

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

Thursday, October 20, 2011

VI. Legislative Update

Complete Text of Selected Solid Waste Bills

- AB 255 Weickowski Hazardous waste: latex paint
- AB 341 Chesbro Solid waste: diversion
- AB 408 Wieckowski Hazardous waste transportation: paint recycling
- AB 525 (Gordon) Solid waste: tire recycling: architectural paint
- AB 712 (Williams) Recycling: beverage containers
- AB 1149 Gordon Beverage containers: funds
- AB 1178 (Ma) Solid waste: place of origin
- SB 833 Vargas Solid waste: facilities permit
- SB 909 La Malfa Treated Wood Waste

Assembly Bill No. 255

CHAPTER 213

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

[Approved by Governor September 6, 2011. Filed with Secretary of State September 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 255, 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.

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

SECTION 1. Section 25217.2 of the Health and Safety Code is amended to read:

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

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation which include, at a minimum, that

the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

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

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

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

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

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

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

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

(A) Complies with subdivision (a).

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

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

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to subdivision (b) of Section 25218.3.

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

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

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Assembly Bill No. 341

CHAPTER 476

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, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.

[Approved by Governor October 5, 2011. Filed with
Secretary of State October 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 341, 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. The department is required to file an annual progress report with the Legislature by March 1 that includes specified information regarding the act.

This bill would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1, 2014. The bill would repeal the report requirement on January 1, 2017.

(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 a business, defined to include a commercial or public entity, that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 units or more to arrange for recycling services, on and after July 1, 2012.

The bill would also require a commercial waste generator to take specified actions with regard to recyclable materials.

The bill would require a jurisdiction, on and after July 1, 2012, 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 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 and would authorize the department to review a jurisdiction's compliance pursuant to a specified procedure.

(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.

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

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

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

(2) Although the state now leads the nation in solid waste reduction and recycling, the state continues to dispose of more than 40 million tons of solid waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41730. Except as provided in Section 41750.1, each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any updates to the element shall not be subject to the approval of the county and the majority of cities with the majority of the population in the incorporated area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41780.01. (a) The Legislature hereby declares that it is the policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.

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

SEC. 10. Section 41780.02 is added to the Public Resources Code, to read:

41780.02. (a) On or before January 1, 2014, the department shall submit a report to the Legislature that provides strategies to achieve the state's policy goal that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter, pursuant to Section 41780.01.

(b) The report shall also include all of the following:

(1) A review and update of the information required pursuant to subparagraph (A) of paragraph (4) of subdivision (c) of Section 40507, with emphasis on new and emerging trends in resource management.

(2) Identification of problematic waste streams and sources and recommendations on handling those waste streams.

(3) Evaluation of current programs and their effectiveness, and recommendations for changes to those programs.

(4) Recommendations for reprioritizing existing resources to best achieve the purpose of Section 41780.01.

(5) Recommendations for legislative changes, if any, that are necessary to achieve the goals of Section 41780.01.

(6) Report on regulatory changes, if any, that are necessary, to achieve the goals of Section 41780.01.

(7) Any other information or recommendations the department deems pertinent.

(c) The department may provide the report required pursuant to this section in conjunction with the report required pursuant to Section 40507 if the combined report is submitted on or before January 1, 2014.

(d) The department may hold public workshops to gather input from stakeholders.

(e) (1) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2017.

(2) The report shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 11. Section 41800 of the Public Resources Code is amended to read:

41800. (a) Except as provided in subdivision (b), within 120 days from the date of receipt of a countywide or regional integrated waste management plan that the department has determined to be complete, or any element of the plan that the department has determined to be complete, the department shall determine whether the plan or element is in compliance with Article 2 (commencing with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing with Section 41000), and Chapter 5 (commencing with Section 41750), and, based upon that determination, the department shall approve, conditionally approve, or disapprove the plan or element.

(b) (1) Within 120 days from the date of receipt of a city, county, or regional agency nondisposal facility element that the department has determined to be complete, the department shall determine whether the element that the department has determined to be complete is in compliance

with Chapter 4.5 (commencing with Section 41730) and Article 1 (commencing with Section 41780) of Chapter 6, and, based upon that determination, the department shall approve, conditionally approve, or disapprove the element within that time period.

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

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

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

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

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

SEC. 12. Chapter 12.8 (commencing with Section 42649) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.8. RECYCLING OF COMMERCIAL SOLID WASTE

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

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

(c) It is the intent of the Legislature to reduce greenhouse gas emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

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

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

(b) "Commercial solid waste" has the same meaning as defined in Section 17225.12 of Title 14 of the California Code of Regulations.

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

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

42649.2. (a) On and after July 1, 2012, a business that generates more than four cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) A commercial waste generator shall take at least one of the following actions:

(1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.

(2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

(c) A property owner of a multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

42649.3. (a) On and after July 1, 2012, each jurisdiction shall implement a commercial solid waste recycling program appropriate for that jurisdiction designed to divert commercial solid waste from businesses subject to Section 426492, whether or not the jurisdiction has met the requirements of Section 41780.

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

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

(1) Implementing a mandatory commercial solid waste recycling policy or ordinance.

(2) Requiring a mandatory commercial solid waste recycling program through a franchise contract or agreement.

(3) Requiring all commercial solid waste to go through either a source separated or mixed processing system that diverts material from disposal.

(d) The commercial solid waste recycling program shall include education, outreach to, and monitoring of, businesses. A jurisdiction shall notify a business if the business is not in compliance with Section 42649.2.

(e) The commercial solid waste recycling program may include enforcement provisions that are consistent with a jurisdiction's authority, including a structure for fines and penalties.

(f) The commercial solid waste recycling program may include certification requirements for self-haulers.

(g) The department shall review a jurisdiction's compliance with this section as part of the department's review required by Section 41825. Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach, identification,

and monitoring, and if applicable, enforcement efforts, by providing updates in the annual report required by Section 41821.

(h) The department may also review whether a jurisdiction is in compliance with this section at any time that the department receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, a commercial recycling program.

(i) During its review pursuant to subdivision (g) or (h), the department shall determine whether each jurisdiction has made a good faith effort to implement its selected commercial recycling program. For purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement its commercial recycling program. During its review, the department may include, but is not limited to, the following factors in its evaluation of a jurisdiction's good faith effort:

(1) The extent to which businesses have complied with Section 42649.2, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are subscribing to service.

(2) The recovery rate of the commercial waste from the material recovery facilities that are utilized by the businesses, all information, methods, and calculations, and any additional performance data, as requested by the department from the material recovery facilities pursuant to Section 18809.4 of Title 14 of the California Code of Regulations.

(3) The extent to which the jurisdiction is conducting education and outreach to businesses.

(4) The extent to which the jurisdiction is monitoring businesses, and notifying those businesses that are out of compliance.

(5) The availability of markets for collected recyclables.

(6) Budgetary constraints.

(7) In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets.

42649.4. (a) If a jurisdiction adds or expands a commercial solid waste recycling program to meet the requirements of Section 42649.3, the jurisdiction shall not be required to revise its source reduction and recycling element, or obtain the department's approval pursuant to Article 1 (commencing with Section 41800) of Chapter 7 of Part 1.

(b) If an addition or expansion of a jurisdiction's commercial solid waste recycling program is necessary, the jurisdiction shall update in its annual report required pursuant to Section 41821.

42649.5. (a) This chapter does not limit the authority of a local agency to adopt, implement, or enforce a local commercial solid waste recycling requirement that is more stringent or comprehensive than the requirements of this section or limit the authority of a local agency in a county with a population of less than 200,000 to require commercial solid waste recycling.

(b) This chapter does not modify, limit, or abrogate in any manner any of the following:

(1) A franchise granted or extended by a city, county, or other local government agency.

(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency.

(3) The existing right of a business to sell or donate its recyclable materials.

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

42649.7. If the State Air Resources Board adopts regulations for commercial recycling prior to the effective date of the act of the 2011–12 Regular Session of the Legislature adding this section, those regulations shall be deemed to have been adopted by the department, and they shall be added to the department's regulations and deleted from the board's regulations as if it were a change without regulatory effect.

SEC. 13. Section 42926 of the Public Resources Code is amended to read:

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

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

(1) Calculations of annual disposal reduction.

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

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

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

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

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

SEC. 14. Section 44004 of the Public Resources Code is amended to read:

44004. (a) An operator of a solid waste facility shall not make a significant change in the design or operation of the solid waste facility that is not authorized by the existing permit, unless the change is approved by the enforcement agency, the change conforms with this division and all regulations adopted pursuant to this division, and the terms and conditions of the solid waste facilities permit are revised to reflect the change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) (1) (A) Before making its determination pursuant to subdivision (d), the enforcement agency shall submit the proposed determination to the department for comment and hold at least one public hearing on the proposed determination. The enforcement agency shall give notice of the hearing pursuant to Section 65091 of the Government Code, except that the notice shall be provided to all owners of real property within a distance other than 300 feet of the real property that is the subject of the hearing, if specified in the regulations adopted by the department pursuant to subdivision (i). The enforcement agency shall also provide notice of the hearing to the department when it submits the proposed determination to the department.

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

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

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

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

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

SEC. 15. Section 50001 of the Public Resources Code is amended to read:

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

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

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

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

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

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

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

Assembly Bill No. 408

CHAPTER 603

An act to amend Sections 13009.6, 25160.2, 25210.6, 25217, 25217.1, 25217.2, 25217.3, 25217.4, 25404, 25404.2, 25503.5, 25509, and 25509.2 of, to amend the heading of Article 10.7 (commencing with Section 25217) of Chapter 6.5 of Division 20 of, and to add Section 25217.2.1 to, the Health and Safety Code, and to amend Sections 48701, 48703, and 48705 of the Public Resources Code, relating to the environment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 408, Wieckowski. Environment: hazardous substances and materials: hazardous waste transportation: paint recycling.

(1) Existing law provides that the expense of a public agency's emergency response to the release, escape, or burning of hazardous substances is a charge against the person whose negligence caused the incident if the incident necessitated an evacuation beyond the property of origin or results in the spread of hazardous substances or fire beyond the property of origin. Existing law defines "hazardous substance" for purposes of these provisions.

This bill would instead provide that these expenses are a charge against the person whose negligence caused the incident if the incident necessitated an 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 beyond the building, structure, property, or public right-of-way where the incident originates. The bill would also revise the definition of "hazardous substance" for purposes of these provisions.

(2) Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and establishes a procedure for a consolidated manifest to be used by generators and transporters for certain types of hazardous waste. A generator using the consolidated manifesting procedure is required to meet specified requirements, including having an identification number. A violation of the hazardous waste control laws is a crime.

This bill would allow the consolidating manifesting procedure to be used for the receipt, by a transporter, of one shipment of used oil from a generator whose identification number has been suspended, if certain requirements are met. The bill would provide that this exemption would become inoperative on and after January 1, 2014. Since a violation of these

requirements would be a crime, the bill would impose a state-mandated local program.

(3) Existing law defines the term recyclable latex paint and prohibits any person from disposing of latex paint in a specified manner. Existing law allows recyclable latex paint to be accepted at a location if specified requirements are met concerning the management of that paint and exempts a person transporting recyclable latex paint from the manifest and hazardous waste transportation requirements. Existing law also exempts a person recycling recyclable latex paint from hazardous waste facilities permitting requirements.

This bill would revise those provisions to allow a location that accepts recyclable latex paint to also accept oil-based paint, as defined, under specified circumstances with regard to the establishment and operation of the location under the architectural paint recovery program administered by the Department of Resources Recycling and Recovery (CalRecycle). The bill would additionally prohibit the disposal of oil-based paint in that specified manner and would impose additional requirements upon the collection of recyclable latex paint. The bill would require a person to recycle, treat, store, or dispose of oil-based paint only at a facility that is authorized by the department pursuant to the applicable hazardous waste facilities permit requirements or at an out-of-state facility authorized by the state where the facility is located. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes.

(4) Existing law requires a business that handles a hazardous material to adopt a business plan for response to the release of hazardous materials, and to annually submit an inventory to the local administering agency if the business handles a specified amount of hazardous materials at any one time during the reporting year.

This bill would additionally require a business to adopt the plan or inventory for specified lesser or greater amounts of various classes of hazardous materials if the hazardous materials meet certain requirements. The bill would add exemptions for certain oil-filled electrical equipment and mineral oil contained within certain electrical equipment. The bill also would revise the exemption for the on-premise use or storage of propane. The administering agency would be required to make findings regarding the regulation of certain of these hazardous materials in consultation with the local fire chief. The bill would impose a state-mandated local program by imposing new duties upon administering agencies with regard to business plans.

(5) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. A city or local agency that meets specified requirements is authorized to apply to the secretary to implement the unified program, and every county is required to apply to the secretary to be certified to implement the unified program.

This bill would additionally include, in the unified program, persons operating a collection location that has been established under an architectural paint stewardship plan approved by CalRecycle as part of the architectural paint recovery program, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

(6) The bill would make conforming changes regarding the California Fire Code to provisions regarding the unified hazardous waste and hazardous materials management regulatory program and the business plan requirements.

(7) The California Integrated Waste Management Act of 1989, administered by CalRecycle, establishes an architectural paint recovery program that requires a manufacturer or designated stewardship organization to submit an architectural paint stewardship plan to CalRecycle and to implement the plan, as specified. A manufacturer is required to submit a report to CalRecycle by July 1, 2013, and each year thereafter, describing its paint recovery efforts.

This bill would revise the definition of the term “architectural paint” for purposes of the program and would require the annual report to be submitted on or before September 1. The bill would make other technical revisions to the program.

(8) This bill would incorporate additional changes in Section 25217.2 of the Health and Safety Code, proposed in AB 255, that would become operative only if AB 255 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last, in which case Section 25217.2 of the Health and Safety Code, as amended by this bill, would remain operative only until the operative date of AB 255, at which time the changes proposed by both bills would become operative.

(9) This bill would incorporate additional changes in Section 25404 of the Health and Safety Code, proposed in SB 456, that would become operative only if SB 456 and this bill are both chaptered and become effective on or before January 1, 2012, and this bill is chaptered last, in which case Section 25404 of the Health and Safety Code, as amended by this bill, would remain operative only until the operative date of SB 456, at which time the changes proposed by both bills would become operative.

(10) 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.

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

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

SECTION 1. Section 13009.6 of the Health and Safety Code is amended to read:

13009.6. (a) (1) Those expenses of an emergency response necessary to protect the public from a real and imminent threat to health and safety by a public agency to confine, prevent, or mitigate the release, escape, or burning of hazardous substances described in subdivision (c) are a charge against any person whose negligence causes the incident, if either of the following occurs:

(A) Evacuation from the building, structure, property, or public right-of-way where the incident originates is necessary to prevent loss of life or injury.

(B) The incident results in the spread of hazardous substances or fire posing a real and imminent threat to public health and safety beyond the building, structure, property, or public right-of-way where the incident originates.

(2) Expenses reimbursable to a public agency under this section are a debt of the person liable therefor, and shall be collectible in the same manner as in the case of an obligation under contract, express or implied.

