

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

**Thursday, August 25, 2011**

**VI. Legislative Update**

**Complete Text of Selected Solid Waste Bills**

- AB 34 Williams Solid waste compost facility: odor
- AB 255 Weickowski Hazardous waste: latex paint
- AB 341 Chesbro Solid waste: diversion
- AB 818 Blumenfield Solid waste: multifamily dwellings
- AB 1178 Ma Solid waste: place of origin
- SB 598 Lownethal Recycling household mercury-containing lamps
- SB 833 Vargas Solid waste: facilities permit
- SB 841 Wolk Solid Waste: enterprises: contracts

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AMENDED IN ASSEMBLY MAY 10, 2011  
AMENDED IN ASSEMBLY APRIL 14, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 34**

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**Introduced by Assembly Member Williams**

December 6, 2010

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An act to add Article 1.3 (commencing with Section 43223) to Chapter 2 of Part 4 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, as amended, Williams. Solid waste compost facilities: odor.

(1) Existing law, the California Integrated Waste Management Act of 1989, requires the Department of Resources Recycling and Recovery to adopt regulations governing the operation of organic composting sites, including odor management and threshold levels. The act prohibits the operation of a solid waste facility, as defined, without a solid waste facilities permit issued by the enforcement agency having jurisdiction over the facility.

This bill would define terms and require the department to ~~develop~~ *adopt*, by July 1, 2012, ~~a guidance document to assist regulations with which enforcement agencies in the adoption of would be required to comply when adopting~~ site-specific objective odor performance thresholds for compost facilities. The bill would authorize a compost facility operator to apply to an enforcement agency to adopt performance thresholds, ~~pursuant to a specified procedure, including the payment of and to pay an application fee, and would require the enforcement agency to take specified actions with regard to that application, thereby~~

~~imposing a state-mandated local program in accordance with a fee schedule adopted by the enforcement agency, thereby imposing a state-mandated local program.~~

The bill would prohibit an enforcement agency from verifying ~~that an odor~~ a complaint ~~that~~ originates from a compost facility ~~for which the enforcement agency has adopted performance standards,~~ unless the odor violates certain performance ~~threshold standards~~ *thresholds*. The bill would also require a compost facility operator who submits an application to an enforcement agency to adopt performance ~~standards~~ *thresholds* to also submit to the department an annual odor regulation fee according to a fee schedule that the department would be required to establish. The bill would require the fees to be deposited in the Integrated Waste Management Account, for expenditure by the department, upon appropriation by the Legislature.

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

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

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

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

1 SECTION 1. Article 1.3 (commencing with Section 43223) is  
2 added to Chapter 2 of Part 4 of Division 30 of the Public Resources  
3 Code, to read:

4  
5 Article 1.3. Compost Facility Odor Performance Thresholds

6  
7 43223. The Legislature finds and declares all of the following:

8 (a) The people of the state have a primary interest in diverting  
9 compostable materials from the solid waste stream *and into*  
10 *compost facilities* that would otherwise be destined for landfills  
11 ~~and into compost facilities.~~

12 (b) Pursuit of this primary interest is ~~being impeded by the~~  
13 ~~existence and impeded by~~ inconsistent enforcement of subjective  
14 and inconsistent odor standards set by, or enforced under, ~~local,~~  
15 ~~regional~~ *local authority, regional authority*, or state legal authority,  
16 including, but not limited to, ordinances, statutes, regulations,

1 rules, guidance documents, permits, orders, or common law, that  
2 relates to nuisance, air quality, solid waste, or composting.

3 (c) The health, safety, and welfare of the people of the state will  
4 be promoted by making available to compost facility operators, a  
5 process for obtaining performance thresholds for odor control at  
6 those compost facilities.

7 ~~(d) The department should issue a guidance document to assist~~  
8 ~~enforcement agencies in setting performance thresholds.~~

9 *(d) The department should adopt regulations to direct*  
10 *enforcement agencies with regard to setting performance*  
11 *thresholds.*

12 43224. For purposes of this article, the following definitions  
13 shall apply:

14 (a) "Compost facility" means a compostable materials handling  
15 operation or facility that is required to have a solid waste facilities  
16 permit pursuant to this division.

17 (b) "Fenceline performance threshold" means a numerical  
18 dilution-to-threshold ratio, measured at the fenceline of the compost  
19 facility, which corresponds to the odor performance threshold.

20 (c) ~~"Performance threshold exceedance standard" exceedance~~  
21 means an odor measurement that exceeds a performance threshold.

22 (d) "Receptor performance threshold" means a numerical  
23 dilution-to-threshold ratio, measured at the ~~residence~~ *location* of  
24 a person making an odor complaint regarding a compost facility,  
25 which corresponds to the odor performance threshold.

26 (e) "Site-specific objective odor performance threshold" or  
27 "performance threshold" means a site-specific objective odor  
28 performance threshold for a compost facility.

29 43225. On or before July 1, 2012, the department shall ~~develop~~  
30 *adopt*, in consultation with stakeholders, ~~a guidance document to~~  
31 ~~assist enforcement agencies in the adoption of regulations with~~  
32 ~~which an enforcement agency would be required to comply when~~  
33 ~~adopting~~ fenceline performance thresholds, receptor performance  
34 thresholds, and performance threshold exceedance standards for  
35 compost facilities. ~~The guidance document shall provide for~~  
36 *regulations shall require* all of the following:

37 (a) Each performance threshold shall be a numerical  
38 dilution-to-threshold ratio measured with a field olfactometer or  
39 similar device.

1 (b) The fenceline performance threshold shall be the numerical  
2 dilution-to-threshold ratio, measured at the fenceline of the compost  
3 facility, which corresponds to the odor performance threshold.

4 (c) The receptor performance threshold shall be the numerical  
5 dilution-to-threshold ratio measured at the residence *location* of a  
6 person making an odor complaint regarding the compost facility,  
7 which corresponds to the odor performance threshold.

8 ~~(d) The guidance document shall require enforcement agencies,~~  
9 ~~when~~

10 (d) *When* developing standards to be used in determining a  
11 performance threshold exceedance, ~~to an enforcement agency shall~~  
12 ensure that odor measurements are verifiable and repeatable and  
13 that the odor at a residence is the same odor as the odor originating  
14 at the compost facility.

15 ~~(e) The guidance document shall set standards limiting the~~ *the*  
16 *complaint location originated from the compost facility.*

17 (e) *The enforcement agency shall include, in the standards, a*  
18 *limit on the maximum number of performance threshold*  
19 *exceedance standards that can occur in a 24-hour period.*

20 43226. (a) A compost facility operator may apply to an  
21 enforcement agency to adopt fenceline performance thresholds,  
22 receptor performance thresholds, and performance threshold  
23 exceedance standards for that compost facility. *The compost facility*  
24 *operator shall make this application pursuant to paragraph (2) of*  
25 *subdivision (a) of Section 21620 of Title 27 of the California Code*  
26 *of Regulations, and for purposes of the procedures set forth in that*  
27 *regulation, the application shall be considered an amendment to*  
28 *a report of facility information.*

29 (b) The compost facility operator's application for performance  
30 thresholds shall include proposed performance thresholds for the  
31 facility and an explanation of why those performance thresholds  
32 would be appropriate in light of the relevant circumstances.

33 (c) (1) Except as provided in paragraph (2), the application  
34 shall be accompanied by a filing fee according to a fee schedule  
35 established by the enforcement agency to reflect the costs of  
36 processing the application.

37 (2) If the enforcement agency has not established a fee for a  
38 performance thresholds application as of the date that an  
39 application is filed, the operator is not required to submit a fee to  
40 the enforcement agency.

1 ~~(d) Within 60 days after the date of receipt of a performance~~  
2 ~~thresholds application, the enforcement agency shall provide the~~  
3 ~~facility operator with draft performance thresholds for the facility.~~  
4 ~~If the draft performance thresholds are different from the~~  
5 ~~performance thresholds proposed in the application, the~~  
6 ~~enforcement agency shall include an explanation of the differences.~~

7 ~~(e) Within 30 days after the date of receipt of the enforcement~~  
8 ~~agency's draft performance thresholds and accompanying~~  
9 ~~explanation, the compost facility operator may submit a response~~  
10 ~~to the enforcement agency.~~

11 ~~(f) Within 120 days of receipt of a performance threshold~~  
12 ~~application, the enforcement agency shall provide the facility~~  
13 ~~operator and department with final performance thresholds for the~~  
14 ~~facility and an explanation of why the performance thresholds are~~  
15 ~~appropriate in light of the relevant circumstances. The explanation~~  
16 ~~shall include all elements required in connection with the draft~~  
17 ~~performance threshold.~~

18 ~~(g) The department may reject the final performance thresholds~~  
19 ~~within 30 days of completion. If the department rejects the final~~  
20 ~~performance thresholds pursuant to subdivision (f), the department~~  
21 ~~shall explain the reasons for rejection and offer suggestions for~~  
22 ~~remedying the department's concerns.~~

23 ~~(h) The final performance thresholds shall be deemed accepted~~  
24 ~~by the department if no action is taken by the department within~~  
25 ~~30 days of receipt of the final performance thresholds.~~

26 ~~(i) Within 30 days after the enforcement agency provides the~~  
27 ~~facility operator and the department with final performance~~  
28 ~~standards pursuant to subdivision (f) and the department fails to~~  
29 ~~take action pursuant to subdivision (h), or within 30 days after the~~  
30 ~~department rejects the final performance thresholds pursuant to~~  
31 ~~subdivision (g), the compost facility operator may appeal the final~~  
32 ~~performance thresholds to the department, which shall conduct a~~  
33 ~~de-novo review of the performance thresholds.~~

34 ~~(2) The evidence before the department shall consist of the~~  
35 ~~record before the enforcement agency and any other relevant~~  
36 ~~evidence that, in the judgment of the department, should be~~  
37 ~~considered to effectuate and implement the policies of this division.~~

38 ~~(3) The department shall make a finding that the enforcement~~  
39 ~~agency's final performance thresholds were one of the following:~~

40 ~~(A) Appropriate and proper.~~

1 ~~(B) Inappropriate.~~

2 ~~(C) Improper.~~

3 ~~(4) Upon finding that the enforcement agency's final~~  
4 ~~performance threshold were inappropriate or improper, the~~  
5 ~~department shall issue final performance thresholds that are~~  
6 ~~appropriate and proper, together with an explanation including all~~  
7 ~~elements required in connection with the enforcement agency's~~  
8 ~~draft performance threshold.~~

9 ~~(5) Within 30 days after receipt of department's decision~~  
10 ~~pursuant to paragraph (32), the compost facility operator may file~~  
11 ~~with the superior court a petition for writ of mandate for review~~  
12 ~~of the decision under Section 1094.5 of the Code of Civil~~  
13 ~~Procedure, and the court shall exercise its independent judgment~~  
14 ~~on the evidence pursuant to subdivision (c) of Section 1094.5 of~~  
15 ~~the Code of Civil Procedure.~~

16 43227. An enforcement agency shall not verify ~~an odor~~  
17 ~~complaint originating from a compost facility, for which the~~  
18 ~~enforcement agency has adopted performance thresholds pursuant~~  
19 ~~to Section 43226, unless the odor violates performance threshold~~  
20 ~~exceedance standards: a complaint regarding an odor originating~~  
21 ~~from a compost facility unless the odor exceeds a performance~~  
22 ~~threshold established pursuant to this article for that facility.~~

23 43228. A compost facility operator who elects to submit an  
24 application to an enforcement agency to adopt performance  
25 standards pursuant to this article shall also submit to department  
26 thresholds pursuant to this article shall also submit to the  
27 department an annual odor regulation fee according to a fee  
28 schedule established by the department. The department shall set  
29 the fee schedule pursuant to this section based on the reasonable  
30 regulatory costs to the department incident to implementing this  
31 section and shall deposit the fees in the Integrated Waste  
32 Management Account, for expenditure by the department, upon  
33 appropriation by the Legislature to implement this section article.

34 SEC. 2. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 a local agency or school district has the authority to levy service  
37 charges, fees, or assessments sufficient to pay for the program or



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

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AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 255**

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**Introduced by Assembly Member Wieckowski**

February 3, 2011

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An act to amend Section 25217.2 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 255, as amended, Wieckowski. Hazardous waste: latex paint: collection facility.

(1) Existing law generally prohibits any person from disposing of latex paint, unless authorized, but allows recyclable latex paint to be accepted at any location if specified requirements are met concerning the management of that paint. Existing law authorizes the Department of Toxic Substances Control to allow a household hazardous waste collection facility to accept hazardous waste from a conditionally exempt small quantity generator (CESQG) under specified conditions. A violation of the requirements concerning hazardous waste is a crime.

This bill would allow a permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a CESQG to accept recyclable latex paint from any generator, notwithstanding specified provisions and regulations, if the permanent household hazardous waste collection facility complies with certain requirements. Because a violation of these requirements would be a 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. Section 25217.2 of the Health and Safety Code  
2 is amended to read:

3 25217.2. (a) Recyclable latex paint may be accepted at any  
4 location, including, but not limited to, a permanent household  
5 hazardous waste collection facility in accordance with subdivision  
6 (b), if all of the following conditions are met:

7 (1) The location manages the recyclable latex paint in  
8 accordance with all applicable latex paint product management  
9 procedures specified by federal, state, or local law or regulation  
10 which include, at a minimum, that the recyclable latex paint is  
11 stored and handled in a manner that minimizes the chance of  
12 exposing the handler and the environment to potentially hazardous  
13 constituents that may be in, or have been incidentally added to,  
14 the recyclable latex paint.

15 (2) Any latex paint that is accepted as recyclable by the location  
16 and which is later discovered to be nonrecyclable shall be deemed  
17 to be a waste generated at the location where this discovery is  
18 made and this latex paint shall be managed as a waste in accordance  
19 with this chapter.

20 (3) The owner or operator of the location has a business plan  
21 that meets the requirements of Section 25504, if required by the  
22 administrating agency, including, but not limited to, emergency  
23 response plans and procedures, as described in subdivision (b) of  
24 Section 25504. The plans and procedures shall specifically address  
25 recyclable latex paint or meet the department's emergency response  
26 and contingency requirements which are applicable to generators  
27 of hazardous waste.

28 (4) If the recyclable latex paint is not excluded or exempted  
29 from regulation under Chapter I (commencing with Section 1.1)  
30 of Title 40 of the Code of Federal Regulations, the location meets  
31 all applicable federal requirements.

32 (b) (1) For purposes of this subdivision the following definitions  
33 shall apply:

1 (A) "CESQG" means a conditionally exempt small quantity  
2 generator, as specified in subdivision (a) of Section 25218.1.

3 (B) "Permanent household hazardous waste collection facility"  
4 has the same meaning as defined in subdivision (h) of Section  
5 25218.1.

6 (2) A permanent household hazardous waste collection facility  
7 that is authorized to accept hazardous waste from a CESQG  
8 pursuant to Section 25218.3 may accept recyclable latex paint  
9 from any generator in accordance with this article if the permanent  
10 household hazardous waste collection facility does all of the  
11 following:

12 (A) Complies with subdivision (a).

13 (B) Sends the recyclable latex paint, for recycling, to a latex  
14 paint recycling facility operating pursuant to this article.

15 (C) Maintains a monthly log of the volume of latex paint  
16 collected from each generator and submits that information  
17 annually with the report submitted pursuant to Section 25218.9  
18 for household hazardous waste collected from household hazardous  
19 waste generators.

20 (3) A permanent household hazardous waste collection facility  
21 that takes the actions specified in paragraph (2) is not subject to  
22 ~~subdivision (b) of Section 25218.3 and may impose a charge in~~  
23 ~~addition to the charges authorized by subdivision (c) of Section~~  
24 ~~25218.3. subdivision (b) of Section 25218.3.~~

25 (4) A permanent household waste collection facility may take  
26 the action specified in paragraph (2) notwithstanding any permit  
27 condition imposed upon the facility, a regulation adopted by the  
28 department to ensure a household hazardous waste collection  
29 facility does not accept hazardous waste from a commercial  
30 generator other than a CESQG, or the status of the generator.

31 SEC. 2. No reimbursement is required by this act pursuant to  
32 Section 6 of Article XIII B of the California Constitution because  
33 the only costs that may be incurred by a local agency or school  
34 district will be incurred because this act creates a new crime or  
35 infraction, eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section 17556 of  
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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AMENDED IN SENATE JULY 7, 2011  
AMENDED IN ASSEMBLY MAY 5, 2011  
AMENDED IN ASSEMBLY APRIL 6, 2011

CALIFORNIA LEGISLATURE—2011-12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 341**

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**Introduced by Assembly Member Chesbro**  
*(Principal coauthor: Senator Padilla)*  
*(Coauthors: Assembly Members Blumenfield and Williams)*

February 10, 2011

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An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 341, as amended, Chesbro. Solid waste: diversion.  
(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, 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, including a source reduction component, a recycling component, and a composting component. With certain exceptions, 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 require the department, on January 1, 2020, and annually thereafter, to ensure that *not less than 75%* of all solid waste generated is source reduced, recycled, or composted.

(2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element.

This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update all information required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force.

(3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require the owner or operator of a business, defined to include a commercial or public entity; that contracts for solid waste services and generates more than 4 cubic yards of total solid waste per week or is a multifamily residential dwelling of 5 units or more to take specified action.

The bill would require a jurisdiction to implement a commercial solid waste recycling program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial solid waste recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's estimated costs incurred in complying with the commercial solid waste recycling program requirements. By requiring a jurisdiction to implement a commercial solid waste recycling program, this bill would impose a state-mandated local program.

The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement.



