b) The state board shall not pay an operator of an off-road solid
23 waste, composting, and recycling vehicle for costs that have
24 previously been paid with funds awarded by a federal agency, the
25 state board, a local air pollution control or air quality management
26 district, or with any other source of public funds for the cost of
27 ~~deploying, retrofitting, or repowering~~ *retrofitting, repowering, or*
28 *replacing* off-road solid waste, composting, and recycling vehicles
29 ~~with~~ *and other* best available control technologies. When
30 submitting an invoice to the state board, an operator shall deduct,
31 from the total cost of the *retrofit, repower, replacement, and other*
32 best available control technology, the amount of any costs paid
33 for with public grant funds awarded to, or previously received by,
34 the operator.

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

38 ~~(d) The state board may adopt regulations to implement this~~
39 ~~section.~~

40 (e)

1 (d) This section shall remain in effect only until January 1, 2016,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2016, deletes or extends that date.

4 44299.30. (a) If an operator of an off-road solid waste,
5 composting, and recycling vehicle knowingly submits false
6 information to the state board concerning the eligibility for the
7 payment of funds pursuant to this chapter, the state board shall,
8 within 60 days of making this determination, refer the information
9 to the Attorney General for investigation and appropriate action
10 pursuant to the False Claims Act (Article 9 (commencing with
11 Section 12650) of Chapter 6 of Part 2 of Division 3 of the
12 Government Code).

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

19 44299.31. (a) Beginning no later than April 1, 2010, the state
20 board shall report annually to the Legislature on the expenditures
21 from the account and the emission reductions estimated to have
22 been achieved by these expenditures.

23 (b) On or before April 1, 2010, the state board shall submit to
24 the appropriate policy committees of the Legislature an assessment
25 of whether the funding program created by this chapter would be
26 more effectively implemented through air pollution control districts
27 and air quality management districts in a manner similar to the
28 Carl Moyer Memorial Air Quality Standards Attainment Program
29 created by Chapter 9 (commencing with Section 44275).

30 (c) This section shall remain in effect only until January 1, 2016,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2016, deletes or extends that date.

33 44299.32. (a) The program implemented pursuant to this
34 chapter shall be fully supported from the fees collected pursuant
35 to Section 44299.27. Notwithstanding the scope of activity
36 mandated by this chapter, in no event shall this chapter be
37 interpreted to require services necessitating expenditures in a fiscal
38 year in excess of the fees, and earnings therefrom, collected
39 pursuant to Section 44299.27. This chapter shall be implemented
40 only to the extent that fee revenues generated pursuant to Section

1 44299.27 are available for expenditure for purposes of this chapter.
2 The fees collected pursuant to this chapter, and the earnings
3 therefrom, shall be used solely for the purpose of implementing
4 this chapter.

5 (b) This section shall remain in effect only until January 1, 2016,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2016, deletes or extends that date.

8 44299.33. On and after January 1, 2016, if any unexpended
9 funds are available in the account, those funds shall be expended
10 by the state board for research and demonstration projects related
11 to innovative technologies to further reduce criteria air pollutants
12 and greenhouse gas emissions from on-road and off-road solid
13 waste, composting, and recycling vehicles.

14 44299.34. *The state board may adopt regulations to implement*
15 *this chapter.*

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY MAY 14, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Torrico
(Coauthor: Senator Lowenthal)

February 23, 2007

An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48623, 48624, 48631, 48651, 48652, 48653, 48655, 48660.5, 48662, and 48670 of, and to add Sections 48619.5 and 48654 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Torrico. Recycling: used oil: incentive payments.

(1) Existing law requires the California Integrated Waste Management Board (board) to adopt a used oil recycling program, which requires the board, among other things, to develop and implement an information and education program and to pay a recycling incentive to specified entities for the collection of used oil that is transported to a used oil recycling facility. Existing law requires the used oil recycling facility that receives the used oil to either be certified by the board or to be an

out-of-state recycling facility registered with the federal Environmental Protection Agency and operating in substantial compliance with the state in which the recycling facility is located. The board is required to certify a used oil recycling facility for which the board has received a report from the department. Existing law also requires the payment of a recycling incentive to an electric utility for using used lubricating oil meeting specified requirements for electrical generation. Existing law requires the board to set a recycling incentive at not less than \$0.04 per quart and authorizes the board to set an amount higher than \$0.04 if the board determines a higher amount is necessary to promote the recycling of used lubricating oil.

This bill would additionally require the information and education program to promote methods to reduce the amount of used oil generated, and the use of re-refined oil, as defined, in automotive and industrial lubricants.

The bill would require that the used lubricating oil for which a recycling incentive is paid be transported to a used oil recycling facility *that is certified by the board and recycles the oil to meet the standards for recycled oil*. The board would be required to certify an out-of-state used oil recycling facility that is in *substantial* compliance with certain federal regulations related to the management of used oil, ~~has posted financial assurances at a specified amount for closure costs, and produces recycled oil~~. The bill would require an out-of-state facility seeking certification to submit an annual report to the board, under penalty of perjury, thereby imposing a state-mandated local program by creating a new crime. The bill would also repeal the provision regarding payment of the recycling incentive to an electric utility and would instead prohibit the board from paying a recycling incentive for any used oil that is burned or otherwise used for energy recovery that does not meet the purity standards for recycled oil. The bill would establish, as of January 1, 2013, a recycling incentive of *no less than* \$0.045 per quart for used oil recycled into re-refined lubricating oil.

The bill would require the report submitted, as a condition for the payment of a recycling incentive, to specify the receiving certified used oil recycling facility under penalty of perjury, if the used oil was consolidated at a used oil transfer facility, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the board to provide increases to block grants to rural counties for local government sponsored used oil collection efforts to cover the costs of testing or reduced availability of the

recycling incentive caused by increases in regulatory expenses, if the public collection effort demonstrates to the board that it had incurred additional costs that could not have been avoided or lessened through the use of a commercially viable alternative transporter or recycling facility.

The bill would also make conforming changes to certain definitions.

(2) Existing law requires the board, upon the application of a certified used oil collection center or a curbside collection program, to reimburse the center or program for the additional disposal cost for used oil that is contaminated by hazardous materials in excess of that which generally occurs in normal use, which renders the used oil infeasible for recycling, and requires that the used oil be destroyed at a higher cost than the cost to recycle the used oil.

This bill would, additionally, provide reimbursement for an uncertified publicly funded used oil collection center in a small rural county.

(3) Existing law requires an entity that generates used industrial oil or a facility that accepts used oil to transport the used oil to a certified used oil facility or a registered out-of-state recycling facility.

