

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

March 2006

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



**ESJPA BILLS**

March 9, 2007

CA AB 48

**AUTHOR:** Saldana (D)  
**TITLE:** Hazardous Waste: Electronic Devices  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

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

**STATUS:**

02/01/2007

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

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

CA AB 258

**AUTHOR:** Krekorian (D)  
**TITLE:** Environment: Marine Debris: Plastic Discharges  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires the State Coastal Commission to convene a multiagency task force for the purpose of implementing a statewide marine debris reduction effort. Concerns findings regarding marine debris. Requires the Water Resources Control Board to implement a program for the control of discharges of preproduction plastics, from point and nonpoint sources.

**STATUS:**

02/22/2007

To ASSEMBLY Committee on NATURAL RESOURCES.

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

CA AB 484

**AUTHOR:** Nava (D)  
**TITLE:** Recycling: Highway Construction and Repair  
**LOCATION:** Assembly Transportation Committee  
**SUMMARY:**

Requires the Department of Transportation, unless it determines that the use of the materials is not cost effective, to use recycled aggregate base, for at least 50% of the total amount of aggregate base used on and after 1/1/2008 and for at least 75% of the total amount of aggregate base used on and after. Requires the Secretary of the Business, Transportation and Housing Agency to prepare a specified analysis.

**STATUS:**

03/01/2007

To ASSEMBLY Committee on TRANSPORTATION.

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

CA AB 501

**AUTHOR:** Swanson (D)  
**TITLE:** Pharmaceutical Devices  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

safely dispose of the syringe, pen needle, or other injection device.

**STATUS:**

02/20/2007 INTRODUCED.

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

CA AB 546

**AUTHOR:** Brownley (D)  
**TITLE:** Electronic Waste: Computers  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Amends the Electronic Waste Recycling Act of 2003 requiring a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer. Defines covered electronic device for purposes of that act, as a video display device that is identified in the regulations that the Department of Toxic Substances Control determines are presumed to be, when discarded, a hazardous waste.

**STATUS:**

03/01/2007 To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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

CA AB 548

**AUTHOR:** Levine (D)  
**TITLE:** Solid Waste: Multifamily Dwellings  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires an owner of a multifamily dwelling to provide recycling services that are appropriate for the multifamily dwelling, in accordance with the local agency's source reduction and recycling element, statutory provisions regarding development projects, and any other applicable local agency requirements governing solid waste agreements and services.

**STATUS:**

03/01/2007 To ASSEMBLY Committees on NATURAL RESOURCES and LOCAL GOVERNMENT.

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

CA AB 640

**AUTHOR:** De La Torre (D)  
**TITLE:** Waste Discharge Requirements: Waiver  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee  
**SUMMARY:**

Authorizes the State Water Resources Control Board or a regional water quality control board to waive certain waste discharge monitoring requirements only if it determines it does not pose a significant threat to water quality.

**STATUS:**

03/01/2007 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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

CA AB 656     **AUTHOR:** Plescia (R)  
**TITLE:** Hazardous Waste: Alkaline Batteries  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
 Requires the Integrated Waste Management Board and the State Water Resources Control Board to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility.  
**STATUS:**  
 02/21/2007                      INTRODUCED.

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

CA AB 679     **AUTHOR:** Benoit (R)  
**TITLE:** Illegal Dumping: Assessments  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
 Requires the court to impose a civil assessment on violators equal to the fine imposed on the offenders for committing certain littering or illegal dumping offenses. Requires that the assessments be deposited in the city's or county's general fund for use for illegal dumping enforcement.  
**STATUS:**  
 02/21/2007                      INTRODUCED.

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

CA AB 722     **AUTHOR:** Levine (D)  
**TITLE:** Energy: General Service Incandescent Lamp  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
 Amends the Warren-Alquist State Resources Conservation and Development Act which requires the State Energy Resources Conservation and Development Commission to prescribe the minimum level of operating efficiency for lighting devices. Prohibits on and after a specified date the sale of general service incandescent lamps.  
**STATUS:**  
 02/22/2007                      INTRODUCED.

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

CA AB 729     **AUTHOR:** Mullin (D)  
**TITLE:** Recycling: E-Waste  
**LOCATION:** ASSEMBLY  
**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:**  
02/22/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA AB 820

**AUTHOR:** Karnette (D)  
**TITLE:** Recycling Polystyrene: State Facilities  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Prohibits a state facility from selling, possessing, or distributing an expanded polystyrene food container. Directs a state agency to require each prospective bidder or contractor to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will not sell, possess, or distribute an expanded polystyrene food container at a state facility.

**STATUS:**  
02/22/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA AB 844

**AUTHOR:** Berryhill (R)  
**TITLE:** Recycling Businesses  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to existing law requiring any person or entity who is in the business of recycling or destruction of plastic bulk merchandise containers to obtain a proof of ownership record.

**STATUS:**  
02/22/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA AB 904

**AUTHOR:** Feuer (D)  
**TITLE:** Recycling: Food Containers  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act. Prohibits food providers from distributing disposable food service packaging to a consumer, unless packaging is either compostable packaging or recyclable packaging.

**STATUS:**  
02/22/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA AB 1018

**AUTHOR:** Emmerson (R)  
**TITLE:** Porter-Cologne Water Quality Control Act  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

**STATUS:**  
02/22/2007 INTRODUCED.

<u>Lobbyist</u> Kathy	<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA,WaterQuality
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CA AB 1023    **AUTHOR:** DeSaulnier (D)  
**TITLE:** Recycling: Compostable and Biodegradable Plastic  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

**STATUS:**  
02/22/2007                      INTRODUCED.

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

CA AB 1048    **AUTHOR:** Richardson (D)  
**TITLE:** Illegal Dumping Enforcement Officers  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

**STATUS:**  
02/22/2007                      INTRODUCED.

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

CA AB 1075    **AUTHOR:** Cook (R)  
**TITLE:** Solid Waste Diversion: Biomass Conversion  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to an integrated waste management program, source reduction, recycling, and biomass conversion. Specifies the existing authority for making the classification of such a class hazardous waste facility.

**STATUS:**  
02/23/2007                      INTRODUCED.

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

CA AB 1076    **AUTHOR:** Houston (R)  
**TITLE:** Public Works: Prevailing Wage Rates  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to existing law which specifies that certain prevailing wage provisions do not apply to work carried out by public agency's with it's own forces.

**STATUS:**  
02/23/2007                      INTRODUCED.

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

CA AB 1109    **AUTHOR:** Huffman (D)  
**TITLE:** Energy Resources: Lighting Efficiency: Hazardous Waste

**LOCATION:** ASSEMBLY

**SUMMARY:**

Enacts the Lighting Efficiency and Toxics Reduction Act. Requires the Department of Toxic Substances Control to prescribe schedules for reducing the maximum levels of mercury and lead, per lumen, in general purpose lights, sold or offered for sale in the state. Requires every manufacturer of general purpose lights sold in the state containing hazardous materials.

**STATUS:**

02/23/2007 INTRODUCED.

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

CA AB 1150

**AUTHOR:** Lieu (D)  
**TITLE:** Solid Waste: Transformation  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Relates to a transformation ntegrated 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:**

02/23/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA AB 1193

**AUTHOR:** Ruskin (D)  
**TITLE:** Mercury-Added Thermostats: Collection Program  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

**STATUS:**

02/23/2007 INTRODUCED.

