

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

**Thursday, March 17, 2016**

**Agenda Item VI  
Legislative Update**

**Complete Text of Selected Solid Waste Bills**

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**Assembly Bill No. 876**

**CHAPTER 593**

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

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

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 876, McCarty. Compostable organics.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Assembly Bill No. 901**

**CHAPTER 746**

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

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

**LEGISLATIVE COUNSEL'S DIGEST**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Assembly Bill No. 1045**

**CHAPTER 596**

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

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

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 1045, Irwin. Organic waste: composting.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Senate Bill No. 489**

**CHAPTER 419**

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

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

**LEGISLATIVE COUNSEL'S DIGEST**

SB 489, Monning. Hazardous waste: photovoltaic modules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Article 17. Photovoltaic Modules

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

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



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

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AMENDED IN ASSEMBLY JANUARY 21, 2016

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 45**

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**Introduced by Assembly Member Mullin**

December 1, 2014

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An act to add *and repeal* Article 3.4 (commencing with Section 47120) ~~to~~ of Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 45, as amended, Mullin. Household hazardous waste.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

~~This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service area, on or before July 1, 2020, by 15% over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a comprehensive program for the collection of household hazardous waste to facilitate compliance with those provisions, and would require each jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.~~

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

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

~~This bill would require the department to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department. The bill would require the department to determine whether a nonprofit organization has been created and funded to make grants to local jurisdictions for specified purposes relating to household hazardous waste disposal and would specify that if the department does not determine that such a nonprofit organization exists by December 31, 2018, then the bill's provisions would be repealed on January 1, 2019.~~

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

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

- 1 SECTION 1. ~~(a)~~ The Legislature finds and declares all of the
- 2 following:
- 3 ~~(1)~~
- 4 ~~(a)~~ Household hazardous waste is creating environmental,
- 5 health, and workplace safety issues. Whether due to unused
- 6 pharmaceuticals, batteries, medical devices, or other disposable

1 consumer items, effective and efficient disposal remains an  
2 extraordinary challenge.

3 (2)

4 (b) State and local efforts to address disposal of these items  
5 have been well intended and, in some cases, effective. However,  
6 even the most effective programs have very low consumer  
7 participation. Other approaches being promoted throughout the  
8 state would fragment the collection of household hazardous waste  
9 and move collection away from consumer convenience.

10 (3)

11 (c) In addition to other programs for the collection of household  
12 hazardous waste, a number of cities in California are already using  
13 curbside household hazardous waste collection programs,  
14 door-to-door household hazardous waste collection programs, and  
15 household hazardous waste residential pickup services as  
16 mechanisms for collecting and disposing of many commonly used  
17 household items for which disposal has been the subject of state  
18 legislation ~~or~~ and local ordinances. The waste disposal companies  
19 and local governments that have implemented these programs have  
20 found them to be valuable components of a comprehensive  
21 approach to the management of household hazardous waste.

22 (4)

23 (d) There is also an appropriate role for manufacturers and  
24 distributors of these products in comprehensive efforts to more  
25 effectively manage household hazardous waste. That role should  
26 be based on the ability of manufacturers and distributors to  
27 communicate with consumers.

28 ~~(b) It is the intent of the Legislature to enact legislation that~~  
29 ~~would establish curbside household hazardous waste collection~~  
30 ~~programs, door-to-door household hazardous waste collection~~  
31 ~~programs, and household hazardous waste residential pickup~~  
32 ~~services as the principal means of collecting household hazardous~~  
33 ~~waste and diverting it from California's landfills and waterways.~~

34 SEC. 2. Article 3.4 (commencing with Section 47120) is added  
35 to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,  
36 to read:

1 Article 3.4. Household Hazardous Waste Collection and  
2 Reduction  
3

4 47120. For purposes of this article, the following terms have  
5 the following meanings:

6 (a) "Comprehensive program for the collection of household  
7 hazardous waste" means a local program that may include, but is  
8 not limited to, the following components:

9 (1) Utilization of locally sponsored collection sites.

10 (2) Scheduled and publicly advertised ~~drop-off~~ *drop-off* days.

11 (3) Door-to-door collection programs.

12 (4) Mobile collection programs.

13 (5) Dissemination of information about how consumers should  
14 dispose of the various types of household hazardous waste.

15 (6) Education programs to promote consumer understanding  
16 and use of the local components of a comprehensive program.

17 (b) "Household hazardous waste" includes, but is not limited  
18 to, the following:

19 (1) Automotive products, including, but not limited to,  
20 antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax,  
21 and polish.

22 (2) Garden chemicals, including, but not limited to, fertilizers,  
23 herbicides, insect sprays, pesticides, and weed killers.

24 (3) Household chemicals, including, but not limited to, ammonia,  
25 cleaners, strippers, and rust removers.

26 (4) Paint products, including, but not limited to, paint, caulk,  
27 glue, stripper, thinner, and wood preservatives and stain.

28 (5) Consumer electronics, including, but not limited to,  
29 televisions, computers, laptops, monitors, keyboards, DVD and  
30 CD players, VCRs, MP3 players, cell phones, desktop printers,  
31 scanners, fax machines, ~~mouses~~, *computer mice*, microwaves, and  
32 related cords.

33 (6) Swimming pool chemicals, including, but not limited to,  
34 chlorine tablets and liquids, pool acids, and stabilizers.

35 (7) Household batteries. For purposes of this section, "household  
36 batteries" means batteries that individually weigh two kilograms  
37 or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and  
38 any other batteries typically generated as household waste,  
39 including, but not limited to, batteries used to provide power for  
40 consumer electronic and personal goods often found in a household.

1 (8) Fluorescent tubes and compact ~~fluorescent~~ *fluorescent* lamps.

2 (9) Mercury-containing items, including, but not limited to,  
3 thermometers, thermostats, and switches.

4 (10) Home-generated sharps waste, as defined in Section 117671  
5 of the Health and Safety Code.