(3) The charge created against the person by this subdivision is also a charge against the person's employer if the negligence causing the incident occurs in the course of the person's employment.

(4) The public agencies participating in an emergency response meeting the requirements of paragraph (1) of this subdivision may designate one or more of the participating agencies to bring an action to recover the expenses incurred by all of the designating agencies which are reimbursable under this section.

(5) An action to recover expenses under this section may be joined with any civil action for penalties, fines, injunctive, or other relief brought against the responsible person or employer, or both, arising out of the same incident.

(b) There shall be deducted from any amount otherwise recoverable under this section, the amount of any reimbursement for eligible costs received by a public agency pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20. The amount so reimbursed may be recovered as provided in Section 25360.

(c) As used in this section, "hazardous substance" means any hazardous substance listed in Section 25316 or subdivision (q) of Section 25501 of this code, or in Section 6382 of the Labor Code.

(d) As used in this section, "mitigate" includes actions by a public agency to monitor or model ambient levels of airborne hazardous substances for the purpose of determining or assisting in the determination of whether or not to evacuate areas around the property where the incident originates, or to determine or assist in the determination of which areas around the property where the incident originates should be evacuated.

SEC. 2. Section 25160.2 of the Health and Safety Code is amended to read:

25160.2. (a) In lieu of the procedures prescribed by Sections 25160 and 25161, transporters and generators of hazardous waste meeting the conditions in this section may use the consolidated manifesting procedure set forth in subdivision (b) to consolidate shipments of waste streams identified in

subdivision (c) collected from multiple generators onto a single consolidated manifest.

(b) The following consolidated manifesting procedure may be used only for non-RCRA hazardous waste or for RCRA hazardous waste that is not required to be manifested pursuant to the federal act or the federal regulations adopted pursuant to the federal act and transported by a registered hazardous waste transporter, and used only with the consent of the generator:

(1) A separate manifest shall be completed by each vehicle driver, with respect to each transport vehicle operated by that driver for each date.

(2) The transporter shall complete both the generator's and the transporter's section of the manifest using the transporter's name, identification number, terminal address, and telephone number. The generator's and transporter's sections shall be completed prior to commencing each day's collections. The driver shall sign and date the generator's and transporter's sections of the manifest.

(3) The transporter shall attach to the front of the manifest legible receipts for each quantity of hazardous waste that is received from a generator. The receipts shall be used to determine the total volume of hazardous waste in the vehicle. After the hazardous waste is delivered, the receipts shall be affixed to the transporter's copy of the manifest. The transporter shall leave a copy of the receipt with the generator of the hazardous waste. The generator shall retain each receipt for at least three years. This period of retention is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the department or a certified unified program agency.

(4) All copies of each receipt shall contain all of the following information:

(A) The name, address, identification number, contact person, and telephone number of the generator, and the signature of the generator or the generator's representative.

(B) The date of the shipment.

(C) The manifest number.

(D) The volume or quantity of each waste stream received, its California and RCRA waste codes, the wastestream type listed in subdivision (c), and its proper shipping description, including the hazardous class and United Nations/North America (UN/NA) identification number, if applicable.

(E) The name, address, and identification number of the authorized facility to which the hazardous waste will be transported.

(F) The transporter's name, address, and identification number.

(G) The driver's signature.

(H) A statement, signed by the generator, certifying that the generator has established a program to reduce the volume or quantity and toxicity of the hazardous waste to the degree, as determined by the generator, to be economically practicable.

(5) The transporter shall enter the total volume or quantity of each waste stream transported on the manifest at the change of each date, change of driver, or change of transport vehicle. The total volume or quantity shall be

the cumulative amount of each waste stream collected from the generators listed on the individual receipts. In lieu of submitting a copy of each manifest used, a facility operator may submit an electronic report to the department meeting the requirements of Section 25160.3.

(6) The transporter shall submit the generator copy of the manifest to the department within 30 days of each shipment.

(7) The transporter shall retain a copy of the manifest and all receipts for each manifest at a location within the state for three years. This period of retention is extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the department or a certified unified program agency.

(8) The transporter shall submit all copies of the manifest to the designated facility. A representative of the designated facility that receives the hazardous waste shall sign and date the manifest, return two copies to the transporter, retain one copy, and send the original to the department within 30 days.

(9) All other manifesting requirements of Sections 25160 and 25161 shall be complied with unless specifically exempted under this section. If an out-of-state receiving facility is not required to submit the signed manifest copy to the department, the consolidated transporter, acting as generator, shall submit a copy of the manifest signed by the receiving facility to the department pursuant to paragraph (3) of subdivision (b) of Section 25160.

(10) Except as provided by subdivision (e), each generator using the consolidated manifesting procedure shall have an identification number, unless exempted from manifesting requirements by action of Section 25143.13 for generators of photographic waste less than 100 kilograms per calendar month.

(c) The consolidated manifesting procedure set forth in subdivision (b) may be used only for the following waste streams and in accordance with the conditions specified below for each waste stream:

(1) Used oil and the contents of an oil/water separator, if the separator is a catch basin, clarifier, or similar collection device that is used to collect water containing residual amounts of one or more of the following: used oil, antifreeze, or other substances and contaminants associated with activities that generate used oil and antifreeze.

(2) The wastes listed in subparagraph (A) may be manifested under the procedures specified in this section only if all of the requirements specified in subparagraphs (B) and (C) are satisfied.

(A) Wastes eligible for consolidated manifesting:

(i) Solids contaminated with used oil.

(ii) Brake fluid.

(iii) Antifreeze.

(iv) Antifreeze sludge.

(v) Parts cleaning solvents, including aqueous cleaning solvents.

(vi) Hydroxide sludge contaminated solely with metals from a wastewater treatment process.

(vii) "Paint-related" wastes, including paints, thinners, filters, and sludges.

- (viii) Spent photographic solutions.
- (ix) Dry cleaning solvents (including perchloroethylene, naphtha, and silicone based solvents).
- (x) Filters, lint, and sludges contaminated with dry cleaning solvent.
- (xi) Asbestos and asbestos-containing materials.
- (xii) Inks from the printing industry.
- (xiii) Chemicals and laboratory packs collected from K-12 schools.
- (xiv) Absorbents contaminated with other wastes listed in this section.
- (xv) Filters from dispensing pumps for diesel and gasoline fuels.
- (xvi) Any other waste, as specified in regulations adopted by the department.

(B) The generator does not generate more than 1,000 kilograms per calendar month of hazardous waste and meets the conditions of paragraph (1) of subdivision (h) of Section 25123.3. For the purpose of calculating the 1,000 kilograms per calendar month limit described in this section, the generator may exclude the volume of used oil and the contents of the oil/water separator that is managed pursuant to paragraph (1) of subdivision (c).

(C) (i) The generator enters into an agreement with the transporter in which the transporter agrees that the transporter will submit a confirmation to the generator that the hazardous waste was transported to an authorized hazardous waste treatment facility for appropriate treatment. The agreement may provide that the hazardous waste will first be transported to a storage or transfer facility in accordance with the applicable provisions of law.

(ii) The treatment requirement specified in clause (i) does not apply to asbestos, asbestos-containing materials, and chemicals and laboratory packs collected from K-12 schools, or any other waste stream for which the department determines there is no reasonably available treatment methodology or facility. These wastes shall be transported to an authorized facility.

(d) Transporters using the consolidated manifesting procedure set forth in this section shall submit quarterly reports to the department 30 days after the end of each quarter. The first quarterly report shall be submitted on October 31, 2002, covering the July to September 2002 period, and every three months thereafter. Except as otherwise specified in paragraph (1), the quarterly report shall be submitted in an electronic format provided by the department.

The department shall make all of the information in the quarterly reports submitted pursuant to this subdivision available to the public, through its usual means of disclosure, except the department shall not disclose the association between any specific transporter and specific generator. The list of generators served by a transporter shall be deemed to be a trade secret and confidential business information for purposes of Section 25173 and Section 66260.2 of Title 22 of the California Code of Regulations.

(1) Transporters that use the consolidated manifesting procedure for less than 1,000 tons per calendar year may apply to the department to continue submitting paper format reports.

(2) For each transporter's name, terminal address, and identification number, the quarterly report shall include the following information for each generator for each consolidated manifest:

(A) The name, address, and identification number, the contact person's name, and the telephone number of each generator.

(B) The date of the shipment.

(C) The manifest number.

(D) The volume or quantity of each waste stream received, its California and RCRA waste code, and the wastestream category listed in subdivision (c).

(e) (1) A transporter may accept and include on a consolidated manifest a maximum of one shipment of used oil from a generator whose identification number has been suspended for a violation of Section 25205.16.

(2) If a transporter accepts a shipment of used oil pursuant to paragraph (1), the transporter shall do both of the following:

(A) Verify that the generator's identification number was suspended for a violation of Section 25205.16.

(B) Notify the department within 24 hours that it accepted the shipment from the generator.

(3) If a generator offers a shipment of used oil to a transporter pursuant to paragraph (1), the generator shall do both of the following:

(A) Notify the department within 24 hours that a transporter accepted a shipment.

(B) Comply with Section 25205.16 within 30 days from the date the transporter accepted the shipment.

(4) This subdivision shall become inoperative on and after January 1, 2014.

SEC. 3. Section 25210.6 of the Health and Safety Code is amended to read:

25210.6. (a) On or before December 31, 2005, the department shall adopt regulations specifying the best management practices for a person managing perchlorate materials. These practices may include, but are not limited to, all of the following:

(1) Procedures for documenting the amount of perchlorate materials managed by the facility.

(2) Management practices necessary to prevent releases of perchlorate materials, including, but not limited to, containment standards, usage, processing and transferring practices, and spill response procedures.

(b) (1) The department shall consult with the State Air Resources Board, the Office of Environmental Health Hazard Assessment, the State Water Resources Control Board, the California Emergency Management Agency, the State Fire Marshal, and the California certified unified program agencies forum before adopting regulations pursuant to subdivision (a).

(2) The department shall also, before adopting regulations pursuant to subdivision (a), review existing federal, state, and local laws governing the management of perchlorate materials to determine the degree to which

uniform and adequate requirements already exist, so as to avoid any unnecessary duplication of, or interference with the application of, those existing requirements.

(3) In adopting regulations pursuant to subdivision (a), the department shall ensure that those regulations are at least as stringent as, and to the extent practical consistent with, the existing requirements of Chapter 6.95 (commencing with Section 25500) and the California Fire Code governing the management of perchlorate materials.

(c) The regulations adopted by the department pursuant to this section shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, including subdivision (e) of Section 11346.1 of the Government Code, any emergency regulations adopted pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until revised by the department.

(d) The department may implement an outreach effort to educate persons who manage perchlorate materials concerning the regulations promulgated pursuant to subdivision (a).

SEC. 4. The heading of Article 10.7 (commencing with Section 25217) of Chapter 6.5 of Division 20 of the Health and Safety Code is amended to read:

Article 10.7. Recyclable Latex Paint and Oil-Based Paint

SEC. 5. Section 25217 of the Health and Safety Code is amended to read:

25217. For the purposes of this article, the following definitions shall apply:

(a) "Conditionally exempt small quantity generator" or "CESQG" means a business concern that meets the criteria for a generator specified in Section 261.5 of Title 40 of the Code of Federal Regulations.

(b) "Consolidation location" means a location to which recyclable latex paint or oil-based paint initially collected at a collection location is transported.

(c) "Oil-based paint" means a paint that contains drying oil, oil varnish, or oil-modified resin as the basic vehicle ingredient.

(d) "Paint" includes both oil-based paint and recyclable latex paint that is collected in accordance with this article.

(e) "Recyclable latex paint" means any water-based latex paint, still in liquid form, that is transferred for the purposes of being recycled.

SEC. 6. Section 25217.1 of the Health and Safety Code is amended to read:

25217.1. No person shall dispose of, or attempt to dispose of, liquid latex paint or oil-based paint in the land or into the waters of the state unless authorized by applicable provisions of law.

SEC. 7. Section 25217.2 of the Health and Safety Code is amended to read:

25217.2. Recyclable latex paint may be accepted at any location if all of the following conditions are met:

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

(b) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

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

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

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

(f) The recyclable latex paint is stored for no longer than 180 days.

SEC. 7.5. Section 25217.2 of the Health and Safety Code is amended to read:

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

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

(2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

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

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

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

(6) The recyclable latex paint is stored for no longer than 180 days.

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

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

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

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

(A) Complies with subdivision (a).

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

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

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to subdivision (b) of Section 25218.3.

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

SEC. 8. Section 25217.2.1 is added to the Health and Safety Code, to read:

25217.2.1. (a) A location that accepts recyclable latex paint pursuant to Section 25217.2 may also accept oil-based paint if all of the additional following conditions are met:

(1) The collection location is established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(2) The collection location receives oil-based paint only from either of the following:

(A) A person who generates oil-based paint incidental to owning or maintaining a place of residence.

(B) A conditionally exempt small quantity generator.

(3) The oil-based paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(4) The location manages the oil-based paint in accordance with the requirements in Section 25217.2.

(5) The collection location operates pursuant to a contract with a manufacturer or paint stewardship organization that has submitted an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery and the collected paint is managed in accordance with that approved architectural paint stewardship plan.

(6) The oil-based paint is stored for no longer than 180 days.

(b) Oil-based paint initially collected at a collection location shall be deemed to be generated at the consolidation location for purposes of this chapter, if all of the following apply:

(1) The collection location is established under an architectural paint stewardship plan in accordance with the requirements of paragraph (1) of subdivision (a).

(2) The oil-based paint is subsequently transported to a consolidation location that is operating pursuant to a contract with a manufacturer or paint stewardship organization under an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(3) The oil-based paint is non-RCRA hazardous waste, or is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

SEC. 9. Section 25217.3 of the Health and Safety Code is amended to read:

25217.3. (a) Notwithstanding Sections 25160 and 25163, a person may transport paint collected in accordance with this article without the use of a manifest or obtaining registration as a hazardous waste hauler if the transporter complies with this article.

(b) A person transporting paint collected in accordance with this article shall use a bill of lading to document the transportation of the paint from

collection locations, or any interim locations, to a consolidation site, whenever the transportation involves a change in ownership of the paint. A copy of the bill of lading shall be kept by the originating location, transporter, and destination of the paint for a period of at least three years and shall include all of the following information:

- (1) The name, address, and telephone number of the originating location, the transporter, and the destination of the paint.
- (2) The quantity of the paint being transported.
- (3) The date on which the transporter accepts the paint from the originating location.
- (4) The signatures of the transporter and a representative of the originating location.

SEC. 10. Section 25217.4 of the Health and Safety Code is amended to read:

25217.4. (a) A person may recycle recyclable latex paint at a facility which is not authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) if the person complies with Section 25217.2.

(b) A person shall recycle, treat, store, or dispose of oil-based paint that has been collected pursuant to this article only at a facility that is authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) to recycle, treat, store, or dispose of hazardous waste, or at an out-of-state facility that is authorized to recycle, treat, store, or dispose of oil-based paint in the state where the facility is located.