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

CA AB 1195

**AUTHOR:** Torrico (D)  
**TITLE:** Recycling: Used Oil: Payment  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Limits the payment of the recycling incentive to those specified entities that transport the used oil to a facility for the purposes of recycling. Provides that the Integrated Waste Management Board would have the discretion to pay the recycling incentive to an electric utility if the utility users used lubricating oil at a facility in the state. Provides that an entity that generates used industrial oil or a facility that accepts used oil would be required to transport the oil to a facility for recycling.

**STATUS:**

02/23/2007 INTRODUCED.



Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA AB 1207

**AUTHOR:** Smyth (R)  
**TITLE:** Solid Waste: Biosolids  
**LOCATION:** ASSEMBLY

**SUMMARY:**

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

**STATUS:**

02/23/2007 INTRODUCED.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA AB 1237

**AUTHOR:** Hancock (D)  
**TITLE:** Solid Waste: Solid Waste Facilities  
**LOCATION:** ASSEMBLY

**SUMMARY:**

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

**STATUS:**

02/23/2007 INTRODUCED.

Analyst  
Nick

Lobbyist  
Paul

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA AB 1447

**AUTHOR:** Calderon C (D)  
**TITLE:** Hazardous Waste: Major Appliances  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Allows an appliance service technician to remove refrigerant from a major appliance. Allows a person who is not a certified appliance recycler to transport, deliver, or sell a discarded major appliance to a certified appliance recycler. Provides that violation would be a crime.

**STATUS:**

02/23/2007 INTRODUCED.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA AB 1473

**AUTHOR:** Feuer (D)  
**TITLE:** Solid Waste Facility: Permits: Enforcement  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Allows an enforcement agency to stay the issuance of a cease and desist order if the solid waste facility accepts only materials that are source-separated for recycling and meets other specified conditions with regard to the operation of the facility.

Requires the board to conduct a study of the environmental and public health impacts of solid waste facilities that accept only materials that are source separated for recycling.

**STATUS:**

02/23/2007 INTRODUCED.

<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  
**SUMMARY:**

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

**STATUS:**

02/23/2007 INTRODUCED.

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

CA AB 1610

**AUTHOR:** Nunez (D)  
**TITLE:** Solid Waste: Fees  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

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

**STATUS:**

02/23/2007 INTRODUCED.

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

CA SB 229

**AUTHOR:** Margett (R)  
**TITLE:** Vehicles: Large or Heavy Loads  
**COMMITTEE:** Senate Transportation and Housing Committee  
**HEARING:** 03/27/2007 1:30 pm  
**SUMMARY:**

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

**STATUS:**

02/20/2007 To SENATE Committee on TRANSPORTATION AND HOUSING.

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

CA SB 447

**AUTHOR:** Maldonado (R)  
**TITLE:** Junk Dealers  
**COMMITTEE:** Senate Public Safety Committee  
**HEARING:** 03/27/2007 9:30 am

**SUMMARY:**

Requires a junk dealer to report specified information, using forms approved or provided an actual cost by the Department of Justice, to the sheriff of the county in which the junk dealer received or purchased the junk and to the Agricultural Crime Technology Information and Operations network.

**STATUS:**

02/28/2007

To SENATE Committees on PUBLIC SAFETY and BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 577

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

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

**STATUS:**

03/08/2007

To SENATE Committee on RULES.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 585

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

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

**STATUS:**

03/08/2007

To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 613

**AUTHOR:** Simitian (D)  
**TITLE:** Local Governments: Vehicle Fees  
**LOCATION:** Senate Transportation and Housing Committee  
**SUMMARY:**

Authorizes the City/County Association of Governments of San Mateo County to impose a fee of up to \$4, until January 1, 2019, on motor vehicles registered within San Mateo County for a program for the management of traffic congestion and stormwater pollution within that county.

**STATUS:**

03/08/2007

To SENATE Committee on TRANSPORTATION AND HOUSING.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

CA SB 697

**AUTHOR:** Wiggins (D)  
**TITLE:** Compost  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Relates to Integrated Waste Management Act of 1989. Requires the Department of

General Services and the Integrated Waste Management Board to maintain specifications for the purchase of compost by the State.

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

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 735 **AUTHOR:** Wiggins (D)  
**TITLE:** Recycling: Paving Materials: Tracking  
**LOCATION:** Senate Transportation and Housing Committee  
**SUMMARY:**

Requires the Department of Transportation to create a tracking system to record the type, amount, and the projects in which recycled materials are used.

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

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 826 **AUTHOR:** Padilla (D)  
**TITLE:** Solid Waste: Environmental Justice  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Requires the Integrated Waste Management Board to adopt state minimum stands to identify and mitigate environmental justice impacts in disproportionately affected communities in which solid waste facilities are located, including providing advance notice regarding permitting or enforcement, and specified mitigation measures.

**STATUS:**  
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

CA SB 842 **AUTHOR:** Scott (D)  
**TITLE:** Integrated Waste Management  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

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

**STATUS:**  
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 879 **AUTHOR:** Calderon R (D)  
**TITLE:** State Funds: Grants: Outreach Activities  
**LOCATION:** SENATE  
**SUMMARY:**

Expresses the intent of the Legislature to enact legislation to require certain outreach activities by entities distributing grants of state funds.

**STATUS:**  
02/23/2007                   INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 896

**AUTHOR:** Negrete McLeod (D)  
**TITLE:** Solid Waste: Beverage Container Recycling  
**LOCATION:** SENATE

**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:**  
02/23/2007                   INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 898

**AUTHOR:** Simitian (D)  
**TITLE:** Solid Waste Cleanup  
**LOCATION:** SENATE

**SUMMARY:**

Relates to cleanup of solid waste disposal sites. Relates to authorization to use a grant that mitigates the impact of solid waste. Concerns solid waste that would otherwise be disposed into the municipal storm sewer. Specifies that the ongoing program prevent recurring solid waste disposal into the municipal storm sewer is required to be established by the public entity.

**STATUS:**  
02/23/2007                   INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 935

**AUTHOR:** Perata (D)  
**TITLE:** Public Works: Utility Workers: Wage Protection  
**LOCATION:** SENATE

**SUMMARY:**

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

**STATUS:**  
02/23/2007                   INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 937

**AUTHOR:** Perata (D)  
**TITLE:** County Highways: Construction  
**LOCATION:** SENATE

**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:**

02/23/2007 INTRODUCED.

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

CA SB 966

**AUTHOR:** Simitian (D)  
**TITLE:** Pharmaceutical Drug Disposal  
**LOCATION:** SENATE

**SUMMARY:**

Requires every retailer of pharmaceutical drugs to have in place a system for the acceptance and collection of pharmaceutical drugs for proper disposal that includes specified elements.

**STATUS:**

02/23/2007 INTRODUCED.

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

CA SB 1016

**AUTHOR:** Wiggins (D)  
**TITLE:** Diversion: Alternative Compliance System  
**LOCATION:** SENATE

**SUMMARY:**

Enacts the Alternative Diversion Compliance System Act. Requires each city, county, and regional agency to implement the diversion programs set forth in its source reduction and recycling element. Requires each city, county, and regional agency to prepare an initial update of its source reduction and recycling element and the household hazardous waste element to reflect all diversion programs that the jurisdiction is implementing.

**STATUS:**

02/23/2007 INTRODUCED.

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

CA SB 1020

**AUTHOR:** Padilla (D)  
**TITLE:** Solid Waste: Diversion  
**LOCATION:** SENATE

**SUMMARY:**

Requires, on and after January 1, 2012, 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.

**STATUS:**

02/23/2007 INTRODUCED.