6 (11) Home-generated pharmaceutical waste. For purposes of  
7 this section, "home-generated pharmaceutical waste" means a  
8 prescription or nonprescription drug, as specified in Section 4022  
9 or 4025.1 of the Business and Professions Code, that is a waste  
10 generated by a household or households. "Home-generated  
11 pharmaceutical waste" shall not include drugs for which producers  
12 provide a take-back program as a part of a United States Food and  
13 Drug ~~Administration managed~~ *Administration-managed* risk  
14 evaluation and mitigation strategy pursuant to Section 355-1 of  
15 Title 21 of the United States Code, or waste generated by a  
16 business, corporation, limited partnership, or an entity involved  
17 in a wholesale transaction between a distributor and a retailer.

18 ~~47121. (a) (1) On or before July 1, 2020, each jurisdiction~~  
19 ~~shall increase its collection and diversion of household hazardous~~  
20 ~~waste in its service area by 15 percent over its baseline amount,~~  
21 ~~as established pursuant to subdivision (b).~~

22 ~~(2) Notwithstanding paragraph (1), a jurisdiction that has in~~  
23 ~~place or adopts an ordinance implementing a comprehensive~~  
24 ~~program for the collection of household hazardous waste shall~~  
25 ~~have an additional two years to meet the collection and diversion~~  
26 ~~objective in paragraph (1).~~

27 ~~(b) No later than July 1, 2016, each jurisdiction shall inform the~~  
28 ~~department of its baseline amount of collection and diversion of~~  
29 ~~hazardous waste in accordance with regulations adopted by the~~  
30 ~~department. The baseline amount may be expressed in tonnage or~~  
31 ~~by the number of households participating, and may focus on~~  
32 ~~particular types of household hazardous waste.~~

33 ~~47122. (a) The department shall adopt regulations to implement~~  
34 ~~this article.~~

35 ~~(b) The department may adopt a model ordinance for a~~  
36 ~~comprehensive program for the collection of household hazardous~~  
37 ~~waste to facilitate compliance with this article.~~

38 ~~47123. Commencing July 1, 2020, and annually thereafter,~~  
39 ~~each jurisdiction shall report to the department on progress~~  
40 ~~achieved in complying with this section. A jurisdiction shall make~~

1 a good faith effort to comply with this section, and the department  
2 may determine whether a jurisdiction has made a good faith effort  
3 for purposes of this program. To the maximum extent practicable,  
4 it is the intent of the Legislature that reporting requirements under  
5 this section be satisfied by submission of similar reports currently  
6 required by law.

7 ~~47124. This article does not apply to a jurisdiction that does  
8 not provide for the residential collection and disposal of solid  
9 waste.~~

10 47121. (a) *The department, in consultation with affected  
11 industries and stakeholders, shall adopt one or more model  
12 ordinances for a comprehensive program for the collection of  
13 household hazardous waste for adoption by any local jurisdiction  
14 that provides for the residential collection and disposal of solid  
15 waste.*

16 (b) *Upon adoption of the model ordinance or ordinances by the  
17 department, the department shall notify the public by posting the  
18 model ordinance or ordinances on the department's Internet Web  
19 site.*

20 (c) *After the department posts the model ordinance or  
21 ordinances on its Internet Web site, a local jurisdiction that  
22 proposes to enact an ordinance governing the collection and  
23 diversion of household hazardous waste may adopt one of the  
24 department's model ordinances.*

25 47122. (a) *The department shall determine whether an  
26 appropriate nonprofit organization has been created and funded  
27 for the purpose of making grants to local governments to assist  
28 with both of the following activities:*

29 (1) *Educating residents of communities on the existence of  
30 household hazardous waste disposal programs and how to use  
31 them.*

32 (2) *Defraying the cost of components of local government  
33 household hazardous waste programs.*

34 (b) *In making the determination set forth in subdivision (a), the  
35 department shall take all of the following into consideration:*

36 (1) *Whether the nonprofit organization has, at the time of the  
37 determination, a minimum of five million dollars (\$5,000,000)  
38 dedicated to grants to local governments for the purposes set forth  
39 in subdivision (a).*



1 (2) Whether the nonprofit organization will have sufficient  
2 funding to allocate grants to local governments throughout the  
3 state for five years.

4 (3) Whether the composition of the nonprofit's board of directors  
5 is sufficiently diverse and experienced to appropriately consider  
6 grant applications that will positively impact efforts to improve  
7 disposal of household hazardous waste.

8 (4) Whether the nonprofit organization has appropriate criteria  
9 for considering grant applications.

10 (c) Upon making a determination that an appropriate nonprofit  
11 organization exists as set forth in subdivision (a), the department  
12 shall post the fact that the department has made this determination  
13 on the department's Internet Web site.

14 47123. This article is applicable only to local jurisdictions that  
15 provide for the residential collection and disposal of solid waste.

16 47124. If the department does not make the determination that  
17 there exists an appropriate nonprofit organization, as specified in  
18 subdivision (a) of Section 47122, by December 31, 2018, this  
19 article shall be repealed on January 1, 2019.

20 SEC. 3. ~~No reimbursement is required by this act pursuant to~~  
21 ~~Section 6 of Article XIII B of the California Constitution because~~  
22 ~~a local agency or school district has the authority to levy service~~  
23 ~~charges, fees, or assessments sufficient to pay for the program or~~  
24 ~~level of service mandated by this act, within the meaning of Section~~  
25 ~~17556 of the Government Code.~~

O



AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 15, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1063**

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**Introduced by Assembly Member Williams**

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

The

*This* bill additionally would require the department, commencing January 1, 2019, to establish, as provided, and impose a charge on all solid waste generators to be collected by a city, county, or city and county and remitted to the state board, as specified. ~~The bill would require that the moneys collected from each solid waste generator between January 1, 2019, and would, until January 1, 2022, be allocated by authorize the department to allocate a portion of the moneys collected to fund~~ activities that promote recycling and the highest and best use of materials, as specified. By adding to the duties of local governments, this bill would impose a state-mandated local program.

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

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

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

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~SEC. 5:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 ~~SEC. 6.~~

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



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

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

9 ~~SEC. 7.~~

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

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

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

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

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

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

38 ~~SEC. 8.~~

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

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

4 ~~SEC. 9.~~

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

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

O

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

**ASSEMBLY BILL**

**No. 1063**

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**Introduced by Assembly Member Williams**

February 26, 2015

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

**legislative counsel's digest**

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

**Existing**

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

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

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

The bill additionally would require the department, commencing January 1, 2019, to establish, as provided, and impose a charge on all solid waste generators to be collected by a city, county, or city and county and remitted to the state board, as specified. The bill would require that the moneys collected from each solid waste generator between January 1, 2019, and January 1, 2022, be allocated by the department to activities that promote recycling and the highest and best use of materials, as specified. By adding to the duties of local governments, this bill would impose a state-mandated local program.