SEC. 11. Section 25404 of the Health and Safety Code is amended to read:

25404. (a) For purposes of this chapter, the following terms shall have the following meanings:

(1) (A) "Certified Unified Program Agency" or "CUPA" means the agency certified by the secretary to implement the unified program specified in this chapter within a jurisdiction.

(B) "Participating Agency" or "PA" means a state or local agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in subdivision (c), in accordance with Sections 25404.1 and 25404.2.

(C) "Unified Program Agency" or "UPA" means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in subdivision (c). The UPAs have the responsibility and authority to implement and enforce the requirements listed in subdivision (c), and the regulations adopted to implement the requirements listed in subdivision (c), to the extent provided by Chapter 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), and Sections 25404.1 and 25404.2. After

a CUPA has been certified by the secretary, the unified program agencies and the state agencies carrying out responsibilities under this chapter shall be the only agencies authorized to enforce the requirements listed in subdivision (c) within the jurisdiction of the CUPA.

(2) "Department" means the Department of Toxic Substances Control.

(3) "Minor violation" means the failure of a person to comply with a requirement or condition of an applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the unified program that the UPA is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:

(A) A violation that results in injury to persons or property, or that presents a significant threat to human health or the environment.

(B) A knowing, willful, or intentional violation.

(C) A violation that is a chronic violation, or that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the UPA shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.

(D) A violation that results in an emergency response from a public safety agency.

(E) A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.

(F) A class I violation as provided in Section 25117.6.

(G) A class II violation committed by a chronic or a recalcitrant violator, as provided in Section 25117.6.

(H) A violation that hinders the ability of the UPA to determine compliance with any other applicable local, state, or federal rule, regulation, information request, order, variance, permit, or other requirement.

(4) "Secretary" means the Secretary for Environmental Protection.

(5) "Unified program facility" means all contiguous land and structures, other appurtenances, and improvements on the land that are subject to the requirements listed in subdivision (c).

(6) "Unified program facility permit" means a permit issued pursuant to this chapter. For the purposes of this chapter, a unified program facility permit encompasses the permitting requirements of Section 25284, and permit or authorization requirements under a local ordinance or regulation relating to the generation or handling of hazardous waste or hazardous materials, but does not encompass the permitting requirements of a local ordinance that incorporates provisions of the California Fire Code or the California Building Code.

(b) The secretary shall adopt implementing regulations and implement a unified hazardous waste and hazardous materials management regulatory program, which shall be known as the unified program, after holding an appropriate number of public hearings throughout the state. The unified program shall be developed in close consultation with the director, the Secretary of California Emergency Management, the State Fire Marshal,

the executive officers and chairpersons of the State Water Resources Control Board and the California regional water quality control boards, the local health officers, local fire services, and other appropriate officers of interested local agencies, and affected businesses and interested members of the public, including environmental organizations.

(c) The unified program shall consolidate the administration of the following requirements and, to the maximum extent feasible within statutory constraints, shall ensure the coordination and consistency of any regulations adopted pursuant to those requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the requirements of Chapter 6.5 (commencing with Section 25100), and the regulations adopted by the department pursuant thereto, that are applicable to all of the following:

(i) Hazardous waste generators, persons operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption, pursuant to Chapter 6.5 (commencing with Section 25100) or the regulations adopted by the department.

(ii) Persons managing perchlorate materials.

(iii) Persons subject to Article 10.1 (commencing with Section 25211) of Chapter 6.5.

(iv) Persons operating a collection location that has been established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(B) The unified program shall not include the requirements of paragraph (3) of subdivision (c) of Section 25200.3, the requirements of Sections 25200.10 and 25200.14, and the authority to issue an order under Sections 25187 and 25187.1, with regard to those portions of a unified program facility that are subject to one of the following:

(i) A corrective action order issued by the department pursuant to Section 25187.

(ii) An order issued by the department pursuant to Chapter 6.8 (commencing with Section 25300) or Chapter 6.85 (commencing with Section 25396).

(iii) A remedial action plan approved pursuant to Chapter 6.8 (commencing with Section 25300) or Chapter 6.85 (commencing with Section 25396).

(iv) A cleanup and abatement order issued by a California regional water quality control board pursuant to Section 13304 of the Water Code, to the extent that the cleanup and abatement order addresses the requirements of the applicable section or sections listed in this subparagraph.

(v) Corrective action required under subsection (u) of Section 6924 of Title 42 of the United States Code or subsection (h) of Section 6928 of Title 42 of the United States Code.

(vi) An environmental assessment pursuant to Section 25200.14 or a corrective action pursuant to Section 25200.10 or paragraph (3) of subdivision (c) of Section 25200.3, that is being overseen by the department.

(C) The unified program shall not include the requirements of Chapter 6.5 (commencing with Section 25100), and the regulations adopted by the department pursuant thereto, applicable to persons operating transportable treatment units, except that any required notice regarding transportable treatment units shall also be provided to the CUPAs.

(2) The requirements of Chapter 6.67 (commencing with Section 25270) concerning aboveground storage tanks.

(3) (A) Except as provided in subparagraphs (B) and (C), the requirements of Chapter 6.7 (commencing with Section 25280) concerning underground storage tanks and the requirements of any underground storage tank ordinance adopted by a city or county.

(B) The unified program shall not include the responsibilities assigned to the State Water Resources Control Board pursuant to Section 25297.1.

(C) The unified program shall not include the corrective action requirements of Sections 25296.10 to 25296.40, inclusive.

(4) The requirements of Article 1 (commencing with Section 25500) of Chapter 6.95 concerning hazardous material release response plans and inventories.

(5) The requirements of Article 2 (commencing with Section 25531) of Chapter 6.95, concerning the accidental release prevention program.

(6) The requirements of Sections 2701.5.1 and 2701.5.2 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9 concerning hazardous material management plans and inventories.

(d) To the maximum extent feasible within statutory constraints, the secretary shall consolidate, coordinate, and make consistent these requirements of the unified program with other requirements imposed by other federal, state, regional, or local agencies upon facilities regulated by the unified program.

(e) (1) The secretary shall establish standards applicable to CUPAs, participating agencies, state agencies, and businesses specifying the data to be collected and submitted by unified program agencies in administering the programs listed in subdivision (c). Those standards shall incorporate any standard developed under Section 25503.3.

(2) (A) No later than January 1, 2010, the secretary shall establish a statewide information management system capable of receiving all data collected by the unified program agencies and reported by regulated businesses pursuant to this subdivision and Section 25504.1, in a manner that is most cost efficient and effective for both the regulated businesses and state and local agencies. The secretary shall prescribe an XML or other compatible Web-based format for the transfer of data from CUPAs and regulated businesses and make all nonconfidential data available on the Internet.

(B) The secretary shall establish milestones to measure the implementation of the statewide information management system and shall provide periodic status updates to interested parties.

(3) (A) (i) Except as provided in subparagraph (B), in addition to any other funding that becomes available, the secretary shall increase the oversight surcharge provided for in subdivision (b) of Section 25404.5 by an amount necessary to meet the requirements of this subdivision for a period of three years, to establish the statewide information management system, consistent with paragraph (2). The increase in the oversight surcharge shall not exceed twenty-five dollars (\$25) in any one year of the three-year period. The secretary shall thereafter maintain the statewide information management system, funded by the assessment the secretary is authorized to impose pursuant to Section 25404.5.

(ii) No less than 75 percent of the additional funding raised pursuant to clause (i) shall be provided to CUPAs and PAs through grant funds or statewide contract services, in the amounts determined by the secretary to assist these local agencies in meeting these information management system requirements.

(B) A facility that is owned or operated by the federal government and that is subject to the unified program shall pay the surcharge required by this paragraph to the extent authorized by federal law.

(C) The secretary, or one or more of the boards, departments, or offices within the California Environmental Protection Agency, shall seek available federal funding for purposes of implementing this subdivision.

(4) No later than three years after the statewide information management system is established, each CUPA, PA, and regulated business shall report program data electronically. The secretary shall work with the CUPAs to develop a phased in schedule for the electronic collection and submittal of information to be included in the statewide information management system, giving first priority to information relating to those chemicals determined by the secretary to be of greatest concern. The secretary, in making this determination shall consult with the CUPAs, the California Emergency Management Agency, the State Fire Marshal, and the boards, departments, and offices within the California Environmental Protection Agency. The information initially included in the statewide information management system shall include, but is not limited to, the hazardous materials inventory information required to be submitted pursuant to Section 25504.1 for perchlorate materials.

(5) The secretary, in collaboration with the CUPAs, shall provide technical assistance to regulated businesses to comply with the electronic reporting requirements and may expend funds identified in clause (i) of subparagraph (A) of paragraph (3) for that purpose.

SEC. 11.5. Section 25404 of the Health and Safety Code is amended to read:

25404. (a) For purposes of this chapter, the following terms shall have the following meanings:

(1) (A) “Certified Unified Program Agency” or “CUPA” means the agency certified by the secretary to implement the unified program specified in this chapter within a jurisdiction.

(B) “Participating Agency” or “PA” means a state or local agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in subdivision (c), in accordance with Sections 25404.1 and 25404.2.

(C) “Unified Program Agency” or “UPA” means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in subdivision (c). The UPAs have the responsibility and authority to implement and enforce the requirements listed in subdivision (c), and the regulations adopted to implement the requirements listed in subdivision (c), to the extent provided by Chapter 6.5 (commencing with Section 25100), Chapter 6.67 (commencing with Section 25270), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), and Sections 25404.1 and 25404.2. After a CUPA has been certified by the secretary, the unified program agencies and the state agencies carrying out responsibilities under this chapter shall be the only agencies authorized to enforce the requirements listed in subdivision (c) within the jurisdiction of the CUPA.

(2) “Department” means the Department of Toxic Substances Control.

(3) “Minor violation” means the failure of a person to comply with a requirement or condition of an applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, of the unified program that the UPA is authorized to implement or enforce pursuant to this chapter, and that does not otherwise include any of the following:

(A) A violation that results in injury to persons or property, or that presents a significant threat to human health or the environment.

(B) A knowing, willful, or intentional violation.

(C) A violation that is a chronic violation, or that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the UPA shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.

(D) A violation that results in an emergency response from a public safety agency.

(E) A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.

(F) A class I violation as provided in Section 25117.6.

(G) A class II violation committed by a chronic or a recalcitrant violator, as provided in Section 25117.6.

(H) A violation that hinders the ability of the UPA to determine compliance with any other applicable local, state, or federal rule, regulation, information request, order, variance, permit, or other requirement.

(4) “Secretary” means the Secretary for Environmental Protection.

(5) “Unified program facility” means all contiguous land and structures, other appurtenances, and improvements on the land that are subject to the requirements listed in subdivision (c).

(6) “Unified program facility permit” means a permit issued pursuant to this chapter. For the purposes of this chapter, a unified program facility permit encompasses the permitting requirements of Section 25284, and permit or authorization requirements under a local ordinance or regulation relating to the generation or handling of hazardous waste or hazardous materials, but does not encompass the permitting requirements of a local ordinance that incorporates provisions of the California Fire Code or the California Building Code.

(b) The secretary shall adopt implementing regulations and implement a unified hazardous waste and hazardous materials management regulatory program, which shall be known as the unified program, after holding an appropriate number of public hearings throughout the state. The unified program shall be developed in close consultation with the director, the Secretary of California Emergency Management, the State Fire Marshal, the executive officers and chairpersons of the State Water Resources Control Board and the California regional water quality control boards, the local health officers, local fire services, and other appropriate officers of interested local agencies, and affected businesses and interested members of the public, including environmental organizations.

(c) The unified program shall consolidate the administration of the following requirements and, to the maximum extent feasible within statutory constraints, shall ensure the coordination and consistency of any regulations adopted pursuant to those requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the requirements of Chapter 6.5 (commencing with Section 25100), and the regulations adopted by the department pursuant thereto, that are applicable to all of the following:

(i) Hazardous waste generators, persons operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption, pursuant to Chapter 6.5 (commencing with Section 25100) or the regulations adopted by the department.

(ii) Persons managing perchlorate materials.

(iii) Persons subject to Article 10.1 (commencing with Section 25211) of Chapter 6.5.

(iv) Persons operating a collection location that has been established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(v) On and before December 31, 2019, a transfer facility, as described in paragraph (3) of subdivision (a) of Section 25123.3, that is operated by a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, as defined in subdivision (c) of

Section 25218.1. On and after January 1, 2020, the unified program shall not include a transfer facility operated by a door-to-door household hazardous waste collection program.

(B) The unified program shall not include the requirements of paragraph (3) of subdivision (c) of Section 25200.3, the requirements of Sections 25200.10 and 25200.14, and the authority to issue an order under Sections 25187 and 25187.1, with regard to those portions of a unified program facility that are subject to one of the following:

(i) A corrective action order issued by the department pursuant to Section 25187.

(ii) An order issued by the department pursuant to Chapter 6.8 (commencing with Section 25300) or Chapter 6.85 (commencing with Section 25396).

(iii) A remedial action plan approved pursuant to Chapter 6.8 (commencing with Section 25300) or Chapter 6.85 (commencing with Section 25396).

(iv) A cleanup and abatement order issued by a California regional water quality control board pursuant to Section 13304 of the Water Code, to the extent that the cleanup and abatement order addresses the requirements of the applicable section or sections listed in this subparagraph.

(v) Corrective action required under subsection (u) of Section 6924 of Title 42 of the United States Code or subsection (h) of Section 6928 of Title 42 of the United States Code.

(vi) An environmental assessment pursuant to Section 25200.14 or a corrective action pursuant to Section 25200.10 or paragraph (3) of subdivision (c) of Section 25200.3, that is being overseen by the department.

(C) The unified program shall not include the requirements of Chapter 6.5 (commencing with Section 25100), and the regulations adopted by the department pursuant thereto, applicable to persons operating transportable treatment units, except that any required notice regarding transportable treatment units shall also be provided to the CUPAs.

(2) The requirements of Chapter 6.67 (commencing with Section 25270) concerning aboveground storage tanks.

(3) (A) Except as provided in subparagraphs (B) and (C), the requirements of Chapter 6.7 (commencing with Section 25280) concerning underground storage tanks and the requirements of any underground storage tank ordinance adopted by a city or county.

(B) The unified program shall not include the responsibilities assigned to the State Water Resources Control Board pursuant to Section 25297.1.

(C) The unified program shall not include the corrective action requirements of Sections 25296.10 to 25296.40, inclusive.

(4) The requirements of Article 1 (commencing with Section 25500) of Chapter 6.95 concerning hazardous material release response plans and inventories.

(5) The requirements of Article 2 (commencing with Section 25531) of Chapter 6.95, concerning the accidental release prevention program.

(6) The requirements of Sections 2701.5.1 and 2701.5.2 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9 concerning hazardous material management plans and inventories.

(d) To the maximum extent feasible within statutory constraints, the secretary shall consolidate, coordinate, and make consistent these requirements of the unified program with other requirements imposed by other federal, state, regional, or local agencies upon facilities regulated by the unified program.