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

CA SB 1021

**AUTHOR:** Padilla (D)

**TITLE:** Beverage Containers: Grants  
**LOCATION:** SENATE

**SUMMARY:**

Authorizes the Department of Conservation to expend up to \$15 million to provide grants to local governments or nonprofit agencies to place source separated beverage container recycling receptacles in multifamily housing.

**STATUS:**

02/23/2007 INTRODUCED.

Analyst

Nick

Lobbyist

Paul

Position

Support

Staff

Mary

Subject

ESJPA

## CUPA BILLS

CA AB 422     **AUTHOR:** Hancock (D)  
**TITLE:** Underground Storage Tanks: Hazardous Substance  
**LOCATION:** Assembly Environmental Safety and Toxic Materials  
 Committee

**SUMMARY:**

Requires any corrective action taken in response to an unauthorized release from an underground storage tank intended to address potential human health and ecological hazards to also be consistent with the response action requirements for hazardous substance release imposed under the state Superfund Act. Requires certain cleanup and abatement efforts conducted by a discharger under the Water Quality Act to also address all potential human health and ecological threats caused by the discharge.

**STATUS:**

02/26/2007     To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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

CA AB 513     **AUTHOR:** Lieber (D)  
**TITLE:** PBDE: Prohibition  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Relates to existing law that prohibits a person from manufacturing or distributing in commerce a product containing more than one-tenth of 1% pentaBDE or octaBDE, except as specified. The bill includes DecaBDE in this prohibition, on and after January 1, 2011.

**STATUS:**

02/20/2007     INTRODUCED.

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

CA AB 518     **AUTHOR:** Mendoza (D)  
**TITLE:** Hazardous Material: Aboveground Storage Tanks  
**LOCATION:** Assembly Environmental Safety and Toxic Materials  
 Committee

**SUMMARY:**

Requires the schedule for the inspection of aboveground storage tank facilities to provide that an inspection be conducted at least once every two years. States an intent of the Legislature to enact legislation to prohibit the siting of aboveground storage tanks on lands that are subject to liquefaction.

**STATUS:**

03/01/2007     To ASSEMBLY Committees on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS and WATER, PARKS AND WILDLIFE.

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

CA AB 558     **AUTHOR:** Feuer (D)  
**TITLE:** Toxic Chemicals: Use Reduction  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Enacts the Toxic Use Reduction Act state the intent of the Legislature to enact legislation to significantly reduce the use of toxic chemicals.

**STATUS:**

02/21/2007     INTRODUCED.



	<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 706     **AUTHOR:** Leno (D)  
**TITLE:** Fire Retardants: Toxic Effects  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
Revises and extends findings relating to fire retardants, and requires all seating, bedding, and furniture products to comply with certain requirements, including the requirement that they not contain brominated fire retardants or chlorinated fire retardants.  
**STATUS:**  
02/22/2007                      INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 776     **AUTHOR:** Aghazarian (R)  
**TITLE:** Petroleum: Underground Storage Tanks: Claims  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
Revises the eligibility requirements for an applicant to the Underground Storage Tank Cleanup Fund by deleting the condition that the applicant be in compliance with those permit and insurance requirements. Repeals the authority to be in compliance with those requirements. Requires an applicant to be in compliance with those requirements before the date when the applicant submits an application for a claim.  
**STATUS:**  
02/22/2007                      INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 800     **AUTHOR:** Lieu (D)  
**TITLE:** Hazardous Waste Discharge: Sewage: Notification  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
Requires a person who causes any hazardous substance, sewage, or other waste to be discharged in or on any waters of the state, within 2 hours of having knowledge of the discharge, to notify the Office of Emergency Service, the regional board, the local health officers, and the local administrators of environmental health whose jurisdictions are affected by the discharge.  
**STATUS:**  
02/22/2007                      INTRODUCED.

<u>Lobbyist</u> Kathy	<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 833     **AUTHOR:** Ruskin (D)  
**TITLE:** California Toxic Release Inventory program  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee  
**SUMMARY:**  
Enacts the California Toxic Release Inventory Program Act of 2007 to require Cal-EPA to establish the California Toxic Release Inventory Program if the Secretary of Cal-EPA determines there has been a specified change made to EPCRA, or the regulations adopted pursuant to EPCRA, so as to make the act or regulations less stringent or to reduce or lessen any reporting requirement.  
**STATUS:**

03/08/2007

To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Position  
Watch

Staff  
Mary

Subject  
CUPA

CA AB 909

**AUTHOR:** Wolk (D)  
**TITLE:** Mercury Monitoring and Remediation  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Authorizes grant funds to used for grants to local public agencies for monitoring and remediation activities related to mercury and methyl mercury contamination.

**STATUS:**

02/22/2007 INTRODUCED.

Lobbyist  
Kathy

Position  
Watch

Staff  
Mary

Subject  
CUPA

CA AB 1098

**AUTHOR:** Saldana (D)  
**TITLE:** Hazardous Materials: Administrative: Penalties  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Removes the requirement of the federal accident release prevention program, established pursuant to the federal Clean Air Act that the amount of the administrative penalty be set by the governing board of the administrative agency for a business that violates or knowingly violates any provision with regard to the business plan relating to the handling and release or threatened release of hazardous materials.

**STATUS:**

02/23/2007 INTRODUCED.

Position  
Watch

Staff  
Mary

Subject  
CUPA

CA AB 1127

**AUTHOR:** Carter (D)  
**TITLE:** Public Health: Perchlorate: State Standards  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Requires the State Department of Public Health to prepare and submit to the Legislature a report reviewing state standards for perchlorate in drinking water that currently limit the amount of perchlorate in drinking water to 6 parts per billion, containing specified information and recommendations.

**STATUS:**

02/23/2007 INTRODUCED.

Position  
Watch

Staff  
Mary

Subject  
CUPA

CA AB 1183

**AUTHOR:** Hancock (D)  
**TITLE:** Hazardous Materials: Cortese List  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Prohibits exempting from the Environmental Quality Act only a development project on the Cortese List that is intended for residential or other sensitive uses. Requires the Department of Toxic Substances Control to make available on its public Internet Web site a list of hazardous substances release sites that have yet to receive a final cleanup decision and a list of all land use restriction instruments and agreements required to be maintained and posted.

**STATUS:**  
02/23/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 1257

**AUTHOR:** Caballero (D)  
**TITLE:** Rural CUPA Reimbursement  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Makes eligible for an allocation, a county if the Certified Unified Program Agency of that county was certified on or before a certain date, and the county has fewer than a certain population. Authorizes the secretary to additionally base the amount of the allocation to a county on whether a CUPA has failed to achieve a satisfactory performance standing and if the secretary determines that a CUPA has been assessed as having an unsatisfactory standing.

**STATUS:**  
02/23/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 1359

**AUTHOR:** Parra (D)  
**TITLE:** Hazardous Materials: Dielectric Mineral Oil  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Provides that a generator of dielectric fluid from oil-filled equipment is not required to test the dielectric fluid for specified purity levels before transporting fluid if the generator demonstrates through prior tests, that dielectric fluid subject to similar operation conditions did not exhibit the characteristic of toxicity.

**STATUS:**  
02/23/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 1371

**AUTHOR:** Ruskin (D)  
**TITLE:** Hazardous Waste: Civil Penalty  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Imposes a specified civil penalty or an administrative civil penalty against a person who intentionally or negligently treats or stores, or causes the treatment or storage of, a hazardous waste at an unauthorized site.