This bill would require the used oil to be tested and analyzed by a laboratory accredited by the State Department of Public Health prior to shipment, to ensure the used oil meets specified criteria. The bill would require the registered hazardous waste transporter to accomplish the testing, unless the testing and analysis is performed by the generator of the used oil, a transfer facility permitted by the Department of Toxic Substances Control, or a recycling facility permitted by that department. ~~The generator or~~ registered hazardous waste transporter would be required to submit to the department annually a report containing specified information regarding the out-of-state shipment of used oil. Because a violation of the requirements on used oil is a crime, this bill would create a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 25250.29 is added to the Health and
2 Safety Code, to read:
- 3 ~~25250.29. (a) Used oil shall be tested and analyzed by a~~
4 ~~laboratory accredited by the State Department of Public Health~~
5 ~~pursuant to Article 3 (commencing with Section 100825) of~~
6 ~~Chapter 4 of Part 1 of Division 101 prior to shipment, to ensure~~
7 ~~that the used oil has all of the following characteristics:~~
- 8 ~~(1) A flashpoint above 100 degrees Fahrenheit.~~
9 ~~(2) A polychlorinated biphenyls (PCB) concentration of less~~
10 ~~than 5 ppm.~~
11 ~~(3) A concentration total halogens of 1000 ppm or less unless~~
12 ~~the presumption in subclause (I) of clause (v) of subparagraph (C)~~
13 ~~of paragraph (1) of subdivision (a) of Section 25250.1 has been~~
14 ~~rebutted pursuant to subclause (II) of clause (v) of subparagraph~~
15 ~~(C) of paragraph (1) of subdivision (a) of Section 25250.1.~~
- 16 ~~(b) The testing and analysis required pursuant to subdivision~~
17 ~~(a) shall be accomplished by a registered hazardous waste~~
18 ~~transporter prior to shipment to a transfer facility, recycling facility,~~
19 ~~or out of the state, except the transporter is not required to perform~~
20 ~~the testing and analysis if the transporter can demonstrate that~~
21 ~~testing and analysis is performed by one of the following:~~
- 22 ~~(1) (A) By the generator of the used oil prior to shipment.~~
23 ~~(B) Subparagraph (A) does not require the generator of the used~~
24 ~~oil to perform the testing and analysis required by this section.~~
25 ~~(C) Generator testing of used oil is not required for dielectric~~
26 ~~oil derived from highly refined mineral oil used in oil-filled~~
27 ~~electrical equipment.~~
- 28 ~~(2) (A) By a transfer facility permitted by the department~~
29 ~~pursuant to this chapter prior to or after consolidation in a tank,~~
30 ~~prior to offsite shipment to a recycling facility or out of the state.~~
31 ~~(B) If the generator or transporter has not performed the testing~~
32 ~~required by this section, the transfer facility shall perform the~~
33 ~~testing unless it can demonstrate that the testing is performed by~~
34 ~~a recycling facility pursuant to paragraph (3).~~
- 35 ~~(3) By a recycling facility permitted by the department pursuant~~
36 ~~to this chapter, prior to or after consolidation in a tank, prior to~~
37 ~~recycling.~~

1 (c) The department may adopt regulations establishing different
2 or additional testing and analysis standards for used oil transfer
3 facilities or used oil recycling facilities that are issued a permit by
4 the department.

5 (d) Records of tests performed for used oil pursuant to
6 subdivision (b) shall be maintained by the person performing the
7 test for three years and are subject to audit and verification by the
8 department.

9 (e) The registered hazardous waste transporter who is listed as
10 the transporter on the Uniform Hazardous Waste Manifest used
11 to ship used oil out of state shall submit a report, on or before
12 March 1st of each year, to the department, containing all of the
13 following information for the preceding year:

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

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

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

18 (4) Volume of used oil shipped out of state listed on each
19 manifest.

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

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

25 (7) Signed certification that all used oil shipped out of the state
26 was analyzed and conformed to the requirements of subdivision
27 (a), including identification of the accredited laboratory utilized
28 to test and analyze the used oil shipments.

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

30 (f) This section does not prohibit the transportation of used oil
31 to a facility located outside the state, or to impose liability other
32 than compliance with the requirements in this section upon, or in
33 any other way affect the liability of a generator whose used oil is
34 transported to a facility located outside the state.

35 25250.29. (a) Before shipping of a load of used oil to a transfer
36 facility, recycling facility, or facility located out of the state, the
37 used oil shall be tested and analyzed by a laboratory accredited
38 by the State Department of Public Health pursuant to Article 3
39 (commencing with Section 100825) of Chapter 4 of Part 1 of

1 Division 101, to ensure that the used oil meets all of the following
2 characteristics:

3 (1) A flashpoint above 100 degrees Fahrenheit.
4 (2) A polychlorinated biphenyls (PCB) concentration of less
5 than 5 ppm.

6 (3) A concentration of total halogens of 1000 ppm or less, unless
7 the presumption in subclause (I) of clause (v) of subparagraph (C)
8 of paragraph (1) of subdivision (a) of Section 25250.1 has been
9 rebutted pursuant to subclause (II) of clause (v) of subparagraph
10 (C) of paragraph (1) of subdivision (a) of Section 25250.1.

11 (b) The testing and analysis of a load required pursuant to
12 subdivision (a) shall be accomplished by a registered hazardous
13 waste transporter before shipment of the load to a transfer facility,
14 recycling facility, or a facility located out of the state, except the
15 transporter is not required to perform the testing and analysis if
16 the transporter can demonstrate that testing and analysis has been,
17 or will be, performed by one of the following:

18 (1) (A) The generator of the used oil prior to shipment.
19 (B) Subparagraph (A) does not require the generator of the
20 used oil to perform the testing and analysis required by this section.

21 (2) By a transfer facility permitted by the department pursuant
22 to this chapter prior to, or after, consolidation in a tank, and prior
23 to offsite shipment.

24 (3) By a recycling facility permitted by the department pursuant
25 to this chapter, prior to, or after consolidation in a tank, but prior
26 to recycling.

27 (c) (1) If the generator or transporter has not performed the
28 testing required by this section, the transfer facility shall perform
29 the testing, unless the transfer facility can demonstrate that the
30 testing is performed by the recycling facility pursuant to paragraph
31 (3) of subdivision (b).

32 (2) A transporter shall not require a used oil collection center
33 to test tanks or containers that contain only used lubricating oil
34 or oil filters accepted from the public as a condition of accepting
35 the oil for shipment.

36 (d) This section does not exempt a recycling facility from
37 performing any other test required by the department, including,
38 but not limited to, a test required pursuant to the facility's waste
39 analysis plan.

1 (e) The department may adopt regulations establishing different
2 or additional testing and analysis standards for used oil transfer
3 facilities or used oil recycling facilities that are issued a permit
4 by the department.

5 (f) The person performing a test required by subdivision (a)
6 shall maintain records of tests performed for used oil for at least
7 three years and is subject to audit and verification by the
8 department.

9 (g) The registered hazardous waste transporter who is listed
10 as the transporter on the Uniform Hazardous Waste Manifest used
11 to ship used oil out of state shall submit a report, on or before
12 March 1 of each year, to the department, containing all of the
13 following information for the preceding year:

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

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

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

18 (4) Volume of used oil shipped out of state listed on each
19 manifest.

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

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

25 (7) Signed certification that all used oil shipped out of the state
26 was analyzed and conformed to the requirements of subdivision
27 (a), including identification of the accredited laboratory utilized
28 to test and analyze the used oil shipments.

29 (8) Any other information that the department may require.

30 (h) (1) This section does not apply to a load for shipment that
31 consists exclusively of used lubricating oil accepted by a used oil
32 collection center from the public.