(4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009.

This bill would change the due date to May 1 of each year.

(5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made.

This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

(6) 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. (a) The Legislature finds and declares both of  
2 the following:

3 (1) Since the enactment of the California Integrated Waste  
4 Management Act of 1989 (Division 30 (commencing with Section  
5 40000) of the Public Resources Code), local governments and  
6 private industries have worked jointly to create an extensive  
7 material collection and recycling infrastructure and have  
8 implemented effective programs to achieve a statewide diversion  
9 rate above 50 percent.

10 (2) Although the state now leads the nation in solid waste  
11 reduction and recycling, the state continues to dispose of more  
12 than 40 million tons of solid waste each year, which is more than  
13 the national average on a per capita basis. Additional efforts must

1 be undertaken to divert more solid waste from disposal in order  
2 to conserve scarce natural resources.

3 (b) The Legislature further finds and declares all of the  
4 following:

5 (1) Approximately 64 percent of the state's solid waste disposal  
6 is from commercial sources, including commercial, industrial,  
7 construction, and demolition activities. In addition, 8 percent of  
8 the state's solid waste disposal is from multifamily residential  
9 housing that is often collected along with the commercial waste  
10 stream.

11 (2) The state's local governments have made significant progress  
12 in reducing the amount of solid waste disposal from single-family  
13 residential sources that make up 28 percent of the state's disposal,  
14 but have faced more challenges in reducing disposal from the  
15 commercial and multifamily sources.

16 (3) The disposal of recyclable materials in the commercial solid  
17 waste stream prevents materials from circulating in the state  
18 economy to produce jobs and new products. Reducing the disposal  
19 of these materials will conserve landfill capacity and contribute  
20 to a reduction in greenhouse gas emissions and climate change.

21 (4) The state has long been a national and international leader  
22 in environmental stewardship efforts and mandating the diversion  
23 of solid waste away from disposal. Bold environmental leadership  
24 and a new approach are needed to divert commercial solid waste  
25 away from disposal.

26 (5) By exercising a leadership role, the state will lead the  
27 business community toward a future in which the environment  
28 and the economy both grow stronger together by recycling  
29 materials, which creates new jobs, instead of burying resources,  
30 which exit the economy forever.

31 (6) By requiring commercial recycling, the state will help  
32 businesses reduce costly disposal fees and reclaim valuable  
33 resources.

34 SEC. 2. Section 40004 is added to the Public Resources Code,  
35 to read:

36 40004. (a) The Legislature finds and declares all of the  
37 following:

38 (1) Solid waste diversion and disposal reduction require the  
39 availability of adequate solid waste processing and composting  
40 capacity.

1 (2) The existing network of public and private solid waste  
2 processing and composting facilities provides a net environmental  
3 benefit to the communities served, and represents a valuable asset  
4 and resource of this state, one that must be sustained and expanded  
5 to provide the additional solid waste processing capacity that will  
6 be required to achieve the additional solid waste diversion targets  
7 expressed in Section 41780.01 and the commercial solid waste  
8 recycling requirement expressed in Section 42649.

9 (3) The provisions in existing law that confer broad discretion  
10 on local agencies to determine aspects of solid waste handling that  
11 are of local concern have significantly contributed to the statewide  
12 diversion rate exceeding 50 percent, and further progress toward  
13 decreasing solid waste disposal requires that this essential element  
14 of local control be preserved.

15 (b) It is the intent of the Legislature to encourage the  
16 development of the additional solid waste processing and  
17 composting capacity that is needed to meet state objectives for  
18 decreasing solid waste disposal by identifying incentives for local  
19 governments to locate and approve new or expanded facilities that  
20 meet and exceed their capacity needs, and to recognize local  
21 agencies that make significant contributions to the state's overall  
22 solid waste reduction and recycling objectives through the siting  
23 of facilities for the processing and composting of materials diverted  
24 from the solid waste stream.

25 (c) By setting new commercial solid waste recycling  
26 requirements in Section 42649, the Legislature does not intend to  
27 limit a right afforded to local governments pursuant to Section  
28 40059, or to modify or abrogate in any manner the rights of a local  
29 government or solid waste enterprise with regard to a solid waste  
30 handling franchise or contract.

31 SEC. 3. Section 41730 of the Public Resources Code is  
32 amended to read:

33 41730. Except as provided in Section 41750.1, each city shall  
34 prepare, adopt, and, except for a city and county, transmit to the  
35 county in which the city is located a nondisposal facility element  
36 that includes all of the information required by this chapter and  
37 that is consistent with the implementation of a city source reduction  
38 and recycling element adopted pursuant to this part. The  
39 nondisposal facility element and any updates to the element shall

1 not be subject to the approval of the county and the majority of  
2 cities with the majority of the population in the incorporated area.

3 SEC. 4. Section 41731 of the Public Resources Code is  
4 amended to read:

5 41731. Except as provided in Section 41750.1, each county  
6 shall prepare, adopt, and, except for a city and county, transmit to  
7 the cities located in the county a nondisposal facility element that  
8 includes all of the information required by this chapter and that is  
9 consistent with the implementation of a county source reduction  
10 and recycling element adopted pursuant to this part. The  
11 nondisposal facility element and any updates to the element shall  
12 not be subject to the approval of the majority of cities with the  
13 majority of the population in the incorporated area.

14 SEC. 5. Section 41734 of the Public Resources Code is  
15 amended to read:

16 41734. (a) (1) Prior to adopting a nondisposal facility element,  
17 the city, county, or regional agency shall submit the element to  
18 the task force created pursuant to Section 40950 for review and  
19 comment.

20 (2) Prior to adopting a regional agency nondisposal facility  
21 element, if the jurisdiction of the regional agency extends beyond  
22 the boundaries of a single county, the regional agency shall submit  
23 the element for review and comment to each task force created  
24 pursuant to Section 40950 of each county within the jurisdiction  
25 of the regional agency.

26 (b) Comments by the task force shall include an assessment of  
27 the regional impacts of potential diversion facilities and shall be  
28 submitted to the city, county, or regional agency and to the  
29 department within 90 days of the date of receipt of the nondisposal  
30 facility element for review and comment.

31 SEC. 6. Section 41734.5 is added to the Public Resources Code,  
32 to read:

33 41734.5. (a) Once a nondisposal facility element has been  
34 adopted, the city, county, or regional agency shall update all  
35 information required to be included in the nondisposal facility  
36 element, including, but not limited to, new information regarding  
37 existing and new, or proposed, nondisposal facilities.

38 (b) Updates shall be provided to the department within 30 days  
39 of any change in information.

1 (c) Copies of the updated information shall also be provided to  
2 the local task force and shall be appended or otherwise added to  
3 the nondisposal facility element.

4 (d) The local task force shall not be required to review and  
5 comment on the updates to the nondisposal facility elements.

6 (e) Updates to the nondisposal facility elements are not subject  
7 to approval by the department.

8 SEC. 7. Section 41735 of the Public Resources Code is  
9 amended to read:

10 41735. (a) Notwithstanding Division 13 (commencing with  
11 Section 21000), the adoption or update of a nondisposal facility  
12 element shall not be subject to environmental review.

13 (b) Local agencies may impose a fee on project proponents to  
14 fund their necessary and actual costs of preparing and approving  
15 updates to nondisposal facility elements.

16 SEC. 8. Section 41736 of the Public Resources Code is  
17 amended to read:

18 41736. It is not the intent of the Legislature to require cities  
19 and counties to revise their source reduction and recycling elements  
20 to comply with the requirements of this chapter.

21 SEC. 9. Section 41780.01 is added to the Public Resources  
22 Code, to read:

23 41780.01. (a) On or before January 1, 2020, and annually  
24 thereafter, the department shall ensure that *not less than 75* percent  
25 of solid waste generated is source reduced, recycled, or composted.

26 (b) *Notwithstanding subdivision (a), the department shall not*  
27 *establish or enforce a diversion rate on a city or county that is*  
28 *greater than the 50 percent diversion rate established pursuant to*  
29 *Section 41780.*

30 SEC. 10. Section 41800 of the Public Resources Code is  
31 amended to read:

32 41800. (a) Except as provided in subdivision (b), within 120  
33 days from the date of receipt of a countywide or regional integrated  
34 waste management plan that the department has determined to be  
35 complete, or any element of the plan that the department has  
36 determined to be complete, the department shall determine whether  
37 the plan or element is in compliance with Article 2 (commencing  
38 with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing  
39 with Section 41000), and Chapter 5 (commencing with Section

1 41750), and, based upon that determination, the department shall  
2 approve, conditionally approve, or disapprove the plan or element.

3 (b) (1) Within 120 days from the date of receipt of a city,  
4 county, or regional agency nondisposal facility element that the  
5 department has determined to be complete, the department shall  
6 determine whether the element that the department has determined  
7 to be complete is in compliance with Chapter 4.5 (commencing  
8 with Section 41730) and Article 1 (commencing with Section  
9 41780) of Chapter 6, and, based upon that determination, the  
10 department shall approve, conditionally approve, or disapprove  
11 the element within that time period.

12 (2) In reviewing the element, the department shall:

13 (A) Not consider the estimated capacity of the facility or  
14 facilities in the element unless the department determines that this  
15 information is needed to determine whether the element meets the  
16 requirements of Article 1 (commencing with Section 41780) of  
17 Chapter 6.

18 (B) Recognize that individual facilities represent portions of  
19 local plans or programs that are designed to achieve the diversion  
20 requirements of Section 41780 and therefore may not arbitrarily  
21 require new or expanded diversion at proposed facilities.

22 (C) Not disapprove an element that includes a transfer station  
23 or other facility solely because the facility does not contribute  
24 toward the jurisdiction's efforts to comply with Section 41780.

25 (c) If the department does not act to approve, conditionally  
26 approve, or disapprove an element that the department has  
27 determined to be complete within 120 days, the department shall  
28 be deemed to have approved the element.

29 SEC. 11. Chapter 12.8 (commencing with Section 42649) is  
30 added to Part 3 of Division 30 of the Public Resources Code, to  
31 read:

32

33 CHAPTER 12.8. RECYCLING OF COMMERCIAL SOLID WASTE

34

35 42649. (a) It is the intent of the Legislature to require  
36 businesses to recycle solid waste that they generate.

37 (b) It is the intent of the Legislature to allow jurisdictions  
38 flexibility in developing and maintaining commercial solid waste  
39 recycling programs.

1 42649.1. For purposes of this chapter, the following terms  
2 mean the following:

3 (a) "Business" means a commercial or public entity, including,  
4 but not limited to, a firm, partnership, proprietorship, joint stock  
5 company, corporation, or association that is organized as a  
6 for-profit or nonprofit entity, or a multifamily residential dwelling.

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

9 (c) "Self-hauler" means a business that hauls its own waste  
10 rather than contracting for that service.

11 42649.2. (a) The owner or operator of a business that contracts  
12 for solid waste services and generates more than four cubic yards  
13 of total solid waste per week or is a multifamily residential  
14 dwelling of five units or more shall arrange for recycling services,  
15 consistent with state or local laws or requirements, including a  
16 local ordinance or agreement, applicable to the collection, handling,  
17 or recycling of solid waste, to the extent that these services are  
18 offered and reasonably available from a local service provider.

19 (b) A commercial waste generator shall take either of the  
20 following actions:

21 (1) Source separate specified recyclable materials from solid  
22 waste and subscribe to a basic level of recycling service that  
23 includes the collection of those recyclable materials or specific  
24 provisions for authorized self-hauling.

25 (2) Subscribe to an alternative type of recycling service that  
26 may include mixed waste processing that yields diversion results  
27 comparable to source separation.

28 42649.3. (a) Each jurisdiction shall implement a commercial  
29 solid waste recycling program appropriate for that jurisdiction  
30 designed to divert solid waste from businesses subject to Section  
31 42649.2, whether or not the jurisdiction has met the requirements  
32 of Section 41780.

33 (b) If a jurisdiction already has a commercial solid waste  
34 recycling program as one of its diversion elements that meets the  
35 requirements of this section, it shall not be required to implement  
36 a new or expanded commercial solid waste recycling program.

37 (c) The commercial solid waste recycling program shall be  
38 directed at a commercial waste generator, as defined in subdivision  
39 (b) of Section 42649.1, and may include, but is not limited to, any  
40 of the following:

- 1 (1) Implementing a mandatory commercial solid waste recycling  
2 policy or ordinance.
- 3 (2) Requiring a mandatory commercial solid waste recycling  
4 program through a franchise contract or agreement.
- 5 (3) Requiring all commercial solid waste to go through a mixed  
6 processing system that diverts material from disposal.
- 7 (d) The commercial solid waste recycling program shall include  
8 education and outreach to businesses.
- 9 (e) The commercial solid waste recycling program may include  
10 enforcement and monitoring provisions.
- 11 (f) The commercial solid waste recycling program may include  
12 certification requirements for self-haulers.
- 13 (g) The department shall review a jurisdiction's compliance  
14 with this section as part of the department's review required by  
15 Section 41825.
- 16 42649.4. (a) If a jurisdiction adds or expands a commercial  
17 solid waste recycling program to meet the requirements of Section  
18 42649.3, the jurisdiction shall not be required to revise its source  
19 reduction and recycling element, or obtain the department's  
20 approval pursuant to Article 1 (commencing with Section 41800)  
21 of Chapter 7 of Part 1.
- 22 (b) If an addition or expansion of a jurisdiction's commercial  
23 solid waste recycling program is necessary, the jurisdiction shall  
24 update in its annual report required pursuant to Section 41821.
- 25 42649.5. (a) This chapter does not limit the authority of a local  
26 agency to adopt, implement, or enforce a local commercial solid  
27 waste recycling requirement that is more stringent or  
28 comprehensive than the requirements of this section or limit the  
29 authority of a local agency in a county with a population of less  
30 than 200,000 to require commercial solid waste recycling.
- 31 (b) This chapter does not modify, limit, or abrogate in any  
32 manner any of the following:
- 33 (1) A franchise granted or extended by a city, county, or other  
34 local government agency.
- 35 (2) A contract, license, or permit to collect solid waste  
36 previously granted or extended by a city, county, or other local  
37 government agency.
- 38 (3) The existing right of a business to sell or donate its recyclable  
39 materials.



1 42649.6. A local agency may charge and collect a fee from a  
2 commercial waste generator in order to recover the local agency's  
3 estimated costs incurred in complying with this chapter.

4 SEC. 12. Section 42926 of the Public Resources Code is  
5 amended to read:

6 42926. (a) In addition to the information provided to the  
7 department pursuant to Section 12167.1 of the Public Contract  
8 Code, each state agency shall submit an annual report to the  
9 department summarizing its progress in reducing solid waste as  
10 required by Section 42921. The annual report shall be due on or  
11 before May 1, 2012, and on or before May 1 in each subsequent  
12 year. The information in this report shall encompass the previous  
13 calendar year.

14 (b) Each state agency's annual report to the department shall,  
15 at a minimum, include all of the following:

16 (1) Calculations of annual disposal reduction.

17 (2) Information on the changes in waste generated or disposed  
18 of due to increases or decreases in employees, economics, or other  
19 factors.

20 (3) A summary of progress made in implementing the integrated  
21 waste management plan.

22 (4) The extent to which the state agency intends to utilize  
23 programs or facilities established by the local agency for the  
24 handling, diversion, and disposal of solid waste. If the state agency  
25 does not intend to utilize those established programs or facilities,  
26 the state agency shall identify sufficient disposal capacity for solid  
27 waste that is not source reduced, recycled, or composted.

28 (5) Other information relevant to compliance with Section  
29 42921.

30 (c) The department shall use, but is not limited to the use of,  
31 the annual report in the determination of whether the agency's  
32 integrated waste management plan needs to be revised.

33 SEC. 13. Section 44004 of the Public Resources Code is  
34 amended to read:

35 44004. (a) An operator of a solid waste facility shall not make  
36 a significant change in the design or operation of the solid waste  
37 facility that is not authorized by the existing permit, unless the  
38 change is approved by the enforcement agency, the change  
39 conforms with this division and all regulations adopted pursuant

1 to this division, and the terms and conditions of the solid waste  
2 facilities permit are revised to reflect the change.

3 (b) If the operator wishes to change the design or operation of  
4 the solid waste facility in a manner that is not authorized by the  
5 existing permit, the operator shall file an application for revision  
6 of the existing solid waste facilities permit with the enforcement  
7 agency. The application shall be filed at least 180 days in advance  
8 of the date when the proposed modification is to take place unless  
9 the 180-day time period is waived by the enforcement agency.

10 (c) The enforcement agency shall review the application to  
11 determine all of the following:

12 (1) Whether the change conforms with this division and all  
13 regulations adopted pursuant to this division.

14 (2) Whether the change requires review pursuant to Division  
15 13 (commencing with Section 21000).

16 (d) Within 60 days from the date of the receipt of the application  
17 for a revised permit, the enforcement agency shall inform the  
18 operator, and if the enforcement agency is a local enforcement  
19 agency, also inform the department, of its determination to do any  
20 of the following:

21 (1) Allow the change without a revision to the permit.

22 (2) Allow the following changes without a revision to the permit  
23 through a modification to the permit allowed pursuant to  
24 regulations developed by the department:

25 (A) The proposed change is to allow a nondisposal facility to  
26 increase the amount of solid waste that it may handle and that  
27 increased amount is within the existing design capacity as described  
28 in the facility's transfer processing report and review pursuant to  
29 Division 13 (commencing with Section 21000).

30 (B) The proposed change is to allow a disposal facility to add  
31 a nondisposal activity to the facility that will increase the amount  
32 of solid waste that may be handled as described in the facility's  
33 report of facility information and review pursuant to Division 13  
34 (commencing with Section 21000).