**STATUS:**  
02/23/2007 INTRODUCED.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA AB 1437

**AUTHOR:** Aghazarian (R)  
**TITLE:** Petroleum Underground Storage Tanks: Claims  
**LOCATION:** ASSEMBLY

**SUMMARY:**

Revises the eligibility requirements for an applicant to the Barry Keene Underground Storage Tank Cleanup Trust Fund by deleting the existing provision that an applicant is ineligible to apply if the applicant failed to comply with the insurance requirements and instead requires an applicant to be in compliance with the insurance requirements before the date when the applicant submits an application for a claim.

**STATUS:**

02/23/2007

INTRODUCED.

Position  
WatchStaff  
MarySubject  
CUPA

CA AB 1621

**AUTHOR:**

Smyth (R)

**TITLE:**

Agricultural Wastes

**LOCATION:**

ASSEMBLY

**SUMMARY:**

Makes a minor change to findings and declarations regarding the disposal of agricultural wastes.

**STATUS:**

02/23/2007

INTRODUCED.

Lobbyist  
KathyPosition  
WatchStaff  
MarySubject  
CUPA

CA SB 291

**AUTHOR:**

Simitian (D)

**TITLE:**

Pollution Prevention: Design for the Environment

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Authorizes the Director of Toxic Substances to establish the Design for the Environment Program, to achieve specified purposes related to pollution prevention, including goals concerning green chemistry and green engineering. Authorizes the director to establish linkages with other states' agencies and university-based programs, in order to draw on the knowledge of other experts.

**STATUS:**

02/20/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position  
WatchStaff  
MarySubject  
CUPA

CA SB 329

**AUTHOR:**

Dutton (R)

**TITLE:**

Hazardous materials: Business Plans

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Increases time for review of the business plan that handles a certain amount of hazardous materials. Allows a business to submit a Spill Prevention Control and Countermeasure Plan to the administering agency in lieu of submitting a plan if the business is a qualified facility.

**STATUS:**

02/28/2007

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position  
WatchStaff  
MarySubject  
CUPA

CA SB 578

**AUTHOR:**

Simitian (D)

**TITLE:**

Environment: High Production Volume Chemical

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Requires a manufacturer of a chemical that is manufactured in, or imported into, the United States in specified amounts to provide to the Department of Toxic Substances Control according to a specified schedule, the chemical's physiochemical toxicological, and ecotoxicological information, identification of industry sectors that purchase more than 5% of these chemicals, and of those industry sectors, identification of industry sectors whose products are likely to be exposed to humans.

**STATUS:**  
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA SB 763

**AUTHOR:** Ridley-Thomas (D)  
**TITLE:** Hazardous Substances: Brownfields Cleanup  
**LOCATION:** Senate Rules Committee

**SUMMARY:**

Declares the intent of the Legislature to enact legislation to promote the timely cleanup of hazardous substances release sites that are brownfields, consistent with the passage of specified bond acts approved by the voters at the November 7, 2006, statewide general election.

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

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA SB 774

**AUTHOR:** Ridley-Thomas (D)  
**TITLE:** Hazardous Packaging  
**LOCATION:** Senate Environmental Quality Committee

**SUMMARY:**

Exempts from the Toxics in Packaging Prevention Act, which prohibits a manufacturer, importer, agent or supplier from offering for sale a package or component that includes specified regulated metals, requirements that a package or a packaging component that meets any of specified conditions.

**STATUS:**  
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA SB 817

**AUTHOR:** Ducheny (D)  
**TITLE:** Hazardous Waste Treatment of Silver  
**LOCATION:** Senate Environmental Quality Committee

**SUMMARY:**

Includes in the exemption from the requirement for obtaining a hazardous waste facilities permit, a hazardous waste treatment activity in which the generator treats spent photoimaging solutions that are hazardous solely due to their silver content, if specified conditions are met.

**STATUS:**  
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u> Watch	<u>Staff</u> Mary	<u>Subject</u> CUPA
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CA SB 899

**AUTHOR:** Simitian (D)  
**TITLE:** Toxic Substances: Perfluorinated Compounds  
**LOCATION:** SENATE

**SUMMARY:**

Prohibits a person from manufacturing, processing, or distributing in commerce a product containing perfluorinated compounds, or chemicals that degrade in the environment to perfluorinated compounds. Authorized the Director of the Office of Environmental Health Hazard Assessment with the concurrence of the Secretary for Environmental Protection, to defer the operation of this prohibition with respect to a product under certain conditions.



## Complete Text of Selected Solid Waste Bills

AB 501 Swanson	Pharmaceutical devices.
AB 722 Levine	Energy: general service incandescent lamp.
AB 1610 Nunez	Solid waste: fees.
SB 966 Simitian	Pharmaceutical drug disposal.
SB 1016 Wiggins	Diversion: alternative compliance system.
SB 1020 Padilla	Solid waste: diversion.





**ASSEMBLY BILL**

**No. 501**

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**Introduced by Assembly Members Swanson and Hancock**

February 20, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 501, as introduced, Swanson. Pharmaceutical devices.

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

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

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

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

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

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

6 (b) The use of prefilled syringes, pens, and devices with needles  
7 is an effective method of prescription drug delivery and is expected  
8 to increase significantly in the future.

9 (c) The increased use of prefilled syringes, pens, and devices  
10 with needles will generate millions of home-generated sharps each  
11 year. If improperly disposed in solid waste and recycling containers  
12 these needles will result in significant public health risks.

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

19 SEC. 2. Section 119404 is added to the Health and Safety Code,  
20 to read:

21 119404. (a) Every pharmaceutical company whose product is  
22 dispensed through a prefilled syringe, prefilled pen needle, or other  
23 prefilled injection device shall provide each person for whom the  
24 product is prescribed in this state with a method described in this  
25 section to safely dispose of the syringe, pen needle, or other  
26 injection device. If the person receives this syringe, pen needle,  
27 or other injection device as part of a patient starter kit, the  
28 pharmaceutical company shall make available to the person, at no  
29 additional charge, a postage prepaid, mail-back sharps container  
30 by including this container or a coupon for this container in the  
31 patient starter kit or by providing the person with a distribution  
32 point chosen by the pharmaceutical company. The pharmaceutical  
33 company shall also make available, at no additional charge and  
34 through an annually renewable program, postage prepaid, mail-back  
35 sharps containers to any person who uses this pharmaceutical  
36 company's product.

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

1 (1) "Coupon" means any written material that allows a person  
2 who uses a pharmaceutical company's product pursuant to a  
3 prescription to receive a postage prepaid, mail-back sharps  
4 container from a distribution point chosen by the pharmaceutical  
5 company.

6 (2) "Patient starter kit" means a package of educational, training,  
7 or otherwise instructional materials prepared by, or on behalf of,  
8 the pharmaceutical company to educate a person on how to safely  
9 use the pharmaceutical company's self-injectable pharmaceutical  
10 product.

11 (3) "Sharps container" has the same meaning as in Section  
12 117750.

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ASSEMBLY BILL

No. 722

Introduced by Assembly Member Levine

February 22, 2007

An act to amend Section 25402.5 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as introduced, Levine. Energy: general service incandescent lamp.

The Warren-Alquist State Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to prescribe the minimum level of operating efficiency for lighting devices.

This bill would prohibit on and after January 1, 2012, the sale of general service incandescent lamps in the state.

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 25402.5 of the Public Resources Code  
2 is amended to read:

3 25402.5. (a) As used in this section, "lighting device" includes,  
4 but is not limited to, a lamp, luminaire, light fixture, lighting  
5 control, ballast, or any component of those devices.