33 (2) This section does not require a generator to test used oil for
34 dielectric oil derived from highly refined mineral oil used in oil
35 filled electrical equipment. Nothing in this section exempts that
36 oil from any other testing requirement required by another section
37 of law.

38 (3) This section does not prohibit the transportation of used oil
39 to a facility located outside the state, or to impose liability other
40 than compliance with the requirements in this section upon, or in

1 *any other way affect the liability of a generator whose used oil is*
2 *transported to a facility located outside the state.*

3 SEC. 2. Section 48619.5 is added to the Public Resources Code,
4 to read:

5 48619.5. “Re-refined oil” means used oil that, after blending
6 with necessary additives and correction stock, passes testing in a
7 qualified engine testing facility and meets, at a minimum, the
8 requirements established by the American Petroleum Institute and
9 the International Lubricant Standard Approval Committee for a
10 10W-30 GF-IV passenger car motor oil.

11 SEC. 3. Section 48623 of the Public Resources Code is
12 amended to read:

13 48623. “Used oil hauler” means a hazardous waste transporter
14 registered pursuant to Chapter 6.5 (commencing with Section
15 25100) of Division 20 of the Health and Safety Code who
16 transports used oil to a used oil recycling facility certified pursuant
17 to Article 7 (commencing with Section 48660), to a used oil storage
18 facility, or to a used oil transfer facility.

19 SEC. 4. Section 48624 of the Public Resources Code is
20 amended to read:

21 48624. “Used oil recycling facility” means a facility that
22 produces recycled oil, *as defined in Section 25250.1 of the Health*
23 *and Safety Code*, and is eligible for certification pursuant to Section
24 48662.

25 SEC. 5. Section 48631 of the Public Resources Code is
26 amended to read:

27 48631. The used oil recycling program shall include, but is not
28 limited to, the following:

29 (a) A recycling incentive system as described in Article 6
30 (commencing with Section 48650).

31 (b) Grants or loans, as specified in Section 48632.

32 (c) Development and implementation of an information and
33 education program to promote alternatives to the illegal disposal
34 of used oil, methods to reduce the amount of used oil generated,
35 and the use of re-refined oil in automotive and industrial lubricants.

36 (d) A reporting, monitoring, and enforcement program to ensure
37 that all statutes and regulations relating to used oil are properly
38 carried out.

39 SEC. 6. Section 48651 of the Public Resources Code is
40 amended to read:

1 48651. (a) The board shall pay a recycling incentive to every
2 industrial generator, curbside collection program, and certified
3 used oil collection center, for used lubricating oil collected from
4 the public, or generated by the certified used oil collection center
5 or the industrial generator, and transported by a used oil hauler to
6 a used oil recycling facility certified in accordance with Section
7 48662 *that recycles the oil to meet the standards for recycled oil,*
8 *as defined in Section 25250.1 of the Health and Safety Code.*

9 (b) A person or entity that generates used industrial oil or a used
10 oil storage facility or a used oil transfer facility that accepts used
11 oil shall cause that oil to be transported by a used oil hauler to a
12 certified used oil recycling facility or an out-of-state recycling
13 facility operating in *substantial* compliance with Part 279 of Title
14 40 of the Code of Federal Regulations and with applicable
15 regulatory standards of the state in which the recycling facility is
16 located.

17 (c) The board shall not pay a recycling incentive pursuant to
18 subdivision (a) for any used oil that is burned or otherwise used
19 for energy recovery and that does not meet the purity standards
20 for recycled oil specified in subparagraph (B) of paragraph (3) of
21 subdivision (a) of Section 25250.1 of the Health and Safety Code.

22 SEC. 7. Section 48652 of the Public Resources Code is
23 amended to read:

24 48652. The board shall set the recycling incentive amount at
25 not less than four cents (\$0.04) per quart. The amount may be set
26 at an amount higher than four cents (\$0.04) if the board determines
27 that a higher amount is necessary to promote recycling of used
28 lubricating oil and sufficient funds are available in the fund. On
29 and after January 1, 2013, the recycling incentive shall be *no less*
30 *than* four and one-half cents (\$0.045) per quart of used oil recycled
31 into re-refined lubricating oil as defined in Section 48619.5. The
32 board shall not change the amount of the recycling incentive until
33 at least one year has passed since the amount was last set. The
34 board shall continue providing recycling incentives to certified
35 used oil collection centers at the previous rate for one month after
36 setting the recycling incentive at a different rate. The board shall
37 not raise the recycling incentive amount unless it finds that the
38 raise will not adversely affect funding required pursuant to Sections
39 48631, 48653, and 48660.5.

1 SEC. 8. Section 48653 of the Public Resources Code is
2 amended to read:

3 48653. The board shall deposit all amounts paid pursuant to
4 Section 48650 by manufacturers, civil penalties, or fines paid
5 pursuant to this chapter, and all other revenues received pursuant
6 to this chapter into the California Used Oil Recycling Fund, which
7 is hereby created in the State Treasury. Notwithstanding Section
8 13340 of the Government Code, the money in the fund is to be
9 appropriated solely as follows:

10 (a) Continuously appropriated to the board for expenditure for
11 the following purposes:

12 (1) To pay recycling incentives pursuant to Section 48651.

13 (2) To provide a reserve for contingencies, as may be available
14 after making other payments required by this section, in an amount
15 not to exceed one million dollars (\$1,000,000).

16 (3) To make block grants for the implementation of local used
17 oil collection programs adopted pursuant to Article 10
18 (commencing with Section 48690) to cities, based on the city's
19 population, and counties, based on the population of the
20 unincorporated area of the county, in a total annual amount equal
21 to ten million dollars (\$10,000,000) or half of the amount which
22 remains in the fund after the expenditures are made pursuant to
23 paragraphs (1) to (3), inclusive, and subdivision (b), whichever
24 amount is greater, multiplied by the fraction equal to the population
25 of cities and counties which are eligible for block grants pursuant
26 to Section 48690, divided by the population of the state. The board
27 shall use the latest population estimates of the state generated by
28 the Population Research Unit of the Department of Finance in
29 making the calculations required by this paragraph.

30 (4) For expenditures pursuant to Section 48656.

31 (b) The money in the fund may be expended by the board for
32 the administration of this chapter and by the department for
33 inspections and reports pursuant to Section 48661, only upon
34 appropriation by the Legislature in the annual Budget Act.

35 (c) The money in the fund may be transferred to the Farm and
36 Ranch Solid Waste Cleanup and Abatement Account in the General
37 Fund, upon appropriation by the Legislature in the annual Budget
38 Act, to pay the costs associated with implementing and operating
39 the Farm and Ranch Solid Waste Cleanup and Abatement Grant

1 Program established pursuant to Chapter 2.5 (commencing with
2 Section 48100).

3 (d) Appropriations to the board to pay the costs necessary to
4 administer this chapter, including implementation of the reporting,
5 monitoring, and enforcement program pursuant to subdivision (d)
6 of Section 48631, shall not exceed three million dollars
7 (\$3,000,000) annually.