35 (3) Disallow the change because it does not conform with the  
36 requirements of this division or the regulations adopted pursuant  
37 to this division.

38 (4) Require a revision of the solid waste facilities permit to  
39 allow the change.

1 (5) Require review under Division 13 (commencing with Section  
2 21000) before a decision is made.

3 (e) The operator has 30 days within which to appeal the decision  
4 of the enforcement agency to the hearing panel, as authorized  
5 pursuant to Article 2 (commencing with Section 44305) of Chapter  
6 4. The enforcement agency shall provide notice of a hearing held  
7 pursuant to this subdivision in the same manner as notice is  
8 provided pursuant to subdivision (h).

9 (f) Under circumstances that present an immediate danger to  
10 the public health and safety or to the environment, as determined  
11 by the enforcement agency, the 180-day filing period may be  
12 waived.

13 (g) (1) A permit revision is not required for the temporary  
14 suspension of activities at a solid waste facility if the suspension  
15 meets either of the following criteria:

16 (A) The suspension is for the maintenance or minor  
17 modifications to a solid waste unit or to solid waste management  
18 equipment.

19 (B) The suspension is for temporarily ceasing the receipt of  
20 solid waste at a solid waste management facility and the owner or  
21 operator is in compliance with all other applicable terms and  
22 conditions of the solid waste facilities permit and minimum  
23 standards adopted by the department.

24 (2) An owner or operator of a solid waste facility who  
25 temporarily suspends operations shall remain subject to the closure  
26 and postclosure maintenance requirements of this division and to  
27 all other requirements imposed by federal law pertaining to the  
28 operation of a solid waste facility.

29 (3) The enforcement agency may impose any reasonable  
30 conditions relating to the maintenance of the solid waste facility,  
31 environmental monitoring, and periodic reporting during the period  
32 of temporary suspension. The department may also impose any  
33 reasonable conditions determined to be necessary to ensure  
34 compliance with applicable state standards.

35 (h) (1) (A) Before making its determination pursuant to  
36 subdivision (d), the enforcement agency shall submit the proposed  
37 determination to the department for comment and hold at least one  
38 public hearing on the proposed determination. The enforcement  
39 agency shall give notice of the hearing pursuant to Section 65091  
40 of the Government Code, except that the notice shall be provided

1 to all owners of real property within a distance other than 300 feet  
2 of the real property that is the subject of the hearing, if specified  
3 in the regulations adopted by the department pursuant to  
4 subdivision (i). The enforcement agency shall also provide notice  
5 of the hearing to the department when it submits the proposed  
6 determination to the department.

7 (B) The enforcement agency shall mail or deliver the notice  
8 required pursuant to subparagraph (A) at least 10 days prior to the  
9 date of the hearing to any person who has filed a written request  
10 for the notice with a person designated by the enforcement agency  
11 to receive these requests. The enforcement agency may charge a  
12 fee to the requester in an amount that is reasonably related to the  
13 costs of providing this service and the enforcement agency may  
14 require each request to be annually renewed.

15 (C) The enforcement agency shall consider environmental justice  
16 issues when preparing and distributing the notice to ensure that  
17 the notice is concise and understandable for  
18 limited-English-speaking populations.

19 (2) If the department comments pursuant to paragraph (1), the  
20 department shall specify whether the proposed determination is  
21 consistent with the regulation adopted pursuant to subdivision (i).

22 (i) (1) The department shall, to the extent resources are  
23 available, adopt regulations that implement subdivision (h) and  
24 define the term "significant change in the design or operation of  
25 the solid waste facility that is not authorized by the existing  
26 permit."

27 (2) While formulating and adopting the regulations required  
28 pursuant to paragraph (1), the department shall consider  
29 recommendations of the Working Group on Environmental Justice  
30 and the advisory group made pursuant to Sections 71113 and 71114  
31 and the report required pursuant to Section 71115.

32 SEC. 14. Section 50001 of the Public Resources Code is  
33 amended to read:

34 50001. (a) Except as provided by subdivision (b), after a  
35 countywide or regional agency integrated waste management plan  
36 has been approved by the Department of Resources Recycling and  
37 Recovery pursuant to Division 30 (commencing with Section  
38 40000), a person shall not establish or expand a solid waste facility,  
39 as defined in Section 40194, in the county unless the solid waste  
40 facility meets one of the following criteria:

1 (1) The solid waste facility is a disposal facility or a  
2 transformation facility, the location of which is identified in the  
3 countywide siting element or amendment to that element, which  
4 has been approved pursuant to Section 41721.

5 (2) The solid waste facility is a facility that is designed to  
6 recover for reuse or recycling at least 5 percent of the total volume  
7 of material received by the facility, and that is ~~described~~ *identified*  
8 in the nondisposal facility element that has been approved pursuant  
9 to Section 41800 or is included in an update to that element.

10 (b) Solid waste facilities other than those specified in paragraphs  
11 (1) and (2) of subdivision (a) shall not be required to comply with  
12 the requirements of this section.

13 (c) The person or agency proposing to establish a solid waste  
14 facility shall prepare and submit a site identification and description  
15 of the proposed facility to the task force established pursuant to  
16 Section 40950. Within 90 days after the site identification and  
17 description is submitted to the task force, the task force shall meet  
18 and comment on the proposed solid waste facility in writing. These  
19 comments shall include, but are not limited to, the relationship  
20 between the proposed solid waste facility and the implementation  
21 schedule requirements of Section 41780 and the regional impact  
22 of the facility. The task force shall transmit these comments to the  
23 person or public agency proposing establishment of the solid waste  
24 facility, to the county, and to all cities within the county. The  
25 comments shall become part of the official record of the proposed  
26 solid waste facility.

27 (d) The review and comment by the local task force shall not  
28 be required for an update to a nondisposal facility element.

29 SEC. 15. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 a local agency or school district has the authority to levy service  
32 charges, fees, or assessments sufficient to pay for the program or  
33 level of service mandated by this act, within the meaning of Section  
34 17556 of the Government Code.

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AMENDED IN SENATE JULY 1, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 818**

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**Introduced by Assembly Member Blumenfield**  
**(Coauthor: Assembly Member Chesbro)**  
**(Coauthor: Senator Pavley)**

February 17, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 818, as amended, Blumenfield. Solid waste: multifamily dwellings.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the Department of Resources Recycling and Recovery. The act requires a local jurisdiction to adopt an ordinance requiring the provision of adequate areas for collecting and loading recyclable materials in development projects, including residential buildings having 5 or more living units. A local agency is prohibited from issuing a building permit to a development project, unless the project provides adequate areas for collecting and loading recyclable materials.

This bill would enact the Renters' Right to Recycle Act, to require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements applicable to the collection, handling, or recycling of solid waste, except as provided.

*This bill would provide that it would become operative only if AB 341 of the 2011–12 Regular Session is not enacted and does not become effective on or before January 1, 2012.*

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) The provision of recycling services at residential dwellings  
 4 is one of the most effective means of increasing the diversion and  
 5 recycling of solid waste.

6 (b) In California, 70 percent of Californians living in  
 7 single-family homes have access to residential recycling. In  
 8 contrast, fewer than 40 percent of persons living in multifamily  
 9 dwellings have access to residential recycling. Of the waste  
 10 generated at apartments, only 15 percent is diverted, compared to  
 11 rates above 50 percent for single-family homes statewide.

12 (c) Approximately 24 percent of all housing in California is in  
 13 structures with five or more units. More than 7.1 million  
 14 Californians live in approximately 2.4 million multifamily  
 15 dwellings.

16 (d) The intent of this act, the Renters’ Right to Recycle Act, is  
 17 to provide a convenient recycling opportunity for the nearly three  
 18 million Californians residing in multifamily dwelling units who  
 19 currently do not have access to recycling services at their place of  
 20 residence.

21 (e) This act would bolster California’s leadership in recycling  
 22 and conservation and help the state achieve its greenhouse gas  
 23 reduction goals.

24 SEC. 2. Section 42913 is added to the Public Resources Code,  
 25 to read:

26 42913. (a) This section shall be known, and may be cited, as  
 27 the Renters’ Right to Recycle Act.

28 (b) An owner of a multifamily dwelling shall arrange for  
 29 recycling services that are appropriate and available for the  
 30 multifamily dwelling, consistent with state or local law or  
 31 requirements, including a local ordinance or agreement, applicable  
 32 to the collection, handling, or recycling of solid waste.



1 (c) For the purposes of this section, “multifamily dwelling”  
2 means a residential facility that consists of five or more living  
3 units.

4 (d) An owner of a multifamily dwelling is not required to  
5 arrange for recycling services pursuant to this section if any of the  
6 following apply:

7 (1) (A) There is inadequate space for recycling containers, as  
8 certified by a solid waste enterprise that would otherwise serve  
9 the multifamily dwelling.

10 (B) The certification required pursuant to subparagraph (A)  
11 shall be valid for no more than five years after the date of  
12 certification and shall include all of the following:

13 (i) Address of the multifamily dwelling.

14 (ii) Name, address, telephone number, and e-mail address of  
15 the multifamily dwelling owner.

16 (iii) Name, address, telephone number, business license number,  
17 and e-mail address of the solid waste enterprise making the required  
18 certification.

19 (iv) Date of certification.

20 (v) Name and title of the person making the certification.

21 (C) This paragraph shall not apply to a multifamily dwelling  
22 for which a building permit is required on or after ~~September 1,~~  
23 ~~1994.~~ *either of the following dates, whichever is later:*

24 (i) *September 1, 1994.*

25 (ii) *The effective date of an ordinance required pursuant to*  
26 *subdivision (a) of Section 42911 that was adopted prior to*  
27 *September 1, 1994, if the effective date of the ordinance is prior*  
28 *to September 1, 1996.*

29 (2) ~~No~~ *A* solid waste enterprise providing recycling services  
30 *does not serve* the property.

31 (3) The cost of recycling services creates a financial hardship  
32 for the multifamily dwelling owner. For purposes of this paragraph,  
33 a multifamily dwelling owner can claim a financial hardship only  
34 if the recycling services result in a cost increase of 30 percent or  
35 more over the cost of providing solid waste services alone. A claim  
36 of financial hardship shall be valid for no more than five years  
37 after the date of the claim and shall include all of the following:

38 (A) Address of the multifamily dwelling.

39 (B) Name, address, telephone number, and e-mail address of  
40 the multifamily dwelling owner.

1 (C) Name, address, telephone number, business license number,  
2 and e-mail address of the solid waste enterprise that provided the  
3 information on which the claim is made.

4 (D) Date of claim.

5 (E) Name and title of the person making the claim.

6 (e) ~~Nothing in this~~ This section is intended to *does not* interfere  
7 with or prevent the authority of a local jurisdiction from requiring  
8 recycling services for multifamily dwellings.

9 *SEC. 3. This act shall become operative only if Assembly Bill*  
10 *341 is not enacted and does not become effective on or before*  
11 *January 1, 2012.*

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AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011—12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1178**

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**Introduced by Assembly Member Ma  
(Coauthor: Assembly Member Cedillo)**

February 18, 2011

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An act to amend Sections ~~40002, 40900.1, and 41903~~ of 40002 and 40900.1 of, and to add Section 40059.3 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: place of origin.

~~Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.~~

*The existing California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided.*

This bill would prohibit ~~a city or county, including by an ordinance enacted by a city or county, including an ordinance enacted by~~ initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin, ~~except as specified with~~

~~regard to requiring.~~ *The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, ~~allowing does not allow~~ a privately owned solid waste facility to abrogate certain agreements, ~~or preventing does not prohibit~~ a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not prevent a city or county from exercising local land use authority.*

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

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

1 SECTION 1. Section 40002 of the Public Resources Code is  
 2 amended to read:

3 40002. (a) As an essential part of the state’s comprehensive  
 4 program for solid waste management, and for the preservation of  
 5 health and safety, and the well-being of the public, the Legislature  
 6 declares that it is in the public interest for the state, as sovereign,  
 7 to authorize and require local agencies, as subdivisions of the state,  
 8 to make adequate provision for solid waste handling, both within  
 9 their respective jurisdictions and in response to regional needs  
 10 consistent with the policies, standards, and requirements of this  
 11 division and all regulations adopted pursuant to this division. The  
 12 provisions of this division which authorize and require local  
 13 agencies to provide adequate solid waste handling and services,  
 14 and the actions of local agencies taken pursuant thereto, are  
 15 intended to implement this state policy.

16 (b) The Legislature further declares that restrictions on the  
 17 disposal of solid waste that discriminate on the basis of the place  
 18 of origin of the waste are an obstacle to, and conflict with,  
 19 statewide and regional policies to ensure adequate and appropriate  
 20 capacity for solid waste disposal.

21 SEC. 2. Section 40059.3 is added to the Public Resources Code,  
 22 to read:

23 40059.3. (a) *An ordinance adopted by a city or county or an*  
 24 *ordinance enacted by initiative by the voters of a city or county*  
 25 *shall not restrict or limit the importation of solid waste into a*  
 26 *privately owned facility in that city or county based on the place*  
 27 *of origin.*

1 (b) *This section does not do any of the following:*

2 (1) *Require a privately owned solid waste facility or privately*  
3 *operated solid waste facility to accept solid waste from outside*  
4 *the city or county where the facility is located.*

5 (2) *Allow a privately owned solid waste facility to abrogate a*  
6 *written agreement guaranteeing permitted capacity to a host*  
7 *jurisdiction, including a regional agency.*

8 (3) *Prohibit a city, county, or regional agency from requiring*  
9 *a privately owned solid waste facility to guarantee permitted*  
10 *capacity to a host jurisdiction, including a regional agency.*

11 (c) *This section does not supersede or affect the land use*  
12 *authority of a city or county, including, but not limited to, planning,*  
13 *zoning, and permitting, and an ordinance adopted pursuant to that*  
14 *land use authority.*

15 ~~SEC. 2.~~

16 SEC. 3. Section 40900.1 of the Public Resources Code is  
17 amended to read:

18 40900.1. The Legislature hereby further finds and declares all  
19 of the following:

20 (a) It is important to encourage state agencies to plan and  
21 implement programs that will reduce the amount of solid waste  
22 going to disposal facilities through source reduction, recycling,  
23 and composting.

24 (b) Local agencies, other than a host jurisdiction, and federal  
25 agencies should be encouraged to plan and implement programs  
26 that will reduce the amount of solid waste going to disposal  
27 facilities through source reduction, recycling, and composting.

28 (c) Each state agency shall, to the extent feasible and within  
29 existing budgetary constraints, develop and implement source  
30 reduction, recycling, and composting programs that will reduce  
31 the amount of solid waste going to disposal facilities. Those  
32 programs shall be consistent with Executive Order W-7-91, which  
33 ordered state agencies to establish recycling programs, reduce  
34 paper waste, purchase recycled products, and implement measures  
35 that minimize the generation of waste.

36 (d) Local, state, and federal agencies generating solid waste that  
37 is sent to a host jurisdiction for disposal should be encouraged to  
38 provide the host jurisdiction with information on the amount of  
39 solid waste and regarding any solid waste source reduction,  
40 recycling, or composting programs that have been implemented

1 by the agency, to assist the host jurisdiction in developing and  
2 implementing the planning requirements of this division.

3 ~~SEC. 3. Section 41903 of the Public Resources Code is~~  
4 ~~amended to read:~~

5 ~~41903. (a) A city or county may assess special fees of a~~  
6 ~~reasonable amount on the importation of waste from outside of~~  
7 ~~the county to publicly owned or privately owned facilities.~~

8 ~~(b) (1) A city or county, including by an ordinance enacted by~~  
9 ~~the voters of that city or county, may not otherwise restrict or limit~~  
10 ~~the importation of solid waste into a privately owned facility in~~  
11 ~~that city or county based on the place of origin.~~

12 ~~(2) This subdivision does not do any of the following:~~

13 ~~(A) Require a privately owned solid waste facility or privately~~  
14 ~~operated solid waste facility to accept solid waste from outside the~~  
15 ~~city or county where the facility is located.~~

16 ~~(B) Allow a privately owned solid waste facility to abrogate a~~  
17 ~~written disposal agreement guaranteeing permitted capacity to a~~  
18 ~~host jurisdiction, including a regional agency.~~

19 ~~(C) Prevent a city or county from exercising its land use~~  
20 ~~authority, including making a zoning, permitting, or other land use~~  
21 ~~determination that is subject to paragraph (1).~~

22 ~~(e) A city or county shall not export solid waste to any other~~  
23 ~~jurisdiction unless the exporting city or county has done either of~~  
24 ~~the following:~~

25 ~~(1) Implemented, within one year following the date when the~~  
26 ~~countywide integrated waste management plan is required to be~~  
27 ~~submitted to the department pursuant to subdivision (a) or (b) of~~  
28 ~~Section 41791, or a later date established or permitted by the~~  
29 ~~department, both an approved city or county household hazardous~~  
30 ~~waste element and a source reduction and recycling element.~~

31 ~~(2) Submitted a countywide integrated waste management plan,~~  
32 ~~with which it is in compliance.~~

33 ~~(d) Notwithstanding subdivision (e), until one year following~~  
34 ~~the date when the countywide integrated waste management plan~~  
35 ~~is required to be submitted to the department pursuant to~~  
36 ~~subdivision (a) or (b) of Section 41791, or a later date established~~  
37 ~~by the department, nothing in this section shall be construed as~~  
38 ~~prohibiting the export of solid waste.~~

39 ~~(e) The department may waive the requirements of subdivision~~  
40 ~~(e) if the department determines that all additional reasonable~~

1 ~~source reduction and recycling programs are being implemented~~  
2 ~~in the city or county or if the department determines that the system~~  
3 ~~to export waste supports or enhances the city or county source~~  
4 ~~recovery and recycling element.~~

O





SEC. 2. Section 40059.3 is added to the Public Resources Code, to read:

40059.3. (a) An ordinance adopted by a city, or county, district, or other local governmental agency, or an ordinance enacted by initiative by the voters of a city or county, shall not restrict or limit the importation of solid waste into a privately owned facility in that a city or county based on the place of origin, section 40059 notwithstanding.