6 (b) (1) The commission shall consider both new and  
7 replacement, and both interior and exterior, lighting devices as  
8 lighting which is subject to subdivision (a) of Section 25402.

1 (2) The commission shall include both indoor and outdoor  
2 lighting devices as appliances to be considered in prescribing  
3 standards pursuant to paragraph (1) of subdivision (c) of Section  
4 25402.

5 (3) The Legislature hereby finds and declares that paragraphs  
6 (1) and (2) are declarative of existing law.

7 (c) The commission shall adopt efficiency standards for outdoor  
8 lighting. The standards shall be technologically feasible and  
9 cost-effective. As used in this subdivision, "outdoor lighting" refers  
10 to all electrical lighting that is not subject to standards adopted  
11 pursuant to Section 25402, and includes, but is not limited to, street  
12 lights, traffic lights, parking lot lighting, and billboard lighting.  
13 The commission shall consult with the Department of  
14 Transportation (~~CALTRANS~~) (*Caltrans*) to ensure that outdoor  
15 lighting standards that affect ~~CALTRANS~~ *Caltrans* are compatible  
16 with that department's policies and standards for safety and  
17 illumination levels on state highways.

18 (d) (1) *On and after January 1, 2012, a general service*  
19 *incandescent lamp shall not be sold in the state.*

20 (2) *For the purposes of this subdivision, "general service*  
21 *incandescent lamp" means a standard incandescent or halogen*  
22 *type lamp that is intended for general service applications and*  
23 *has all of the following:*

24 (A) *A medium screw base.*

25 (B) *A wattage rating no less than 25 watts and no greater than*  
26 *150 watts.*

27 (C) *A A-15, A-19, A-21, A-23, A-25, PS-25, PS-30, BT-14.5,*  
28 *BT-15, CP-19, TB-19, CA-22, or equivalent shape as defined in*  
29 *the American National Standard Institute C78.20-2003.*

30 (D) *A bulb finish of frosted, clear, or soft white type.*

31 (3) *A general service incandescent lamp does not include an*  
32 *appliance lamp, black light lamp, bug lamp, colored lamp,*  
33 *enhanced spectrum lamp, infrared lamp, left-hand tread lamp,*  
34 *marine lamp, marine signal service lamp, mine service lamp, plant*  
35 *light, reflector lamp, rough service lamp, shatter resistant lamp,*  
36 *sign service lamp, silver bowl lamp, showcase lamp, three-way*  
37 *lamp, traffic signal lamp, or vibration service or vibration resistant*  
38 *lamp.*

O

ASSEMBLY BILL

No. 1610

Introduced by Assembly Member Nunez

February 23, 2007

An act to amend Section 48000 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1610, as introduced, Nunez. Solid waste: fees.

The California Integrated Waste Management Act of 1989 requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of Equalization, as specified, for all waste disposed of at each disposal site. Existing law requires the board to set the fee at an amount that is sufficient to generate revenues equivalent to the approved budget for that fiscal year, including a prudent reserve, but not more than \$1.40 per ton. The fees are deposited in the Integrated Waste Management Account, which may be expended by the board, upon appropriation by the Legislature, for specified purposes regarding the regulation of solid waste.

This bill would increase the amount up to which the board may impose the fee, to not more than \$2 per ton.

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 48000 of the Public Resources Code is  
2 amended to read:

- 1 48000. (a) Each operator of a disposal facility shall pay a fee  
2 quarterly to the State Board of Equalization which is based on the  
3 amount, by weight or volumetric equivalent, as determined by the  
4 board, of all solid waste disposed of at each disposal site.
- 5 ~~(b) The fee for solid waste disposed of shall be one dollar and~~  
6 ~~thirty-four cents (\$1.34) per ton. Commencing with the 1995-96~~  
7 ~~2007-08 fiscal year, the board shall set the amount of the fee shall~~  
8 ~~be established by the board at an amount that is sufficient to~~  
9 generate revenues equivalent to the approved budget for that fiscal  
10 year, including a prudent reserve, but *which shall not exceed one*  
11 ~~dollar and forty cents (\$1.40) two dollars (\$2) per ton.~~
- 12 (c) The board shall notify the State Board of Equalization on  
13 the first day of the period in which the rate shall take effect of any  
14 rate change adopted pursuant to this section.
- 15 (d) The board and the State Board of Equalization shall ensure  
16 that all the fees for solid waste imposed pursuant to this section  
17 that are collected at a transfer station are paid to the State Board  
18 of Equalization in accordance with this article.

O



**Introduced by Senators Simitian and Kuehl**February 23, 2007

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

## LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would require every retailer of pharmaceutical drugs, as defined, on and after July 1, 2008, to have in place a system for the acceptance and collection of pharmaceutical drugs for proper disposal that includes specified elements. The bill would provide that any person who violates those provisions shall, if convicted, be guilty of a misdemeanor, and subject to specified civil and criminal penalties. Because the bill would create a new crime, the bill would impose a state-mandated local program.

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

This bill would provide that 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. Chapter 6.9.2 (commencing with Section  
 2 25400.50) is added to Chapter 4 of Division 20 of the Health and  
 3 Safety Code, to read:

4  
 5 CHAPTER 6.9.2. PHARMACEUTICAL DRUG DISPOSAL

6  
 7 25400.50. The Legislature finds and declares all of the  
 8 following:

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

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

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

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

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

29 (b) "Pharmaceutical drug" means a prescription or  
 30 over-the-counter drug, including, but not limited to, a drug as  
 31 defined in Section 109925 or the Federal Food, Drug, and Cosmetic  
 32 Act, as amended (21 U.S.C. Sec. 321(g)(1)).

33 (c) "Retailer" means a person or entity who makes a retail sale  
 34 of a pharmaceutical drug to a consumer in this state.

1 (d) "Sale" includes, but is not limited to, transactions conducted  
2 through sales outlets, catalogs, or the Internet, or any other similar  
3 electronic means, but does not include a sale that is a wholesale  
4 transaction with a distributor or retailer.

5 25400.52. (a) On and after July 1, 2008, every retailer shall  
6 have in place a system for the acceptance and collection of  
7 pharmaceutical drugs for proper disposal.

8 (b) A system for the acceptance and collection of pharmaceutical  
9 drugs for proper disposal shall, at a minimum, include all of the  
10 following elements:

11 (1) The take-back, at no cost to the consumer, of a  
12 pharmaceutical drug, the type or brand of which the retailer sold  
13 or previously sold.

14 (2) A notice to consumers that shall include informational  
15 materials, including, but not limited to, Internet Web site links or  
16 a telephone number, placed on the invoice or purchase order, or  
17 packaged with the pharmaceutical drug, that provide consumers  
18 access to obtain more information about the opportunities and  
19 locations for no-cost pharmaceutical drug recycling.

20 (3) Information made available to consumers about  
21 pharmaceutical drug return opportunities provided by the retailer  
22 and encouraging consumers to utilize those opportunities. This  
23 information may include, but is not limited to, one or more of the  
24 following:

25 (A) Signage that is prominently displayed and easily visible to  
26 the consumer.

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

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

31 (D) Direct communications with the consumer at the time of  
32 purchase.

33 (c) If a retailer is participating in an existing pharmaceutical  
34 drug take-back system and the system otherwise complies with  
35 the requirements of this article.

36 25400.53. On and after July 1, 2008, it is unlawful for a retailer  
37 to sell a pharmaceutical drug to a consumer unless the retailer  
38 complies with this article, and any violation of this section shall  
39 be a misdemeanor.