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

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

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

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

Vote: majority  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

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

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

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

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

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

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

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

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

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

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

1 SEC. 2. Section 48000 is added to the Public Resources Code,  
 2 to read:  
 3 48000. (a) (1) Each operator of a disposal facility shall  
 4 quarterly pay a fee that is based on the amount, by weight or  
 5 volumetric equivalent as determined by the department, of all solid  
 6 waste disposed at each disposal site. The fee shall be ~~five dollars~~  
 7 ~~(\$5.00)~~ four dollars (\$4.00) three dollars and fifty cents (\$3.50) per ton.  
 8 (2) The fee imposed by this subdivision shall be remitted to the  
 9 state board.  
 10 (b) (1) Notwithstanding Section 48004, until January 1, 2022 no less than one dollar and fifty  
 11 cents (\$1.50)

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

- 16 (A) Market incentive payments for recycling infrastructure and  
 17 activities.
- 18 (B) Grants to local governments or private industry to implement programs that  
 19 increase recycling and reduce disposal.
- 20 (C) Grants and loans to develop recycling infrastructure.

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

~~24 (c) This section shall become operative on January 1, 2017.~~  
~~25 (d) This section shall remain in effect only until January 1, 2022,~~  
~~26 and as of that date is repealed, unless a later enacted statute, that~~  
~~is enacted before January 1, 2022, deletes or extends that date.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) (1) The charge shall be collected by a city, county, or a city  
 22 and county or ~~up to two~~ their designees per city or county or city and  
 23 county under conditions approved by the department

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

24 ~~(2)~~ (3) The charge imposed by this section shall be remitted to the  
 25 state board.

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

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

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

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

(C) Grants and loans to develop recycling infrastructure.

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

26 ~~SEC. 4.~~ SEC. 4 Section 48001 of the Public Resources Code is  
 27 amended to read:

28 48001. (a) The revenue from the fees paid pursuant to  
 29 paragraph (1) of subdivision (b) of Section 48000 shall, after  
 30 payment of refunds and administrative costs of collection, be  
 31 deposited this chapter shall be deposited, after payment of refunds  
 32 and administrative costs of collection, in the Integrated Waste  
 33 Management Account, which is hereby created in the fund.

34 (b) The department and the state board shall ensure all of the  
 35 fees for solid waste imposed pursuant to this chapter, including,  
 but not limited to, fees on solid waste that is expo~~o~~ed for disposal,



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

7

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

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

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

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

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

29 ~~SEC. 8~~ SEC. 6. *If the Commission on State Mandates*  
*determines that*  
 30 *this act contains costs mandated by the state, reimbursement to*  
 31 *local agencies and school districts for those costs shall be made*  
 32 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 33 *4 of Title 2 of the Government Code.*

34 ~~SEC. 9~~ SEC. 7. *This act is an urgency statute necessary*  
*for the*  
 35 *immediate preservation of the public peace, health, or safety within*  
 36 *the meaning of Article IV of the Constitution and shall go into*  
 37 *immediate effect. The facts constituting the necessity are:*  
 38 *To ensure the Department of Resources Recycling and Recovery*  
 39 *has sufficient resources to efficiently and effectively regulate the*  
 40 *generation and disposal of solid waste for the protection of public*

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

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

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

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

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

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

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

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

O



AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY MAY 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1103**

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**Introduced by Assembly Member Dodd**

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

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

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

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

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

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

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

9 **SECTION 1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 34 (1) The name of the transporter or facility.
- 35 (2) The jurisdiction of origin of the food waste.
- 36 (3) The quantity of the food waste transported or received in  
37 weight or volume.
- 38 (4) The date and time the food waste was transported or  
39 received.

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

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

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

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

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

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

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AMENDED IN ASSEMBLY MARCH 8, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1669**

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**Introduced by Assembly Member Roger Hernández**

January 15, 2016

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An act to amend Sections 1070 and 1071 of, and to amend the heading of Chapter 4.6 (commencing with Section 1070) of Part 3 of Division 2 of, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, as amended, Roger Hernández. Displaced employees: ~~solid waste collection and transportation services contracts~~; *service contracts: collection and transportation of solid waste.*

Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain for a specified period certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Such a contractor or subcontractor must offer employment to those employees, except for reasonable and substantiated cause. Existing law requires a successor contractor or subcontractor that determines that fewer employees are needed than under the prior contract to retain qualified employees by seniority within the job classification. The existing contractor must provide prescribed information regarding employment under the existing service contract to the awarding authority, any entity that the awarding authority identifies as a bona fide bidder, and the successor contractor.

This bill would ~~add employees of solid waste collection and transportation contractors and subcontractors to those provisions~~; *make these provisions applicable to contracts for the collection and*

transportation of solid waste. By requiring local agencies to give a bidding preference under these provisions to those contractors and subcontractors, subcontractors for the collection and transportation of solid waste, this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. The heading of Chapter 4.6 (commencing with  
2 Section 1070) of Part 3 of Division 2 of the Labor Code is amended  
3 to read:

4  
5 CHAPTER 4.6. PUBLIC TRANSIT ~~SERVICE CONTRACTS AND SOLID~~  
6 ~~WASTE CONTRACTS FOR THE COLLECTION AND TRANSPORTATION~~  
7 ~~SERVICES CONTRACTS OF SOLID WASTE~~

8  
9 SEC. 2. Section 1070 of the Labor Code is amended to read:

10 1070. The Legislature finds and declares all of the following:

11 (a) That when public agencies with jurisdiction over public  
12 ~~transit or solid waste collection and transportation services~~ services  
13 ~~or the collection and transportation of solid waste~~ award contracts  
14 to operate bus and rail services, or to provide ~~solid waste collection~~  
15 ~~and transportation services, to for the collection and transportation~~  
16 ~~of solid waste~~ to a new contractor, qualified employees of the prior  
17 contractor who are not reemployed by the successor contractor  
18 face significant economic dislocation as a result.