(b) This section does not do any of the following:

(1) Require a privately owned solid waste facility or privately operated solid waste facility to accept solid waste from outside the city or county where the facility is located.

(2) Allow a privately owned solid waste facility to abrogate a written agreement guaranteeing permitted capacity to a host jurisdiction, including a regional agency.

(3) Prohibit a city, county or regional agency from reasonably requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, including a regional agency.

(4) Restrict a publicly owned solid waste facility from limiting or restricting its acceptance of solid waste from outside the jurisdiction of the public agency that owns the facility.

c) This section does not otherwise limit or supersede or affect the land use authority of a city or county, including, but not limited to, planning, zoning, and permitting, and an ordinance adopted pursuant to that land use authority.

**Comment [O1]:** Because the bill text was moved from section 41903 to the 40059 sections, the bill language needs to be adjusted to be consistent with the existing 40059 statutory scheme. This amendment is necessary to clarify that, consistent with section 40059, the bill applies to a city or county or district or local agency.

**Comment [O2]:** Focusing paragraph (a) on private facilities would make section (a) potentially unenforceable because cities and counties typically do not pass laws which differentiate based on public or private ownership. Measure E similarly does not differentiate. By making the language apply only to a private facility, it allows for an argument to be made that an ownership-neutral local ordinance does not discriminate on the basis of the origin of the waste as to a private facility. The bill text should seek to avoid this litigation argument. Clause 4 below expressly states that public solid waste facilities can restrict waste from outside the jurisdiction, which gives stronger express protection to public facilities.

**Comment [O3]:** This is another conforming edit in light of the placement of the text as a section integrated with section 40059. There is similar language in adjacent code section 40059.10 that makes clear the relationship of reserved local powers to this statewide requirement.

**Comment [O4]:** This text provides the publicly owned facility exception to the bill's operative clause and does not specifically acknowledge the unique rights of public facilities in this regard.

**Comment [O5]:** Otherwise limit clarifies the fact that section (a) is a narrowly defined limitation that does restrict discriminatory use of land use authority, but that all other land use authority is fully preserved and not affected by section (a).



AMENDED IN ASSEMBLY JUNE 21, 2011

AMENDED IN SENATE MAY 18, 2011

AMENDED IN SENATE APRIL 25, 2011

**SENATE BILL**

**No. 589**

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**Introduced by Senator Lowenthal**  
(Coauthor: Assembly Member Allen)

February 17, 2011

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~~An act to amend Section 25218.8 of the Health and Safety Code, relating to hazardous waste. An act to add Chapter 21 (commencing with Section 42990) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Lowenthal. ~~Household hazardous waste. Recycling: household mercury-containing lamps.~~

*Existing law, the California Lighting Efficiency and Toxics Reduction Act, prohibits a person from manufacturing for sale or selling in the state specified general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive.*

*This bill would require a manufacturer of household mercury-containing lamps, on or before April 1, 2013, individually or through a stewardship organization, to prepare and submit to the Department of Resources Recycling and Recovery for approval a household mercury-containing lamp stewardship plan to establish a recovery program for the management of end-of-life household mercury-containing lamps. The bill would define terms, including defining the term stewardship fee as an amount added to the retail*

*purchase price of a mercury-containing household lamp. The bill would require the plan to include the payment of a stewardship fee at the point of sale and would specify a procedure for the department's approval of the amount of the stewardship fee. This bill would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.*

*The department would be required to review the plan and approve the plan within 90 days of receipt. The department would be authorized to recover the reasonable cost of the plan review by requiring the payment of a plan review fee and to expend the funds, upon appropriation by the Legislature, for the costs of implementing this plan review.*

*The bill would require the manufacturer or designated stewardship organization to implement a program consistent with a plan approved by the department. The department would be required to post on its Internet Web site a list of manufacturers for which the department has reviewed and approved a plan and to update the site, as specified. The bill would require a retailer that distributes or sells household mercury-containing lamps to consumers in the state to monitor the department's Internet Web site to determine if the sale of a manufacturer's mercury-containing lamp is listed as being in compliance.*

*The bill would prohibit a manufacturer or retailer, on and after November 1, 2013, from selling or offering for sale a household mercury-containing lamp in the state unless the manufacturer is included on the above-described list, except as provided in a specified procedure.*

*The bill would also require a retailer to add the stewardship fee to the retail purchase price of a household mercury-containing lamp, and remit the fee to the manufacturer or stewardship organization manufacturer. A retailer would also be required to document the stewardship fee as a separate line item on the customer's receipt, and to include specified information on that receipt.*

*This bill would require, on or before July 1, 2014, and annually thereafter, a manufacturer or its designated stewardship organization to demonstrate to the department that it has achieved continuous meaningful improvement to the extent practicable in implementing the program, and the department would be required to direct a manufacturer or its designated stewardship organization to terminate*

*the program implementing its plan if it finds that the program is not proportionately contributing to the packaging, transportation, and recycling of end-of-life household mercury-containing lamps in the state.*

*The bill would also require a manufacturer or its designated stewardship organization, by July 1, 2014, and annually thereafter to submit a report to the department describing the program implementing the plan. The department would be required to review the annual report and issue a finding of whether the program is in compliance within 90 days of receipt.*

*The bill would authorize the department to enforce the bill's provisions, including the imposition of administrative civil penalties and would make a statement of legislative intent regarding the application of state and federal antitrust laws.*

~~Existing law requires hazardous waste facilities to operate under hazardous waste facilities permits issued by the Department of Toxic Substances Control and exempts from this requirement a recycle-only household hazardous waste collection facility if the facility meets certain requirements, including that the public agency, or its contractor, that intends to operate a household hazardous waste collection facility, submit a certification regarding the operation of the facility to the certified unified program agency (CUPA).~~

~~This bill would allow, as an alternative to that requirement, that the facility accept only universal waste, as defined, and that this waste be managed pursuant to specified regulations.~~

Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1    SECTION 1. *The Legislature finds and declares all of the*
- 2    *following:*
- 3    (a) *It is the policy of the state to promote the increased use of*
- 4    *energy-efficient lighting in order to reduce energy consumption,*
- 5    *reduce electricity costs, and to improve the environment.*
- 6    (b) *Fluorescent and some other types of energy-efficient lighting*
- 7    *incorporate a small amount of mercury, which is essential to their*
- 8    *ability to conserve energy and assist the state and the nation in*
- 9    *reducing energy consumption.*

1 (c) *Manufacturers of mercury-containing lamps have invested*  
 2 *in and promoted environmental stewardship by redesigning their*  
 3 *products and reducing the amount of mercury in lamps by over*  
 4 *80 percent since 1990.*

5 (d) *It is in the best interest of the state that manufacturers*  
 6 *develop and coordinate the implementation of a cost-effective*  
 7 *program for the collection and recycling of household*  
 8 *mercury-containing lamps, which would collect, transport, and*  
 9 *process end-of-life household mercury-containing lamps utilizing,*  
 10 *so far as possible, the existing public and private infrastructure*  
 11 *and means already in use in this state for waste management and*  
 12 *recycling.*

13 *SEC. 2. Chapter 21 (commencing with Section 42990) is added*  
 14 *to Part 3 of Division 30 of the Public Resources Code, to read:*

15

16 *CHAPTER 21. HOUSEHOLD MERCURY-CONTAINING LAMP*  
 17 *RECOVERY AND RECYCLING PROGRAM*

18

19

*Article 1. Definitions*

20

21 *42990. For purposes of this chapter, the following terms have*  
 22 *the following meanings:*

23 (a) *“Consumer” means a person who purchases a household*  
 24 *mercury-containing lamp in the state for residential use.*

25 (b) *“End-of-life household mercury-containing lamp” means*  
 26 *a household mercury-containing lamp that has reached its end of*  
 27 *life or is no longer wanted by the consumer.*

28 (c) *“Household general service lamp” means a general purpose*  
 29 *light, as defined in Section 25210.10 of the Health and Safety Code,*  
 30 *that provides functional illumination for indoor or outdoor*  
 31 *residential use.*

32 (d) (1) *“Household mercury-containing lamp” means a*  
 33 *household general service lamp to which mercury is intentionally*  
 34 *added during the manufacturing process, including, but not limited*  
 35 *to, linear fluorescent, compact fluorescent, and high-intensity*  
 36 *discharge lamps sold or distributed for residential use.*

37 (2) *A “nonhousehold mercury containing lamp” means a*  
 38 *general purpose light, as defined in Section 25210.10 of the Health*  
 39 *and Safety Code, that provides functional illumination to which*  
 40 *mercury is intentionally added during the manufacturing process,*

1 including, but not limited to, linear fluorescent, compact  
2 fluorescent, and high-intensity discharge lamps, but which is not  
3 sold or distributed for residential use.

4 (e) (1) "Household mercury-containing lamp stewardship plan"  
5 or "plan" means the household mercury-containing lamp  
6 stewardship plan required to be submitted to the department  
7 pursuant to Section 42991.

8 (2) "Plan submitter" means either the stewardship organization  
9 or the manufacturer, whichever entity submits a plan to the  
10 department pursuant to Section 42991.

11 (f) "Manufacturer" means, with regard to a household  
12 mercury-containing lamp that is sold, offered for sale, or  
13 distributed in the state, any of the following:

14 (1) The person that manufactures the household  
15 mercury-containing lamp and who sells, offers for sale, or  
16 distributes that household mercury-containing lamp in the state  
17 under that person's own name or brand.

18 (2) If there is no person that sells, offers for sale, or distributes  
19 the household mercury-containing lamp in the state under the  
20 person's own name or brand, the manufacturer of the household  
21 mercury-containing lamp is the owner or licensee of a trademark  
22 or brand under which the household mercury-containing lamp is  
23 sold or distributed in the state, whether or not the trademark is  
24 registered.

25 (3) If there is no person that is a manufacturer of the household  
26 mercury-containing lamp for the purpose of paragraphs (1) and  
27 (2), the manufacturer of that household mercury-containing lamp  
28 is the person that imports the household mercury-containing lamp  
29 into the state for sale or distribution.

30 (g) "Program" means the recovery program implemented  
31 pursuant to a household mercury-containing lamp stewardship  
32 plan, that provides for the management of end-of-life household  
33 mercury-containing lamps, including the collection, transportation,  
34 processing, and recycling of household mercury-containing lamps.

35 (h) "Qualified mercury-containing lamp recycler" means a  
36 person that engages in the manual or mechanical separation of  
37 end-of-life household mercury-containing lamps to recover  
38 components and mercury contained therein, and who has received  
39 necessary governmental approvals to perform recycling in that  
40 respective jurisdiction.

1 (i) "Retailer" means a person that sells or offers for sale  
2 household mercury-containing lamps to a consumer in the state.

3 (j) "Sell" or "sale" means a transfer of title for consideration,  
4 including remote sales conducted through retail stores, sales  
5 outlets, catalogs, or the Internet, or through any other similar  
6 electronic means.

7 (k) "Stewardship fee" means the fee added to the retail purchase  
8 price of a mercury-containing household lamp that is established  
9 pursuant to Section 42997 and is required to be paid in the manner  
10 specified in Section 42996.

11 (l) "Stewardship organization" means a nonprofit organization  
12 created by one or more manufacturers to implement a household  
13 mercury-containing lamp stewardship plan prepared and submitted  
14 to the department pursuant to Section 42991.

15

16 Article 2. Manufacturer Responsibility

17

18 42991. (a) On or before April 1, 2013, a manufacturer of  
19 household mercury-containing lamps sold in this state shall,  
20 individually or through a stewardship organization, prepare and  
21 submit a household mercury-containing lamp stewardship plan to  
22 the department in accordance with this section.

23 (b) A household mercury-containing lamp stewardship plan  
24 submitted pursuant to this section shall include all of the following:

25 (1) A means for encouraging retailers to provide voluntary  
26 in-store collection or recycling programs for household  
27 mercury-containing lamps that may include, but is not limited to,  
28 providing in-store signage and other assistance in learning about  
29 end-of-life mercury-containing lamp recycling.

30 (2) A means for encouraging government agencies to provide  
31 end-of-life household mercury-containing lamp recycling programs  
32 for residents that may include, but is not limited to, offering signage  
33 and other promotional and education assistance.

34 (3) Procedures or processes by which government agencies and  
35 retailers, or alternatively, qualified mercury-containing lamp  
36 recyclers, can participate in the end-of-life management of  
37 household mercury-containing lamps, with the reasonable costs  
38 of packaging, transporting, and processing of the household  
39 mercury-containing end-of-life lamps paid for by the stewardship  
40 organization or the manufacturer. These procedures or processes



1 may include, but are not limited to, providing direct management  
2 services by a manufacturer or product stewardship organization  
3 or a means for recovery of reasonable costs of participation by  
4 participating third parties, including government agencies. The  
5 plan is not required to provide that the costs of collecting lamps  
6 prior to packaging and transportation be paid for by the  
7 stewardship organization or the manufacturer.

8 (4) Procedures for providing reasonable and cost-efficient  
9 public education about the proper handling of end-of-life household  
10 mercury-containing lamps, including information directed toward  
11 consumers specifying where end-of-life household  
12 mercury-containing lamps are collected for recycling.

13 (c) (1) The plan shall establish goals for providing convenient  
14 consumer access to collection services in every county in the state.

15 (2) The plan shall require participating collection facilities to  
16 be staffed and open to the public.

17 (d) The plan shall require the information required pursuant  
18 to paragraph (4) of subdivision (b) to be updated, at least once  
19 per quarter, regarding the collection locations established pursuant  
20 to subdivision (c).

21 (e) (1) The plan shall demonstrate sufficient funding for the  
22 end-of-life household mercury-containing lamp recycling program  
23 described in the plan, including a mechanism for securing and  
24 dispersing funds.

25 (2) The funding mechanism shall require a stewardship fee to  
26 be imposed pursuant to Section 42996 at the point-of-sale for each  
27 household mercury-containing lamp sold in this state, in the  
28 amount approved by the department pursuant to Section 42997.

29 (f) The plan shall consider, but is not required to be subject to,  
30 the waste hierarchy specified in subdivision (a) of Section 40051.

31 (g) A plan is not required to provide for the collection and  
32 recycling of nonhousehold mercury-containing lamps.

33  
34 *Article 3. Plan Review and Enforcement*

35  
36 42992. (a) The department shall review and approve each  
37 element of a plan submitted pursuant to Section 42291 within 90  
38 days of receipt. If the department does not approve the plan, the  
39 department shall notify the plan submitter of the deficiencies in

1 *the plan and the plan submitter shall resubmit the plan within 45*  
2 *days to correct the deficiencies noted by the department.*

3 *(b) (1) A plan approved by the department shall be a public*  
4 *record, except that financial, production, or sales data reported*  
5 *to the department by a manufacturer or designated stewardship*  
6 *organization is not a public record under the California Public*  
7 *Records Act (Chapter 3.5 (commencing with Section 6250) of*  
8 *Division 7 of Title 1 of the Government Code) and shall not be*  
9 *open to public inspection.*

10 *(2) Notwithstanding paragraph (1), the department may release*  
11 *financial, production, or sales data in summary form if it does not*  
12 *disclose financial, production, or sales data of a manufacturer or*  
13 *stewardship organization.*

14 *(3) The department shall actively oversee compliance with this*  
15 *chapter by stewardship organizations, manufacturers, and*  
16 *retailers. The department may require a stewardship organization,*  
17 *manufacturer, or retailer to take an action that the department*  
18 *considers necessary to ensure that the stewardship organization,*  
19 *manufacturer, or retailer is not engaging in conduct that is not*  
20 *authorized under this chapter.*

21 *(c) (1) The department may recover the cost of the reasonable*  
22 *plan review required under subdivision (a) by requiring the*  
23 *payment of actual plan review fee costs.*

24 *(2) If the plan is submitted by a stewardship organization, the*  
25 *plan review fee shall be paid from the funds collected pursuant to*  
26 *Section 42997.*

27 *(3) The funds collected pursuant to this subdivision may be*  
28 *expended by the department, upon appropriation by the*  
29 *Legislature, for the costs of implementing this section.*

30 *42993. (a) After the department approves a plan pursuant to*  
31 *Section 42992, the manufacturer or designated stewardship*  
32 *organization shall implement a program consistent with the plan.*

33 *(b) A household mercury-containing lamp that is collected and*  
34 *recycled under a program established pursuant to this chapter is*  
35 *not discarded material for purposes of Section 25124 of the Health*  
36 *and Safety Code.*

37 *42994. On or before July 1, 2013, or upon the date the plan is*  
38 *approved by the department, whichever date is earlier, the*  
39 *department shall post on its Internet Web site a list of*  
40 *manufacturers for which the department has reviewed and*

1 approved a plan pursuant to subdivision (a) of Section 42992 and  
2 that are eligible to sell or offer for sale a household  
3 mercury-containing lamp pursuant to subdivision (b) of Section  
4 42995. The department shall update this posting when a  
5 manufacturer is added to, or deleted from, the list.