1 25400.54. Notwithstanding any other provision of law, any  
2 person who violates this chapter shall, if convicted, be subject to  
3 imprisonment for not more than one year in the county jail or a  
4 fine of not more than one thousand dollars (\$1,000), or both the  
5 imprisonment and fine.

6 SEC. 2. No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 the only costs that may be incurred by a local agency or school  
9 district will be incurred because this act creates a new crime or  
10 infraction, eliminates a crime or infraction, or changes the penalty  
11 for a crime or infraction, within the meaning of Section 17556 of  
12 the Government Code, or changes the definition of a crime within  
13 the meaning of Section 6 of Article XIII B of the California  
14 Constitution.

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**Introduced by Senator Wiggins**February 23, 2007

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 1016, as introduced, Wiggins. Diversion: alternative compliance system.

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

This bill would enact the Alternative Diversion Compliance System Act, and would define terms. The act would require each city, county,

and regional agency to implement the diversion programs set forth in its source reduction and recycling element, as specified. The bill would require the diversion programs in the source reduction and recycling element to prevent an increase in the countywide total tonnage of solid waste disposed by the cities in a county, and unincorporated area of the county, as compared to the base tonnage year, as defined, and would require the diversion programs to be implemented to prevent that increase. The board would be required to determine the tonnage of solid waste disposed of in each county and each regional agency, at least once every 2 years to determine whether or not the county has met the requirements regarding the prevention of an increase in the tonnage of waste disposed of in that county.

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

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

) A jurisdiction would be required, by September 1, 2009, and on or before September 1 every 2 years thereafter, to submit a report to the board, including information regarding the implementation of the diversion programs. The bill would require the board, on and after January 1, 2009, when the board conducts a compliance review, to additionally utilize specified criteria regarding compliance with the act's waste increase prevention requirements. The board would be required, in determining whether or not to issue a compliance order, to primarily consider whether the diversion programs are being implemented and would allow the board to consider a jurisdiction's compliance with the waste increase prevention requirements only as an indication as to whether the implementation requirements have been met. The bill would also require the board to consider specified factors in determining whether or not to issue a compliance order. The board

would be required to provide technical assistance and outreach to assist jurisdictions to comply with the act's requirements.

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

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 41825 of the Public Resources Code is  
2 amended to read:

3 41825. (a) At least once every two years, the board shall review  
4 each city, county, or regional agency source reduction and recycling  
5 element and household hazardous waste element.

6 (b) If after a public hearing, which, to the extent possible, is  
7 held in the local or regional agency's jurisdiction, the board finds  
8 that the city, county, or regional agency has failed to implement  
9 its source reduction and recycling element or its household  
10 hazardous waste element, the board shall issue an order of  
11 compliance with a specific schedule for achieving compliance.  
12 The compliance order shall include those conditions that the board  
13 determines to be necessary for the local agency or regional agency  
14 to complete in order to implement its source reduction and  
15 recycling element or household hazardous waste element.

16 (c) (1) The board shall confer with a jurisdiction regarding  
17 conditions relating to a proposed order of compliance, with a first  
18 meeting occurring not less than 60 days before issuing a notice of  
19 intent to issue an order of compliance.

20 (2) The board shall issue a notice of intent to issue an order of  
21 compliance not less than 30 days before the board holds a hearing  
22 to issue the notice of compliance. The notice of intent shall specify  
23 all of the following:

24 (A) The proposed basis for issuing an order of compliance.

1 (B) Proposed actions that board staff recommends are necessary  
2 for the jurisdiction to complete in order to implement its source  
3 reduction and recycling element or household hazardous waste  
4 element.

5 (C) Proposed staff recommendations to the board.

6 (3) The board shall consider any information provided pursuant  
7 to subdivision (c) of Section 41821 if the proposed issuance of an  
8 order of compliance involves changes to a jurisdiction's calculation  
9 of annual disposal reduction.

10 (d) *On and after January 1, 2009, the board shall, when*  
11 *conducting a review pursuant to this section, consider the criteria*  
12 *specified in Section 41985.*

13 SEC. 2. Section 41850 of the Public Resources Code is  
14 amended to read:

15 41850. (a) Except as specifically provided in Section 41813,  
16 if, after holding the public hearing and issuing an order of  
17 compliance pursuant to Section 41825, the board finds that the  
18 city, county, or regional agency has failed to make a good faith  
19 effort to implement its source reduction and recycling element or  
20 its household hazardous waste element, the board may impose  
21 administrative civil penalties upon the city or county or, pursuant  
22 to Section 40974, upon the city or county as a member of a regional  
23 agency, of up to ten thousand dollars (\$10,000) per day until the  
24 city, county, or regional agency implements the element.

25 (b) ~~In~~ *Except as provided in subdivision (e), in determining*  
26 *whether or not to impose any penalties, or in determining the*  
27 *amount of any penalties imposed under this section, including any*  
28 *penalties imposed due to the exclusion of solid waste pursuant to*  
29 *Section 41781.2 that results in a reduction in the quantity of solid*  
30 *waste diverted by a city, county, or regional agency, the board*  
31 *shall consider whether the jurisdiction has made a good faith effort*  
32 *to implement its source reduction and recycling element or its*  
33 *household hazardous waste element. In addition, the board shall*  
34 *consider only those relevant circumstances that have prevented a*  
35 *city, county, or regional agency from meeting the requirements of*  
36 *this division, including the diversion requirements of paragraphs*  
37 *(1) and (2) of subdivision (a) of Section 41780, including, but not*  
38 *limited to, all of the following:*

39 (1) Natural disasters.



1 (2) Budgetary conditions within a city, county, or regional  
2 agency that could not be remedied by the imposition or adjustment  
3 of solid waste fees.

4 (3) Work stoppages that directly prevent a city, county, or  
5 regional agency from implementing its source reduction and  
6 recycling element or household hazardous waste element.

7 (4) The impact of the failure of federal, state, and other local  
8 agencies located within the jurisdiction to implement source  
9 reduction and recycling programs in the jurisdiction on the host  
10 jurisdiction's ability to meet the requirements of paragraph (2) of  
11 subdivision (a) of Section 41780.

12 (c) In addition to the factors specified in subdivision (b), the  
13 board shall consider all of the following:

14 (1) The extent to which a city, county, or regional agency has  
15 implemented additional source reduction, recycling, and  
16 composting activities to comply with the diversion requirements  
17 of paragraphs (1) and (2) of subdivision (a) of Section 41780.

18 (2) The extent to which a city, county, or regional agency is  
19 meeting the diversion requirements of paragraphs (1) and (2) of  
20 subdivision (a) of Section 41780.

21 (3) Whether the jurisdiction has requested and been granted an  
22 extension to the requirements of Section 41780, pursuant to Section  
23 ~~41820~~ 41820.5, or an alternative requirement to Section 41780,  
24 pursuant to Section ~~41785~~ 41786.

25 (4) Whether a local jurisdiction has provided information to the  
26 board concerning whether construction and demolition waste  
27 material is at least a moderately significant portion of the waste  
28 stream, and, if so, whether the local jurisdiction has adopted an  
29 ordinance for diversion of construction and demolition waste  
30 materials from solid waste disposal facilities, has adopted a model  
31 ordinance pursuant to subdivision (a) of Section 42912 for  
32 diversion of construction and demolition waste materials from  
33 solid waste disposal facilities, or has implemented another program  
34 to encourage or require diversion of construction and demolition  
35 waste materials from solid waste disposal facilities.