19 (b) That those displaced employees rely unnecessarily upon the  
20 unemployment insurance system, public social services, and health  
21 programs, increasing costs to these vital government programs  
22 and placing a significant burden upon both the government and  
23 the taxpayers.

1 (c) That it serves an important social purpose to establish  
2 incentives for contractors who bid on public transit or solid waste  
3 ~~collection and transportation service contracts~~ *service contracts*  
4 *or contracts for the collection and transportation of solid waste*  
5 to retain qualified employees of the prior contractor to perform  
6 the same or similar work.

7 SEC. 3. Section 1071 of the Labor Code is amended to read:  
8 1071. The following definitions apply to this chapter:

9 (a) "Awarding authority" means any local government agency,  
10 including any city, county, special district, transit district, joint  
11 powers authority, or nonprofit corporation that awards or otherwise  
12 enters into contracts for ~~public transit or solid waste collection and~~  
13 ~~transportation services~~ *services or for the collection and*  
14 *transportation of solid waste* performed within the State of  
15 California.

16 (b) "Bidder" means any person who submits a bid to an  
17 awarding agency for a ~~public transit or solid waste collection and~~  
18 ~~transportation service contract or subcontract.~~ *service contract, a*  
19 *contract for the collection and transportation of solid waste, or a*  
20 *subcontract.*

21 (c) "Contractor" means any person who enters into a public  
22 ~~transit or solid waste collection and transportation service contract~~  
23 *service contract or a contract for the collection and transportation*  
24 *of solid waste* with an awarding authority.

25 (d) "Employee" means any person who works for a contractor  
26 or subcontractor under a contract. "Employee" does not include  
27 an executive, administrative, or professional employee exempt  
28 from the payment of overtime compensation within the meaning  
29 of subdivision (a) of Section 515 or any person who is not an  
30 "employee" as defined under Section 2(3) of the National Labor  
31 Relations Act (29 U.S.C. Sec. 152(3)).

32 (e) "Person" means any individual, proprietorship, partnership,  
33 joint venture, corporation, limited liability company, trust,  
34 association, or other entity that may employ individuals or enter  
35 into contracts.

36 (f) "Public transit services" means the provision of passenger  
37 transportation services to the general public, including paratransit  
38 service.

39 (g) "Service contract" means any contract the principal purpose  
40 of which is to provide ~~public transit or solid waste collection and~~

1 ~~transportation~~ services *or the collection and transportation of solid*  
2 *waste* through the use of service employees.

3 (h) "Solid waste" has the same meaning as defined in Section  
4 40191 of the Public Resources Code.

5 (i) "Subcontractor" means any person who is not an employee  
6 who enters into a contract with a contractor to assist the contractor  
7 in performing a service contract.

8 SEC. 4. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

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**ASSEMBLY BILL**

**No. 2812**

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**Introduced by Assembly Member Gordon**

February 19, 2016

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An act to amend Section 42926 of, and to add Section 42924.5 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as introduced, Gordon. Solid waste: recycling: state agencies and large state facilities.

Existing law requires the Department of Resources Recycling and Recovery to develop and adopt requirements relating to adequate areas for collecting, storing, and loading recyclable materials in state buildings. Existing law requires each state agency or large state facility, when entering into a new lease, or renewing an existing lease, to ensure that adequate areas are provided for, and adequate personnel are available to oversee, the collection, storage, and loading of recyclable materials in compliance with those requirements. Existing law defines "large state facility" to include, among other entities, the campuses of the California Community Colleges.

This bill would require the department, on or before July 1, 2017, to adopt requirements for adequate receptacles and staffing for collecting and storing recyclable materials in state buildings and large state facilities. The bill would require a state agency and large state facility, on or before July 1, 2018, consistent with those requirements, to provide receptacles for recyclable materials, provide staff, and establish a collection schedule for collecting recyclable materials. The bill would require, at least once per year, a state agency and large state facility to review the adequacy and condition of receptacles for recyclable material

and of associated signage. Because the bill would impose new duties on community college districts, it would impose a state-mandated local program.

Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste, as specified.

This bill would require that report to include a summary of the state agency's compliance with this act.

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

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

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

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

- 1 SECTION 1. Section 42924.5 is added to the Public Resources
- 2 Code, to read:
- 3 42924.5. (a) On or before July 1, 2017, the department shall
- 4 adopt requirements for adequate receptacles and staffing for
- 5 collecting and storing recyclable materials in state buildings and
- 6 large state facilities.
- 7 (b) For purposes of this section, "recyclable materials" shall
- 8 include all paper, plastic, and metal products accepted by the
- 9 applicable city, county, or local agency for recycling.
- 10 (c) On or before July 1, 2018, a state agency and large state
- 11 facility shall, consistent with the requirements adopted by the
- 12 department pursuant to subdivision (a), provide receptacles for
- 13 recyclable materials, provide staff, and establish a collection
- 14 schedule for collecting recyclable materials.
- 15 (d) At least once per year, a state agency and large state facility
- 16 shall review the adequacy and condition of receptacles for
- 17 recyclable material and of associated signage.
- 18 SEC. 2. Section 42926 of the Public Resources Code is
- 19 amended to read:

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

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

11 (1) Calculations of annual disposal reduction.

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

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

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

23 (5) *A summary of the state agency's compliance with the*  
24 *requirements specified in Section 42924.5.*

25 ~~(5)~~

26 (6) Other information relevant to compliance with Section  
27 42921.

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

31 (d) For purposes of this section, the meaning of "state agency"  
32 does not include a district agricultural association, as defined in  
33 Section 3951 of the Food and Agricultural Code.

34 SEC. 3. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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**Introduced by Senator Lara  
(Coauthors: Senators Allen, Hancock, and Hill)**

February 19, 2016

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An act to add Section 39731 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, as introduced, Lara. Short-lived climate pollutants.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.

This bill would require the state board to approve and implement that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified.

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

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

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

1 (a) Short-lived climate pollutants, such as black carbon,  
2 fluorinated gases, and methane, are powerful climate forces that  
3 have a dramatic and detrimental effect on air quality, public health,  
4 and climate change.

5 (b) These pollutants create a warming influence on the climate  
6 that is many times more potent than that of carbon dioxide.