6 42995. (a) On July 1, 2013, and at least once every six months  
7 thereafter, a retailer that distributes or sells household  
8 mercury-containing lamps to consumers in the state shall consult  
9 the department's Internet Web site to determine if a manufacturer  
10 is listed as eligible to sell or offer for sale a household  
11 mercury-containing lamp in this state pursuant to Section 42994.

12 (b) Except as provided in subdivision (c), on and after November  
13 1, 2013, a manufacturer or retailer shall not sell or offer for sale  
14 a household mercury-containing lamp in the state unless the  
15 manufacturer is included on the list posted and updated by the  
16 department pursuant to Section 42994.

17 (c) Except as provided in subdivision (d), a manufacturer or  
18 retailer shall cease selling or offering for sale a household  
19 mercury-containing lamp in the state within 120 days of the date  
20 when the manufacturer is deleted from an updated list posted by  
21 the department pursuant to Section 42994.

22 (d) (1) A manufacturer or retailer may petition the department  
23 to reinstate the manufacturer on the list during the 120-day period  
24 specified in subdivision (c).

25 (2) A petition submitted pursuant to this subdivision shall  
26 include an updated plan correcting the deficiencies identified by  
27 the department pursuant to Section 42992.

28 (3) The sales prohibition specified in subdivision (b) shall be  
29 suspended during the department's review of the updated plan.  
30 This suspension of the sales prohibition shall be posted on the  
31 department's Internet Web site.

32 (4) If the department determines that the updated plan corrects  
33 the deficiencies identified pursuant to Section 42992, the  
34 department shall list the manufacturer as in compliance pursuant  
35 to Section 42994. If the updated plan does not correct the  
36 deficiencies, the sales prohibition shall be reinstated, and the  
37 manufacturer shall not be posted as compliant on the department's  
38 Internet Web site.

*Article 4. Retailer Responsibility*

1  
2

3 42996. (a) *On and after July 1, 2013, a retailer that distributes*  
4 *or sells household mercury-containing lamps to consumers in the*  
5 *state shall do all of the following:*

6 (1) *Add the stewardship fee, specified in the manufacturer's or*  
7 *stewardship organization's plan, to the retail purchase price of*  
8 *the household mercury-containing lamp.*

9 (2) *Document the manufacturer's or stewardship organization's*  
10 *stewardship fee as a separate line item on the customer's receipt.*

11 (3) *Add a brief but conspicuous statement on the receipt given*  
12 *to the retail purchaser at the time of sale directing the customer*  
13 *to the Internet Web site [www.lamprecycle.org](http://www.lamprecycle.org) for information on*  
14 *recycling locations.*

15 (4) (A) *Remit the stewardship fee to the manufacturer or*  
16 *designated stewardship organization.*

17 (B) *Except as provided in subdivision (b), a retailer shall pay*  
18 *the stewardship fee to the manufacturer or designated stewardship*  
19 *organization on or before the last day of the month following each*  
20 *calendar quarter. The payment shall be accompanied by a return*  
21 *receipt in the form prescribed by the manufacturer or designated*  
22 *stewardship organization.*

23 (5) *By the end of the first quarter of each calendar year, report*  
24 *to each manufacturer the total number of that manufacturer's*  
25 *household mercury-containing lamps sold in the state during the*  
26 *preceding calendar year.*

27 (b) *If a manufacturer sells and ships household*  
28 *mercury-containing lamps directly to a retailer's store or*  
29 *distribution location in the state, a retailer may elect to pay the*  
30 *stewardship fee in advance directly to the manufacturer for each*  
31 *mercury-containing lamp purchased from the manufacturer for*  
32 *resale in the state. If a retailer makes an election pursuant to this*  
33 *subdivision, the manufacturer shall indicate the amount of the*  
34 *stewardship fee on its invoice to the retailer, and if applicable the*  
35 *manufacturer shall pay the stewardship fee collected from the*  
36 *retailer to the designated stewardship organization. A retailer*  
37 *making an election pursuant to this subdivision shall comply with*  
38 *the requirements of paragraphs (2) and (3) of subdivision (a).*

39 (c) *A retailer that participates in the collection of household*  
40 *mercury-containing lamps may refuse to accept nonhousehold*

1 mercury-containing lamps or mercury-containing lamps that are  
2 not subject to the stewardship fee pursuant to this section.

3 (d) The stewardship fee established pursuant to this section is  
4 exempt from the taxes imposed by Part 1 (commencing with Section  
5 6001) of Division 2 of the Revenue and Taxation Code.

6  
7 Article 5. Stewardship Fee Determination  
8

9 42997. (a) On or before December 1, 2012, a manufacturer  
10 or designated stewardship organization, shall recommend in  
11 writing to the department the amount of the stewardship fee that  
12 is to be collected from a consumer and paid by a retailer for each  
13 household mercury-containing lamp purchased in the state and  
14 that is to be included in the plan submitted pursuant to Section  
15 42291.

16 (b) In recommending the amount of the proposed stewardship  
17 fee, the manufacturer or designated stewardship organization shall  
18 consider and include in its recommendation all of the following:

19 (1) The anticipated number of household mercury-containing  
20 lamps sold in the state at retail during the calendar year.

21 (2) The cost of transporting and recycling end-of-life household  
22 mercury-containing lamps from municipal and retail collection  
23 locations.

24 (3) The anticipated number of household mercury-containing  
25 lamps expected to be recycled during the calendar year.

26 (4) The administrative costs of the stewardship organization,  
27 if any, and the manufacturer, including, but not limited to, plan  
28 preparation, review, and implementation.

29 (5) The cost of the program elements specified under subdivision  
30 (b) of Section 42991.

31 (6) A prudent reserve not to exceed 15 percent.

32 (c) No later than 90 days after receiving the recommendation  
33 required by this section, the department shall review and approve  
34 the recommendation. If the department approves the recommended  
35 fee amount, the plan submitter shall include the amount of the  
36 stewardship fee in its plan pursuant to Section 42991. If the  
37 department does not approve the recommendation, the department  
38 shall notify the plan submitter of the deficiencies in the  
39 recommendation and adjust the amount of the fee, which the plan  
40 submitter shall include in its plan pursuant to Section 42991.

1 (d) (1) On or before July 1, 2014, and, annually thereafter, the  
2 plan submitter shall recommend to the department whether the  
3 amount of the stewardship fee established pursuant to this section  
4 should be adjusted to ensure that there are sufficient, but not  
5 excessive, revenues to fund the cost of the program, and  
6 recommend an amount for that adjustment. The recommendations  
7 shall be based on the same considerations set forth in subdivision  
8 (b).

9 (2) No later than 90 days after receiving a recommendation  
10 pursuant to this subdivision, the department shall review and  
11 approve the recommendation. If the department approves the  
12 recommended fee amount, the plan submitter shall adjust the  
13 amount of the stewardship fee in accordance with paragraph (4).

14 (3) If the department does not approve the recommendation,  
15 the department shall notify the plan submitter of the deficiencies  
16 in the recommendation and adjust the amount of the fee in  
17 accordance with paragraph (4).

18 (4) Adjustments to the stewardship fee shall apply to the  
19 calendar year beginning the January 1 following the approval of  
20 the adjusted fee.

#### 21 Article 6. Reporting and Program Review

22  
23  
24 42998. (a) On or before July 1, 2014, and annually thereafter,  
25 a manufacturer or its designated stewardship organization shall  
26 demonstrate to the department that it has achieved continuous  
27 meaningful improvement to the extent practicable in implementing  
28 Section 42991. In demonstrating improvement, a manufacturer or  
29 its designated stewardship organization shall consider all of the  
30 following:

31 (1) The baseline recovery and recycling efforts against which  
32 the demonstrated improvement is compared.

33 (2) The effectiveness in achieving the goals established pursuant  
34 to subdivision (c) of Section 42991.

35 (3) Impediments to further improvement, including, but not  
36 limited to, the extent of consumer participation in recovery of  
37 end-of-life household mercury-containing lamps and the  
38 incremental cost of improving baseline recovery and recycling  
39 efforts relative to the extent of the improvement.

1 (4) Information provided in the report submitted to the  
2 department pursuant to Section 42999.

3 (b) If more than one manufacturer or designated stewardship  
4 organization submits a plan pursuant to this chapter, the  
5 department shall use the information submitted by the stewardship  
6 organization in its annual report pursuant to Section 42999 to  
7 determine to what extent the goals included in the plan are  
8 attributable to each organization and shall determine compliance  
9 with this chapter accordingly.

10 (c) The department shall require a manufacturer to terminate  
11 the sale of household mercury-containing lamps in the state if it  
12 finds that the program in which the manufacturer is participating  
13 or is conducting on its own is not proportionately contributing to  
14 the packaging, transportation, and recycling of end-of-life  
15 household mercury-containing lamps in the state relative to other  
16 programs subject to this chapter. In making the finding required  
17 by this subdivision, the department shall consider both the total  
18 annual volume of end-of-life household mercury-containing lamps  
19 recycled under each program and the total annual sales of  
20 mercury-containing lamps in the state by manufacturers  
21 participating in each program.

22 42999. (a) On or before July 1, 2014, and annually thereafter,  
23 a manufacturer shall, individually or through a designated  
24 stewardship organization, submit a report to the department  
25 describing the program implementing the plan. At a minimum, the  
26 report shall include all of the following:

27 (1) The total volume of household mercury-containing lamps  
28 reported by retailers as sold in the state during the preceding  
29 calendar year. A designated stewardship organization shall report  
30 the aggregate volume of its members.

31 (2) The total volume of end-of-life household mercury-containing  
32 lamps recovered in the state during the preceding calendar year.

33 (3) A description of the methods used by the program to collect,  
34 transport, and process end-of-life household mercury-containing  
35 lamps in the state.

36 (4) The number of collection locations in each county in the state  
37 during the prior calendar year.

38 (5) The total cost of implementing the program.

39 (6) An evaluation of the operation of the program's funding  
40 mechanism.

1 (7) *An independent financial audit funded from the stewardship*  
2 *fee.*

3 (8) *Examples of educational materials that were provided to*  
4 *consumers during the first year and any changes to those materials*  
5 *in subsequent years.*

6 (b) *The department shall review the annual report required*  
7 *pursuant to subdivision (a) and within 90 days of receipt shall*  
8 *issue a finding of whether the program complies with this chapter.*

9 42999.1. *No later than 90 days after the date when the*  
10 *department makes a finding pursuant to subdivision (b) of Section*  
11 *42999 for the report submitted on or before July 1, 2014, a*  
12 *manufacturer shall, individually or through a designated*  
13 *stewardship organization, and in cooperation with the department,*  
14 *sponsor a public meeting to allow any interested stakeholder the*  
15 *opportunity to comment on program implementation and to make*  
16 *recommendations for potential program improvements.*

17  
18 *Article 7. Violations and Penalties*

19  
20 42999.2. *The Legislature finds and declares all of the*  
21 *following:*

22 (a) *The intent of this chapter is that a stewardship organization*  
23 *preparing, submitting, and implementing a household*  
24 *mercury-containing lamp stewardship plan pursuant to Section*  
25 *42991 and submitting recommendations for the stewardship fee*  
26 *determined pursuant to Section 42997, and the manufacturers who*  
27 *jointly establish the stewardship organization and retailers who*  
28 *comply with the requirements of this chapter be granted immunity*  
29 *from federal and state antitrust laws for the limited purpose of*  
30 *establishing, implementing, and complying with these requirements.*

31 (b) *It is further the intent of this chapter that the activities and*  
32 *conduct of the stewardship organization, the manufacturers, and*  
33 *the retailers that implement and comply with this chapter should*  
34 *not be deemed to be in restraint of trade, a conspiracy or*  
35 *combination, or any other unlawful activity in violation of any*  
36 *laws of the State of California, including, but not limited to, the*  
37 *Cartwright Act (Chapter 2 (commencing with Section 16700) of*  
38 *Part 2 of Division 7 of the Business and Professions Code), the*  
39 *Unfair Practices Act (Chapter 4 (commencing with Section 17000)*  
40 *of Part 2 of Division 7 of the Business and Professions Code), or*



1 *the federal antitrust law and federal law pertaining to unfair*  
2 *methods of competition and unfair or deceptive trade practices.*

3 *(d) Except as provided in subdivision (c), it is intended that an*  
4 *action solely to increase the recycling of household*  
5 *mercury-containing lamps by a manufacturer, stewardship*  
6 *organization, or retailer that affects the types or quantities being*  
7 *recycled, or the cost and structure of a program, should not be a*  
8 *violation of the statutes specified in subdivision (b).*

9 *(c) Except as authorized by this chapter, subdivisions (a) and*  
10 *(b) are not intended to apply to an agreement establishing or*  
11 *affecting the price of household mercury-containing lamps, the*  
12 *output or production of household mercury-containing lamps, or*  
13 *any agreement restricting the geographic area or customers to*  
14 *which household mercury-containing lamps will be sold.*

15 42999.3. *(a) The department shall enforce the provisions of*  
16 *this chapter.*

17 *(b) The department may impose a civil penalty pursuant to an*  
18 *administrative proceeding conducted pursuant to Article 10*  
19 *(commencing with Section 11445.10) of Chapter 4.5 of Part 1 of*  
20 *Division 3 of Title 2 the Government Code upon a person who*  
21 *violates this chapter, in an amount of not more than one thousand*  
22 *dollars (\$1,000) per violation per day.*

23 *(c) The department may bring an action imposing a civil penalty*  
24 *upon a person who intentionally, knowingly, or negligently violates*  
25 *this chapter, in an amount of not more than ten thousand dollars*  
26 *(\$10,000) per violation per day.*

27 ~~SECTION 1. Section 25218.8 of the Health and Safety Code~~  
28 ~~is amended to read:~~

29 ~~25218.8. (a) Except as provided in subdivision (b), a hazardous~~  
30 ~~waste facilities permit shall be obtained for the operation of a~~  
31 ~~household hazardous waste collection facility.~~

32 ~~(b) A hazardous waste facilities permit is not required for the~~  
33 ~~operation of a recycle-only household hazardous waste collection~~  
34 ~~facility if all of the following conditions are met:~~

35 ~~(1) The facility accepts only the following recyclable household~~  
36 ~~hazardous waste materials for subsequent transport to an authorized~~  
37 ~~recycling facility:~~

38 ~~(A) Latex paint.~~

39 ~~(B) Used oil.~~

40 ~~(C) Used oil filters.~~

- 1 ~~(D) Antifreeze.~~  
2 ~~(E) Spent lead-acid batteries.~~  
3 ~~(F) Nickel-cadmium, alkaline, carbon-zinc, or other small~~  
4 ~~batteries, if the facility is in compliance with Section 25216.1.~~  
5 ~~(G) Intact spent fluorescent lamps.~~  
6 ~~(H) Intact spent high intensity discharge (HID) lamps.~~  
7 ~~(2) No hazardous wastes or other materials are handled at the~~  
8 ~~facility other than the materials specified in paragraph (1).~~  
9 ~~(3) The materials are transported to the collection facility by~~  
10 ~~either of the following:~~  
11 ~~(A) The person who generated the material.~~  
12 ~~(B) The authorized curbside household hazardous waste~~  
13 ~~collection program.~~  
14 ~~(4) The materials transported to the facility are transported in~~  
15 ~~accordance with Section 25218.5.~~  
16 ~~(5) The materials collected are not stored at the facility for more~~  
17 ~~than 180 days, except that less than one ton of spent lead-acid~~  
18 ~~batteries may be stored at the facility for up to one year. More than~~  
19 ~~one ton of spent lead-acid batteries shall not be stored at the facility~~  
20 ~~for more than 180 days.~~  
21 ~~(6) The materials collected are managed in accordance with the~~  
22 ~~hazardous waste labeling, containerization, emergency response,~~  
23 ~~and personnel training requirements of this chapter.~~  
24 ~~(7) The facility meets either of the following conditions:~~  
25 ~~(A) The facility is in compliance with Section 25218.2.~~  
26 ~~(B) The facility accepts only universal waste, as defined in~~  
27 ~~Section 66261.9 of Title 22 of the California Code of Regulations,~~  
28 ~~and this waste is managed pursuant to Chapter 23 (commencing~~  
29 ~~with Section 66273.1) of Division 4.5 of Title 22 of the California~~  
30 ~~Code of Regulations.~~

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AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 833

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Introduced by Senator Vargas  
(Coauthor: Assembly Member Hueso)

February 18, 2011

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An act to ~~amend Section 44002 of~~ *add Section 44000.6* to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Vargas. Solid waste: *disposal* facilities ~~permit~~.  
*San Diego County.*

The

(1) *The* California Integrated Waste Management Act of 1989 regulates the management of solid waste. ~~The act authorizes that the California Integrated Waste Management Board may designate and certify a local enforcement agency within each county to carry out specified powers and duties, and requires the board and certified local enforcement agencies to perform specified functions with regard to the regulation of solid waste management, including the issuance of solid waste facilities permits.~~

Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and ~~authorizes an enforcement agency to issue a solid waste facilities permit only if it determines that the permit application is consistent with the requirements of the act~~ *prohibits a person from disposing of solid waste, causing solid waste to be disposed of, arranging for the disposal of solid waste, transporting solid waste, or accepting solid waste for disposal, except at a permitted solid waste disposal facility. A violation of the provisions prohibiting the disposal of solid waste is a crime.*

~~This bill would additionally prohibit an enforcement agency from issuing a solid waste facilities permit, on or after January 1, 2012, if that permit would allow the disposal of solid waste within 500 feet of a river that supplies any aquifer that provides drinking water for more than 50,000 persons, or within 1,000 feet of a site considered to be sacred and of spiritual importance to a federally recognized Indian tribe. prohibit a person from constructing or operating a solid waste landfill disposal facility located in the County of San Diego if that disposal facility is located within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river and is within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe and is listed in the California Native American Heritage Commission Sacred Lands Inventory.~~

*The bill would require the enforcement agency to enforce a violation of this prohibition by the immediate issuance of a cease and desist order, thereby imposing a state-mandated local program by imposing a new duty upon local agencies.*

*The bill would make a declaration of legislative findings regarding why a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.*

*Because a violation of this bill's requirements would be a 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 specified reasons.*

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

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

- 1 SECTION 1. Section 44000.6 is added to the Public Resources
- 2 Code, to read:
- 3 44000.6. (a) Notwithstanding any other provision of this
- 4 division, a person shall not construct or operate a solid waste
- 5 landfill disposal facility in the County of San Diego if that disposal
- 6 facility meets both of the following conditions:

1 (1) Any portion of the disposal facility is located on or within  
2 1,000 feet of the San Luis Rey River or an aquifer that is  
3 hydrologically connected to that river.