(e) (1) The secretary shall establish standards applicable to CUPAs, participating agencies, state agencies, and businesses specifying the data to be collected and submitted by unified program agencies in administering the programs listed in subdivision (c). Those standards shall incorporate any standard developed under Section 25503.3.

(2) (A) No later than January 1, 2010, the secretary shall establish a statewide information management system capable of receiving all data collected by the unified program agencies and reported by regulated businesses pursuant to this subdivision and Section 25504.1, in a manner that is most cost efficient and effective for both the regulated businesses and state and local agencies. The secretary shall prescribe an XML or other compatible Web-based format for the transfer of data from CUPAs and regulated businesses and make all nonconfidential data available on the Internet.

(B) The secretary shall establish milestones to measure the implementation of the statewide information management system and shall provide periodic status updates to interested parties.

(3) (A) (i) Except as provided in subparagraph (B), in addition to any other funding that becomes available, the secretary shall increase the oversight surcharge provided for in subdivision (b) of Section 25404.5 by an amount necessary to meet the requirements of this subdivision for a period of three years, to establish the statewide information management system, consistent with paragraph (2). The increase in the oversight surcharge shall not exceed twenty-five dollars (\$25) in any one year of the three-year period. The secretary shall thereafter maintain the statewide information management system, funded by the assessment the secretary is authorized to impose pursuant to Section 25404.5.

(ii) No less than 75 percent of the additional funding raised pursuant to clause (i) shall be provided to CUPAs and PAs through grant funds or statewide contract services, in the amounts determined by the secretary to assist these local agencies in meeting these information management system requirements.

(B) A facility that is owned or operated by the federal government and that is subject to the unified program shall pay the surcharge required by this paragraph to the extent authorized by federal law.

(C) The secretary, or one or more of the boards, departments, or offices within the California Environmental Protection Agency, shall seek available federal funding for purposes of implementing this subdivision.

(4) No later than three years after the statewide information management system is established, each CUPA, PA, and regulated business shall report program data electronically. The secretary shall work with the CUPAs to develop a phased in schedule for the electronic collection and submittal of information to be included in the statewide information management system, giving first priority to information relating to those chemicals determined by the secretary to be of greatest concern. The secretary, in making this determination shall consult with the CUPAs, the California Emergency Management Agency, the State Fire Marshal, and the boards, departments, and offices within the California Environmental Protection Agency. The information initially included in the statewide information management system shall include, but is not limited to, the hazardous materials inventory information required to be submitted pursuant to Section 25504.1 for perchlorate materials.

(5) The secretary, in collaboration with the CUPAs, shall provide technical assistance to regulated businesses to comply with the electronic reporting requirements and may expend funds identified in clause (i) of subparagraph (A) of paragraph (3) for that purpose.

SEC. 12. Section 25404.2 of the Health and Safety Code is amended to read:

25404.2. (a) The unified program agencies in each jurisdiction shall do all of the following:

(1) (A) The certified unified program agency shall develop and implement a procedure for issuing, to a unified program facility, a unified program facility permit that would replace any permit required by Section 25284 and any permit or authorization required under any local ordinance or regulation relating to the generation or handling of hazardous waste or hazardous materials, but that would not replace a permit issued pursuant to a local ordinance that incorporates provisions of the California Fire Code and California Building Code.

(B) The unified program facility permit, and, if applicable, an authorization to operate pursuant to a permit-by-rule, conditional authorization, or conditional exemption, pursuant to Chapter 6.5 (commencing with Section 25100) or the regulations adopted by the department, are the only grants of authorization required under the unified program elements specified in subdivision (c) of Section 25404.

(C) The unified program agencies shall enforce the elements of a unified program facility permit in the same manner as the permits replaced by the unified program facility permit would be enforced.

(D) If a unified program facility is operating pursuant to the applicable grants of authorization that would otherwise be included in a unified program facility permit for the activities in which the facility is engaged, the unified program agencies shall not require that unified program facility to obtain a unified program facility permit as a condition of operating pursuant to the unified program elements specified in subdivision (c) of Section 25404 and any permit or authorization required under any local ordinance or regulation

relating to the generation or handling of hazardous waste or hazardous materials.

(E) This subparagraph applies to unified program facilities that have existing, not yet expired, grants of authorization for some, but not all, of the authorization requirements encompassed in the unified program facility permit. When issuing a unified program facility permit to such a unified program facility, the unified program agency shall incorporate, by reference, into the unified program facility permit any of the facility's existing, not yet expired, grants of authorization.

(2) To the maximum extent feasible within statutory constraints, the certified unified program agency, in conjunction with participating agencies, shall consolidate, coordinate, and make consistent any local or regional regulations, ordinances, requirements, or guidance documents related to the implementation of subdivision (c) of Section 25404 or pursuant to any regional or local ordinance or regulation pertaining to hazardous waste or hazardous materials. This paragraph does not affect the authority of a unified program agency with regard to the preemption of the unified program agency's authority under state law.

(3) The certified unified program agency, in conjunction with participating agencies, shall develop and implement a single, unified inspection and enforcement program to ensure coordinated, efficient, and effective enforcement of subdivision (c) of Section 25404, and any local ordinance or regulation pertaining to the handling of hazardous waste or hazardous materials.

(4) The certified unified program agency, in conjunction with participating agencies, shall coordinate, to the maximum extent feasible, the single, unified inspection and enforcement program with the inspection and enforcement program of other federal, state, regional, and local agencies that affect facilities regulated by the unified program. This paragraph does not prohibit the unified program agencies, or any other agency, from conducting inspections, or from undertaking any other enforcement-related activity, without giving prior notice to the regulated entity, except if the prior notice is otherwise required by law.

(b) An employee or authorized representative of a unified program agency or a state agency acting pursuant to this chapter has the authority specified in Section 25185, with respect to the premises of a handler, and in Section 25185.5, with respect to real property that is within 2,000 feet of the premises of a handler, except that this authority shall include inspections concerning hazardous material, in addition to hazardous waste.

(c) Each air quality management district or air pollution control district, each publicly owned treatment works, and each office, board, and department within the California Environmental Protection Agency, shall coordinate, to the maximum extent feasible, those aspects of its inspection and enforcement program that affect facilities regulated by the unified program with the inspection and enforcement programs of each certified unified program agency.

(d) The certified unified program agency, in conjunction with participating agencies, may incorporate, as part of the unified program within its jurisdiction, the implementation and enforcement of laws that the unified program agencies are authorized to implement and enforce, other than those specified in subdivision (c) of Section 25404, if that incorporation will not impair the ability of the unified program agencies to fully implement the requirements of subdivision (a).

(e) (1) The withdrawal of an application for a unified program facility permit after it has been filed with the unified program agency shall not, unless the unified program agency consents in writing to the withdrawal, deprive the unified program agencies of their authority to institute or continue a proceeding against the applicant for the denial of the unified program facility permit upon any ground provided by law, and this withdrawal shall not affect the authority of the unified program agencies to institute or continue a proceeding against the applicant pertaining to any violation of the requirements specified in subdivision (c) of Section 25404 or of any local ordinance or regulation relating to the generation or handling of hazardous waste or hazardous materials.

(2) The suspension, expiration, or forfeiture by operation of law of a unified program facility permit, or its suspension, forfeiture, or cancellation by the unified program agency or by order of a court, or its surrender or attempted or actual transfer without the written consent of the unified program agency shall not affect the authority of the unified program agencies to institute or continue a disciplinary proceeding against the holder of a unified program facility permit upon any ground, or otherwise taking an action against the holder of a unified program facility permit on these grounds.

SEC. 13. Section 25503.5 of the Health and Safety Code is amended to read:

25503.5. (a) (1) A business, except as provided in subdivisions (b), (c), and (d), shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503, if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time during the reporting year that is any of the following:

(A) Except as provided in subparagraphs (C), (D), or (F), equal to, or greater than, a total weight of 500 pounds or a total volume of 55 gallons.

(B) Except as provided in subparagraphs (E) or (F), equal to, or greater than, 200 cubic feet at standard temperature and pressure, if the substance is compressed gas.

(C) The threshold planning quantity, under both of the following conditions:

(i) The hazardous material is an extremely hazardous substance, as defined in Section 355.61 of Title 40 of the Code of Federal Regulations.

(ii) The threshold planning quantity for that extremely hazardous substance listed in Appendices A and B of Part 355 (commencing with

Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations is less than 500 pounds.

(D) A total weight of 5,000 pounds, if the hazardous material is a solid or liquid substance that is classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations solely as an irritant or sensitizer, unless the administering agency finds, and provides notice to the business handling the product, that the handling of lesser quantities of that hazardous material requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

(E) (i) A total of 1,000 cubic feet, if the hazardous material is a gas at standard temperature and pressure and is classified as a hazard for the purposes of Section 5194 of Title 8 of the California Code of Regulations solely as a compressed gas, unless the administering agency finds, and provides notice to the business handling the product, that the handling of lesser quantities of that hazardous material requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

(ii) The hazardous materials subject to this subparagraph include a gas for which the only health and physical hazards are simple asphyxiation and the release of pressure.

(iii) The hazardous materials subject to this subparagraph do not include gases in a cryogenic state.

(F) If the substance is a radioactive material, it is handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 1 of Title 10 of the Code of Federal Regulations, or pursuant to any regulations adopted by the state in accordance with those regulations.

(2) In meeting the requirements of this subdivision, a business may, if it elects to do so, use the format adopted pursuant to Section 25503.4.

(3) The administering agency shall make the findings required by subparagraphs (D) and (E) of paragraph (1) in consultation with the local fire chief.

(b) (1) Oxygen, nitrogen, and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian, or pharmacist, at his or her office or place of business, stored at each office or place of business in quantities of not more than 1,000 cubic feet of each material at any one time, are exempt from this section and from Section 25505. The administering agency may require a one-time inventory of these materials for a fee not to exceed fifty dollars (\$50) to pay for the costs incurred by the agency in processing the inventory forms.

(2) (A) Lubricating oil is exempt from this section and Sections 25505 and 25509, for a single business facility, if the total volume of each type of lubricating oil handled at that facility does not exceed 55 gallons and the total volume of all types of lubricating oil handled at that facility does not exceed 275 gallons, at any one time.

(B) For purposes of this paragraph, “lubricating oil” means any oil intended for use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. “Lubricating oil” does not include used oil, as defined in subdivision (a) of Section 25250.1.

(3) Oil-filled electrical equipment that is not contiguous to an electric facility is exempt from this section and Sections 25505 and 25509 if the aggregate capacity is less than 1,320 gallons.

(c) (1) Hazardous material contained solely in a consumer product for direct distribution to, and use by, the general public is exempt from the business plan requirements of this article unless the administering agency has found, and has provided notice to the business handling the product, that the handling of certain quantities of the product requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

(2) In addition to the authority specified in paragraph (4), the administering agency may, in exceptional circumstances, following notice and public hearing, exempt from the inventory provisions of this article any hazardous substance specified in subdivision (q) of Section 25501 if the administering agency finds that the hazardous substance would not pose a present or potential danger to the environment or to human health and safety if the hazardous substance was released into the environment. The administering agency shall specify in writing the basis for granting any exemption under this paragraph. The administering agency shall send a notice to the agency within five days from the effective date of any exemption granted pursuant to this paragraph.

(3) The administering agency, upon application by a handler, may exempt the handler, under conditions that the administering agency determines to be proper, from any portion of the business plan, upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety or to the environment or affect the ability of the administering agency and emergency rescue personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances justifying the exemption. The administering agency shall specify in writing the basis for any exemption under this paragraph.

(4) The administering agency, upon application by a handler, may exempt a hazardous material from the inventory provisions of this article upon proof that the material does not pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment. The administering agency shall specify in writing the basis for any exemption under this paragraph.

(5) An administering agency shall exempt a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity from filing the information in the business plan required by subdivisions (b) and (c) of Section 25504 if all of the following requirements are met:

(A) The handler annually provides the inventory of information required by Section 25509 to the county agricultural commissioner before January 1 of each year.

(B) Each building in which hazardous materials subject to this article are stored is posted with signs, in accordance with regulations that the agency shall adopt, that provide notice of the storage of any of the following:

- (i) Pesticides.
- (ii) Petroleum fuels and oil.
- (iii) Types of fertilizers.

(C) Each county agricultural commissioner forwards the inventory to the administering agency within 30 days from the date of receipt of the inventory.

(6) The administering agency shall exempt a business operating an unstaffed remote facility located in an isolated sparsely populated area from the hazardous materials business plan and inventory requirements of this article if the facility is not otherwise subject to the requirements of applicable federal law, and all of the following requirements are met:

(A) The types and quantities of materials onsite are limited to one or more of the following:

(i) Five hundred standard cubic feet of compressed inert gases (asphyxiation and pressure hazards only).

(ii) Five hundred gallons of combustible liquid used as a fuel source.

(iii) Two hundred gallons of corrosive liquids used as electrolytes in closed containers.

(iv) Five hundred gallons of lubricating and hydraulic fluids.

(v) One thousand two hundred gallons of flammable gas used as a fuel source.

(vi) Any quantity of mineral oil contained within electrical equipment, such as transformers, bushings, electrical switches, and voltage regulators, if a spill prevention control and countermeasure plan has been prepared for quantities in excess of 1,320 gallons.

(B) The facility is secured and not accessible to the public.

(C) Warning signs are posted and maintained for hazardous materials pursuant to the California Fire Code.

(D) A one-time notification and inventory are provided to the administering agency along with a processing fee in lieu of the existing fee. The fee shall not exceed the actual cost of processing the notification and inventory, including a verification inspection, if necessary.

(E) If the information contained in the initial notification or inventory changes and the time period of the change is longer than 30 days, the notification or inventory shall be resubmitted within 30 days to the administering agency to reflect the change, along with a processing fee, in lieu of the existing fee, that does not exceed the actual cost of processing the amended notification or inventory, including a verification inspection, if necessary.

(F) The administering agency shall forward a copy of the notification and inventory to those agencies that share responsibility for emergency response.

(G) The administering agency may require an unstaffed remote facility to submit a hazardous materials business plan and inventory in accordance with this article if the agency finds that special circumstances exist such that development and maintenance of the business plan and inventory are necessary to protect public health and safety and the environment.

(d) On-premise use, storage, or both, of propane in an amount not to exceed 500 gallons that is for the sole purpose of cooking, heating the employee work areas, and heating water, within that business, is exempt from this section, unless the administering agency finds, and provides notice to the business handling the propane, that the handling of the on-premise propane requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

(e) The administering agency shall provide all information obtained from completed inventory forms, upon request, to emergency rescue personnel on a 24-hour basis.

(f) The administering agency shall adopt procedures to provide for public input when approving any applications submitted pursuant to paragraph (3) or (4) of subdivision (c).

SEC. 14. Section 25509 of the Health and Safety Code is amended to read:

25509. (a) The annual inventory form shall include, but shall not be limited to, information on all of the following which are handled in quantities equal to or greater than the quantities specified in subdivision (a) of Section 25503.5:

(1) A listing of the chemical name and common names of every hazardous substance or chemical product handled by the business.