7 (c) These toxic air contaminants also are a significant  
8 environmental risk factor for premature death.

9 (d) Reducing these emissions can have an immediate beneficial  
10 impact on climate change and on public health.

11 (e) To the extent possible, efforts to reduce emissions of  
12 short-lived climate pollutants should focus on areas of the state  
13 that are disproportionately affected by poor air quality.

14 SEC. 2. Section 39731 is added to the Health and Safety Code,  
15 to read:

16 39731. (a) No later than January 1, 2018, the state board shall  
17 approve and implement the comprehensive short-lived climate  
18 pollutant strategy developed pursuant to Section 39730 to achieve  
19 a reduction in the statewide emissions of methane by 40 percent,  
20 hydrofluorocarbon gases by 40 percent, and anthropogenic black  
21 carbon by 50 percent below 2013 levels by 2030.

22 (b) It is the intent of the Legislature that the state board consider,  
23 when approving and implementing the short-lived climate pollutant  
24 strategy pursuant to subdivision (a), all of the following:

25 (1) Coordinating with other state and local agencies and districts  
26 to develop measures identified as part of the strategy.

27 (2) Providing a forum for public engagement by holding at least  
28 three public hearings in geographically diverse locations throughout  
29 the state.

30 (3) Evaluating the best-available scientific, technological, and  
31 economic information to ensure that the strategy is cost effective  
32 and technologically feasible.

33 (4) Considering the impact of the strategy on all of the  
34 following:

35 (A) Job growth and local economic benefits in the state.

36 (B) Public health benefits for residents, particularly in  
37 disadvantaged communities identified pursuant to Section 39711.

- 1 (C) Potential for new innovation in technology, energy, and
- 2 resource management practices.

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**2016 Legislation**  
**March 8, 2016**

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

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



**File name:** RCRC

California

### 1. CA AB 45

**Author:** Mullin (D)  
**Title:** Household Hazardous Waste  
**Last Amend:** 01/21/2016  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Requires the Department of Resources Recycling to adopt model ordinance for a comprehensive program for the collection of household hazardous waste. Authorizes a local jurisdiction proposing to enact an ordinance for the collection and diversion of such waste to adopt a Department model. Requires a determination as to whether a nonprofit organization has been created and funded to make grants to local entities for purposes related to the disposal of such waste.  
**Status:** 02/04/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

### 2. CA AB 577

**Author:** Bonilla (D)  
**Title:** Biomethane: Grant Program  
**Last Amend:** 07/06/2015  
**Effective Date:** 1  
**Location:** Senate Rules Committee  
**Summary:** Requires the development and implementation of a grant program to award grants for projects that produce biomethane, that build or develop collection and purification technology or infrastructure, or that upgrade or expand existing biomethane facilities. Authorizes moneys in the Greenhouse Gas Reduction Fund to be used to fund grants awarded under the program.  
**Status:** 09/11/2015 Re-referred to SENATE Committee on RULES.

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

### 3. CA AB 628

**Author:** Bloom (D)  
**Title:** Used Oil  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Clarifies that the synthetic oil referred to in the definition of used oil may be from any source.  
**Status:** 05/21/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

### 4. CA AB 1005

**Author:** Gordon (D)  
**Title:** Beverage Container Recycling and Litter Reduction Act  
**Last Amend:** 01/04/2016  
**Effective Date:** 1

**Location:** Senate Environmental Quality Committee  
**Summary:** Postpones the repeal date of the State Beverage Container Recycling and Litter Reduction Act which continuously appropriates from the Beverage Container Recycling Fund moneys for market development payments by the Department of Resources Recycling and Recovery.  
**Status:** 02/04/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.  
**Lobbyist Position Subject**  
 Mary Support (01/06/2016) ESJPA  
 Paul Resources\_Misc  
 Solid.Waste

## 5. CA AB 1063

**Author:** Williams (D)  
**Title:** Solid Waste: Charges  
**Last Amend:** 08/17/2015  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Requires the Department of Resources Recycling and Recovery to raise the fee on an operator of a solid waste disposal facility on the amount of all solid waste disposed of at the site. Authorizes some or all of the fee to be used to promote recycling and the highest and best use of materials. Requires a charge on all solid waste generators for the same above-mentioned purposes. Provides for grants to local recycling programs and to develop recycling infrastructure.  
**Status:** 08/19/2015 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.  
**BOARD.PACKET Lobbyist Position Staff Subject**  
 AUG.2015 Paul Support (06/01/2015) Mary ESJPA  
 DEC.2015 Solid.Waste  
 JAN.2016  
 JUNE2015  
 SEPT2015

## 6. CA AB 1103

**Author:** Dodd (D)  
**Title:** Solid Waste: Organic Waste  
**Last Amend:** 07/16/2015  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Requires a person who transports a certain amount of food waste to be registered. Requires such transporter to maintain a record of waste transported that contain specified documents and information and to certify as to the accuracy of the record. Authorizes the imposition of fees on such transporters for vehicles used to transport such waste for costs in administering the diversion of food waste provisions. Subjects a transporter to a civil penalty for a related violation.  
**Status:** 07/16/2015 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.  
 07/16/2015 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.  
**Lobbyist Position Staff Subject**  
 Paul Pending (03/03/2015) Mary ESJPA

## 7. CA AB 1108

**Author:** Low (D)  
**Title:** Beverage Containers: Recycling  
**Last Amend:** 05/05/2015

**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Prohibits a certified recycling center from paying the refund value to a consumer for more than a specified weight of aluminum beverage containers or plastic beverage containers or any combination thereof, or a specified weight in glass beverage containers, submitted by the consumer to the certified recycling center in a specified time period.  
**Status:** 06/04/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

## 8. CA AB 1239

**Author:** Gordon (D)  
**Title:** Tire Recycling: State Tire Regulatory Fee: Waste Tires  
**Last Amend:** 05/05/2015  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Relates to the State Tire Recycling Management Fund. Requires a waste tire generator to pay a State regulatory tire fee. Authorizes the establishment of such fee in amount that is sufficient to costs association with regulating retail sellers. Enacts the Tire Recycling Incentive Program Act that would provide incentive payments for entities using crumb rubber. Authorizes an adjustment of such payments.  
**Status:** 06/11/2015 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