4 (2) The disposed facility is located on or within 1,000 feet of a  
5 site that is considered sacred or of spiritual or cultural importance  
6 to a tribe, as defined in Section 44201, and that is listed in the  
7 California Native American Heritage Commission Sacred Lands  
8 Inventory.

9 (b) This section does not apply to a permitted disposal facility  
10 at which solid waste was disposed of before January 1, 2012, or  
11 to the expansion of that facility.

12 (c) The enforcement agency shall enforce a violation of this  
13 section by the immediate issuance of a cease and desist order  
14 pursuant to Section 45005.

15 SEC. 2. The Legislature finds and declares that, due to the  
16 unique circumstances arising from a proposal to construct and  
17 operate a solid waste landfill that would be located adjacent to  
18 the San Luis Rey River and its drinking water supplies and to sites  
19 considered sacred by numerous Native American tribes, and given  
20 the unique relationship between the state government and tribal  
21 governments in the state, a statute of general applicability cannot  
22 be enacted within the meaning of subdivision (b) of Section 16 of  
23 Article IV of the California Constitution, and therefore this special  
24 statute is necessary.

25 SEC. 3. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the costs may be incurred by a local agency or school district  
28 because this act creates a new crime or infraction, eliminates a  
29 crime or infraction, or changes the penalty for a crime or  
30 infraction, within the meaning of Section 17556 of the Government  
31 Code, or changes the definition of a crime within the meaning of  
32 Section 6 of Article XIII B of the California Constitution or because  
33 a local agency or school district has the authority to levy service  
34 charges, fees, or assessments sufficient to pay for the program or  
35 level of service mandated by this act, within the meaning of Section  
36 17556 of the Government Code.

37 SECTION 1. ~~Section 44002 of the Public Resources Code is~~  
38 ~~amended to read:~~

1 ~~44002. (a) (1) A person shall not operate a solid waste facility~~  
2 ~~without a solid waste facilities permit if that facility is required to~~  
3 ~~have a permit pursuant to this division.~~

4 ~~(2) The prohibition specified in paragraph (1) includes, but is~~  
5 ~~not limited to, the operation of a solid waste facility without a~~  
6 ~~required solid waste facilities permit or the operation of a solid~~  
7 ~~waste facility outside the permitted boundaries specified in a solid~~  
8 ~~waste facilities permit.~~

9 ~~(b) If the enforcement agency determines that a person is~~  
10 ~~operating a solid waste facility in violation of subdivision (a), the~~  
11 ~~enforcement agency shall immediately issue a cease and desist~~  
12 ~~order pursuant to Section 45005 ordering the facility to~~  
13 ~~immediately cease all activities for which a solid waste facilities~~  
14 ~~permit is required and desist from those activities until the person~~  
15 ~~obtains a valid solid waste facilities permit authorizing the activities~~  
16 ~~or has obtained other authorization pursuant to this division.~~

17 ~~(c) Notwithstanding any other provision of this division, an~~  
18 ~~enforcement agency shall not issue a solid waste facilities permit,~~  
19 ~~on or after January 1, 2012, if that permit would allow the disposal~~  
20 ~~of solid waste within 500 feet of an aquifer that provides a source~~  
21 ~~of drinking water for more than 50,000 persons, or within 1,000~~  
22 ~~feet of a site considered to be sacred and of spiritual importance~~  
23 ~~to a federally recognized Indian tribe.~~

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE MAY 12, 2011

AMENDED IN SENATE MAY 2, 2011

AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 841**

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**Introduced by Senator Wolk**

February 18, 2011

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An act to add Section 40059.2 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 841, as amended, Wolk. Solid waste: enterprises: contracts.

The existing California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. Existing law imposes specified restrictions on the enforceability of certain indemnity obligations related to source reduction and diversion contained in a provision, term, condition, or requirement in an ordinance, contract, franchise, license, permit, or other entitlement or right adopted, entered into, issued, or granted by a local agency. Existing law prohibits a solid waste enterprise, as defined, from being liable for the indemnity obligation under certain circumstances.

~~This bill would additionally prohibit the enforcement of an indemnity obligation that requires a solid waste enterprise to defend and hold harmless the local agency in connection with the local agency's imposition of fees, charges, levies, exactions, or assessments that are found by final judgment of a court to have been imposed in violation~~

~~of Article XIII C or Article XIII D of the California Constitution or that require impose certain restrictions on an indemnity obligation related to the failure of a local agency to obtain voter or property owner approval of a fee, levy, charge, assessment, or other exaction, if that indemnity obligation is assumed by, or imposed upon, a solid waste enterprise. The bill would prohibit an indemnity obligation from being enforced, to the extent of certain claims related to the liability of the local agency, or if it requires a solid waste enterprise to refund certain fees that are found by such a final judgment of a court to have been imposed in violation of these provisions Article XIII C or Article XIII D of the California Constitution.~~

The bill would become operative on July 1, 2012, and would only apply to a provision, term, condition, or requirement contained in an ordinance, contract, franchise, license, permit, or other entitlement or right adopted, entered into, issued, or granted on or after July 1, 2012.

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

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

1 SECTION 1. Section 40059.2 is added to the Public Resources  
2 Code, to read:

3 40059.2. (a) The Legislature hereby finds and declares all of  
4 the following:

5 (1) In 1996, the voters of California adopted Proposition 218,  
6 which among other things, limits the ability of local agencies to  
7 impose certain property-related fees and assessments without prior  
8 property owner consent. In 2010, California voters passed  
9 Proposition 26, a further initiative that limits the ability of local  
10 agencies to impose fees, levies, charges, assessments, or other  
11 exactions without prior voter approval. These initiatives, among  
12 other things, amended Article XIII C and Article XIII D of the  
13 California Constitution.

14 (2) The public policy objective of the Legislature in enacting  
15 this section is to ensure that those local agencies that require an  
16 indemnity obligation from solid waste enterprises, as a condition  
17 of providing solid waste handling services within the local agency's  
18 jurisdiction, retain their responsibility for complying with Article  
19 XIII C and Article XIII D of the California Constitution.



1 (3) This section is not intended to address or to determine  
2 whether fees for solid waste handling services are fees imposed  
3 as an incident of property ownership or fees imposed for a  
4 property-related service, within the meaning of Section 2 of Article  
5 XIII D of the California Constitution.

6 (b) For the purposes of this section, the following terms have  
7 the following meanings:

8 (1) "Indemnity obligation" means an indemnity obligation  
9 ~~directly or indirectly~~ related to the failure of a local agency to  
10 obtain voter or property owner approval of a fee, levy, charge,  
11 assessment, or other exaction, that may be required by Article  
12 XIII C or Article XIII D of the California Constitution, if that  
13 indemnity obligation is expressly assumed by, or imposed upon,  
14 the solid waste enterprise, including pursuant to ordinance,  
15 contract, franchise, license, permit, or other entitlement or right,  
16 for the benefit of the local agency.

17 (2) "Local agency" means a county, city, city and county,  
18 district, regional agency as defined in Section 40181, or other local  
19 government agency.

20 (c) An indemnity obligation that meets either of the following  
21 conditions is subject to subdivision (d):

22 (1) The indemnity obligation is ~~authorized~~ *imposed* or required  
23 by a provision, term, condition, or requirement contained in an  
24 ordinance, contract, franchise, license, permit, or other entitlement  
25 or right adopted, entered into, issued, or granted, as the case may  
26 be, by a local agency for solid waste handling services, including  
27 the recycling, processing, or composting of solid waste.

28 (2) The indemnity obligation is authorized or required in a  
29 request for bids or proposals in connection with a contract or  
30 franchise specified in paragraph (1).

31 (d) Notwithstanding any provision, term, condition, or  
32 requirement, ~~an indemnity obligation is null and void and is not~~  
33 ~~enforceable if it does either of the following:~~

34 ~~(1) Requires a solid waste enterprise to defend and hold harmless~~  
35 ~~the local agency in connection with the local agency's imposition~~  
36 ~~of fees, charges, levies, exactions, or assessments that are found~~  
37 ~~by final judgment of a court to have been imposed in violation of~~  
38 ~~Article XIII C or Article XIII D of the California Constitution.~~

39 ~~(2) Requires a solid waste enterprise to refund fees to its~~  
40 ~~customers, if the fees are collected on behalf of the local agency~~

1 requirement, an indemnity obligation, including the duty and the  
2 cost of defense, shall be subject to the following restrictions:

3 (1) An indemnity obligation or other provision, clause, covenant,  
4 or agreement that purports to obligate a solid waste enterprise to  
5 indemnify a local agency against liability for claims by a third  
6 party for failure to obtain voter or property owner approval of a  
7 fee, levy, charge, assessment, or other exaction in violation of  
8 Article XIII C or Article XIII D of the California Constitution is  
9 not enforceable to the extent the claims arise out of, pertain to, or  
10 relate to the liability of the local agency.

11 (2) An indemnity obligation is not enforceable if it requires a  
12 solid waste enterprise to refund fees to its customers, if the fees  
13 are collected and retained by the local agency, or are collected  
14 on behalf of the local agency by the solid waste enterprise and  
15 have been remitted by the solid waste enterprise to the local agency  
16 ~~and if the fees are, and in either case have been~~ found by a final  
17 judgment of a court to have been imposed in violation of Article  
18 XIII C or Article XIII D of the California Constitution.

19 (e) The provisions of this section are not subject to waiver, and  
20 any attempted waiver shall be null and void as against public  
21 policy.

22 (f) This section is not intended to do any of the following:

23 (1) Add to or expand the authority of local agencies to determine  
24 aspects of solid waste collection and handling specified in Section  
25 40059.

26 (2) Alter the authority of business entities to collect or process  
27 materials that are not solid waste.

28 (3) Determine whether or not a fee, levy, assessment, or exaction  
29 requires voter or property owner approval by Article XIII C or  
30 Article XIII D of the California Constitution.

31 (g) This section shall only apply to a provision, term, condition,  
32 or requirement contained in an ordinance, contract, franchise,  
33 license, permit, or other entitlement or right adopted, entered into,  
34 issued, or granted on or after July 1, 2012.

35 (h) This section shall become operative on July 1, 2012.

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

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



# ESJPA

August 12, 2011

**CA AB 34**     **AUTHOR:** Williams (D)  
**TITLE:** Solid Waste Compost Facilities: Odor  
**LAST AMEND:** 05/10/2011  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
 Requires the Department of Resources Recycling and Recovery to adopt regulations with which enforcement agencies would be required to comply when adopting sit-specific objective odor performance thresholds for compost facilities. Authorizes a facility owner to apply to an enforcement agency to adopt performance thresholds and to pay an application annual odor regulation fee. Prohibits an enforcement agency from verifying a complaint unless the odor violates certain performance thresholds.  
**STATUS:**  
 05/27/2011     In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 01/25/2011	Mary	ESJPA

**CA AB 204**     **AUTHOR:** Halderman (R)  
**TITLE:** Sales and Use Taxes: Exemption: Biomass Electricity  
**LAST AMEND:** 05/24/2011  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
 Exempts from the Sales and Use Tax Law, the sale of, and the storage, use, or other consumption in this state of, specified tangible personal property purchased by a biomass energy facility to be used primarily for the production of electrical energy from biomass materials and to maintain and repair that property.  
**STATUS:**  
 05/27/2011     In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Santinia	MAR2011	Cyndi Paul	Watch 05/13/2011

<u>Staff</u>	<u>Subject</u>
Mary	Biomass ESJPA

**CA AB 255**     **AUTHOR:** Wieckowski (D)  
**TITLE:** Hazardous Waste: Latex Paint: Collection Facility  
**LAST AMEND:** 04/07/2011  
**LOCATION:** Senate Third Reading File  
**SUMMARY:**  
 Allows a permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a conditionally exempt small quantity generator to accept recyclable latex paint from any generator if the waste collection facility complies with certain requirements.  
**STATUS:**  
 07/12/2011     In SENATE. Read second time. To third reading.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 02/03/2011	Mary	ESJPA

**CA AB 291**     **AUTHOR:** Wieckowski (D)  
**TITLE:** Underground Storage Tanks: Petroleum: Charges  
**LAST AMEND:** 07/07/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:**  
 Amends the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, that requires every owner of an underground storage tank to pay a per gallon petroleum storage fee and to establish and maintain evidence of financial responsibility, and authorizes the State Water Resources Control

Board to take corrective action in response to a release, and authorizes tank retrofit grants to small businesses. Continues the requirement to pay an increased storage fee amount.

**STATUS:**

07/07/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 02/14/2011	Mary	CUPA ESJPA

CA AB 298

**AUTHOR:** Brownley (D)  
**TITLE:** Recycling: Reusable Bags  
**LAST AMEND:** 04/14/2011  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Prohibits a manufacturer from selling or distributing a reusable bag in this state if the bag is designed or intended to be sold or distributed to a store's customers, unless the guidelines for the cleaning and disinfection of the bag are printed on the bag or on a tag attached to the bag.

**STATUS:**

05/12/2011 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/14/2011	Mary	ESJPA

CA AB 341

**AUTHOR:** Chesbro (D)  
**TITLE:** Solid Waste: Diversion  
**LAST AMEND:** 07/07/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:**

Requires the Department of Resources Recycling and Recovery to ensure that not less than 75% of all solid waste generated is source reduced, recycled, or composted by a specified date. Requires a city, county, city and county, or regional agency to update all information to be included in the nondisposal facility element. Requires a business that contracts for solid waste services and generates a specified total of solid waste and recyclable material to take specified action. Relates to permit revisions.

**STATUS:**

07/07/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>BOARD PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
MAR2011	Paul	Pending 02/11/2011	Larry Mary
<u>Subject</u>			
ESJPA			
Solid.Waste			

CA AB 408

**AUTHOR:** Wieckowski (D)  
**TITLE:** Hazardous Waste Transportation  
**LAST AMEND:** 07/13/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:**

Provides that the expenses of a public agency's emergency response to the release, scope, or burning of hazardous substances is a charge against the person whose negligence caused the incident if the incident necessitated the evacuation from the building, structure, property, or public right-of-way where the incident originates, or the incident results in the spread of hazardous substances or fire hazard. Allows the consolidating manifest procedures to be used for the receipt of one shipment of used oil.

**STATUS:**

07/13/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/15/2011	Larry Mary	CUPA ESJPA

CA AB 480

**AUTHOR:** Solorio (D)  
**TITLE:** Insurance: Solid Waste Facilities  
**LAST AMEND:** 06/23/2011  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Amends existing law that provides that if the evidence of financial ability of a solid waste landfill for closure, postclosure, or corrective action is demonstrated by use of insurance, the insurance may be approved if the carrier meets specified requirements. Specifies that an insurance carrier established by a solid waste operator to meet the finance assurance obligations of that operator that meets all of the specified requirements shall be eligible to provide that insurance under specified conditions.

**STATUS:**

07/06/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Subject</u>
Mary	Watch 06/06/2011	ESJPA

CA AB 508

**AUTHOR:** Swanson (D)  
**TITLE:** Displaced Public Transit, and Solid Waste Employees  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Provides for displaced public transit, solid waste handling and recycling services employees.

**STATUS:**

06/22/2011 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS: Do pass to Committee on APPROPRIATIONS. (5-1)

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/16/2011	Larry Mary	ESJPA

CA AB 525

**AUTHOR:** Gordon (D)  
**TITLE:** Solid Waste: Tire Recycling  
**LAST AMEND:** 04/25/2011  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the Department of Resources Recycling and Recovery to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires. Relates to grants for this purpose from the Tire Recycling Management Fund. Extends the operative date of the Public Works Waste Tire Grant Program.

**STATUS:**

07/11/2011 In SENATE Committee on APPROPRIATIONS: To Suspense File.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Support 03/30/2011	Larry Mary	ESJPA

CA AB 549

**AUTHOR:** Carter (D)  
**TITLE:** Recycling: Electronic Waste  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Amends the Electronic Waste Recycling Act of 2003 regarding recovery payments. Requires that the covered electronic device for which payment is claimed was used in this state. Authorizes CalRecycle to review any documentation submitted by an authorized collector or covered electronic waste recycler before making payments.

**STATUS:**

06/02/2011 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/17/2011	Larry Mary	ESJPA Solid.Waste

CA AB 583

**AUTHOR:** Knight (R)  
**TITLE:** Electronic Waste: Administration  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee

**SUMMARY:**  
 Transfers duties, powers, and authority of the Department of Toxic Substances to CalRecycle. Requires the employees of the DTSC who are serving in the state civil service for purposes of carrying out the duties to be transferred to CalRecycle, except with regard to the identification of those devices that are hazardous waste.