(2) The category of waste, including the general chemical and mineral composition of the waste listed by probable maximum and minimum concentrations, of every hazardous waste handled by the business.

(3) A listing of the chemical name and common names of every other hazardous material or mixture containing a hazardous material handled by the business that is not otherwise listed pursuant to paragraph (1) or (2).

(4) The maximum amount of each hazardous material or mixture containing a hazardous material disclosed in paragraphs (1), (2), and (3) that is handled at any one time by the business over the course of the year.

(5) Sufficient information on how and where the hazardous materials disclosed in paragraphs (1), (2), and (3) are handled by the business to allow fire, safety, health, and other appropriate personnel to prepare adequate emergency responses to potential releases of the hazardous materials.

(6) The SIC Code number of the business if applicable.

(7) The name and telephone number of the person representing the business and able to assist emergency personnel in the event of an emergency involving the business during nonbusiness hours.

(b) If the local fire chief requires the business to comply with the requirements of subdivision (c) of Section 2701.5.2 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9, the business shall also file the addendum required by Section 25503.9 with the administering agency.

(c) The administering agency may permit the reporting of the amount of hazardous material under this section by ranges, rather than a specific amount, as long as those ranges provide the information necessary to meet the needs of emergency rescue personnel, to determine the potential hazard from a release of the materials, and meets the purposes of this chapter.

(d) (1) Except as provided in subdivision (e), the annual inventory form required by this section shall also include all inventory information required by Section 11022 of Title 42 of the United States Code, as that section read on January 1, 1989, or as it may be subsequently amended.

(2) The agency may adopt or amend existing regulations specifying the inventory information required by this subdivision.

(e) If, pursuant to federal law or regulation, as it currently exists or as it may be amended, there is a determination that the inventory information required by subdivisions (a) and (c) is substantially equivalent to the inventory information required under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivision (d) shall not apply.

SEC. 15. Section 25509.2 of the Health and Safety Code is amended to read:

25509.2. (a) The Legislature hereby finds and declares all of the following:

(1) Persons attempting to do business in this state are increasingly experiencing excessive and duplicative regulatory requirements at different levels of government.

(2) To streamline and ease the regulatory burdens of doing business in this state, compliance with the hazardous materials release response plans and inventory requirements of this chapter shall also suffice to meet the requirements of the California Fire Code with regard to the requirement for a hazardous materials management plan and hazardous materials inventory statement, as set forth in Chapter 27 of the California Fire Code and its appendices.

(3) Businesses which are required to comply with this chapter do so on one form, with one fee and one inspection. The administering agency shall forward the data collected, within 15 days of receipt and confirmation, with other local agencies in a format easily interpreted by those agencies with shared responsibilities for protection of the public health and safety and the environment.

(4) Enforcement of this chapter and the California Fire Code shall be coordinated.

(b) Notwithstanding Section 13143.9, and any standards and regulations adopted pursuant to that section, a business that files the annual inventory form in compliance with this article, including the addendum adopted

pursuant to Section 25503.9, as required by the local fire chief to comply with Section 2701.5.2 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9, shall be deemed to have met the requirements of Section 2701.5.2 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9.

(c) Notwithstanding Section 13143.9, and any standards and regulations adopted pursuant to that section, a business that establishes and maintains a business plan for emergency response to a release or a threatened release of a hazardous material in accordance with Section 25503.5, shall be deemed to have met the requirements of Section 2701.5.1 of the California Fire Code, as adopted by the State Fire Marshal pursuant to Section 13143.9.

(d) Except for the addendum required by the local fire chief, the administering agency shall be the sole enforcement agency for purposes of determining compliance pursuant to subdivisions (b) and (c).

(e) Except as otherwise expressly provided in this section, this section does not affect or otherwise limit the authority of the local fire chief to enforce the California Fire Code.

SEC. 16. Section 48701 of the Public Resources Code is amended to read:

48701. For purposes of this chapter, the following terms have the following meanings:

(a) "Architectural paint" means interior and exterior architectural coatings, sold in containers of five gallons or less for commercial or homeowner use, but does not include aerosol spray paint or coatings purchased for industrial or original equipment manufacturer use.

(b) "Consumer" means a purchaser or owner of architectural paint, including a person, business, corporation, limited partnership, nonprofit organization, or governmental entity.

(c) "Department" means the Department of Resources Recycling and Recovery.

(d) "Distributor" means a person that has a contractual relationship with one or more manufacturers to market and sell architectural paint to retailers.

(e) "Manufacturer" means a manufacturer of architectural paint.

(f) "Postconsumer paint" means architectural paint not used by the purchaser.

(g) "Retailer" means a person that sells architectural paint in the state to a consumer. A sale includes, but is not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means.

(h) "Stewardship organization" means a nonprofit organization created by the manufacturers to implement the architectural paint stewardship program described in Section 48703.

SEC. 17. Section 48703 of the Public Resources Code is amended to read:

48703. (a) On or before April 1, 2012, a manufacturer or designated stewardship organization shall submit an architectural paint stewardship plan to the department.

(b) (1) The plan shall demonstrate sufficient funding for the architectural paint stewardship program as described in the plan, including a funding mechanism for securing and dispersing funds to cover administrative, operational, and capital costs, including the assessment of charges on architectural paint sold by manufacturers in this state.

(2) The funding mechanism shall provide for an architectural paint stewardship assessment for each container of architectural paint sold by manufacturers in this state and the assessment shall be remitted to the stewardship organization, if applicable.

(3) The architectural paint stewardship assessment shall be added to the cost of all architectural paint sold to California retailers and distributors, and each California retailer or distributor shall add the assessment to the purchase price of all architectural paint sold in the state.

(4) The architectural paint stewardship assessment shall be approved by the department as part of the plan, and shall be sufficient to recover, but not exceed, the cost of the architectural paint stewardship program. The plan shall require that any surplus funds be put back into the program to reduce the costs of the program, including the assessment amount.

(c) The plan shall address the coordination of the architectural paint stewardship program with existing local household hazardous waste collection programs as much as this is reasonably feasible and is mutually agreeable between those programs.

(d) The plan shall include goals established by the manufacturer or stewardship organization to reduce the generation of postconsumer paint, to promote the reuse of postconsumer paint, and for the proper end-of-life management of postconsumer paint, including recovery and recycling of postconsumer paint, as practical, based on current household hazardous waste program information. The goals may be revised by the manufacturer or stewardship organization based on the information collected for the annual report.

(e) The plan shall include consumer, contractor, and retailer education and outreach efforts to promote the source reduction and recycling of architectural paint. This information may include, but is not limited to, developing, and updating as necessary, educational and other outreach materials aimed at retailers of architectural paint. These materials shall be made available to the retailers. These materials may include, but are not limited to, one or more of the following:

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

(2) Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery, or both. Written materials shall include information on the prohibition of improper disposal of architectural paint.

(3) Advertising or other promotional materials, or both, that include references to architectural paint recycling opportunities.

(f) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant to the paint stewardship program, if the retailer's paint

collection location meets all of the conditions in Sections 25217.2 and 25217.2.1 of the Health and Safety Code.

SEC. 18. Section 48705 of the Public Resources Code is amended to read:

48705. (a) On or before September 1, 2013, and each year thereafter, a manufacturer of architectural paint sold in this state shall, individually or through a representative stewardship organization, submit a report to the department describing its architectural paint recovery efforts. At a minimum, the report shall include all of the following:

(1) The total volume of architectural paint sold in this state during the preceding fiscal year.

(2) The total volume of postconsumer architectural paint recovered in this state during the preceding fiscal year.

(3) A description of methods used to collect, transport, and process postconsumer architectural paint in this state.

(4) The total cost of implementing the architectural paint stewardship program.

(5) An evaluation of how the architectural paint stewardship program's funding mechanism operated.

(6) An independent financial audit funded from the paint stewardship assessment.

(7) Examples of educational materials that were provided to consumers the first year and any changes to those materials in subsequent years.

(b) The department shall review the annual report required pursuant to this section and within 90 days of receipt shall adopt a finding of compliance or noncompliance with this chapter.

SEC. 19. Section 7.5 of this bill incorporates amendments to Section 25217.2 of the Health and Safety Code proposed by both this bill and Assembly Bill 255. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, but this bill becomes operative first, (2) each bill amends Section 25217.2 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 255, in which case Section 25217.2 of the Health and Safety Code, as amended by Section 7 of this bill, shall remain operative only until the operative date of Assembly Bill 255, at which time Section 7.5 of this bill shall become operative.

SEC. 20. Section 11.5 of this bill incorporates amendments to Section 25404 of the Health and Safety Code proposed by both this bill and Senate Bill 456. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, but this bill becomes operative first, (2) each bill amends Section 25404 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 456, in which case Section 25404 of the Health and Safety Code, as amended by Section 11 of this bill, shall remain operative only until the operative date of Senate Bill 456, at which time Section 11.5 of this bill shall become operative.

SEC. 21. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments

sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code, or because the costs may be incurred by a local agency or school district because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 22. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the hazardous waste laws and regulations are fully complied with as soon as possible, and to make other changes relating to emergency response, the handling of hazardous materials, the unified program, and the recycling of paint, thereby protecting the public health and safety and the environment, it is necessary that this act take effect immediately.

Assembly Bill No. 525

CHAPTER 573

An act to amend Section 42885.5 of, to add Section 48704.1 to, and to add and repeal Section 42872.5 of, the Public Resources Code, relating to solid waste.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 525, Gordon. Solid waste: tire recycling: architectural paint recovery program.

(1) The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires, including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs.

This bill would require the department 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. The bill would make the public works waste tire grant program inoperative on June 30, 2015, and would repeal the provision authorizing this program on January 1, 2016. The bill would also make conforming changes with regard to the department's 5-year plan.

(2) Existing law creates an architectural paint recovery program that is enforced by the Department of Resources Recycling and Recovery. On or before April 1, 2012, a manufacturer or designated stewardship organization is required to submit to the department an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal. The plan is required to contain specified elements of an architectural paint stewardship program, including, but not limited to, an architectural paint stewardship assessment, approved by the department, on each container of architectural paint sold in this state.

Existing law prohibits a manufacturer or retailer from selling or offering for sale architectural paint to any person in this state, unless the manufacturer

is listed on the department's Internet Web site as being in compliance with the program. Existing law authorizes the department to administratively impose civil penalties for violations of the act. Existing law requires a stewardship organization to pay the department annual administrative fees in the amount that is sufficient to cover the department's full costs of administering and enforcing the program.

This bill would establish the Architectural Paint Stewardship Account in the Integrated Waste Management Fund, would require the fees to be deposited in this account, and would require the department to expend those fees, upon appropriation by the Legislature, to cover the department's costs to implement the program. The bill would also establish the Architectural Paint Stewardship Penalty Subaccount in the Integrated Waste Management Fund, would require the penalties collected to be deposited in that subaccount, and would authorize the department to expend those funds, upon appropriation by the Legislature, to cover the department's costs to implement the program.

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

SECTION 1. Section 42872.5 is added to the Public Resources Code, to read:

42872.5. (a) The grants awarded pursuant to Section 42872 may be made to cities, counties, and other local government agencies for the funding of public works projects that use waste tires, including, but not limited to, the use of rubberized asphalt concrete and tire-derived aggregate.

(b) The grants described in subdivision (a) shall be funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund established pursuant to Section 42885.

(c) In order to provide outreach to local agencies regarding the use of rubberized asphalt concrete in public works projects, both of the following shall occur:

(1) The department shall create, annually update, and post on its Internet Web site a database of public works projects that use waste tires that were completed by local agencies receiving grants for purposes of this section.

(2) The department shall provide technical support to local agencies on the design and application for using waste tires in public works projects.

(d) This section shall become inoperative on June 30, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 42885.5 of the Public Resources Code is amended to read:

42885.5. (a) The department shall adopt a five-year plan, which shall be updated every two years, to establish goals and priorities for the waste tire program and each program element.

(b) On or before July 1, 2001, and every two years thereafter, the department shall submit the adopted five-year plan to the appropriate policy and fiscal committees of the Legislature. The department shall include in the plan, programmatic and fiscal issues including, but not limited to, the hierarchy used by the department to maximize productive uses of waste and used tires, and the performance objectives and measurement criteria used by the department to evaluate the success of its waste and used tire recycling program. Additionally, the plan shall describe each program element's effectiveness, based upon performance measures developed by the department, including, but not limited to, the following:

(1) Enforcement and regulations relating to the storage of waste and used tires.

(2) Cleanup, abatement, or other remedial action related to waste tire stockpiles throughout the state.

(3) Research directed at promoting and developing alternatives to the landfill disposal of waste tires.

(4) Market development and new technology activities for used tires and waste tires.

(5) The waste and used tire hauler program and manifest system.

(6) A description of the grants, loans, contracts, and other expenditures proposed to be made by the department under the tire recycling program.

(7) Until June 30, 2015, the grant program authorized under Section 42872.5 to encourage the use of waste tires, including, but not limited to, rubberized asphalt concrete technology, in public works projects.

(8) Border region activities, conducted in coordination with the California Environmental Protection Agency, including, but not limited to, all of the following:

(A) Training programs to assist Mexican waste and used tire haulers to meet the requirements for hauling those tires in California.

(B) Environmental education training.

(C) Development of a waste tire abatement plan, with the appropriate government entities of California and Mexico.

(D) Tracking both the legal and illegal waste and used tire flow across the border and recommended revisions to the waste tire policies of California and Mexico.

(E) Coordination with businesses operating in the border region and with Mexico, with regard to applying the same environmental and control requirements throughout the border region.

(F) Development of projects in Mexico in the California-Mexico border region, as defined by the La Paz Agreement, that include, but are not limited to, education, infrastructure, mitigation, cleanup, prevention, reuse, and recycling projects, that address the movement of used tires from California to Mexico that are eventually disposed of in California.

(c) The department shall base the budget for the California Tire Recycling Act and program funding on the plan.

(d) The plan may not propose financial or other support that promotes, or provides for research for the incineration of tires.

SEC. 3. Section 48704.1 is added to the Public Resources Code, to read:
48704.1. (a) The Architectural Paint Stewardship Account and the Architectural Paint Stewardship Penalty Subaccount are hereby established in the Integrated Waste Management Fund created pursuant to Section 40135.

(b) All fees collected by the department pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Account and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

(c) All civil penalties collected pursuant to this chapter shall be deposited in the Architectural Paint Stewardship Penalty Subaccount and may be expended by the department, upon appropriation by the Legislature, to cover the department's costs to implement this chapter.

Assembly Bill No. 712

CHAPTER 576

An act to add Section 14583 to the Public Resources Code, relating to recycling.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 712, Williams. Recycling: beverage containers.

The California Beverage Container Recycling and Litter Reduction Act requires a distributor to pay a redemption payment for each beverage container sold or offered for sale to the Department of Resources Recycling and Recovery. The act requires the Division of Recycling in the Department of Resources Recycling and Recovery, subject to the availability of funds, to expend specified moneys set aside in the California Beverage Container Recycling Fund, for specified purposes relating to the recycling of beverage containers.