## 9. CA AB 1435

**Author:** Alejo (D)  
**Title:** Hazardous Waste: Toxics: Packaging  
**Last Amend:** 08/18/2015  
**Effective Date:** 1  
**Location:** Senate Appropriations Committee  
**Summary:** Amends the Toxics in Packaging Prevention Act. Provides a similar exemption for a glass beverage, food, or drink container. Requires an evaluation of such packaging to determine if lead, mercury, cadmium or hexavalent chromium is present in such containers sold in the State. Requires, if such substances are found, the evaluation of whether and under what circumstances the metals can leach from the containers into food or beverage and if they are a human health and environmental risk.  
**Status:** 08/18/2015 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

## 10. CA AB 1669

**Author:** Hernandez R (D)  
**Title:** Displaced Employees: Solid Waste Collection  
**Last Amend:** 03/08/2016  
**Effective Date:** 1  
**Location:** Assembly Labor and Employment Committee  
**Summary:** Relates to existing law that requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain for a specified period certain employees who were employed to perform essentially the same services by the previous contractor or

subcontractor. Adds employees of solid waste collection and transportation contractors and subcontractors to these provisions.

**Status:** 03/08/2016 From ASSEMBLY Committee on LABOR AND EMPLOYMENT with author's amendments.  
 03/08/2016 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LABOR AND EMPLOYMENT.

Lobbyist	Position	Staff	Subject
Paul	Pending (03/07/2016)	Mary	ESJPA

### 11. CA AB 1811

**Author:** Dodd (D)  
**Title:** Fertilizer: Organic Plant Material: Inspections  
**Last Amend:** 02/25/2016  
**Effective Date:** 1  
**Committee:** Assembly Agriculture Committee  
**Hearing:** 03/30/2016 1:30 pm, State Capitol, Room 126  
**Summary:** Eliminates the requirement that organic input material manufacturers be inspected on a specified basis. Delete the limitation that the Secretary of Food and Agriculture is authorized to perform site inspections or organic input material manufacturing processes only during the registration process. Authorizes the Department of Food and Agriculture to accept inspections performed by 3rd-party organization approved by the Secretary for such manufacturers. Requires inspection records to be made available.

**Status:** 02/25/2016 To ASSEMBLY Committee on AGRICULTURE.  
 02/25/2016 From ASSEMBLY Committee on AGRICULTURE with author's amendments.  
 02/25/2016 In ASSEMBLY. Read second time and amended. Re-referred to Committee on AGRICULTURE.

Lobbyist	Position	Staff	Subject
Paul	Pending (02/09/2016)	Mary	ESJPA Solid.Waste

### 12. CA AB 1817

**Author:** Stone (D)  
**Title:** Solid Waste: Garbage and Refuse Disposal Districts  
**Effective Date:** 1  
**Location:** Assembly Local Government Committee  
**Summary:** Requires that a member of a Garbage and Refuse Disposal District Board receive compensation per day for each day of attendance at a meeting of the board or for each day of service rendered as director by request of the board, and authorizes a member of a district board to receive that compensation for no more than a specified number of days in a calendar month.

**Status:** 02/25/2016 To ASSEMBLY Committee on LOCAL GOVERNMENT.

Lobbyist	Position	Staff	Subject
Paul	Pending (02/09/2016)	Mary	ESJPA Solid.Waste

### 13. CA AB 2039

**Author:** Ting (D)  
**Title:** Solid Waste: Reduction  
**Effective Date:** 1  
**Location:** ASSEMBLY  
**Summary:** Provides that it is the intent of the Legislature to reduce waste in the state.  
**Status:** 02/16/2016 INTRODUCED.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Watch (02/17/2016)	Mary	ESJPA Solid.Waste

#### 14. CA AB 2059

**Author:** Garcia E (D)  
**Title:** Junk Dealers and Recyclers: Nonferrous Materials  
**Effective Date:** 1  
**Location:** Assembly Business and Professions Committee  
**Summary:** Exempts from a certain payment by cash or check requirement those sellers of junk or recycling materials who carry a surety bond of a specified sum which exclusively covers the costs of any loss to the owner of stolen scrap metal purchased by the dealer or recycler and the cost to local law enforcement of investigating a theft.  
**Status:** 02/29/2016 To ASSEMBLY Committee on BUSINESS AND PROFESSIONS.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Pending (03/07/2016)	Mary	ESJPA

#### 15. CA AB 2110

**Author:** Dahle (R)  
**Title:** Beverage Containers: Redemption Payments  
**Effective Date:** 1  
**Location:** ASSEMBLY  
**Summary:** Provides for a nonsubstantive recast of a provision of the State Beverage Container Recycling and Litter Reduction Act, that requires a beverage distributor to pay a redemption payment in a specified amount for every beverage container sold or offered for sale in the state, to the Department of Resources Recycling and Recovery, for deposit into the Beverage Container Recycling Fund.  
**Status:** 02/17/2016 INTRODUCED.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Watch (02/18/2016)	Mary	ESJPA Solid.Waste

#### 16. CA AB 2396

**Author:** McCarty (D)  
**Title:** Solid Waste: Annual Reports  
**Effective Date:** 1  
**Location:** Assembly Natural Resources Committee  
**Summary:** Relates to the established integrated waste management program. Requires each state, county and regional agency to include in a specified annual report, a summary of compliance with specified requirements relative to recycling commercial solid waste and organic waste.  
**Status:** 03/08/2016 To ASSEMBLY Committee on NATURAL RESOURCES.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Pending (02/19/2016)	Mary	ESJPA Solid.Waste

#### 17. CA AB 2409

**Author:** Wagner (R)  
**Title:** Water Quality Standards: Trash; Single Use Bags  
**Effective Date:** 1  
**Location:** Assembly Environmental Safety and Toxic Materials Committee  
**Summary:**

Suspends the operation of certain amendments to water quality control plans relating to the total maximum daily load for trash unless the provisions inoperative due to a pending referendum election become effective. Requires the state board to revisit and revise water quality control plans to address impaired water quality due to trash if the law pending referendum is defeated.