36 (d) (1) For the purposes of this section, "good faith effort"  
37 means all reasonable and feasible efforts by a city, county, or  
38 regional agency to implement those programs or activities  
39 identified in its source reduction and recycling element or

1 household hazardous waste element, or alternative programs or  
2 activities that achieve the same or similar results.

3 (2) For purposes of this section “good faith effort” may also  
4 include the evaluation by a city, county, or regional agency of  
5 improved technology for the handling and management of solid  
6 waste that would reduce costs, improve efficiency in the collection,  
7 processing, or marketing of recyclable materials or yard waste,  
8 and enhance the ability of the city, county, or regional agency to  
9 meet the diversion requirements of paragraphs (1) and (2) of  
10 subdivision (a) of Section 41780, provided that the city, county,  
11 or regional agency has submitted a compliance schedule pursuant  
12 to Section 41825, and has made all other reasonable and feasible  
13 efforts to implement the programs identified in its source reduction  
14 and recycling element or household hazardous waste element.

15 (3) In determining whether a jurisdiction has made a good faith  
16 effort, the board shall consider the enforcement criteria included  
17 in its enforcement policy, as adopted on April 25, 1995, or as  
18 subsequently amended.

19 *(e) On and after January 1, 2009, the board shall also base its*  
20 *determination whether to impose any penalties or the amount of*  
21 *the penalties pursuant to this section upon a compliance order*  
22 *issued pursuant to the criteria specified in subdivision (b) of*  
23 *Section 41985, as provided in Section 41986.*

24 SEC. 3. Chapter 10 (commencing with Section 41979) is added  
25 to Part 2 of Division 30 of the Public Resources Code, to read:

26  
27 CHAPTER 10. ALTERNATIVE DIVERSION COMPLIANCE SYSTEM  
28

29 41979. (a) The Legislature finds and declares all of the  
30 following:

31 (1) The statewide diversion rate for the year 2005 is expected  
32 to exceed 50 percent, and jurisdictions throughout the state have  
33 set forth comprehensive arrays of programs to divert solid waste  
34 from disposal.

35 (2) Adjustments to the ways in which diversion achievements  
36 are measured and evaluated need to be implemented to make the  
37 system more accurate, simplify it, and add additional emphasis to  
38 the implementation of those diversion programs.

39 (b) This chapter shall be known and may be cited as the  
40 Alternative Diversion Compliance System Act.

1 (c) The requirements of, and authority provided by, this chapter  
2 are in addition to the requirements of, and authority provided by,  
3 this part.

4 (d) For purposes of this chapter, the following definitions shall  
5 apply:

6 (1) "Base tonnage year" means the countywide total tonnage  
7 of solid waste disposed of by all cities in a county and the  
8 unincorporated area of a county, or by the regional agency, during  
9 the year 2006, as determined by the board pursuant to subdivision  
10 (a) of Section 41984.

11 (2) "Diversion program" means the programs in the city or  
12 county source reduction and recycling element, including any  
13 amendments, revisions, or updates to the element, and any  
14 programs set forth in any time extensions issued pursuant to Section  
15 41820.5, alternative diversion requirements issued pursuant to  
16 Section 41820.5, or compliance orders issued pursuant to Section  
17 41825, that have the purpose of diverting solid waste from landfill  
18 disposal or transformation, through source reception, recycling,  
19 and compost activities.

20 (3) "Jurisdiction" means a city, county, or regional agency.

21 (4) "Local task force" means the task force convened pursuant  
22 to Section 40950.

23 (5) "Nondisposal facility" means a solid waste facility that is  
24 not a disposal or transformation facility.

25 (6) "Programmatic update" means the expansion or addition of  
26 diversion programs to the source reduction and recycling element.

27 (7) "Small rural county" means a county that disposes of less  
28 than 100,000 tons of solid waste annually.

29 (8) "Uniform Electronic Transactions Act" means Title 2.5  
30 (commencing with Section 1633.1) of Part 2 of Division 3 of the  
31 Civil Code.

32 41980. (a) Each city, county, and regional agency shall  
33 implement the diversion programs set forth in its source reduction  
34 and recycling element, including any amendments, revisions, or  
35 updates to the element, and any programs set forth in any time  
36 extensions, alternative diversion requirements, or compliance  
37 orders approved pursuant to this part.

38 (b) (1) The diversion programs in the source reduction and  
39 recycling element shall prevent an increase in the countywide total  
40 tonnage of solid waste disposed by the cities in a county, and

1 unincorporated area of the county, as compared to the base tonnage  
2 year.

3 (2) The diversion programs in the source reduction and recycling  
4 element shall be implemented to prevent an increase in the  
5 countywide total tonnage of solid waste disposed of by the cities  
6 in a county, and the unincorporated area of the county, as compared  
7 to the base tonnage year.

8 41981. (a) Each city, county, and regional agency shall prepare  
9 an initial update of its source reduction and recycling element  
10 prepared pursuant to Chapter 2 (commencing with Section 41000)  
11 or Chapter 3 (commencing with Section 41300), as applicable,  
12 and the household hazardous waste element prepared pursuant to  
13 Chapter 3.5 (commencing with Section 41500) to reflect all  
14 diversion programs that the jurisdiction is implementing on the  
15 date specified in subdivision (d). This initial update shall include  
16 all programs set forth in its source reduction and recycling element,  
17 including any amendments, revisions, or updates to the element,  
18 and any programs set forth in any time extensions, alternative  
19 diversion requirements, or compliance riders that were being  
20 implemented or planned to be implemented as of January 1, 2008.

21 (b) Each city, county, and regional agency shall prepare an  
22 initial update of its nondisposal facility element prepared pursuant  
23 to Chapter 4.5 (commencing with Section 41730) to reflect all  
24 nondisposal facilities that the jurisdiction is utilizing or is planning  
25 to utilize in implementing its diversion programs to comply with  
26 Section 41980.

27 (c) The initial updates required in this section are not subject to  
28 any requirements of this part that require the providing of public  
29 notice, comments, review by the local task force, or the conduct  
30 of a public hearing.

31 (d) The initial update required by this section shall be submitted  
32 to the board in accordance with the following schedule:

33 (1) On or before April 1, 2008, if the jurisdiction's name begins  
34 with the letters A to G, inclusive.

35 (2) On or before July 1, 2008, if the jurisdiction's name begins  
36 with the letters H to P, inclusive.

37 (3) On or before September 1, 2008, if the jurisdiction's name  
38 begins with the letters Po to Z, inclusive.

39 (e) The board shall presume that an initial update submitted  
40 pursuant to this section meets the requirements of this section,

1 unless the board determines that the update does not contain all of  
2 the information required by this section. If the board determines  
3 that a jurisdiction's initial update is deficient, the board shall notify  
4 the jurisdiction of the deficiencies it has identified within 60 days  
5 and the jurisdiction shall submit a new update within 30 days. If  
6 a jurisdiction does not resubmit an adequate initial update, the  
7 board may utilize the procedures set forth in Sections 41812 and  
8 41813.

9 (f) Notwithstanding the Uniform Electronic Transactions Act,  
10 the city, county, or regional agency shall submit the initial update  
11 electronically using the board's electronic reporting format system.

12 (g) After providing an initial update pursuant to this section, a  
13 jurisdiction shall provide updates pursuant to Section 41983.

14 41982. (a) If a jurisdiction determines that it needs to expand  
15 or add programs, or utilize additional nondisposal facilities, beyond  
16 those included in the initial update submitted pursuant to Section  
17 41981, to meet the requirements of subdivision (b) of Section  
18 41980, the jurisdiction shall provide a programmatic or nondisposal  
19 facility update of its source reduction and recycling element and  
20 household hazardous waste element to the board.