This bill would, notwithstanding the above expenditure requirement, prohibit the department, on and after July 1, 2012, from making any payments, grants, or loans, as provided, to a city, county, or city and county, if the 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, as defined, as may be required pursuant to a specified law.

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

SECTION 1. Section 14583 is added to the Public Resources Code, to read:

14583. Notwithstanding Section 14581, on and after July 1, 2012, the department shall not make any payments, grants, or loans, as provided in that section, to a city, county, or city and county, if the 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, as defined in Section 14526.6, as may be required pursuant to Section 14571.

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Assembly Bill No. 1149

CHAPTER 486

An act to amend Sections 14549.2 and 14581 of the Public Resources Code, relating to beverage containers, and making an appropriation therefor.

[Approved by Governor October 5, 2011. Filed with
Secretary of State October 6, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1149, Gordon. Beverage containers: recycling and litter reduction: funds.

Existing law, the California 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 to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. After setting aside funds for the payment of refund values and administrative fees, and for a reserve for contingencies, the remaining moneys in the fund are continuously appropriated to the department for expenditure for designated programs, grants, and fee payments, including annually expending up to \$10,000,000 to make market development payments for empty plastic beverage containers, until January 1, 2012. The department is authorized to expend up to \$20,000,000 annually, until January 1, 2012, for recycling market development grants and up to \$20,000,000 annually, until January 1, 2012, for certain grants and programs, but is prohibited from expending those funds for the 2010 and 2011 calendar years. The department is also required to publish an evaluation of those grants by January 1, 2014. Existing law requires the department to determine the amount of the market development payment, but not more than a specified amount per ton. The department is required to establish a processing fee account for each material type and to deposit in the account, besides the processing fees paid for that material type, a specified amount of the remaining moneys in the fund.

The bill would require the department, in 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 annually expend up to \$10,000,000 to make these payments until January 1, 2017, thereby making an appropriation.

The bill would authorize the department to expend from the remaining moneys in the fund, until January 1, 2017, an amount for market development payments for empty plastic beverage containers, in addition to the existing authorization. The bill would require the department to calculate this additional amount, in a specified manner, based upon the amount of the

remaining moneys in the fund estimated to be necessary for deposit in the processing fee account for plastic beverage containers.

The bill would delete the authorization to expend funds for recycling market development grants and for those other grants and programs and would repeal the requirement for the publication of the grant evaluation.

Appropriation: yes.

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

SECTION 1. Section 14549.2 of the Public Resources Code is amended to read:

14549.2. (a) For purposes of this section, the following definitions shall apply:

(1) "Certified entity" means a recycling center, processor, or dropoff or collection program certified pursuant to this division.

(2) "Product manufacturer" means any person who manufactures a plastic product in this state.

(b) In order to develop California markets for empty plastic beverage containers collected for recycling in the state, the department may, consistent with Section 14581 and subject to the availability of funds, pay a market development payment to a certified entity or product manufacturer for empty plastic beverage containers collected and managed pursuant to this section.

(c) The department shall make a market development payment to a certified entity or product manufacturer in accordance with this section, only if the plastic beverage container is collected and either recycled or used in manufacturing, in the state, as follows:

(1) The department shall make a market development payment to a certified entity for empty plastic beverage containers that are collected for recycling in the state, that are subsequently washed and processed by a certified entity into a flake, pellet, or other form in the state, and made usable for the manufacture of a plastic product by a product manufacturer.

(2) The department shall make a market development payment to a product manufacturer for empty plastic beverage containers that are collected for recycling in the state, that are subsequently washed and processed into a flake, pellet or other form in the state, and used by that product manufacturer to manufacture a product in this state.

(3) The department shall determine the amount of the market development payment, which may be set at a different level for a certified entity and a product manufacturer, but shall not exceed one hundred fifty dollars (\$150) per ton. In setting the amount of the market development payment for both certified entities and product manufacturers, the department shall consider all of the following:

(A) The minimum funding level needed to encourage the in-state washing and processing of empty plastic beverage containers collected for recycling in this state.

(B) The minimum funding level needed to encourage the in-state manufacturing that utilizes empty plastic beverage containers collected for recycling in this state.

(C) The total amount of funds projected to be available for plastic market development payments and the desire to maintain the minimum funding level needed throughout the year.

(4) The department may make a market development payment to both a certified entity and a product manufacturer for the same empty plastic beverage container.

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

SEC. 2. Section 14581 of the Public Resources Code is amended to read:

14581. (a) Subject to the availability of funds and in accordance with subdivision (c), the department shall expend the moneys set aside in the fund, pursuant to subdivision (c) of Section 14580, for the purposes of this section in the following manner:

(1) For each fiscal year, the department may expend the amount necessary to make the required handling fee payment pursuant to Section 14585.

(2) Fifteen million dollars (\$15,000,000) shall be expended annually for payments for curbside programs and neighborhood dropoff programs pursuant to Section 14549.6.

(3) (A) Fifteen million dollars (\$15,000,000), plus the proportional share of the cost-of-living adjustment, as provided in subdivision (b), shall be expended annually in the form of grants for beverage container litter reduction programs and recycling programs issued to either of the following:

(i) Certified community conservation corps that were in existence on September 30, 1999, or that are formed subsequent to that date, that are designated by a city or a city and county to perform litter abatement, recycling, and related activities, if the city or the city and county has a population, as determined by the most recent census, of more than 250,000 persons.

(ii) Community conservation corps that are designated by a county to perform litter abatement, recycling, and related activities, and are certified by the California Conservation Corps as having operated for a minimum of two years and as meeting all other criteria of Section 14507.5.

(B) The grants provided pursuant to this paragraph shall not comprise more than 75 percent of the annual budget of a community conservation corps.

(C) For the 2009–10 fiscal year only, the eight million two hundred fifty thousand dollars (\$8,250,000) appropriated to the California Conservation Corps for certified local conservation corps by Item 3340-101-0133 of Sec. 2.00 of the 2009–10 Budget Act, as added by Section 166 of Chapter 1 of the Fourth Extraordinary Session of the Statutes of 2009, shall be in addition to the amounts expended pursuant to this paragraph.

(4) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to

cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside recycling programs, neighborhood dropoff recycling programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds shall not be used for activities unrelated to beverage container recycling or litter reduction.

(D) To receive these funds, a city, county, or city and county shall fill out and return a funding request form to the department. The form shall specify the beverage container recycling or litter reduction activities for which the funds will be used.

(E) The department shall annually prepare and distribute a funding request form to each city, county, or city and county. The form shall specify the amount of beverage container recycling and litter cleanup funds for which the jurisdiction is eligible. The form shall not exceed one double-sided page in length, and may be submitted electronically. If a city, county, or city and county does not return the funding request form within 90 days of receipt of the form from the department, the city, county, or city and county is not eligible to receive the funds for that funding cycle.

(F) For the purposes of this paragraph, per capita population shall be based on the population of the incorporated area of a city or city and county and the unincorporated area of a county. The department may withhold payment to any city, county, or city and county that has prohibited the siting of a supermarket site, caused a supermarket site to close its business, or adopted a land use policy that restricts or prohibits the siting of a supermarket site within its jurisdiction.

(5) (A) One million five hundred thousand dollars (\$1,500,000) may be expended annually in the form of grants for beverage container recycling and litter reduction programs.

(B) Notwithstanding subdivision (f), the department shall not expend funds pursuant to this paragraph for the 2010 and 2011 calendar years.

(6) (A) The department shall expend the amount necessary to pay the processing payment established pursuant to Section 14575. The department shall establish separate processing fee accounts in the fund for each beverage container material type for which a processing payment and processing fee are calculated pursuant to Section 14575, or for which a processing payment is calculated pursuant to Section 14575 and a voluntary artificial scrap value is calculated pursuant to Section 14575.1, into which account shall be deposited both of the following:

(i) All amounts paid as processing fees for each beverage container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraph (2) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (e) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(B) Notwithstanding Section 13340 of the Government Code, the moneys in each processing fee account are hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments pursuant to Section 14575.

(C) Notwithstanding the other provisions of this section and Section 14575, for the 2010 and 2011 calendar years, the total amount that the department may expend to reduce the amount of processing fees for each container type shall not exceed the total amount expended to reduce processing fees in the 2008 calendar year.

(7) (A) Up to five million dollars (\$5,000,000) may be annually expended by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(B) Notwithstanding subdivision (f), the department shall not expend funds pursuant to this paragraph for the 2010 and 2011 calendar years.

(8) Up to ten million dollars (\$10,000,000) may be expended annually by the department for quality incentive payments for empty glass beverage containers pursuant to Section 14549.1.

(9) (A) Up to ten million dollars (\$10,000,000) may be expended annually by the department for market development payments for empty plastic beverage containers pursuant to Section 14549.2, until January 1, 2017.

(B) On and after January 1, 2012, in addition to the amount specified in subparagraph (A), the department may expend the amount calculated pursuant to subparagraph (C) for market development payments for empty plastic beverage containers pursuant to Section 14549.2.

(C) The department shall calculate the amount authorized for expenditure pursuant to subparagraph (B) in the following manner:

(i) The department shall determine, on or before January 1, 2012, and annually thereafter, whether the amount of funds estimated to be necessary pursuant to clause (ii) of subparagraph (A) of paragraph (6) for deposit to a processing fee account established by the department for plastic beverage containers to make processing payments for plastic beverage containers for the current calendar year is less than the total amount of funds that were estimated to be necessary the previous calendar year pursuant to clause (ii) of subparagraph (A) of paragraph (6) for deposit to that processing fee account.

(ii) If the amount estimated to be necessary for the current calendar year, as specified in clause (i), is less than the amount estimated to be necessary

for the previous calendar year, the department shall calculate the amount of that difference.

(iii) The department shall expend an amount that is not greater than 50 percent of the amount calculated pursuant to clause (ii) for purposes of subparagraph (B).

(iv) If the department determines that the amount of funds authorized for expenditure pursuant to this subparagraph is not needed to make plastic market development payments pursuant to subparagraph (B) in the calendar year for which that amount is allocated, the department may expend those funds during the following year.

(v) If the department determines that there are insufficient funds to both make the market development payments pursuant to subparagraph (B) and to deposit the amount required by clause (ii) of subparagraph (A) of paragraph (6), for purposes of making the processing payments and reducing the processing fees pursuant to Section 14575 for plastic beverage containers, the department shall suspend the implementation of this subparagraph and subparagraph (B).

(D) Subparagraphs (B) and (C) shall remain operative only until January 1, 2017.

(b) The fifteen million dollars (\$15,000,000) that is set aside pursuant to paragraph (3) of subdivision (a) is a base amount that the department shall adjust annually to reflect any increases or decreases in the cost of living, as measured by the Department of Labor, or a successor agency, of the federal government.

(c) (1) If the department determines, pursuant to a review made pursuant to Section 14556, that there may be inadequate funds to pay the payments required by this division, the department shall immediately notify the appropriate policy and fiscal committees of the Legislature regarding the inadequacy.

(2) On or before 180 days, but not less than 80 days, after the notice is sent pursuant to paragraph (1), the department may reduce or eliminate expenditures, or both, from the funds as necessary, according to the procedure set forth in subdivision (d).

(d) If the department determines that there are insufficient funds to make the payments specified pursuant to this section and Section 14575, the department shall reduce all payments proportionally.

(e) Prior to making an expenditure pursuant to paragraph (7) of subdivision (a), the department shall convene an advisory committee consisting of representatives of the beverage industry, beverage container manufacturers, environmental organizations, the recycling industry, nonprofit organizations, and retailers to advise the department on the most cost-effective and efficient method of the expenditure of the funds for that education and information campaign.

(f) Subject to the availability of funds, the department shall retroactively pay in full any payments provided in this section that have been

proportionally reduced during the period of January 1, 2010, through June 30, 2010.

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AMENDED IN SENATE AUGUST 24, 2011

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

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

February 18, 2011

An act to amend Sections 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.

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 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. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste

facility to abrogate certain agreements, 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 *otherwise limit or affect the land use authority* of a city or county from exercising local land use authority.

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 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, *because these restrictions or limitations are not an aspect*
28 *of solid waste handling pursuant to paragraph (1) of subdivision*
29 *(a) of Section 40059.*

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

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

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

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

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

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

17 40900.1. The Legislature hereby further finds and declares all
18 of the following:

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

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

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

35 (d) Local, state, and federal agencies generating solid waste that
36 is sent to a host jurisdiction for disposal should be encouraged to
37 provide the host jurisdiction with information on the amount of
38 solid waste and regarding any solid waste source reduction,
39 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.

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Senate Bill No. 833

Passed the Senate June 1, 2011

Secretary of the Senate

Passed the Assembly August 31, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock _____ M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 44000.6 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, Vargas. Solid waste: disposal facilities: San Diego County.

(1) The California Integrated Waste Management Act of 1989 regulates the management of solid waste.

Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and 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 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.

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

SECTION 1. Section 44000.6 is added to the Public Resources Code, to read:

44000.6. (a) Notwithstanding any other provision of this division, a person shall not construct or operate a solid waste landfill disposal facility in the County of San Diego if that disposal facility meets both of the following conditions:

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

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

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

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

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

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the costs may be incurred by a local agency or school district

because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution or because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



OFFICE OF THE GOVERNOR

OCT 09 2011

To the Members of the California State Senate:

I am returning Senate Bill 833 without my signature.

This bill would prohibit the construction of a particular waste disposal project in San Diego County. This project—which has been the subject of vigorous local debate for over 20 years—has been put to a vote of the people of San Diego twice and approved both times.

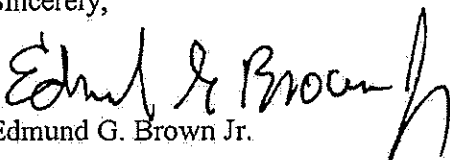
The primary concerns about this project relate to its proximity both to a river and to a site sacred to federally recognized tribes.

Protection of the river is the duty and responsibility of the San Diego Regional Water Quality Control Board, with a right of appeal to the State Water Board. Numerous other regulatory agencies also have responsibilities for protecting the river. In other words, there is already in place a fully sufficient process to make a thoughtful and informed environmental decision about this project.

I am deeply concerned about the objections raised with respect to the sacred site, but I don't believe it is appropriate for the Legislature to now intervene and overturn this hard fought local land-use decision.

This dispute pains me given the unspeakable injustices the native peoples have endured and the profound importance of their spirituality and connection to the land. There's no question that more thought needs to be given to how we resolve this inherently difficult decision and to find ways for native peoples and their fellow Californians to coexist in an inexorably modernizing world.

Sincerely,


Edmund G. Brown Jr.

Senate Bill No. 909

CHAPTER 601

An act to amend Section 25150.7 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 909, La Malfa. Treated wood waste: disposal.

(1) Existing law requires, among other things, treated wood waste, as defined, to be disposed of in either a class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets certain requirements. Existing law requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information at specified locations. Existing law requires that the posted message contain, among other things, sources for obtaining further information, such as an Internet Web site and a toll-free telephone number. Existing law makes these, and other requirements, inoperative on June 1, 2012, and repeals them on January 1, 2013. A violation of the state's hazardous waste control laws is a crime.