**Status:** 03/08/2016 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<b>Analyst</b>	<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Nick	Kathy Paul	Watch (02/22/2016)	Mary	ESJPA WaterQuality

### 18. CA AB 2530

**Author:** Gordon (D)  
**Title:** Recycling: Beverage Containers  
**Effective Date:** 1  
**Location:** Assembly Natural Resources Committee  
**Summary:** Requires a manufacturer of a beverage sold in a plastic beverage container to clearly indicate through labeling the average percentage of postconsumer recycled content in the container. Prohibits the Department of Resource Recycling from reducing processing fees unless the manufacturer demonstrates compliance with such labeling requirements.

**Status:** 03/08/2016 To ASSEMBLY Committee on NATURAL RESOURCES.

<b>Lobbyist</b>	<b>Position</b>	<b>Subject</b>
Mary Paul	Watch (02/23/2016)	ESJPA Solid.Waste

### 19. CA AB 2576

**Author:** Gray (D)  
**Title:** Recycling: Glass Container Manufacturers  
**Effective Date:** 1  
**Location:** Assembly Natural Resources Committee  
**Summary:** Appropriates funds annually from the Greenhouse Gas Reduction Fund to the Department of Resources Recycling and Recovery for market development payments to glass container manufacturers in an unspecific amount per ton of state-generated cullet, recycled or broken glass, utilized for manufacturing in the state.

**Status:** 03/08/2016 To ASSEMBLY Committee on NATURAL RESOURCES.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Pending (03/07/2016)	Mary	ESJPA

### 20. CA AB 2579

**Author:** Low (D)  
**Title:** Beverage Container Recycling and Litter Reduction  
**Effective Date:** 1  
**Location:** ASSEMBLY  
**Summary:** Makes nonsubstantive changes to existing law providing that the Division of Recycling within the Department of Resources Recycling and Recovery administers the California Beverage Container Recycling and Litter Reduction Act.

**Status:** 02/19/2016 INTRODUCED.

<b>Lobbyist</b>	<b>Position</b>	<b>Subject</b>
Mary Paul	Watch (02/22/2016)	ESJPA Solid.Waste

### 21. CA AB 2812



**Author:** Gordon (D)  
**Title:** Solid Waste: Recycling  
**Effective Date:** 1  
**Location:** ASSEMBLY  
**Summary:** Relates to the Department of Resources Recycling and Recovery. Requires the department to adopt requirements for adequate receptacles and staffing for collecting and storing recyclable materials in state buildings and large state facilities. Requires a state agency and large state facility to provide receptacles for recyclable materials and establish a collection schedule.  
**Status:** 02/19/2016 INTRODUCED.  
**Lobbyist Position Subject**  
 Mary Pending (02/22/2016) ESJPA  
 Paul Solid.Waste

## 22. CA SB 423

**Author:** Bates (R)  
**Title:** Retail Nonprescription Surplus Products: Reuse  
**Last Amend:** 08/31/2015  
**Effective Date:** 1  
**Location:** ASSEMBLY  
**Summary:** Amends the Medical Waste Management Act. Establishes criteria for the handling and management of retail nonprescription pharmaceutical surplus products if a reasonable determination for reuse has been made or when such determination for reuse cannot be made but the product has been recalled as required by law. Authorizes the adoption of regulations as deemed necessary to establish standards for the proper and safe handling of retail non prescription pharmaceutical surplus products.  
**Status:** 09/01/2015 In SENATE. Read third time, urgency clause adopted. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (40-0)  
**Lobbyist Position Staff Subject**  
 Paul Pending (03/03/2015) Mary ESJPA

## 23. CA SB 970

**Author:** Leyva (D)  
**Title:** Organic Food Waste Diversion  
**Effective Date:** 1  
**Location:** Senate Environmental Quality Committee  
**Summary:** Requires the Department of Resources Recycling and Recovery to develop a pilot program that encourages cost-effective and efficient integrated organic food waste diversion projects.  
**Status:** 02/18/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.  
**Lobbyist Position Staff Subject**  
 Paul Pending (02/09/2016) Mary ESJPA  
 Solid.Waste

## 24. CA SB 1213

**Author:** Wieckowski (D)  
**Title:** Renewable Energy: Biosolids: Matching Grants  
**Effective Date:** 1  
**Committee:** Senate Energy, Utilities and Communications Committee  
**Hearing:** 03/29/2016 9:30 am, Room 3191  
**Summary:** Requires the Energy Resources Conservation Commission to develop and implement the Biosolids to Clean Energy Grant Program to provide matching funds to local wastewater agencies for biosolids to clean energy capital projects. Appropriates a specified amount of funds annually to the Commission for purposes of the program.

Appropriates a specified amount of funds for the design and construction of a regional biosolids to clean energy project located in the San Francisco Bay.

**Status:** 03/03/2016 To SENATE Committees on ENERGY, UTILITIES AND COMMUNICATIONS and ENVIRONMENTAL QUALITY.

<b>Lobbyist</b>	<b>Position</b>	<b>Staff</b>	<b>Subject</b>
Paul	Pending (03/07/2016)	Mary	ESJPA

### 25. CA SB 1383

**Author:** Lara (D)  
**Title:** Short-Lived Climate Pollutants  
**Effective Date:** 1  
**Location:** SENATE

**Summary:** Requires the State Air Resources Board to approve and implement that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by forty percent, hydro-fluorocarbon gases by forty percent, and anthropogenic black carbon by fifty percent below 2013 levels by 2030.

**Status:** 02/19/2016 INTRODUCED.

<b>Analyst</b>	<b>Lobbyist</b>	<b>Position</b>	<b>Subject</b>
Santinia	Mary	Pending (03/01/2016)	Climate.Change
	Staci		DisadvantagedComm
			ESJPA
			Fire
			Forestry
			Solid.Waste

### 26. CA SB 1459

**Author:** Morrell (R)  
**Title:** Beverage Container Recycling: Enforcement  
**Effective Date:** 1  
**Location:** SENATE

**Summary:** Makes nonsubstantive changes to the California Beverage Container Recycling and Litter Reduction Act that requires a distributor of specified beverage containers to pay a redemption payment for each beverage container sold or transferred.