8 (e) The Legislature hereby finds and declares its intent that the
9 sum of three hundred fifty thousand dollars (\$350,000) should be
10 annually appropriated from the California Used Oil Recycling
11 Fund in the annual Budget Act to the board, commencing with
12 fiscal year 1996–97, for the purposes of Section 48655.

13 SEC. 9. Section 48654 is added to the Public Resources Code,
14 to read:

15 48654. (a) It is the intent of the Legislature in enacting this
16 chapter that local government sponsored used motor oil collection
17 programs in rural counties continue to operate and be funded to
18 maintain or expand their existing collection efforts. As such,
19 funding should be increased according to increased costs due to
20 the imposition of new requirements under this chapter enacted in
21 Assembly Bill 1195 of the 2007–08 Regular Session of the
22 Legislature.

23 (b) (1) The board shall provide increases to block grants to
24 rural counties for local government sponsored collection efforts
25 to cover additional costs of testing or reduced availability of the
26 recycling incentive caused by increased regulatory expenses
27 pursuant to changes to Section 25250.29 of the Health and Safety
28 Code, and Sections 48619.19, 48623, 48631, 48632, 48633, 48651,
29 48662, and 48670 enacted in Assembly Bill 1195 of the 2007–08
30 Regular Session of the Legislature.

31 (2) To qualify for the increases, the public collection effort shall
32 demonstrate to the board that it had incurred additional costs and
33 that these costs could not have been avoided or lessened through
34 the use of a commercially viable alternative transporter or recycling
35 facilities that are in compliance with this chapter.

36 (c) The increases to block grants provided by this section shall
37 have the same funding priority as the block grants provided
38 pursuant to paragraph (3) of subdivision (a) of Section 48653.

39 SEC. 10. Section 48655 of the Public Resources Code is
40 amended to read:

1 48655. The board may enter into a contract with the department
2 that will utilize the resources of the department to provide for
3 greater investigation and enforcement efforts for used lubricating
4 oil transporter, handling and storage, and transfer facility
5 operations. The department shall assist the board in developing
6 the used oil program and providing assistance to local governments
7 in removing barriers to the establishment of used oil collection
8 programs.

9 SEC. 11. Section 48660.5 of the Public Resources Code is
10 amended to read:

11 48660.5. (a) If the board finds that a shipment of used oil from
12 a certified used oil collection center or a curbside collection
13 program or an uncertified publicly funded used oil collection center
14 in a small rural county is contaminated by hazardous materials in
15 excess of that which generally occurs in normal use, which renders
16 the used oil infeasible for recycling, and requires that the used oil
17 be destroyed at a substantially higher cost than the cost generally
18 to recycle used oil, the board shall, upon application by the used
19 oil collection center or curbside collection program, reimburse the
20 center or program for the additional disposal cost, subject to the
21 eligibility requirements of subdivision (b), except as provided in
22 subdivision (c).

23 (b) A used oil collection center or curbside collection program
24 is eligible for reimbursement only if it demonstrates to the
25 satisfaction of the board all of the following:

26 (1) The center or program has established procedures to ensure
27 that the used oil it generates and accepts from the public will not
28 be mixed with other hazardous wastes, especially halogenated and
29 polychlorinated biphenyl contaminated wastes. These procedures
30 shall include, but not be limited to, instructing the public and
31 employees that used oil shall not be mixed with other hazardous
32 waste. The board shall not require a center or program to test used
33 oil received from the public as part of these procedures.

34 (2) The shipment contains not more than five gallons or pounds
35 of contaminants combined, based on the contaminant
36 concentrations and the total volume or weight of the shipment.

37 (c) In any calendar year, a used oil collection center or curbside
38 collection program shall be reimbursed for not more than one
39 shipment and for not more than five thousand dollars (\$5,000) in
40 disposal costs for halogen-contaminated or more than the actual

1 net additional costs of disposing of polychlorinated biphenyl
2 contaminated wastes, subject to the availability of funds pursuant
3 to Section 48656.

4 SEC. 12. Section 48662 of the Public Resources Code is
5 amended to read:

6 48662. The board shall certify or recertify a used oil recycling
7 facility that meets either of the following requirements:

8 (a) (1) The used oil recycling facility is located in this state and
9 the board has received a report from the department pursuant to
10 Section 48661, unless the board determines that the facility is
11 engaged in a repeating or recurring pattern of noncompliance that
12 poses a significant threat to public health and safety or the
13 environment.

14 (2) If the board denies certification to a facility subject to this
15 subdivision the board may subsequently certify the facility if it
16 determines that the facility meets the standards for certification.

17 (b) (1) ~~(A)–The used oil recycling facility is an out-of-state~~
18 ~~facility and the board receives a report from the out-of-state facility~~
19 ~~pursuant to this subdivision that demonstrates that the facility~~
20 ~~meets the substantive technical standards set forth in Part 279 of~~
21 ~~Title 40 of the Code of Federal Regulations, posted one million~~
22 ~~five hundred thousand dollars (\$1,500,000) in financial assurance~~
23 ~~for closure costs as set forth in subparagraph (B), and produces~~
24 ~~recycled oil. facility and the board receives a report from the~~
25 ~~department that the out-of-state facility has demonstrated to the~~
26 ~~satisfaction of the department that the facility substantially meets~~
27 ~~the requirements set forth in Part 279 of Title 40 of the Code of~~
28 ~~Federal Regulations.~~

29 ~~(B)–An out-of-state used oil facility that seeks certification shall~~
30 ~~post one million five hundred thousand dollars (\$1,500,000) in~~
31 ~~financial assurance for closure costs in the form of a trust fund,~~
32 ~~bond, letter of credit, or insurance policy. The out-of-state facility's~~
33 ~~financial assurance mechanism shall contain a provision that~~
34 ~~requires it to be kept in place for the period subject to the annual~~
35 ~~certification. If the mechanism is eliminated or reduced below one~~
36 ~~million five hundred thousand dollars (\$1,500,000), the out-of-state~~
37 ~~facility shall notify the board in writing of the elimination or~~
38 ~~reduction.~~

39 ~~(2) Paragraph (1) does not require, as a condition of certification~~
40 ~~pursuant to this subdivision, that the out-of-state facility hold a~~

1 ~~hazardous waste facility permit issued pursuant to the Resource~~
2 ~~Conservation and Recovery Act of 1976, as amended (42 U.S.C.~~
3 ~~Sec. 6901 et seq.).~~

4 (3)

5 (2) An out-of-state used oil facility that seeks certification shall
6 annually certify, in writing to the board, conformance with the
7 standards specified in paragraph (1), under penalty of perjury.

8 SEC. 13. Section 48670 of the Public Resources Code is
9 amended to read:

10 48670. (a) To be eligible for payment of a recycling incentive,
11 an industrial generator of used lubricating oil, a used oil collection
12 center, or a curbside collection program shall report to the board,
13 for each quarter, the amount of lubricating oil purchased and the
14 amount of used lubricating oil that is transported to a used oil
15 recycling facility that is certified pursuant to Section 48662, to a
16 used oil storage facility, or to a used oil transfer facility.

17 (b) (1) The reports shall be submitted on or before the 45th day
18 following each quarter, in the form and manner which the board
19 may prescribe, and shall include copies of manifests or modified
20 manifest receipts from used oil haulers.