21 (b) The jurisdiction's determination regarding the need for the  
22 expansion or addition of programs, or to utilize additional  
23 nondisposal facilities, shall be made in accordance with the  
24 applicable local processes used in the jurisdiction, but is not subject  
25 to any requirements of the part that requires the providing of public  
26 notice, comments and review by the local task force, or the conduct  
27 of a public hearing.

28 (c) A jurisdiction may submit to the board a voluntary  
29 programmatic or nondisposal facility update at any time.

30 (d) The board shall acknowledge the receipt of a programmatic  
31 update submitted pursuant to subdivision (a), but shall not review  
32 and approve the update at the time of submittal. The board shall  
33 evaluate any expanded or additional programs submitted pursuant  
34 to subdivision (a) only as part of the biennial review as set forth  
35 in subdivision (e) of Section 41985.

36 (e) The addition of a nondisposal facility update shall be  
37 approved by the board in accordance with Section 41800.

38 (f) Notwithstanding the Uniform Electronic Transactions Act,  
39 the jurisdiction shall submit the programmatic or nondisposal

1 facility update electronically to the board using the board's  
2 electronic reporting format system.

3 41983. (a) On or before September 1, 2009, and on or before  
4 September 1 every two years thereafter, a jurisdiction shall submit  
5 a report to the board which shall include all of the following  
6 information:

7 (1) A summary of the jurisdiction's implementation of diversion  
8 programs set forth in its source reduction and recycling element  
9 and the programs set forth in household hazardous waste element.

10 (2) An update of the jurisdiction's source reduction and  
11 recycling element and household hazardous waste element to  
12 include any new or expanded programs that jurisdiction has  
13 implemented or plans to implement.

14 (3) An update of the jurisdiction's nondisposal facility element  
15 to reflect all new or expanded nondisposal facilities the jurisdiction  
16 is using or planning to use.

17 (4) The information required by Section 41821.

18 (b) The information in the report required by this section shall  
19 encompass the previous two calendar years from January 1 to  
20 December 31, inclusive.

21 (c) In addition to the requirements of subdivision (a), if the  
22 county in which the jurisdiction is located fails to meet the  
23 requirements of subdivision (b) of Section 41980, the biennial  
24 report may include information as to why this has occurred, other  
25 than a failure to implement the diversion programs, including, but  
26 not limited to, all of the following:

27 (1) The rural nature of the jurisdiction.

28 (2) Growth rate within the jurisdiction.

29 (3) Any waste generation or other studies done that show the  
30 effectiveness of the programs being implemented.

31 (4) Other information describing the good faith efforts of the  
32 jurisdiction.

33 (d) Notwithstanding the Uniform Electronic Transactions Act,  
34 the biennial report shall be submitted electronically using the  
35 board's electronic biennial reporting format system.

36 41984. (a) The board shall determine the tonnage of solid  
37 waste disposed of in each county and each regional agency in the  
38 year 2006.

1 (b) At least once every two years, the board shall determine  
2 whether or not each county has met the requirements of subdivision  
3 (b) of Section 41980.

4 41985. (a) On and after January 1, 2009, when the board  
5 conducts a review pursuant to subdivision (a) of Section 41825,  
6 the board shall also utilize the following criteria:

7 (1) If the board finds that the county is in compliance with the  
8 requirements of subdivision (b) of Section 41980, the board shall  
9 conduct a review of program implementation to determine if each  
10 city, county, and regional agency within the county has  
11 implemented the diversion programs required by subdivision (a)  
12 of Section 41980. The board shall presume that the county complies  
13 with Section 41980, which presumption may be rebutted.

14 (2) Except as provided in paragraph (3), if the board finds the  
15 county is not in compliance with the requirements of subdivision  
16 (b) of Section 41980, the board shall conduct a review of the  
17 effectiveness of the implementation of the diversion programs and  
18 shall determine if the diversion programs of each city, county, and  
19 regional agency within the county are adequately addressing all  
20 significant sources of disposal to achieve compliance with  
21 subdivision (b) of Section 41980. The board shall presume that  
22 the county is not in compliance with the requirements of Section  
23 41980, which presumption may be rebutted.

24 (3) The board shall review the diversion program implemented  
25 by a small rural county and shall determine if each city, county,  
26 and regional agency within the county has implemented the  
27 diversion programs required by subdivision (a) of Section 41980.  
28 If the board makes this finding, the board shall presume that the  
29 county complies with Section 41980, which presumption may be  
30 rebutted.

31 (b) In determining whether or not to issue a compliance order  
32 pursuant to Section 41825, the board may issue a compliance order  
33 only if the board determines that the jurisdiction has failed to make  
34 a good faith effort pursuant to subdivision (d) of Section 41850,  
35 to implement its source reduction and recycling element or its  
36 household hazardous waste element.

37 (1) In making a determination pursuant to this section, the board  
38 shall primarily consider whether the diversion programs are in  
39 compliance with subdivision (a) of Section 41980 and whether

1 additional program implementation is necessary to adequately  
2 address all significant sources of disposal.

3 (2) In making a determination pursuant to this section, the board  
4 may consider a jurisdiction's compliance with the requirements  
5 of subdivision (b) of Section 41980 only as an indication of  
6 whether the requirements of subdivision (a) of Section 41980 have  
7 been met. The board shall not consider a jurisdiction's compliance  
8 with subdivision (b) of Section 41980 determinative as to whether  
9 the jurisdiction has failed to make a good faith effort pursuant to  
10 subdivision (d) of Section 41850, to implement its source reduction  
11 and recycling element or its household hazardous waste element.

12 (c) In addition to considering the good faith efforts to implement  
13 a diversion program, the board shall consider all of the following  
14 factors in determining whether or not to issue a compliance order  
15 pursuant to Section 41825:

16 (1) The rural nature of the jurisdiction.

17 (2) Whether exceptional growth rate that may have affected  
18 compliance with subdivision (b) of Section 41980.

19 (3) Other information that the jurisdiction may provide that  
20 indicates the effectiveness of the jurisdiction's programs, such as  
21 waste generation studies, or other jurisdiction-specific information.

22 41986. In determining whether or not to issue penalties pursuant  
23 to Section 41850, the board's determination regarding  
24 implementation shall also be based upon the city, county, or  
25 regional agency's implementation of the programs required by a  
26 compliance order issued in accordance with Section 41985.

27 41987. The board shall provide technical assistance and  
28 outreach to assist jurisdictions to comply with Section 41980, in  
29 accordance with subdivision (d) of Section 40912.

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

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**Introduced by Senator Padilla**February 23, 2007

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An act to amend Section 41780 of the Public Resources Code, relating to solid waste.

## LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would increase that requirement to require, on and after January 1, 2012, 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.

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

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

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

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

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

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

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

10 ~~(2) Except as provided in Sections 41783, 41784, and 41785,~~  
11 ~~for the first and each subsequent revision of the element, on and~~  
12 ~~after January 1, 2012, the city or county shall divert 50 from~~  
13 ~~landfill disposal or transformation, no less than 75 percent of all~~  
14 ~~solid waste on and after January 1, 2000, through source reduction,~~  
15 ~~recycling, and composting activities.~~

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

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 a local agency or school district has the authority to levy service  
22 charges, fees, or assessments sufficient to pay for the program or  
23 level of service mandated by this act, within the meaning of Section  
24 17556 of the Government Code.

O