**Status:** 02/19/2016 INTRODUCED.

<b>Lobbyist</b>	<b>Position</b>	<b>Subject</b>
Mary	Watch (02/21/2016)	ESJPA
Paul		Solid.Waste

**Presentation: CalRecycle Draft AB 876 Guidance**



**AB 876 Guidance**

With the enactment of the California Integrated Waste Management Act of 1989 (Division 30 commencing with Section 40000) of the Public Resources Code, the Legislature required the Department of Resources Recycling and Recovery and local agencies to promote recycling and composting over land disposal and transformation. Since the enactment of the Act, local governments and private industries have worked jointly to create an extensive material collection infrastructure and have implemented effective programs to achieve a statewide diversion rate of greater than 50 percent. However, although California now leads the nation in waste reduction and recycling, the state continues to dispose of more than 12 million tons of compostable organics each year. This constitutes approximately 40% of the 31 million tons disposed of during 2014 in solid waste landfills. To reduce the landfilling of organics, increase composting and anaerobic digestion, and meet the state's organic diversion goals, cities and counties now must plan for organics processing facilities that can process organics diverted from landfills and organics waste generators. In particular, AB 1826 (Chesbro, Chapter 727, Statutes of 2014), requires each city and county to assess the infrastructure necessary for implementing their commercial organics recycling programs.

Additionally, in October 2015 the Governor signed AB 876 (McCarty, Chapter 593, Statutes of 2015) to address longer term planning for organics infrastructure by requiring Counties and Regional Agencies (RA) to report the following information in the Electronic Annual Report (EAR) commencing on August 1, 2017:

- (1) An estimate of the amount of organic waste in cubic yards that will be disposed by the county or region over a 15-year period.
  - a. (Note: CalRecycle received clarification from the author that it is the amount of organic waste to be disposed which should be estimated. Additionally, it is not necessary to conduct a waste characterization study since the focus is on estimating how much material will be disposed in the future. See tools below for estimating the amount of organics disposal.)
- (2) An estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process the amount of organic waste identified in (1) above.
- (3) Areas identified by the county or RA as locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified in (2) above.

**I. Collaboration:**

Counties/Regional agencies are encouraged to communicate and collaborate with the cities on developing this information for the Electronic Annual Report (EAR). Since cities are planning for and implementing the mandatory commercial organics recycling programs, they may already have information on potential areas for new or expanded facilities.

Following is guidance on how to deal with the situation where a Regional Agency does not consist of all of the jurisdictions in a County:

- Since the County and RA(s) all report in the EAR, then CalRecycle recommends that the County coordinate with the RA(s) and discuss how they want to put this data together. It would be acceptable if the data is for the County as a whole and not broken out by RA. In the EAR,

Regional Agencies and the County could report the same data and explain that the data is for the County as a whole. Each reporting entity would need to include this information, as the data fields will be required entries in the EAR, and the entries validated to require that data be provided to complete the EAR submittal.

## II. Tools:

### 1. Estimating the Amount of Organic Waste Disposed and Additional Facility Capacity Needed Over a 15-Year Period

CalRecycle has developed a tool to help counties estimate projected tonnage information. This tool provides default values using data from CalRecycle's FACIT database, the 2014 statewide waste characterization study, and population projections from the California Department of Finance. While the tool provides a rough estimate of the amount of organic waste generated over a 15-year period and additional facility capacity needed to process that material, it also allows the user the flexibility to enter its own information to get a more refined estimate. [\[insert link to tool\]](#)

### 2. Identifying Areas for New or Expanded Facilities

Addressing the facilities that may need to be expanded or sited to process the organic materials in 15 years will require each County/Regional Agency to assess its unique situation, including existing facilities and their ability to process the material, and any new or expanded facilities that can be identified. CalRecycle is intentionally not including a definition of "areas" to allow Counties/Regional Agencies flexibility in identifying areas for new or expanded facilities based on their unique situations. For example, CalRecycle understands there could be some challenges in identifying "areas" too specifically without conducting a public process or forum, prior to reporting such areas in the EAR. Since this information is to be updated in the EAR on an annual basis, in future years CalRecycle will work with Counties/Regional Agencies to further refine the types of areas Counties and Regional Agencies should identify.

The Department will consider the following types of questions in evaluating responses regarding how you are identifying or have identified locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified over a 15-year period:

- a. *Have you met as a county, regional agency, or even a broader geographic region to discuss areas or locations where new organics diversion facilities can be placed or existing facilities can be expanded?*
- b. *Have you considered how different types of organics, e.g., food waste and yard waste, will affect your capacities and types of facilities you will need?*
- c. *Have you already identified areas or sites through some type of public process? If so, please provide that information. If not, how and when will you go about doing this?*
- d. *Have you assessed existing MRFs and diversion facilities that could be used for co-location, and assessed closed or abandoned sites that could be used again?*
- e. *Have you identified existing diversion facilities in your area that are permitted to accept organics, and have you assessed the amount of additional material they can process?*
- f. *Are there any existing contracts in place between the jurisdictions or facilities that could limit the amount of new organic material that can be taken to existing facilities?*

### 3. Additional Resources

In 2014 and 2015, the Institute for Local Government (ILG) worked closely with CalRecycle under contract to develop a variety of guidance documents and webinars to help assist elected officials, and the public, to plan and finance new recycling facilities. The following documents and much more can be found in ILG's online Recycling Resource Center:

- Recycling Roadmap- How to Plan, Site and Finance Your Recycling Facility
- Model Goals, Policies, Zoning, and Development Standards for Composting and Remanufacturing Facilities
- Understanding Recycling Facilities and Required Permits

### III. Reporting in the Electronic Annual Report (EAR)

Guidance for Counties and Regional Agencies will be addressed in the EAR webinar training that will be conducted in Spring 2017. Additional features include:

- Starting with the August 1, 2017 EAR, there will be specific fields for reporting on AB 876 information and the fields will be designed to provide flexibility in communicating the data. You will also be able to upload documents in the EAR, and in the EAR text field you can refer to the document that was uploaded.
- As noted above, each County/Regional Agency is encouraged to interact with the cities. However, there is no requirement for approval by the cities. This process is not intended to be an overly burdensome planning process.
  - After the first year of AB 1826 infrastructure reporting, CalRecycle can provide each County/Regional Agency with infrastructure information as reported from the applicable cities.
- County/Regional Agencies will update, if applicable, this data each year.

{Insert link to revised EAR questions doc}

For additional information, please contact your Local Assistance and Market Development liaison at (916) 341-6199.

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