21 (2) The copies of manifests or modified manifest receipts
22 required by paragraph (1) shall be signed by the generator of the
23 used oil and shall specify the receiving used oil recycling facility
24 that is certified by the board pursuant to Section 48662.

25 (3) If the used oil was consolidated at a used oil transfer facility,
26 the report shall also include a written certification, under penalty
27 of perjury, provided by the used oil transfer facility, specifying
28 the certified used oil recycling facility that received the oil.

29 (c) The board may delegate to the executive officer of the board
30 the authority to accept reports submitted after the 45th day and to
31 reduce, eliminate, or approve the amount of incentive fee to be
32 paid due to the late submission of the report. The board may
33 provide, by regulation, for a longer reporting period for industrial
34 generators that generate less than 1,000 gallons of used oil
35 annually.

36 SEC. 14. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

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

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AMENDED IN ASSEMBLY JULY 9, 2007

AMENDED IN SENATE MAY 8, 2007

AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 898

Introduced by Senator Simitian

February 23, 2007

An act to add Section 63.7 to the Harbors and Navigation Code, and to amend Sections 18015 and ~~48012~~ 48021 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as amended, Simitian. Beverage containers: solid waste cleanup: marinas and harbors.

(1) Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters. The Division of Recycling of the Department of Conservation is required to maintain a list of abbreviations used on those labels.

This bill would additionally include, in the list of codes, "0" or "PLA," which indicates bottles or containers made with polylactic acid.

(2) Under the California Integrated Waste Management Act of 1989, the California Integrated Waste Management Board is required to initiate a program for the cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites, as defined, where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. The act authorizes the board to expend

a portion of the funds appropriated for the program for grants to public entities to abate illegal disposal sites, and specifies that for purposes of that authorization, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

This bill would specify that the authorization to use a grant for any other activity that mitigates the impact of solid waste, concerns solid waste that would otherwise be disposed into the municipal storm sewer. The bill would also specify that the ongoing program established to prevent recurring solid waste disposal into the municipal storm sewer is required to be established by the public entity.

(3) The Department of Boating and Waterways is required, among other things, to acquire, construct, develop, and improve small craft harbors, related facilities, and connecting waterways.

This bill would require the Department of Boating and Waterways to recommend *to the Legislature, by July 1, 2008*, in coordination with the board, the California Coastal Commission, and the Department of Fish and Game, guidelines and programs for the removal and disposal of derelict fishing gear *in the marine waters of the state*, and programs to improve waste management of derelict fishing gear by marina and vessel operators in marinas and harbors.

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

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

- 1 SECTION 1. Section 63.7 is added to the Harbors and
- 2 Navigation Code, to read:
- 3 63.7. (a) For purposes of this section, “derelict fishing gear”
- 4 includes lost or abandoned fishing nets, fishing lines, and other
- 5 commercial and recreational fishing equipment.
- 6 (b) ~~The department shall recommend~~ *On or before July 1, 2008,*
- 7 *the department shall recommend to the Legislature,* in coordination
- 8 with the California Coastal Commission, the California Integrated
- 9 Waste Management Board, and the Department of Fish and Game,
- 10 both of the following:

1 (1) Guidelines and programs for the removal and disposal of
2 derelict fishing gear *in the marine waters of the state*.

3 (2) Programs to improve waste management of derelict fishing
4 gear by marina and vessel operators in marinas and harbors.

5 SEC. 2. Section 18015 of the Public Resources Code is
6 amended to read:

7 18015. (a) All rigid plastic bottles and rigid plastic containers
8 sold in California on and after January 1, 1992, shall be labeled
9 with a code that indicates the resin used to produce the rigid plastic
10 bottle or rigid plastic container. Rigid plastic bottles or rigid plastic
11 containers with labels and basecups of a different material shall
12 be coded by their basic material. The code shall consist of a number
13 placed inside a triangle, and letters placed below the triangle. The
14 triangle shall be equilateral, formed by three arrows with the apex
15 of each point of the triangle at the midpoint of each arrow, rounded
16 with a short radius. The pointer (arrowhead) of each arrow shall
17 be at the midpoint of each side of the triangle with a short gap
18 separating the pointer from the base of the adjacent arrow. The
19 triangle, formed by the three arrows curved at their midpoints shall
20 depict a clockwise path around the code number. The numbers
21 and letters used shall be as follows:

22 1 = PETE (polyethylene terephthalate)

23 2 = HDPE (high density polyethylene)

24 3 = V (vinyl)

25 4 = LDPE (low density polyethylene)

26 5 = PP (polypropylene)

27 6 = PS (polystyrene)

28 7 = OTHER (includes multilayer)

29 0 = PLA (polylactic acid)

30 (b) A "7" shall appear below the resin abbreviation when the
31 bottle or container is composed of more than one layer of that
32 resin.

33 (c) The Division of Recycling of the Department of
34 Conservation shall maintain a list of abbreviations used on labels
35 pursuant to subdivision (a) and shall provide a copy of that list to
36 any person upon request.

37 SEC. 3. Section 48021 of the Public Resources Code is
38 amended to read:

39 48021. (a) In prioritizing the sites for cleanup pursuant to
40 Section 48020, the board shall consider the degree of risk to public

1 health and safety and the environment posed by conditions at a
2 site, the ability of the site owner to clean up the site without
3 monetary assistance, the ability of the board to clean up the site
4 adequately with available funds, maximizing the use of available
5 funds, and other factors as determined by the board.

6 (b) (1) In administering the program authorized by Section
7 48020, the board may expend funds directly for cleanup, provide
8 loans to parties who demonstrate the ability to repay state funds,
9 and provide partial grants to public entities, to assist in site cleanup.

10 (2) The board may expend funds directly for the cleanup of a
11 publicly owned site only if the board determines that the public
12 entity lacks resources or expertise to timely manage the cleanup
13 itself.

14 (3) In addition to the criteria specified in subdivision (a), in
15 considering partial grants that provide greater than 50 percent of
16 the funds directly for cleanup, the board shall consider the amount
17 of contributions of moneys or in-kind services from the applicant;
18 the availability of other appropriate funding sources to remediate
19 the site; the degree of public benefit; the presence of innovative
20 and cost-effective programs to abate or prevent solid waste
21 problems to be addressed by the grants; and other factors as
22 determined by the board.

23 (c) (1) In addition to the expenditures specified in subdivision
24 (b), the board may expend a portion of the funds appropriated for
25 the program to abate illegal disposal sites.

26 (2) For the purposes of this subdivision, the board may provide
27 grants to public entities.

28 (3) Where funds are provided by the board to address illegal
29 disposal sites within a jurisdiction, the local enforcement agency
30 shall provide ongoing enforcement to prevent recurring illegal
31 disposal at the site.

32 (4) For the purposes of this subdivision, an activity to remove
33 or abate solid waste disposed into a municipal storm sewer is
34 eligible to receive a partial grant, if the grant is used for solid waste
35 cleanup, solid waste abatement, or any other activity that mitigates
36 the impact of solid waste that otherwise would be disposed into
37 the municipal storm sewer, and an ongoing program is established
38 by the public entity to prevent recurring solid waste disposal into
39 the municipal storm sewer.