**STATUS:**  
 04/05/2011 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS:  
 Not heard.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/17/2011	Larry Mary	ESJPA Solid.Waste

CA AB 681

**AUTHOR:** Wieckowski (D)  
**TITLE:** Aboveground Storage Tanks: Enforcement  
**LAST AMEND:** 07/07/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)

**SUMMARY:**  
 Revises the definition of aboveground storage tank. Requires unified program agencies to implement the Aboveground Petroleum Storage Act pursuant to Office of the State Fire Marshal regulations. Authorizes the office to adopt those regulations. Extends the operative date of the Environmental Protection Trust Fund and related training account that fund the agencies implementation of the act. Provides the office is the state agency with the responsibility for such tanks.

**STATUS:**  
 07/07/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	CUPA ESJPA

CA AB 712

**AUTHOR:** Williams (D)  
**TITLE:** Recycling: Beverage Containers  
**LAST AMEND:** 07/11/2011  
**LOCATION:** Senate Third Reading File

**SUMMARY:**  
 Amends the Beverage Container Recycling and Litter Reduction Act. Prohibits the Department of Resources Recycling and Recovery from making any payments, grants, or loans from the Beverage Container Recycling Fund to a city, county, or city and county, if that city, county, or city and county has adopted or is enforcing a land-use restriction that prevents the siting or operation of a certified recycling center at a supermarket site.

**STATUS:**  
 07/14/2011 In SENATE. From Special Consent Calendar. To third reading.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA AB 750

**AUTHOR:** Hueso (D)  
**TITLE:** Finance: Investment Trust Blue Ribbon Task Force  
**LAST AMEND:** 07/12/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)

**SUMMARY:**



Establishes the Investment Trust Blue Ribbon Task Force to consider establishing the State Investment Trust, which would be a state bank receiving deposits of state funds. Requires the task force to consider how the trust could strengthen economic and community development, provide financial stability to businesses, reduce state banking costs, and provide for excess earnings of the trust to be used to supplement General Fund purposes.

**STATUS:**

07/12/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 02/25/2011	Larry	ESJPA
		Mary	Solid.Waste

CA AB 762

**AUTHOR:** Smyth (R)  
**TITLE:** Public Health: Medical Waste  
**LAST AMEND:** 07/07/2011  
**LOCATION:** Assembly Unfinished Business  
**SUMMARY:**

Relates to the Medical Waste Management Act and the regulation of medical waste. Authorizes the consolidation into a common container specified medical waste, biohazardous waste, and sharps waste, if the waste is treated by an approved extremely high heat technology. Authorizes the reuse of such container for specified waste. Requires the consolidated waste to be treated by either incineration at a permitted medical waste treatment facility or with an alternative technology. Relates to labeling.

**STATUS:**

07/14/2011 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY for concurrence. (37-0)

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA AB 789

**AUTHOR:** Chesbro (D)  
**TITLE:** Solid Waste: Tire Recycling  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires the Department of Resources Recycling and Recovery to provide outreach to local agencies regarding a program for the funding of public works projects that use waste tires. Prohibits the amount appropriated from being less than 16% of the amount of the funds appropriated for market development and new technology activities for used tires and waste tires.

**STATUS:**

03/10/2011 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA AB 794

**AUTHOR:** Wieckowski (D)  
**TITLE:** Solid Waste: Hazardous Electronic Waste  
**LAST AMEND:** 07/07/2011  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 08/15/2011 10:00 am, Burton Hearing Room (4203)  
**SUMMARY:**

Authorizes the imposition of a civil penalty per violation against any person, including an e-waste collector or recycler, who makes a false statement or representation and to revoke the approval or deny the renewal application of a covered collector or recycler that makes a false representation or has a history with pattern of operation in conflict with the Electronic Waste Recycling Act of 2003. Provides an exception. Relates to CalRecycle payments. Relates to the review and payment of claims.

**STATUS:**

07/07/2011 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

<u>CA AB 812</u>	<b>AUTHOR:</b> Ma (D) <b>TITLE:</b> Solid Waste: Recycled Concrete: Recycled Asphalt <b>LOCATION:</b> Assembly Transportation Committee <b>SUMMARY:</b> requires the Department of Transportation to increase the allowable amount of recycled asphalt pavement to 50% for hot mix asphalt mixes, unless the Director of Transportation determines that the use of the material is not practical, cost effective, or appropriate for a given application. <b>STATUS:</b> 05/02/2011 In ASSEMBLY Committee on TRANSPORTATION: Heard, remains in Committee.	<u>Position</u> Watch 02/23/2011	<u>Staff</u> Mary	<u>Subject</u> ESJPA
<u>CA AB 818</u>	<b>AUTHOR:</b> Blumenfield (D) <b>TITLE:</b> Solid Waste: Multifamily Dwellings <b>LAST AMEND:</b> 07/01/2011 <b>LOCATION:</b> Assembly Unfinished Business - Concurrence in Senate Amendments <b>SUMMARY:</b> Enacts the Renters' Right to Recycle Act. Requires an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements applicable to the collection, handling, or recycling of solid waste. <b>STATUS:</b> 07/14/2011 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY for concurrence. (24-12)	<u>Position</u> Watch 02/23/2011	<u>Staff</u> Mary	<u>Subject</u> ESJPA
<u>CA AB 837</u>	<b>AUTHOR:</b> Nestande (R) <b>TITLE:</b> Solid Waste: Plastic Food Containers <b>LAST AMEND:</b> 06/20/2011 <b>LOCATION:</b> Senate Environmental Quality Committee <b>SUMMARY:</b> Prohibits the sale of a plastic food container that is advertised with a specific recycled content amount unless the manufacturer or supplier is able to provide certification of the stated recycled content in a format that is easy to understand and accurate. Requires the entities to provide this information within a specified time period from the date of a request from a member of a public or state agency or to post a link to the document on its Web site. Authorizes civil penalties for a violation. <b>STATUS:</b> 07/06/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.	<u>Position</u> Watch 02/23/2011	<u>Staff</u> Mary	<u>Subject</u> ESJPA
<u>CA AB 868</u>	<b>AUTHOR:</b> Davis (D) <b>TITLE:</b> Hazardous Waste: Transportation <b>LOCATION:</b> Assembly Environmental Safety and Toxic Materials Committee <b>SUMMARY:</b> Amends existing law regarding hazardous waste transportation weight amounts. Increases the maximum weight amount to 10,000 pounds. Increases the maximum gallon hazardous wastewater exception amount from the dewatering to 5,000 gallons. <b>STATUS:</b> 05/10/2011 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.	<u>Position</u> Watch 02/23/2011	<u>Staff</u> Mary	<u>Subject</u> CUPA ESJPA

<u>CA AB 900</u>	<b>AUTHOR:</b>	Swanson (D)		
	<b>TITLE:</b>	Public School Campuses: Recycling and Composting Bins		
	<b>LAST AMEND:</b>	05/10/2011		
	<b>LOCATION:</b>	Senate Rules Committee		
	<b>SUMMARY:</b>	Amends an existing law that encourages school districts to establish a paper recycling program. Allows a school district to provide recycling and composting bins on the campus of each public elementary and secondary school. Allows a district to determine the number of bins to be located on a campus on the basis of the size of both the pupil population and the surface of that campus.		
	<b>STATUS:</b>	06/08/2011 To SENATE Committee on RULES.		
	<u>Position</u>		<u>Staff</u>	<u>Subject</u>
	Watch 02/23/2011		Mary	ESJPA
<u>CA AB 921</u>	<b>AUTHOR:</b>	Allen (D)		
	<b>TITLE:</b>	Solid waste: compost – <b>GUT &amp; AMEND</b> to		
		Agriculture Water Use Efficiency: Compost Applications		
	<b>LAST AMEND:</b>	04/25/2011		
<u>CA AB 960</u>	<b>AUTHOR:</b>	Lowenthal B (D)		
	<b>TITLE:</b>	Recycling: Electronic Waste		
	<b>LAST AMEND:</b>	05/27/2011		
	<b>LOCATION:</b>	Senate Appropriations Committee		
	<b>SUMMARY:</b>	Requires as a condition of CalRecycle that CalRecycle determine that the recycler has demonstrated that all electronic waste handled by the recycler making the claim has been managed in a specified manner. Revises the requirement imposed on exportation to additionally include a person who exports electronic waste or a previously used electronic device. Requires regulations exempting materials or component parts of electronic waste or previously used electronic devices.		
	<b>STATUS:</b>	07/11/2011 In SENATE Committee on APPROPRIATIONS: To Suspense File.		
	<u>Position</u>		<u>Staff</u>	<u>Subject</u>
	Watch 02/23/2011		Mary	ESJPA
<u>CA AB 1016</u>	<b>AUTHOR:</b>	Achadjian (R)		
	<b>TITLE:</b>	Landfill activities: nuisance - <b>GUT &amp; AMEND</b>		
		Inmates: State Hospitals: Reimbursement of Costs		
	<b>LAST AMEND:</b>	03/23/2011		
<u>CA AB 1019</u>	<b>AUTHOR:</b>	Perez J (D)		
	<b>TITLE:</b>	Solid waste: carpet stewardship		
	<b>LAST AMEND:</b>	04/14/2011		
	<b>LOCATION:</b>	Senate Third Reading File		
	<b>SUMMARY:</b>	Creates a deadline for existing law that requires the Department of General Services, to the extent feasible and within existing resources, to take appropriate steps to ensure that postconsumer carpet removed from state buildings is managed in a manner that diverts the carpet from landfills and recycles it into secondary products or manages it in a manner consistent with the states hierarchy for waste management practices. Defines state buildings to include buildings that are owned or leased by the state.		
	<b>STATUS:</b>	07/12/2011 In SENATE. Read second time. To third reading.		
	<u>Position</u>		<u>Staff</u>	<u>Subject</u>
	Watch 02/23/2011		Mary	ESJPA
<u>CA AB 1149</u>	<b>AUTHOR:</b>	Gordon (D)		
	<b>TITLE:</b>	Beverage Containers: Recycling And Litter Reduction		
	<b>LOCATION:</b>	Senate Appropriations Committee		
	<b>SUMMARY:</b>			

Amends the Beverage Container Recycling and Litter Reduction Act. Requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state. Requires the Department of Resources Recycling and Recovery setting the amount of the market development payments for both certified entities and product manufacturers, to consider certain factors and would extend the authorization to make these payments.

**STATUS:**

07/11/2011 In SENATE Committee on APPROPRIATIONS: To Suspense File.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Support 03/07/2011 Watch 02/23/2011	Mary	ESJPA

CA AB 1178

**AUTHOR:** Ma (D)  
**TITLE:** Solid Waste: Place of Origin  
**LAST AMEND:** 07/13/2011  
**LOCATION:** Senate Second Reading File  
**SUMMARY:**

Prohibits an ordinance enacted by a city or county, including an ordinance enacted by initiative of the local entities voters, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or country based on place of origin. Provides this prohibition does not require such facility to accept certain waste, does not allow the facility to abrogate certain agreements, does not prohibit such facility to guarantee permitted capacity.

**STATUS:**

07/14/2011 Withdrawn from SENATE Committee on APPROPRIATIONS. To second reading.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
JUNE2011	Paul	Watch 06/22/2011	Larry
MAY2011			Mary
<u>Subject</u>			
ESJPA			

CA AB 1183

**AUTHOR:** Berryhill B (R)  
**TITLE:** Hazardous substances: accidental release prevention - GUT & AMEND  
 Environment: CEQA: Environmental Impact Report: Actions  
**LAST AMEND:** 03/31/2011

CA AB 1189

**AUTHOR:** Mendoza (D)  
**TITLE:** Recycling: Batteries  
**LAST AMEND:** 04/11/2011  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires a producer of household batteries, acting individually or through a household battery stewardship organization, to implement a used household battery stewardship program, containing specified elements. Allows a registered hazardous waste transporter to elect to submit a transition project or stewardship plan on behalf of one or more producers. Requires the transporter to comply with specified provisions. Requires a government entity providing a recycling location to provide for battery collection.

**STATUS:**

04/11/2011 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.  
 04/11/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA AB 1227

**AUTHOR:** Huber (D)  
**TITLE:** Beverage Container Recycling and Litter Reduction Act  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Makes technical, nonsubstantive changes to the California Beverage Container Recycling and Litter Reduction Act that requires every beverage container sold or offered for sale in this state to have a minimum refund value and makes various findings and declarations regarding beverage container

recycling.

**STATUS:**

02/18/2011 INTRODUCED.

Lobbyist

Paul

Position

Watch 02/19/2011

Staff

Mary

Subject

ESJPA

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CA AB 1258

**AUTHOR:**

Knight (R)

**TITLE:**

Beverage Containers: Recycling and Litter Reduction

**LOCATION:**

ASSEMBLY

**SUMMARY:**

Makes technical, nonsubstantive changes to the California Beverage Container Recycling and Litter Reduction Act, which requires a distributor to pay a redemption payment of \$0.04 for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery for deposit in the Beverage Container Recycling Fund.

**STATUS:**

02/18/2011 INTRODUCED.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

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CA AB 1351

**AUTHOR:**

Logue (R)

**TITLE:**

Underground Storage Tanks: Fees: Deficiencies

**LAST AMEND:**

03/22/2011

**LOCATION:**

Assembly Revenue and Taxation Committee

**SUMMARY:**

Requires if the State Board of Equalization finds that the person who owns an underground storage tank failed to make a report or return because he or she was a qualified absentee owner of an underground storage tank, the notice of determination is to be mailed within 3 years after the date the amount was required to have been paid or report was due. Authorizes the board, in the case of a deficiency determination issued for failure to make a report, to decrease the amount of that determination.

**STATUS:**

05/02/2011 In ASSEMBLY Committee on REVENUE AND TAXATION: Not heard.

Position

Watch 02/23/2011

Staff

Mary

Subject

CUPA

ESJPA

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CA AB 1359

**AUTHOR:**

Skinner (D)

**TITLE:**

Solid Waste: Landfills: Evidence of Financial Ability

**LAST AMEND:**

03/25/2011

**LOCATION:**

Assembly Natural Resources Committee

**SUMMARY:**

Amends existing law that require a person owning or operating a solid waste landfill to submit, with the closure and postclosure plan, evidence of financial ability to provide for the cost of closure and postclosure maintenance for a specified time period. Specifies that evidence of financial ability to provide for the cost of the closure and postclosure maintenance shall be in an amount that is equal to the estimated cost of closure and not less than 15 years of postclosure maintenance.

**STATUS:**

03/25/2011

To ASSEMBLY Committee on NATURAL RESOURCES.

03/25/2011

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

03/25/2011

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

Position

Watch 04/01/2011

Staff

Mary

Subject

ESJPA

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CA SB 225

**AUTHOR:**

Simitian (D)

**TITLE:**

Pollution Control Financing Authority: Loan Program

**LAST AMEND:**

07/13/2011

**COMMITTEE:**

Assembly Appropriations Committee

**HEARING:**

08/17/2011 9:00 am, Room 4202

**SUMMARY:**

Authorizes the State Pollution Control Financing Authority to establish loss reserve accounts for the purposes of financing terminal rental adjustment clause leasing, if funds are available for contribution into the loss reserve account for financial institutions, from any source other than the authority. Authorizes the authority to enact regulations for the distribution of specified funds paid to the authority. Prohibits the use of federal funds for the purposes of providing a loan loss reserve program.

**STATUS:**

07/13/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 02/11/2011	Mary	ESJPA

CA SB 324

**AUTHOR:** Cannella (R)  
**TITLE:** Beverage Container Recycling  
**LOCATION:** Senate Rules Committee

**SUMMARY:**

Makes a conforming change to the Beverage Container Recycling and Litter Reduction Act's statement of legislative intent.

**STATUS:**

02/24/2011 To SENATE Committee on RULES.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/16/2011	Larry Mary	ESJPA

CA SB 419

**AUTHOR:** Simitian (D)  
**TITLE:** Solid Waste: Home-Generated Sharps  
**LOCATION:** Assembly Consent Calendar

**SUMMARY:**

Amends existing law that requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices. Requires the plan to be submitted in an electronic format. Requires the manufacturer to post and maintain a copy of that plan in a readily accessible location on its internet website.

**STATUS:**

07/14/2011 In ASSEMBLY. Read second time. To Consent Calendar.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/17/2011	Larry Mary	ESJPA Solid.Waste

CA SB 456

**AUTHOR:** Huff (R)  
**TITLE:** Household Hazardous Waste: Transportation  
**LAST AMEND:** 07/07/2011  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 08/17/2011 9:00 am, Room 4202

**SUMMARY:**

Authorizes a door-to-door household hazardous waste collection program to transport household hazardous waste to a hazardous waste facility. Requires the use of the consolidated manifesting procedure by a public agency or its contractor if it transports household hazardous waste to a hazardous waste facility. Excludes a generator that is a household from the requirement of having an identification number.

**STATUS:**

07/07/2011 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Pending 02/17/2011	Larry Mary	ESJPA

CA SB 515

**AUTHOR:** Corbett (D)  
**TITLE:** Recycling: Stewardship: Batteries: Waste Management  
**LAST AMEND:** 05/02/2011  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires a producer or household battery stewardship organization to submit a household battery stewardship plan to the Department of Resources Recycling and Recovery. Allows a registered hazardous waste transporter to submit a plan complying with specified provisions. Requires the producer or organization to contact municipalities to reimburse the local public agency for the cost of collecting batteries and/or provide for pickup. Prohibits selling a battery unless the plan for that battery is complete.