This bill would specify the Internet Web site and the toll-free telephone number that are to be included in the posted message. The bill would extend the June 1, 2012, inoperative date and the January 1, 2013, repeal date to June 1, 2017, and January 1, 2018, respectively. The bill would delete other obsolete language. By extending 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.

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

SECTION 1. Section 25150.7 of the Health and Safety Code is amended to read:

25150.7. (a) The Legislature finds and declares that this section is intended to address the unique circumstances associated with the generation and management of treated wood waste. The Legislature further declares that this section does not set a precedent applicable to the management, including disposal, of other hazardous wastes.

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

(1) "Treated wood" means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

(2) "Wood preserving industry" means business concerns, other than retailers, that manufacture or sell treated wood products in the state.

(c) This section applies only to treated wood waste that is a hazardous waste, solely due to the presence of a preservative in the wood, and to which both of the following requirements apply:

(1) The treated wood waste is not subject to regulation as a hazardous waste under the federal act.

(2) Section 25143.1.5 does not apply to the treated wood waste.

(d) (1) Notwithstanding Sections 25189.5 and 25201, treated wood waste shall be disposed of in either a class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, and that is regulated by waste discharge requirements issued pursuant to Division 7 (commencing with Section 13000) of the Water Code for discharges of designated waste, as defined in Section 13173 of the Water Code, or treated wood waste.

(2) A solid waste landfill that accepts treated wood waste shall comply with all of the following requirements:

(A) Manage the treated wood waste so as to prevent scavenging.

(B) Ensure that any management of the treated wood waste at the solid waste landfill prior to disposal, or in lieu of disposal, complies with the applicable requirements of this chapter, except as otherwise provided by regulations adopted pursuant to subdivision (f).

(C) If monitoring at the composite-lined portion of a landfill unit at which treated wood waste has been disposed of indicates a verified release, then treated wood waste shall no longer be discharged to that landfill unit until corrective action results in cessation of the release.

(e) (1) Each wholesaler and retailer of treated wood and treated wood-like products in this state shall conspicuously post information at or near the point of display or customer selection of treated wood and treated wood-like products used for fencing, decking, retaining walls, landscaping, outdoor structures, and similar uses. The information shall be provided to wholesalers and retailers by the wood preserving industry in 22-point font, or larger, and contain the following message:

Warning—Potential Danger

These products are treated with wood preservatives registered with the United States Environmental Protection Agency and the California Department of Pesticide Regulation and should only be used in compliance with the product labels.

This wood may contain chemicals classified by the State of California as hazardous and should be handled and disposed of with care. Check product label for specific preservative information and Proposition 65 warnings concerning presence of chemicals known to the State of California to cause cancer or birth defects.

Anyone working with treated wood, and anyone removing old treated wood, needs to take precautions to minimize exposure to themselves, children, pets, or wildlife, including:

- Avoid contact with skin. Wear gloves and long sleeved shirts when working with treated wood. Wash exposed areas thoroughly with mild soap and water after working with treated wood.
- Wear a dust mask when machining any wood to reduce the inhalation of wood dusts. Avoid frequent or prolonged inhalation of sawdust from treated wood. Machining operations should be performed outdoors whenever possible to avoid indoor accumulations of airborne sawdust.
- Wear appropriate eye protection to reduce the potential for eye injury from wood particles and flying debris during machining.
- If preservative or sawdust accumulates on clothes, launder before reuse. Wash work clothes separately from other household clothing.
- Promptly clean up and remove all sawdust and scraps and dispose of appropriately.
- Do not use treated wood under circumstances where the preservative may become a component of food or animal feed.
- Only use treated wood that's visibly clean and free from surface residue for patios, decks, or walkways.
- Do not use treated wood where it may come in direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.
- Do not use treated wood for mulch.
- Do not burn treated wood. Preserved wood should not be burned in open fires, stoves, or fireplaces.

For further information, go to the Internet Web site for the Western Wood Preservers Institute (<http://www.wwpinstitute.org>) or call the toll-free telephone number of the California Treated Wood Information Hotline at 1-866-696-8315.

In addition to the above listed precautions, treated wood waste shall be managed in compliance with applicable hazardous waste control laws.

(2) On or before July 1, 2005, the wood preserving industry shall, jointly and in consultation with the department, make information available to generators of treated wood waste, including fencing, decking and landscape contractors, solid waste landfills, and transporters, that describes how to best handle, dispose of, and otherwise manage treated wood waste, through the use either of a toll-free telephone number, Internet Web site, information labeled on the treated wood, information accompanying the sale of the treated wood, or by mailing if the department determines that mailing is feasible and other methods of communication would not be as effective. A treated wood manufacturer or supplier to a wholesaler or retailer shall also provide the information with each shipment of treated wood products to a wholesaler or retailer, and the wood preserving industry shall provide it to fencing, decking, and landscaping contractors, by mail, using the Contractors' State License Board's available listings, and license application packages. The department may provide guidance to the wood preserving industry, to the extent resources permit.

(f) (1) On or before January 1, 2007, the department, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the Office of Environmental Health Hazard Assessment, and after consideration of any known health hazards associated with treated wood waste, shall adopt and may subsequently revise as necessary, regulations establishing management standards for treated wood waste as an alternative to the requirements specified in this chapter and the regulations adopted pursuant to this chapter.

(2) The regulations adopted pursuant to this subdivision shall, at a minimum, ensure all of the following:

(A) Treated wood waste is properly stored, treated, transported, tracked, disposed of, and otherwise managed so as to prevent, to the extent practical, releases of hazardous constituents to the environment, prevent scavenging, and prevent harmful exposure of people, including workers and children, aquatic life, and animals to hazardous chemical constituents of the treated wood waste.

(B) Treated wood waste is not reused, with or without treatment, except for a purpose that is consistent with the approved use of the preservative with which the wood has been treated. For purposes of this subparagraph, "approved uses" means a use approved at the time the treated wood waste is reused.

(C) Treated wood waste is managed in accordance with all applicable laws.

(D) Any size reduction of treated wood waste is conducted in a manner that prevents the uncontrolled release of hazardous constituents to the environment, and that conforms to applicable worker health and safety requirements.

(E) All sawdust and other particles generated during size reduction are captured and managed as treated wood waste.

(F) All employees involved in the acceptance, storage, transport, and other management of treated wood waste are trained in the safe and legal management of treated wood waste, including, but not limited to, procedures for identifying and segregating treated wood waste.

(3) This subdivision does not authorize the department to adopt a regulation that does one or more of the following:

(A) Imposes a requirement as an addition to, rather than as an alternative to, one or more of the requirements of this chapter.

(B) Supersedes subdivision (d) concerning the disposal of treated wood waste.

(C) Supersedes any other provision of this chapter that provides a conditional or unconditional exclusion, exemption, or exception to a requirement of this chapter or the regulations adopted pursuant to this chapter, except the department may adopt a regulation pursuant to this subdivision that provides an alternative condition for a requirement specified in this chapter for an exclusion, exemption, or exception and that allows an affected person to choose between complying with the requirements specified in this chapter or complying with the alternative conditions set forth in the regulation.

(g) (1) A person managing treated wood waste who is subject to a requirement of this chapter, including a regulation adopted pursuant to this chapter, shall comply with either the alternative standard specified in the regulations adopted pursuant to subdivision (f) or with the requirements of this chapter.

(2) A person who is in compliance with the alternative standard specified in the regulations adopted pursuant to subdivision (f) is deemed to be in compliance with the requirement of this chapter for which the regulation is identified as being an alternative, and the department and any other entity authorized to enforce this chapter shall consider that person to be in compliance with that requirement of this chapter.

(h) On January 1, 2005, all variances granted by the department before January 1, 2005, governing the management of treated wood waste are inoperative and have no further effect.

(i) This section does not limit the authority or responsibility of the department to adopt regulations under any other law.

(j) On or before June 1, 2011, the department shall prepare and post on its Internet Web site a report that makes a determination regarding the successful compliance with, and implementation of, this section.

(k) This section shall become inoperative on June 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

(l) A regulation adopted pursuant to this section on or before June 1, 2012, shall continue in force and effect after that date, until repealed or revised by the department.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that

may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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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
10/12/11

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: **Chaptered**
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:
09/06/2011 Signed by GOVERNOR.
09/06/2011 Chaptered by Secretary of State. Chapter No. 213

<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
LOCATION: **Chaptered**
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:
10/08/2011 Chaptered by Secretary of State. Chapter No. 569

<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: 09/02/2011
LOCATION: Chaptered
SUMMARY:

Requires the Department of Resources Recycling and Recovery to create strategies to provide that not less than 75% of all solid waste is source reduced, recycled, or composted. Requires local agencies to update information to be included in the nondisposal facility element. Requires a business that generates a specified total of commercial solid waste and recyclable material to arrange for recycling services. Includes provisions for commercial waste generators. Relates to waste facility permitting.

STATUS:
10/05/2011 Signed by GOVERNOR.
10/06/2011 Chaptered by Secretary of State. Chapter No. 476

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

Subject
ESJPA
Solid.Waste

CA AB 408

AUTHOR: Wieckowski (D)
TITLE: Hazardous Waste Transportation: Paint Recycling
LAST AMEND: 08/29/2011
LOCATION: Chaptered
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 an evacuation or 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. Relates to the recycling of oil-based paint. Imposes new requirements on the collection of latex paint.

STATUS:
10/08/2011 Chaptered by Secretary of State. Chapter No. 603

<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: Architectural Paint
LAST AMEND: 09/01/2011
LOCATION: **Chaptered**

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 local governments and agencies for the funding of public works projects that use waste tires. Extends the operative date of the Public Works Waste Tire Grant Program. Relates to the architectural paint recovery program and manufacturer and retailer compliance with provisions. Establishes the Architectural Paint Stewardship Account.

STATUS:

10/08/2011 Chaptered by Secretary of State. Chapter No. 573

<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: Funds
LAST AMEND: 09/02/2011
LOCATION: **Chaptered**
SUMMARY:
Extends the operative date of the Environmental Protection Trust Fund and the related training account established and maintained by the Secretary for Environmental Protection and authorizes the expenditure of a portion of the moneys in the Fund, upon appropriation by the Legislature, to the training account and allocates all remaining funds to the unified program agencies for expenditure to implement the Aboveground Petroleum Storage Act.
STATUS:
10/08/2011 Chaptered by Secretary of State. Chapter No. 574

<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: **Chaptered**
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:
10/08/2011 Chaptered by Secretary of State. Chapter No. 576

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

CA AB 750 **AUTHOR:** Hueso (D)
TITLE: Solid Waste: waste tires **Gut and Amended to:**
Finance: Investment Trust Blue Ribbon Task Force
LAST AMEND: 08/15/2011
LOCATION: Vetoed

CA AB 762 **AUTHOR:** Smyth (R)
TITLE: Public Health: Medical Waste
LAST AMEND: 07/07/2011
LOCATION: **Chaptered**
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:

09/06/2011 Signed by GOVERNOR.

09/06/2011 Chaptered by Secretary of State. Chapter No. 222

Position

Watch 02/23/2011

Staff

Mary

Subject

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.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA AB 812

AUTHOR: Ma (D)

TITLE: Solid Waste: Recycled Concrete: Recycled Asphalt

LOCATION: Assembly Transportation Committee

SUMMARY:

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.

STATUS:

05/02/2011 In ASSEMBLY Committee on TRANSPORTATION: Heard, remains in Committee.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA AB 818

AUTHOR: Blumenfield (D)

TITLE: Solid Waste: Multifamily Dwellings

LAST AMEND: 07/01/2011

LOCATION: Chaptered

SUMMARY:

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.

STATUS:

09/07/2011 Signed by GOVERNOR.

09/07/2011 Chaptered by Secretary of State. Chapter No. 279

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA AB 837

AUTHOR: Nestande (R)

TITLE: Solid Waste: Plastic Food Containers

LAST AMEND: 06/20/2011

LOCATION: Senate Environmental Quality Committee

SUMMARY:

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.

STATUS:

07/06/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA AB 868

AUTHOR: Davis (D)

TITLE: Hazardous Waste: Transportation

LOCATION: Assembly Environmental Safety and Toxic Materials Committee

SUMMARY:

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.

STATUS:

05/10/2011 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

Position

Watch 02/23/2011

Staff

Mary

Subject

CUPA

ESJPA

CA AB 900

AUTHOR: Buchanan (D)

TITLE: School Recycling **Gut and Amended to:**
Environmental Leadership Act of 2011

LAST AMEND: 09/09/2011

LOCATION: Chaptered

CA AB 921

AUTHOR: Allen (D)

TITLE: Solid waste: compost **Gut and Amended to:**
Agriculture Water Use Efficiency: Compost Applications

LAST AMEND: 04/25/2011

LOCATION: Assembly Appropriations Committee

CA AB 960

AUTHOR: Lowenthal B (D)

TITLE: Recycling: Electronic Waste

LAST AMEND: 05/27/2011

LOCATION: Senate Appropriations Committee

SUMMARY:

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.

STATUS:

08/25/2011 In SENATE Committee on APPROPRIATIONS: Held in committee.

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA AB 1016

AUTHOR: Achadjian (R)

TITLE: Nuisance: landfill activities **Gut and Amended to:**
Inmates: State Hospitals: Reimbursement of Costs

LAST AMEND: 08/15/2011

LOCATION: Chaptered

CA AB 1019

AUTHOR: Perez J (D)

TITLE: Solid Waste: Carpet Stewardship

LAST AMEND: 09/02/2011

LOCATION: Senate Third Reading File

SUMMARY:

Reenacts the state law that enacted the Carpet Stewardship Program that requires a carpet manufacturer or a care

stewardship organization to adopt a plan for the purpose of increasing the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or managed in a manner that is consistent with the state's hierarchy for waste management practice, and provides for an assessment to be imposed on the carpet sold in the state for implementation of the plan.

STATUS:

09/08/2011 In SENATE. Ordered to third reading.
 09/08/2011 In SENATE. Urgency clause failed adoption. (24-14)
 09/08/2011 In SENATE. Motion to reconsider.
 09/08/2011 In SENATE. Reconsideration granted.

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

CA AB 1149

AUTHOR: Gordon (D)
TITLE: Beverage Containers: Recycling And Litter Reduction
LAST AMEND: 09/01/2011
LOCATION: **Chaptered**

SUMMARY:

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, in setting market development payments for both certified entities and product manufacturers, to consider certain factors. Extends the authorization for payments. Authorizes market development payments. Prohibits funds for recycling market development grants.

STATUS:

10/05/2011 Signed by GOVERNOR.
 10/06/2011 Chaptered by Secretary of State. Chapter No. 486

<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: 08/24/2011
LOCATION: Senate Environmental Quality Committee

SUMMARY:

Prohibits an ordinance enacted by a city or county, including an ordinance enacted by initiative of the local entity's voters, from 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 the guarantee of permitted capacity, or limit land use authority.

STATUS:

08/31/2011 In SENATE Committee on ENVIRONMENTAL QUALITY: Held in committee.