1 (d) In developing and implementing the program, the board
2 shall consult with certified local enforcement agencies and the
3 regional water boards.

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AMENDED IN ASSEMBLY JUNE 26, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 1020

Introduced by Senator Padilla
(Coauthors: Senators Perata and Romero)

February 23, 2007

An act to amend Sections 41780, 41820.5, and 41820.6 add Article 4 (commencing with Section 40520) to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

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

~~(1) The~~

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

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

~~This bill would also make nonsubstantive technical changes.~~

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

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

The bill would require the board, by July 1, 2009, to develop a strategic and comprehensive plan to achieve, on or before January 1, 2020, a diversion of 75% of solid waste statewide from landfill disposal or transformation.

The bill would require the board to adopt policies, programs, and incentives to ensure that on or before December 21, 2012, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, 2020, and annually thereafter, that 75% of all solid waste generated is source reduced, recycled, or composted.

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

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

1 SECTION 1. Article 4 (commencing with Section 40520) is
2 added to Chapter 3 of Part 1 of Division 30 of the Public Resources
3 Code, to read:

4

5 Article 4. Statewide Diversion

6

7 40520. The Legislature finds and declares all of the following:

8 (a) Since the enactment of this division, local governments and
9 private industry have worked jointly to create an extensive material
10 collection and recycling infrastructure and have implemented
11 effective programs to achieve a statewide diversion rate above 50
12 percent.

13 (b) Although the state now leads the nation in waste reduction
14 and recycling, the state continues to dispose of more than 40
15 million tons of waste each year, which is more than the national
16 average on a per capita basis.

17 (c) To meet the goals of the California Global Warming Solution
18 Act of 2006 (Division 25.5 (commencing with Section 38500) of
19 the Health and Safety Code), there is an urgent need to reduce

1 *greenhouse gas emissions from all aspects of solid waste handling*
2 *through increased source reduction, reuse, and recycling.*

3 *(d) The purpose of this article is to build on the successful efforts*
4 *of local governments and private industry to achieve a statewide*
5 *diversion rate of 75 percent by January 1, 2020, through strategic*
6 *statewide initiatives developed and implemented by the board.*

7 *40521. On or before July 1, 2009, the board shall develop a*
8 *strategic and comprehensive plan to achieve, on or before January*
9 *1, 2020, a diversion of 75 percent of solid waste statewide from*
10 *landfill disposal or transformation. The plan developed by the*
11 *board shall include all of the following:*

12 *(a) Place primary emphasis on programs that minimize the*
13 *generation of solid waste, maximize diversion from landfills, and*
14 *manage materials to their highest and best use in accordance with*
15 *the waste management hierarchy specified in Section 40051 and*
16 *in support of the California Global Warming Solution Act of 2006*
17 *(Division 25.5 (commencing with Section 38500) of the Health*
18 *and Safety Code).*

19 *(b) Include specific statewide strategies for promoting producer*
20 *responsibility, increasing commercial recycling, expanding the*
21 *recovery of construction and demolition debris, increasing the*
22 *diversion of organics, and increasing recycling opportunities for*
23 *multifamily housing.*

24 *(c) Identify opportunities to update and expand the source*
25 *reduction and recycling elements of the local integrated waste*
26 *management plans prepared pursuant to Chapter 2 (commencing*
27 *with Section 41000) or Chapter 3 (commencing with Section*
28 *41300) of Part 3, to include cost-effective opportunities to advance*
29 *waste management practices that increase diversion and reduce*
30 *greenhouse gas emissions.*

31 *(d) Include specific strategies that would enable each state*
32 *agency to achieve a diversion rate of 75 percent on or before*
33 *January 1, 2015.*

34 *(e) Identify incentives, investments, and environmentally sound*
35 *processing technologies that will be needed to achieve a 75 percent*
36 *diversion rate.*

37 *40522. The board shall adopt policies, programs, and*
38 *incentives to ensure that solid waste generated in this state is*
39 *source reduced, recycled, or composted, in accordance with the*
40 *following schedule:*

1 (a) On or before December 21, 2012, ensure that 60 percent of
2 all solid waste generated is source reduced, recycled, or
3 composted.

4 (b) On or before January 1, 2020, and annually thereafter,
5 ensure that 75 percent of all solid waste generated is source
6 reduced, recycled, or composted.

7 SECTION 1.— Section 41780 of the Public Resources Code is
8 amended to read:

9 41780. (a) Each city or county source reduction and recycling
10 element shall include an implementation schedule that shows both
11 of the following:

12 (1) For the initial element, the city or county shall divert 25
13 percent of all solid waste from landfill disposal or transformation
14 by January 1, 1995, through source reduction, recycling, and
15 composting activities:

16 (2) Except as provided in Sections 41783 and 41784, for the
17 first and each subsequent revision of the element, the city or county
18 shall divert 50 percent of all solid waste by January 1, 2000, and
19 75 percent on and after January 1, 2012, through source reduction,
20 recycling, and composting activities.

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

24 SEC. 2.— Section 41820.5 of the Public Resources Code is
25 amended to read:

26 41820.5. (a) The board may, after a public hearing, grant a
27 time extension from the diversion requirements of Section 41780
28 to a city if both of the following conditions exist:

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

32 (2) The county within which the city is located did not include
33 provisions in its franchises that ensured that the now incorporated
34 area would comply with the diversion requirements of Section
35 41780.

36 (b) The board may authorize a city that meets the requirements
37 of subdivision (a) to submit a source reduction and recycling
38 element that includes an implementation schedule that shows both
39 of the following:

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

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

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

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

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

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

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

34 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
35 ~~Section 6 of Article XIII B of the California Constitution because~~
36 ~~a local agency or school district has the authority to levy service~~
37 ~~charges, fees, or assessments sufficient to pay for the program or~~

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code:

O

Paul Smith

From: Paul Smith
Sent: Friday, July 20, 2007 7:18 PM
To: 'Triepke, Kristin'
Cc: Mary Pitto; 'Sweetser@aol.com'; 'Kyra Ross'; 'Karen Keene'
Subject: RE: Producer responsibility language

Kristin,

I wanted to provide you some feedback from RCRC, but note this input is supported by the League and CSAC. In addition to the below-mentioned comments, CSAC and the League may also have additional comments.

Overall, RCRC would support the inclusion of the Extended Producer Responsibility provisions provided there are three points that can be addressed.

First, we would propose (c) c. read as follows: The regulations shall be developed in consultation with stakeholders and with government agencies such as those **that deal with solid waste**, advancing bio-monitoring, green chemistry, and climate change programs

Second, we inquire..., who prepares the plan in (d) d. {d. A process for plan development, review and approval. Plans shall describe how goals, program objectives and targets will be met.}? Is this something manufacturers would prepare?

Third, when are the plans referenced above due? There is a July 1, 2009 date for the adoptions of regulations..., would it be in those regulations that a time frame is specified?