**STATUS:**  
05/26/2011 In SENATE Committee on APPROPRIATIONS: Held in committee.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Support 02/20/2011	Larry	ESJPA
		Mary	Stewardship

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CA SB 518

**AUTHOR:** Simitian (D)  
**TITLE:** Recycling: Beverage Containers  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 08/17/2011 9:00 am, Room 4202  
**SUMMARY:**

Deletes provisions that require the Department of Resources Recycling and Recovery to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers.

**STATUS:**  
06/13/2011 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS. (9-0)

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

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CA SB 567

**AUTHOR:** DeSaulnier (D)  
**TITLE:** Recycling: Plastic Products  
**LAST AMEND:** 04/11/2011  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:**

Prohibits the sale of a plastic product labeled as compostable or marine degradable unless it meets standard specifications or a specified standard, or unless the plastic product is labeled with a qualified claim and the plastic product meets that standard. Prohibits the sale of a plastic product that is labeled as biodegradable, degradable, decomposable, or as otherwise specified. Provides for a civil penalty for a violation.

**STATUS:**  
07/13/2011 From ASSEMBLY Committee on APPROPRIATIONS: Do pass as amended. (10-5)

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

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CA SB 568

**AUTHOR:** Lowenthal A (D)  
**TITLE:** Recycling: Polystyrene Food Containers  
**LAST AMEND:** 07/12/2011  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 08/17/2011 9:00 am, Room 4202  
**SUMMARY:**

Prohibits a food vendor from dispensing prepared food to a customer in a polystyrene foam food container. Provides that a vendor that is a school district is not required to comply with these requirements until a specified date. Allows a district to dispense food in such container if a verifiable recycling program for such containers, which would be renewable, as specified is implemented. Allows the same for a food vendor in a city or county if the city or county adopts a related recycling program.

**STATUS:**  
07/14/2011 Re-referred to ASSEMBLY Committee on APPROPRIATIONS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA SB 589

**AUTHOR:** Lowenthal A (D)  
**TITLE:** Recycling: Household Mercury-Containing Lamps  
**LAST AMEND:** 06/21/2011  
**LOCATION:** Assembly Environmental Safety and Toxic Materials Committee  
**SUMMARY:**

Requires the manufacturer of household mercury-containing lamps individual or through a stewardship organization to prepare and submit to the Department of Resources Recycling and Recovery for approval a stewardship plan for a recovery program for the management of end-of-life lamps. Requires a point of sale stewardship fee. Requires the department of review and approve the plan within a specified time period after receipt of the plan. Prohibits the sale of such lamps on a specified list.

**STATUS:**  
06/28/2011 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS:  
Not heard.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA SB 758

**AUTHOR:** Fuller (R)  
**TITLE:** Recycling: Tires  
**LAST AMEND:** 03/22/2011  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Amends the State Tire Recycling Act that requires a person who purchases a new tire to pay a tire fee and decreases that fee to a certain amount after a specified date. Decreases that fee to a certain amount until that specified date.

**STATUS:**  
03/31/2011 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul 03/23/2011	Watch 02/22/2011	Larry Mary	ESJPA LandUse

CA SB 771

**AUTHOR:** Kehoe (D)  
**TITLE:** Alternative Energy and Advanced Transportation Finance  
**LAST AMEND:** 06/30/2011  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 08/17/2011 9:00 am, Room 4202  
**SUMMARY:**

Amends existing law that requires the State Alternative Energy and Advanced Transportation Financing Authority to establish a renewable energy program for financial assistance to public power companies, independent generators, utilities, or businesses manufacturing components or systems to generate new and renewable energy sources and defines renewable energy. Revises that definition to include specified turbines, engines, and fuel cells that meet specified requirements.

**STATUS:**  
07/05/2011 From ASSEMBLY Committee on UTILITIES AND COMMERCE: Do pass to  
Committee on APPROPRIATIONS. (13-0)

BOARD.PACKET

JUNE2011	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
MAR2011	Cyndi	Support 03/15/2011	Mary
MAY2011			
<u>Subject</u>			
ESJPA			
Renewable.Energy			



CA SB 833

**AUTHOR:** Vargas (D)  
**TITLE:** Solid Waste: Disposal Facilities: San Diego County  
**LAST AMEND:** 04/25/2011  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 08/17/2011 9:00 am, Room 4202

**SUMMARY:**

Prohibits a person from disposing of solid waste, causing solid waste to be disposed of, arranging for the disposal of solid waste, transporting solid waste, or accepting solid waste for disposal, except at a permitted solid waste disposal facility. Prohibits the construction or operation of a solid waste landfill disposal facility in the County of San Diego if the facility is located within a specified distance of the San Luis Rey River and within a specified distance of Native American sacred lands.

**STATUS:**

06/27/2011 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on APPROPRIATIONS. (8-0)

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Oppose 04/11/2011	Mary	ESJPA

CA SB 841

**AUTHOR:** Wolk (D)  
**TITLE:** Solid Waste: Enterprises: Contracts  
**LAST AMEND:** 06/22/2011  
**LOCATION:** Assembly Third Reading File

**SUMMARY:**

Amends existing law that prohibits a solid waste enterprise from being liable for the indemnity obligation related to source reduction and diversion granted by a local agency. Imposes certain restrictions on an indemnity obligation related to the failure of a local agency to obtain voter approval or property owner approval of a fee, levy, charge, assessment, or exaction, if the indemnity obligation is assumed by, or imposed upon, a solid waste enterprise. Relates to claims against the local agency.

**STATUS:**

06/29/2011 In ASSEMBLY. Read second time. To third reading.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch 02/23/2011	Mary	ESJPA

CA SB 900

**AUTHOR:** Steinberg (D)  
**TITLE:** Regional Water Quality Control Boards: Members  
**LAST AMEND:** 05/09/2011  
**LOCATION:** Assembly Inactive File

**SUMMARY:**

Amends the Porter-Cologne Water Quality Control Act. Deletes provisions of the act prohibiting a board member from participating in actions that involve the member or a waste discharger with which the member is connected. Specifies that the limitation on the member's financial interest applies only to a disqualifying financial interest within the Political Reform Act. Relates to requirements, qualifications, and to disqualifying factors for regional board members.

**STATUS:**

07/01/2011 In ASSEMBLY. To Inactive File.

<u>Analyst</u>	<u>BOARD PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	JUNE2011	Kathy	Support 04/20/2011
	MAY2011		
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		
	WaterQuality		

CA SB 904

**AUTHOR:** Yee (D)  
**TITLE:** Environment: Agency  
**LOCATION:** Senate Environmental Quality Committee

**SUMMARY:**

Makes a statutory change consistent with the plan that provides that the California Environmental Protection Agency, created pursuant to the Governor's Reorganization Plan No. 1 of 1991, consists of the State Air Resources Board, the Office of Environmental Health Hazard Assessment, the State Water

Resources Control Board, and each California regional water quality control board, and the departments of, Pesticide Regulation, Toxic Substances Control, and Resources Recycling and Recovery.

**STATUS:**

03/10/2011

To SENATE Committee on ENVIRONMENTAL QUALITY.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

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CA SB 909

**AUTHOR:** LaMalfa (R)

**TITLE:** Treated Wood Waste Disposal

**LAST AMEND:** 04/13/2011

**LOCATION:** Assembly Third Reading File

**SUMMARY:**

Amends existing laws which requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information at specified locations. Contains sources for obtaining further information, such as an Internet Web site and a toll free telephone number. Specifies the Internet Web site and the telephone number that are to be included in the posted message.

**STATUS:**

07/11/2011

In ASSEMBLY. From Consent Calendar. To third reading.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

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CA SB 915

**AUTHOR:** Calderon R (D)

**TITLE:** Recycling: Plastic Bags

**LAST AMEND:** 03/25/2011

**LOCATION:** Senate Environmental Quality Committee

**SUMMARY:**

Requires plastic bag use to be reduced by an unspecified percent by an unspecified year. Establishes a mandatory level of recycled content in plastic bags according to a specified schedule. Requires the Department of Resources Recycling and Recovery to establish a working group of stakeholders to develop strategies for increasing the recycling of plastic bags and develop suggestions for funding increased consumer awareness.

**STATUS:**

05/02/2011

In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

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## 2011 Legislation

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

- AB 1149 Gordon Plastic Container Recycling Efforts (6/14/11 – support)
- AB 1178 Ma Solid Waste: place of origin (6/22/11 – removal of opposition)
- SB 833 Vargas Solid waste: facilities permit (6/10/11 – oppose)
- SB 909 La Malfa Treated Wood Waste (6/8/11)



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Del Norte El Dorado Glenn Imperial  
Inyo Lake Lassen Madera Mariposa



Merced Modoc Mono Napa Nevada Placer  
Plumas San Benito Shasta Sierra Siskiyou  
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June 14, 2011

The Honorable Joe Simitian  
Chair, Senate Environmental Quality Committee  
State Capitol, Room 2205  
Sacramento, CA 95814

**Re: Assembly Bill 1149 (Gordon) Plastic Container Recycling Efforts – SUPPORT**

Dear Senator Simitian:

On behalf of the thirty member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for Assembly Bill 1149 (Gordon) which would: 1) extend the sunset date for \$10 million from the Beverage Container Recycling Fund (commonly referred to as the Bottle Bill) to provide market development payments for empty plastic beverage containers until January 1, 2017; and, 2) refine the program to encourage more in-state development of plastic bottle recycling facilities.

RCRC is comprised of members of the Boards of Supervisors from our thirty member counties. These supervisors, through their solid waste managers, have been charged with ensuring that their respective counties meet state-imposed requirements to reduce the amount of waste that is disposed in California. California's Bottle Bill is a key component to meeting these requirements, particularly in rural counties. As such, RCRC priorities in Bottle Bill funding are payments for handling fees and the city/county payment.

In light of our priorities, RCRC recognizes the need to have beverage containers fully recycled/re-used in California rather than shipped to other parts of the county and other parts of the world. A way to stimulate and assist facilities located in California to recycle plastic beverage containers is to continue grants for several more years and provide encouragements for these funds to be used by in-state recyclers. For these reasons, we support Assembly Bill 1149.

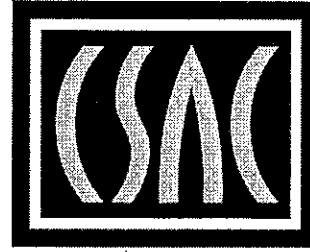
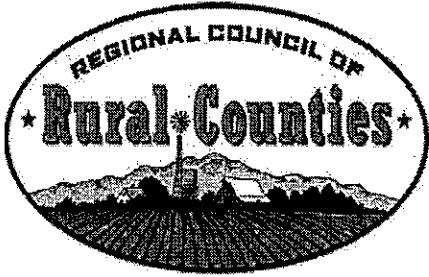
If you should have any questions or concerns regarding RCRC's support of AB 1149, please do not hesitate to contact me.

Sincerely,

PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable Rich Gordon, Member of the California State Assembly  
Members of the Senate Environmental Quality Committee





June 22, 2011

The Honorable Fiona Ma  
Member, California State Assembly  
State Capitol, Room 3173  
Sacramento, CA 95814

**RE: Assembly Bill 1178 (Ma) – Removal of Opposition**

Dear Assembly Member Ma:

On behalf of the Regional Council of Rural Counties (RCRC) and the California State Association of Counties (CSAC), we write to inform you that we are removing our “Oppose Unless Amended” position for your Assembly Bill 1178 as proposed to be amended. AB 1178 would restrict the ability of local governments to impose a solid waste import ban based on the origination of that solid waste into privately-owned landfills.

Both RCRC and CSAC are comprised of members of the Boards of Supervisors from each of our member counties. Our member counties, and the solid waste managers they employ, are ultimately responsible for ensuring that their respective counties meet the state-imposed solid waste handling and disposal requirements.

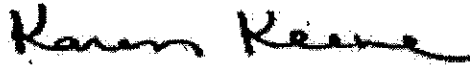
A number of weeks ago, the Boards of Directors of RCRC and CSAC adopted an “Oppose Unless Amended” position for AB 1178. Specifically, our Boards requested that amendments be placed into the bill to address the following:

- Be clear that publicly-owned landfills are exempt from an importation ban;
- For private landfills, existing agreements and/or existing permit conditions must be allowed to continue reserved capacity for the host jurisdiction(s); and,
- Preserve a county’s land-use authority to require conditions upon private landfills.

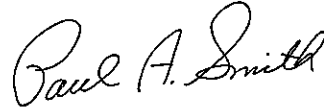
We believe the objectives of these points will be met once AB 1178 is amended and therefore, we are removing our opposition. We understand that it is likely that further amendments could be made to this legislation. In light of that, we reserve the right to revisit our position and, if needed, make a change. Nevertheless, we are committed to working with you and all of the stakeholders on any subsequent amendments that could be offered.

We appreciate the time you, your staff and the supporters of AB 1178 have taken to address the concerns of counties. We look forward to working with you in the coming weeks as we see AB 1178 being deliberated in the legislative process. If you have any questions or concerns regarding our position, please contact Karen Keene at 916-327-7500 or [kkeene@counties.org](mailto:kkeene@counties.org) or Paul A. Smith at 916-447-4806 or [psmith@rcrcnet.org](mailto:psmith@rcrcnet.org).

Sincerely,



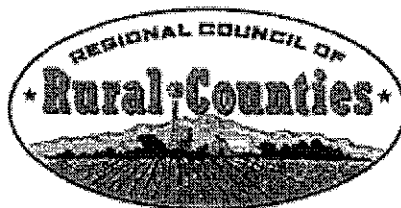
KAREN KEENE  
CSAC Legislative Representative



PAUL A. SMITH  
RCRC Senior Legislative Advocate



Alpine Amador Butte Calaveras Colusa  
Del Norte El Dorado Glenn Imperial  
Inyo Lake Lassen Madera Mariposa



Merced Modoc Mono Napa Nevada Placer  
Plumas San Benito Shasta Sierra Siskiyou  
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June 10, 2011

The Honorable Wes Chesbro  
Chair, Assembly Natural Resources Committee  
State Capitol, Room 2141  
Sacramento, CA 95814

**Re: Senate Bill 833 (Vargas) – OPPOSE**

Dear Assemblymember Chesbro:

On behalf of the Regional Council of Rural Counties, we regret to inform you of our opposition to Senate Bill 833 (Vargas) which would restrict the permitting of a solid waste disposal facility in San Diego County if it is near an aquifer or a Native American sacred site.

RCRC is comprised of members of the Boards of Supervisors from our thirty member counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements and work closely with the staff of CalRecycle.

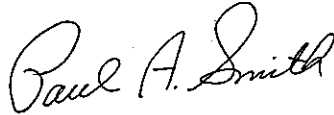
The Integrated Waste Management Act along with the Planning and Zoning Law and California Environmental Quality Act (CEQA) provide for an extensive process for the permitting of solid waste disposal facilities. The process used for siting these facilities is open to the public and allows for broad commentary from citizens. These statutes allow parties to challenge the environmental impact report, which would be required to be adopted. Furthermore, both Acts allow challenges to the permitting process when there are threats to drinking water or disturbances of sacred lands of Native Americans.

We recognize that landfills are not popular with nearby residents nor are they a desired land use. As such, RCRC supports efforts to reduce the amount of waste that is placed in landfills. However, the current process exists and allows for an exhaustive approach when an entity seeks to construct or expand a disposal facility. While this bill has been amended to only apply to San Diego County, we believe SB 833 sets a dangerous precedent for the process of siting a landfill or any undesirable land use.

Having legislation enacted each time there is an objection to a proposal negates the current process the Legislature has created over the past forty years.

If you have any questions or concerns regarding our opposition to SB 833, please do not hesitate to contact me at 916-447-4806.

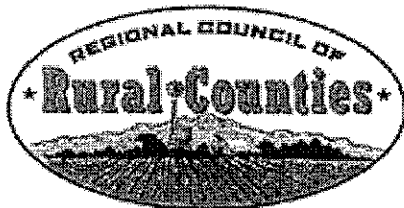
Sincerely,

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

PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable Juan Vargas, Member of the California State Senate  
Members of the Assembly Natural Resources Committee  
Consultant, Assembly Natural Resources Committee

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Chief Financial Officer - Karl Dolk

June 8, 2011

The Honorable Bob Wieckowski  
Chair, Assembly Environmental Quality & Toxic Materials Committee  
State Capitol, Room 4162  
Sacramento, CA 95814

**Re: SB 909 (La Malfa) Treated Wood Waste - Support**

Dear Assemblymember Wieckowski:

On behalf of the Regional Council of Rural Counties, we are pleased to offer our support for Senate Bill 909 (La Malfa) which would continue statutory guidance for the appropriate disposal of treated wood waste in specified solid waste landfills.

RCRC is comprised of members of the Boards of Supervisors from 30 California counties. In addition, 22 RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements for the disposal of treated wood waste and they work closely with both the Department of Toxic Substances Control (DTSC) and the California Department of Resources Recycling and Recovery (CalRecycle).

SB 909 will permanently establish the existing requirements for managing treated wood deemed a hazardous waste. As such, a disposal process that allows treated wood waste can be properly disposed in composite lined Class II or III landfills with leachate collection as approved by Regional Water Quality Control Boards. Without approval of SB 909, hazardous treated wood wastes will have extremely limited disposal options and it is likely that increased illegal dumping of treated wood wastes will occur.

If you have any questions or concerns regarding our support for SB 909, please do not hesitate to contact me at 916-447-4806.

Sincerely,

PAUL A. SMITH  
Senior Legislative Advocate

cc: The Honorable Doug La Malfa, Member of the California State Senate  
Caroll Mortensen, Senate Environmental Quality Committee  
Bob Fredenburg, Assembly Environmental Safety & Toxic Materials Committee