BOARD.PACKET

August2011	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
JUNE2011	Paul	Watch 06/22/2011	Larry
MAY2011			Mary

Subject

ESJPA

CA AB 1183

AUTHOR: Berryhill B (R)
TITLE: Hazardous substances: accidental release prevention **Gut and Amended to:**
 Environment: CEQA: Environmental Impact Report: Actions
LAST AMEND: 03/31/2011
LOCATION: Assembly Natural Resources Committee

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.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Watch 02/19/2011	Mary	ESJPA

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.

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

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.

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

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

SubjectESJPA

CA SB 225

AUTHOR: Simitian (D)
TITLE: Pollution Control Financing Authority: Loan Program
LAST AMEND: 08/22/2011
LOCATION: **Chaptered**

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:

10/05/2011 Signed by GOVERNOR.
10/06/2011 Chaptered by Secretary of State. Chapter No. 492

Lobbyist

Paul

Position

Watch 02/11/2011

Staff

Mary

SubjectESJPA

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.

Lobbyist

Paul

Position

Pending 02/16/2011

StaffLarry
MarySubjectESJPA

CA SB 419

AUTHOR: Simitian (D)
TITLE: Solid Waste: Home-Generated Sharps
LOCATION: Assembly Third Reading File

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:

09/01/2011 In ASSEMBLY. From Inactive File. To third reading.

<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: 08/26/2011
LOCATION: **Chaptered**

SUMMARY:

Relates to a door-to-door household hazardous waste collection and pickup service program. Allows a hazardous waste transporter operating such a program or a pickup service to use a specified manifesting procedure for transporting household hazardous waste under certain conditions. Requires a public agency to maintain a copy of the manifest in a specified manner. Includes certain exempt transfer facilities in a specified unified hazardous waste and materials management regulatory program.

STATUS:

10/08/2011 Chaptered by Secretary of State. Chapter No. 602

<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 Mary	ESJPA Stewardship

CA SB 518

AUTHOR: Simitian (D)
TITLE: Recycling: Beverage Containers
LOCATION: Assembly Third Reading File

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:

08/29/2011 In ASSEMBLY. From Consent Calendar. To third reading.

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

CA SB 567

AUTHOR: DeSaulnier (D)
TITLE: Recycling: Plastic Products
LAST AMEND: 09/01/2011
LOCATION: **Chaptered**

SUMMARY:

Prohibits the sale of a plastic product labeled as compostable, home compostable, or marine degradable unless it meets standard specifications or a specified standard, or 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. Provides for the continuation of

plastic bag labeling provisions.

STATUS:

10/08/2011 Chaptered by Secretary of State. Chapter No. 594

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

CA SB 568

AUTHOR: Lowenthal A (D)
TITLE: Recycling: Polystyrene Food Containers
LAST AMEND: 07/12/2011
LOCATION: Assembly Inactive File
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:

09/08/2011 In ASSEMBLY. To Inactive File.

Position

Watch 02/23/2011

Staff

Mary

Subject

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.

Position

Watch 02/23/2011

Staff

Mary

Subject

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.

Lobbyist

Paul 03/23/2011

Position

Watch 02/22/2011

Staff

Larry

Mary

Subject

ESJPA

LandUse

CA SB 771

AUTHOR: Kehoe (D)
TITLE: Renewable Energy Resources **Gut and Amended to:**
Alternative Energy and Advanced Transportation Finance
LAST AMEND: 09/02/2011
LOCATION: Chaptered

<u>CA SB 833</u>	AUTHOR:	Vargas (D)		
	TITLE:	Solid Waste: Disposal Facilities: San Diego County		
	LAST AMEND:	04/25/2011		
	LOCATION:	Vetoed		
	SUMMARY:	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 or an aquifer that is hydrologically connected to that river and is within a specified distance of a site that is considered sacred or a spiritual or cultural importance to a tribe and is listed in the State Native American Heritage Commission Sacred Lands Inventory.		
	STATUS:	10/09/2011 Vetoed by GOVERNOR.		
	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
	Paul	Oppose 04/11/2011	Mary	ESJPA
<u>CA SB 841</u>	AUTHOR:	Wolk (D)		
	TITLE:	Solid Waste: Enterprises: Contracts		
	LAST AMEND:	06/22/2011		
	LOCATION:	Chaptered		
	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:	10/09/2011 Chaptered by Secretary of State. Chapter No. 713		
	<u>Position</u>	<u>Staff</u>	<u>Subject</u>	
	Watch 02/23/2011	Mary	ESJPA	
<u>CA SB 900</u>	AUTHOR:	Steinberg (D)		
	TITLE:	Waste discharge: fees Gut and Amended to:		
	LAST AMEND:	Regional Water Quality Control Boards: Members		
	LOCATION:	05/09/2011		
	LOCATION:	Assembly Inactive File		
<u>CA SB 904</u>	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.		
	<u>Position</u>	<u>Staff</u>	<u>Subject</u>	
	Watch 02/23/2011	Mary	ESJPA	
<u>CA SB 909</u>	AUTHOR:	LaMalfa (R)		
	TITLE:	Treated Wood Waste: Disposal		
	LAST AMEND:	04/13/2011		
	LOCATION:	Chaptered		
	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 and 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. Extends the inoperative and repeal dates of existing law. Deletes obsolete language.

STATUS:

10/08/2011 Chaptered by Secretary of State. Chapter No. 601

Lobbyist

Paul

Position

Watch 02/23/2011

Staff

Mary

Subject

ESJPA

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

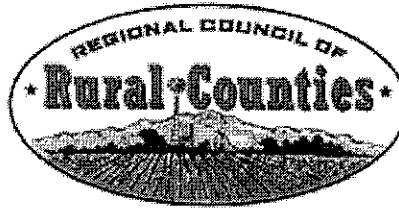
ESJPA

2011 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 341 Chesbro Solid waste: diversion (Request for signature 9/9/11)
- AB 408 Wieckowski Hazardous waste transportation: paint recycling (Request for signature 9/8/11)
- AB 525 (Gordon) Solid waste: tire recycling: architectural paint (Request for signature 9/12/11)
- AB 712 (Williams) Recycling: beverage containers (Request for signature 9/12/11)
- AB 1149 Gordon Beverage containers: funds (Request for signature 9/26/11)
- SB 833 Vargas Solid waste: facilities permit (Veto request 9/1/11)
- SB 909 La Malfa Treated Wood Waste (Request for signature 9/7/11)

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September 9, 2011

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

RE: Assembly Bill 341 (Chesbro) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully requests your signature on Assembly Bill 341. This bill, authored by Assembly Member Wes Chesbro, addresses a number of aspects aimed at improving California's effort to divert solid waste from landfills.

RCRC is comprised of members of the Boards of Supervisors from thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) 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 to reduce the amount of solid waste that is disposed of in California.

Local jurisdictions have made significant strides in implementing programs for the diversion of solid waste from landfills. Collectively, our state exceeds the required 50% goal that was established many years ago. Despite these efforts, we still need to find better ways to divert waste materials. One of the components of AB 341 requires CalRecycle to report on potential strategies to increase our state's solid waste diversion rate.

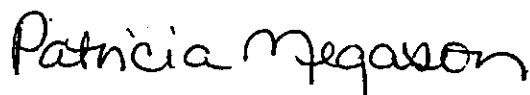
In addition, AB 341 includes a provision to mandate commercial recycling. In recent months, the staff of CalRecycle has been working with municipal governments to enact regulatory efforts to increase recycling from the state's businesses. During those discussions, we have impressed upon regulatory officials that these regulations contain flexibility in ways to increase recycling from businesses. Furthermore, the regulatory package should be sensitive to the current business climate. We believe the effort achieves several goals: flexibility, economic sensitivity, and increasing the amount of solid waste diverted from landfills.

AB 341, as recently amended, mirrors the current efforts of CalRecycle. While a mandatory commercial recycling effort will be imposed, the structure it provides will ensure flexibility to both local governments and businesses. We believe this approach will have long-term benefits to both sectors in the form of increased diversion for cities and counties, and a reduction in waste collection costs for businesses that reduce the amount of waste generated

RCRC recognizes that these are difficult times for businesses located throughout the state. Nevertheless, AB 341 and the regulations crafted by CalRecycle and now being considered by the ARB reflect an understanding that efforts to reducing waste disposed in landfills must contain flexibility.

For the above reasons, RCRC respectfully requests your signature of this measure. Thank you for your consideration in this matter.

Sincerely,

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

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Wes Chesbro, Member of the California State Assembly

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September 8, 2011

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

RE: Assembly Bill 408 (Wieckowski) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully requests your signature on Assembly Bill 408. This bill, authored by Assembly Member Bob Wieckowski, would address the issue of the types of paint which can be accepted at certain retail establishments.

Last year, the Legislature enacted AB 1343 (Huffman) which established a product stewardship framework for consumers to return unused architectural paint to entities (most likely retail paint stores) for proper handling and disposal. As AB 1343 is being implemented, it was discovered that a change in law is needed to address various rules and regulations vis-à-vis oil-based paints and latex-based paints. Specifically, nothing precludes the acceptance of latex-based paint, however retail paint stores and others cannot legally accept oil-based paint at the store unless the establishment holds a valid hazardous waste facility permit to do so. RCRC believes that both types of paint should be legally handled in the same manner. The rejection of oil-based paint at retail outlets would also likely result in increased illegal dumping from customers who would rather not take the oil-based paint to a household hazardous waste facility. Without this legislation, household hazardous waste facilities (many of which are operated by counties) would continue to be the only local option for the disposal of oil-based paint.

For the above reasons, RCRC respectfully requests your signature of this measure. Thank you for your consideration in this matter.

Sincerely,

Patricia Megason
Executive Vice President

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September 12, 2011

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

RE: Assembly Bill 525 (Gordon) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully requests your signature on Assembly Bill 525. This bill, authored by Assembly Member Richard Gordon, would continue for another four years the California Tire Recycling Management Fund's (the Fund) grant program to local governments for public works projects using rubberized asphalt concrete.

For a number of years, the Fund has made monies available for public works projects that use rubberized asphalt concrete. These funds help divert used vehicle tires from being disposed in landfills, stockpiles, or being burned. While many rural counties have difficulties using these products due to distance-to-markets, RCRC certainly supports the continuation of this program. In that spirit, we are encouraged by provisions that require outreach to local agencies regarding the program and the public works projects that would use waste tires.

Furthermore, amendments to AB 525 were made at the end of the legislative process to address the architectural paint stewardship program. RCRC has been engaged with your Administration in implementing this valuable program and the technical revisions contained in AB 525 assist in that effort.

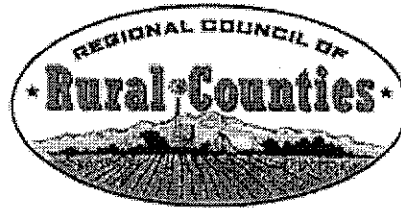
For the above reasons, RCRC respectfully requests your signature of this measure. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Richard Gordon, Member, California State Assembly
1215 K STREET, SUITE 1650 SACRAMENTO, CA 95814 PHONE: 916-447-4806 FAX: 916-448-3154 WEB: WWW.RCRCNET.ORG

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September 12, 2011

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

RE: Assembly Bill 712 (Williams) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully requests your signature on Assembly Bill 712. This bill, authored by Assembly Member Das Williams, would prevent a city or county from receiving local government grants from the Beverage Container Recycling Fund (commonly referred to as the "Bottle Bill") if that city/county imposes restrictions that prevent a convenience zone to be served.

RCRC is comprised of members of the Boards of Supervisors from our thirty-one 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 beverage container recycling program is a key component to meeting these requirements, particularly in rural counties.

A number of municipalities have adopted zoning and land-use restrictions that virtually preclude the siting of convenience zone operators who redeem beverage containers under the state's Bottle Bill program. While we fully acknowledge a municipal's ability to adopt such restrictions, we do not believe those practices should be rewarded via the program's "city/county payment" to those municipalities. We believe the integrity of the city/county payment must be maintained and preserved or there will be an appetite for its elimination. Thus, withholding a municipality's payment if they choose to enact restrictions on convenience zone operators, as AB 712 would do, is worthy public policy.

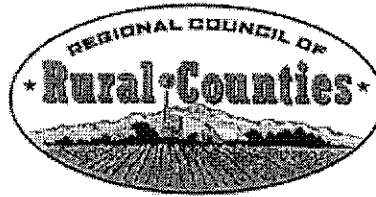
For the above reasons, RCRC respectfully requests your signature of this measure. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Das Williams, Member, California State Assembly

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September 26, 2011

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

RE: Assembly Bill 1149 (Gordon & Wi eckowski) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties respectfully requests your signature on Assembly Bill 1149 which addresses our state's beverage container recycling program.

RCRC is comprised of members of the Boards of Supervisors from our thirty-one 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 beverage container recycling program is a key component to meeting these requirements, particularly in rural counties.

AB 1149 extends 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. The measure also refines the program to encourage more in-state development of plastic bottle recycling facilities.

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, RCRC respectfully requests your signature on Assembly Bill 1149.

Thank you for your consideration in this matter.

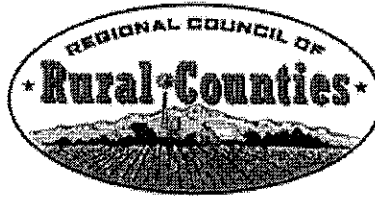
Sincerely,

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

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Rich Gordon, Member of the State Assembly

Alpine Amador Butte Calaveras Colusa
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September 1, 2011

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

RE: Senate Bill 833 (Vargas) – REQUEST FOR VETO

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully urges your veto of Senate Bill 833. This bill, authored by Senate Member Juan Vargas, 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.

The Integrated Waste Management Act, along with the Planning and Zoning Law and California Environmental Quality Act (CEQA), provide 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 public input. These statutes allow parties to challenge the environmental review documents and 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. We also appreciate the sensitivities of these proposed facilities near historical/cultural areas. However, a process currently exists that 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, namely the long-disputed siting of the Gregory Canyon landfill, 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 and subsequent executive administrations have created over the past forty years.

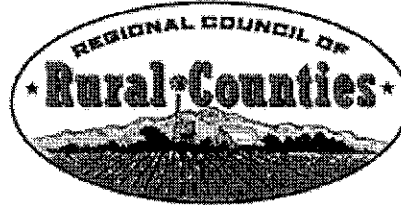
For these reasons, RCRC respectfully requests your veto of SB 833. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Juan Vargas, Member, California State Senate

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September 7, 2011

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

RE: Senate Bill 909 (LaMalfa) – REQUEST FOR SIGNATURE

Dear Governor Brown:

The Regional Council of Rural Counties (RCRC) respectfully requests your signature on Senate Bill 909, authored by Senator Doug LaMalfa, which would continue statutory guidance for the appropriate disposal of treated wood waste in specified solid waste landfills.

SB 909 will extend for an additional five years the existing requirements for managing treated wood deemed a hazardous waste. As such, a disposal process that allows treated wood waste to 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.

For the above reasons, RCRC respectfully requests your signature of this measure. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Doug La Malfa, Member of the California State Senate