Paul at RCRC

From: Triepke, Kristin [mailto:Kristin.Triepke@sen.ca.gov]
Sent: Friday, July 13, 2007 4:14 PM
To: Lipper, Kip; Pestor, Randy; Fitts, Mike; MacMillan, Elizabeth; Kennedy, John; Mark Murray; magavern@sierraclubcalifornia.org; Kyra Ross; kkeene@counties.org; Paul Smith; Paul Yoder; Silvia Solis; nicole.bernson@lacity.org; cskye@ladpw.org; kstoddard@wm.com; maprea@apreacompany.com; Kelly Astor; pane@cwo.com; chelgi@worldnet.att.net; Cliff Berg; Huber, Elizabeth; Lisa Rodriguez; Green, Sharon; Scott Smithline; gonsalves@gonsalvi.com
Subject: Producer responsibility language

Good afternoon,

Per our meeting, here is some language relative to producer responsibility for your review and input. I welcome and appreciate your thoughts on this language.

Thanks,

Kristin

ITEM 2. C. ii. EXTENDED PRODUCER RESPONSIBILITY

Section XXX. The Legislature declares that although the responsibility for products is shared, the greater

8/3/2007

the ability of an entity to minimize a product's life-cycle impacts, the greater is its degree of responsibility for addressing those impacts; the greatest responsibility lies with the producer, or brand owner, who makes design and marketing decisions.

- a) For purposes of this chapter, *Extended Producer Responsibility* (EPR) is defined as the extension of the responsibility of producers, and includes a role for all participants involved in the life cycle of a product, to reduce the cradle-to-cradle impacts of the product and its packaging.
- b) Life cycle impacts include energy, water, and materials use; greenhouse gas and other air emissions; toxic and hazardous substances; materials recovery and waste disposal; and worker safety.
- c) The Board shall adopt regulations for an Extended Producer Responsibility program by July 1, 2009.
 - a. The regulations shall provide a framework to which new products can be added over time and provide flexibility to advance program innovation and product design innovation.
 - b. The regulations shall incorporate market based approaches and "polluter pays" principles, as appropriate.
 - c. The regulations shall be developed in consultation with stakeholders and with government agencies such as those advancing bio-monitoring, green chemistry, and climate change programs
- d) The regulations shall include, but are not limited to:
 - a. A set of definitions.
 - b. A process for selecting products or product categories to be covered in the EPR program. Products may be added to the EPR program overtime.
 - c. Goals, program objectives, and specific targets for product categories.
 - d. A process for plan development, review and approval. Plans shall describe how goals, program objectives and targets will be met.
 - e. A process for providing environmental data and reporting to the Board or oversight entity.
 - f. Consumer notification and education.
 - g. Penalties for non-participation and failure to meet goals and targets, which may include product performance standards as a condition for sale in California.
- e) The Board is authorized to set up Third Party Organizations (TPOs) comprised of producers and shall develop regulations for the setup, management, membership, financing, implementation and oversight of such entities. Producers may, at their discretion, participate in a particular TPO or approved alternative.
- f) The Board is authorized to require planning documents, data, and follow-up progress reports from the TRO or individual producers. The Board shall use this information to review and revise regulations periodically and to improve efficiency and effectiveness of the EPR program.

Paul Smith

From: Paul Smith
Sent: Friday, July 20, 2007 8:01 PM
To: 'Triepke, Kristin'
Cc: 'Kyra Ross'; 'Karen Keene'; Mary Pitto; 'Sweetser@aol.com'; 'Huber, Elizabeth'
Subject: RE: Waste Bd language - disposal

Kristin,

Like Producer Responsibility, I wanted to provide you some feedback from RCRC. This input regarding the Waste Board's suggested goal measurement language is also supported by the League and CSAC. In addition to the below-mentioned comments, CSAC and the League may also have additional comments.

First, we have concerns regarding the selection of 2006 as the base year. Jurisdictions do not have the final 2006 numbers so the selection of this past year may not give counties/cities a good starting point. We might suggest a recent three year average for developing a base year disposal number.

Second, the 100,000 tons disposed in a county can be problematic. Using the county-wide number that includes cities within the county/regional agency will/could skew a counties status. We would request that we modify the language to separate out incorporated cities in establishing the 100,000 ton limit.

Third, we would request that a good faith effort standard still be allowed by the Waste Board for those counties disposing more than 100,000 tons. Keep in mind, there are a number of RCRC counties that easily exceed the 100,000 ton limit above and beyond the amounts disposed by their constituent cities.

Fourth, absent in this language were a host of questions. What are the reporting requirements? What is the enforcement hammer? How do you deal with 'recalcitrant cities' in non-rural counties.

Fifth, is there any way to reward jurisdictions that currently exceed the diversion numbers being proposed in SB 1020?

Finally, how is the growth factor calculated and/or adjusted?

I hope this helps in drafting and selecting from a myriad of options that could serve as amendments.

Paul at RCRC

From: Triepke, Kristin [mailto:Kristin.Triepke@sen.ca.gov]
Sent: Friday, July 13, 2007 2:56 PM
To: Lipper, Kip; Pestor, Randy; Fitts, Mike; MacMillan, Elizabeth; Kennedy, John; Mark Murray; magavern@sierraclubcalifornia.org; Kyra Ross; kkeene@counties.org; Paul Smith; Paul Yoder; Silvia Solis; nicole.bernson@lacity.org; cskye@ladpw.org; kstoddard@wm.com; maprea@apreacompany.com; Kelly Astor; pane@cwo.com; chelgi@worldnet.att.net; Cliff Berg; Huber, Elizabeth; Lisa Rodriguez; Green, Sharon; Scott Smithline; gonsalves@gonsalvi.com
Subject: Waste Bd language - disposal

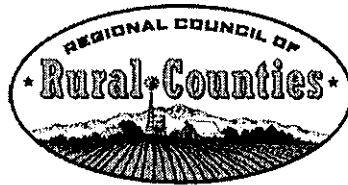
Good afternoon – wanted to forward this information to you. This is what the Waste Board handed out at the meeting Wednesday. I welcome and appreciate your thoughts on this language.

8/3/2007

2007 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 501 Swanson Pharmaceutical devices – support (3/26/07)
- AB 679 Benoit Illegal dumping (5/29/07)
- AB 712 De Leon Solid waste fee increase – concerns (5/22/07)
- AB 1193 Ruskin Mercury-added thermostats: collection program – support (4/2/07)
- **AB 1195 Torrico Recycling: Used Oil (5/24/07)**
- SB 966 Kuehl Pharmaceutical drug disposal – support (4/17/07)
- **SB 1016 Wiggins Diversion: annual report – support if amended (5/25/07)**
- SB 1020 Padilla Solid waste: diversion – concerns (4/11/07)
- SB 1021 Padilla Beverage containers: grants – support (4/11/07)



CHAIR – SUE HORNE, NEVADA COUNTY

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SECOND VICE CHAIR – HARRY OVITT, SAN LUIS OBISPO COUNTY

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PRESIDENT AND CEO – GREG NORTON

EXECUTIVE VICE PRESIDENT – PATRICIA J. MEGASON

VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

May 24, 2007

The Honorable Alberto Torrico
Member, California State Assembly
State Capitol, Room 3160
Sacramento, CA 95814

RE: ASSEMBLY BILL 1195 – OPPOSE UNLESS AMENDED

Dear Assembly Member Torrico:

On behalf of the Regional Council of Rural Counties (RCRC), we are respectfully writing to express our “Oppose Unless Amended” position to your Assembly Bill 1195, which makes a variety of changes with respect to the collection, testing, shipment and use of used motor oil.

RCRC is composed of members of the Boards of Supervisors from our 30 member counties. In addition, 22 RCRC member counties have formed the Rural Counties’ Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The ESJPA administers a number of grant programs – issued by the Integrated Waste Management Board (the Waste Board) – on behalf of our ESJPA members for a variety of programs including used motor oil collection. Thus, the ESJPA and RCRC are very familiar with the collection and transportation of used motor oil into and out of California.

As we understand, the goal of Assembly Bill 1195 is to encourage all used motor oil in California be recycled for further use (as opposed to being burned as fuel). Part of this effort is to require that used motor oil be tested prior to it being recycled or leaving the State of California. AB 1195 allows one of four entities – the generator, the hauler, the transfer facility operator or the recycler – to conduct the test. Quite frankly, we believe that in rural counties, it will be the generator who will ultimately bear the cost and the administration of the test. This will have a chilling effect on our ability to collect used motor oil and/or operate collection programs in rural counties.

Another concern we have with AB 1195 concerns shipment of used motor oil to destinations outside of California. Currently, jurisdictions receive an incentive payment of \$0.16 per gallon from the Waste Board and/or utilize the Waste Board’s Used Oil Block Grant Program funding to cover the costs for the collection and removal of used oil. As written, AB 1195 would force our counties to have the oil tested prior to leaving the state, should the county elect or have no other viable option other than to use an out-of-state facility. A laboratory test can cost approximately \$200 per test and can take up to two weeks for the results. During that

The Honorable Alberto Torrico
May 24, 2007
Page 2

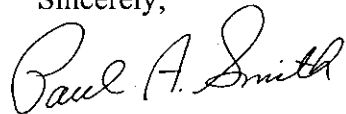
time, the tank must be locked-out to prevent any used oil from being added. Therefore, centers would either be out of commission or need to have more than one tank. This would require each collection center in the county to install additional infrastructure - costs these counties cannot absorb.

Furthermore, AB 1195 could potentially eliminate the funding mechanism by which rural jurisdictions operate their used oil collection programs if a local hauler transports the used oil to an out-of-state facility and that facility is using the oil for purposes other than re-use. This will have a direct impact in California's border counties which, by and large, ship their used motor oil to facilities in Oregon and Nevada. The incentive of \$.016 per gallon is directly associated with the Used Oil Block Grants administered by the Waste Board. Without funding from the Waste Board to pay for the associated costs of a collection center, most agricultural used oil collection centers serving small farmers and ranchers will close. Other county-run collection operations serving the general 'do-it-yourselfer' will be threatened. The costs for the collection of used oil will become a local government financial burden.

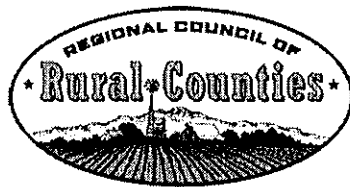
In order to remove our concerns and objections, we respectfully request that provisions requiring mandatory testing be removed from the bill. We also request amendments that would continue to allow used oil collected under a local government-sponsored program to receive incentive payments even when shipment of that oil is made to an entity located outside the State of California and may or may not recycle the commodity.

For the above mentioned reasons, RCRC respectfully opposes AB 1195. Please feel free to contact me at any time to further discuss this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Smith".

PAUL A. SMITH
Director of Legislative Affairs



CHAIR – SUE HORNE, NEVADA COUNTY

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VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

May 25, 2007

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

RE: Senate Bill 1016 (Wiggins) As Proposed To Be Amended

Dear Senator Wiggins:

On behalf of the 30 member counties of the Regional Council of Rural Counties (RCRC), I am writing to offer comments regarding your Senate Bill 1016, which proposes to dramatically revise the process the Integrated Waste Management Board (the Waste Board) determines for county and city compliance with disposal and diversion methods to reduce the amount of waste in landfills.

RCRC is composed of members of the Boards of Supervisors from our 30 member counties. In addition, 22 RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The ESJPA assists our member counties with the current diversion requirements that each California county must meet. Over the years, we have voiced great concern with the current process and formulas that are used to determine compliance. Simply put, the formulas do not adequately work in nearly all of our member counties. And, while there are a handful of RCRC/ESJPA counties that have met or exceeded the current 50% diversion requirement, many have not and – under the current methodology – are likely to never reach this standard. Furthermore, the “numbers game” in the formula does not adequately reflect the efforts rural counties have made nor do they provide an understanding of the cost to achieve compliance.

First, we would like to express our appreciation for your continued efforts to recognize the difficulties that face the rural regions of the state in meeting specified diversion requirements. We have always maintained that implementation of diversion programs is more important in rural areas than using formulas and assumptions to determine compliance with recycling mandates. The language in SB 1016 that emphasizes the streamlined review for rural areas supports the “programs not numbers” approach.

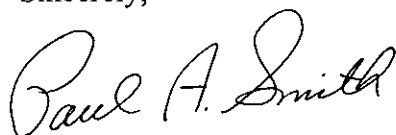
Our greatest concern with the most current proposed amendments is the requirement to utilize the year 2006 as the base year in calculating future diversion rates. Discussions with Waste Board staff have verified that the review of the 2006 data is not complete. Diversion rates in many rural jurisdictions have decreased over the past several years. It is unclear how representative 2006 will be. In addition, a jurisdiction should be provided the opportunity to demonstrate anomalies that might exist with the 2006 data and be allowed to utilize a different base year.

The revised definition of “rural” is also of concern as proposed in Section 41825 (b)(2). Limiting the streamlined review only to those counties with less than 100,000 tons of disposal per year is not appropriate when there is a large city in a county without a regional agency. We propose that a second tier criteria be included that would further allow a county with a large city to benefit from the streamlined review.

Lastly, the “good faith effort” criteria utilized by the Waste Board outlined in Section 41825 (d)(2) regarding budgetary conditions should be revised to indicate that the budgetary conditions “could not be remedied by the imposition or adjustment of ‘reasonable’ solid waste fees.” This would clarify that jurisdictions would not be required to raise their solid waste fees to excessive levels that could possibly jeopardize funding for other public services.

Again, RCRC appreciates you and your former colleagues on the Waste Board bringing forth this legislation. We look forward to working with you and your staff as the bill is further refined in the legislative process.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Smith".

PAUL A. SMITH
Director of Legislative Affairs

cc: Members of the Assembly Natural Resources Committee
The Honorable Joe Simitian, Member of the State Senate
Wesley Chesbro, Member of the Integrated Waste Management Board
Margo Reid Brown, Member of the Integrated Waste Management Board
Rosalie Mule, Member of the Integrated Waste Management Board
Jeff Danzinger, Member of the Integrated Waste Management Board
Howard Levenson, Integrated Waste Management Board
Cara Morgan, Member of the Integrated Waste Management Board
Randy Pestor, Senate Environmental Quality Committee