

Environmental Services Joint Powers' Authority
Board of Directors' Meeting

Thursday, June 23, 2016

Agenda Item VI

Legislative Update

Complete Text of Selected Solid Waste Bills

AB 45	Mullen	Household Hazardous Waste	page 1
		Oppose unless amended letter	page 9
AB 1103	Dodd	Solid Waste: organic/food waste	page 29
AB 1419	Eggman	Household Hazardous Waste: cathode ray tubes	page 37
		Support letter	page 41
AB 1669	Hernandez	Displaced employees: collection and transportation of solid waste	page 43
AB 2812	Gordon	Solid Waste: state recycling	page 49
		Support letter	page 53
SB 1383	Lara	Short-Lived Climate Pollutants	page 55
		Letter of concern	page 59

<u>Summary Listing of Selected Solid Waste Related Bills</u>	page 63
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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

Introduced by Assembly Member Mullin

December 1, 2014

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



May 31, 2016

The Honorable Kevin Mullin
Member, California State Assembly
State Capitol, Room 3160
Sacramento, CA 95814

**RE: Assembly Bill 45 (Mullin) - Household Hazardous Waste
OPPOSE UNLESS AMENDED**

The League of California Cities (League) and the Rural County Representatives of California (RCRC) are writing to express our "Oppose Unless Amended" position on your Assembly Bill 45 which addresses the manner in which household hazardous waste items are handled.

It is our understanding that AB 45 may soon be amended to preempt local governments from enacting Extended Producer Responsibility (EPR) ordinances tailored to the needs of individual communities. The League and RCRC strongly oppose any effort to undermine a city or county's ability to require product manufactures to assume responsibility for the disposal of their products. This issue has already been litigated with local governments maintaining the ability to hold manufactures accountable. While we share your desire to improve household hazardous waste collection rates, either the current version of AB 45 or as proposed to be amended is not the correct approach.

The League and RCRC believe AB 45 is headed in an inappropriate direction. In addition to amendments that would pre-empt local governments from enacting EPR ordinances, the bill would place nearly the entire burden of disposal or recycling of batteries, home-generated sharps and home-generated pharmaceutical waste on local governments and ratepayers. AB 45 also *overlooks* the recommendations in CalRecycles' reports to the Legislature which recommend an EPR strategy for managing difficult to manage, costly, and household hazardous wastes. We strongly believe that pharmaceutical companies and other producers must manage and adequately fund pharmaceutical and sharps collection throughout the State.

In the past few months, we have been working with your staff in hopes of finding solutions to improve the collection of household hazardous waste. As such, earlier this year, we offered a number of amendments that would alter existing law to make the collection of household hazardous waste more effective. The League and RCRC remain interested in working with you on these amendments or on drafting additional

The Honorable Kevin Mullin
Assembly Bill 45
May 31, 2016
Page 2

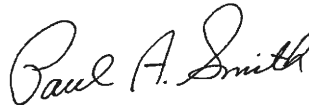
amendments that would create a comprehensive statewide EPR program for batteries, home-generated sharps and home-generated pharmaceutical waste.

If you have any questions regarding our position, please contact Jason Rhine at (916) 658-8264 or Paul A. Smith at (916) 447-4806.

Sincerely,



JASON RHINE
Legislative Representative



PAUL A. SMITH
Senior Legislative Advocate

cc: Chair and Members, Senate Committee on Environmental Quality
Rachel Wagner, Chief Consultant, Senate Committee on Environmental Quality
Morgan Branch, Consultant, Senate Republican Caucus

Attachment: Proposed amendments to Revise Household Hazardous Waste Statutes

Potential Household Hazardous Waste Statutory Amendments

Household hazardous waste (HHW) programs provide a valuable public service and usage has increased significantly since the first programs in the 1980's. Most of the statutory requirements that these programs operate under have been mostly unchanged since the mid-1990's. There has been significant experience operating these programs and new types of programs have emerged and new hazardous wastes have been designated. These proposed changes will increase the convenience of the HHW programs to the public and/or save local agencies operating costs so that the cost savings can be directed to increasing the availability of the local program.

Health and Safety Code Section 25218 provides the statutory framework for HHW programs and states that:

(c) To facilitate and increase the collection of household hazardous waste and conditionally exempt small quantity generator waste, it is the responsibility of the state to provide for an expedited and streamlined permitting and regulatory structure for household hazardous waste and conditionally exempt small quantity generator waste collection and handling. **Overburdensome regulations defeat the objectives of providing convenient and accessible collection facilities and the protection of public health and safety.**

These proposed amendments are intended to reduce or eliminate overburdensome regulations to facilitate more convenient HHW programs and reduce operational costs to local agencies. Each of these proposals is prepared as separate amendments but some reference changes to the same section and can be combined. The proposed amendments include:

1. Allow an individual who is not a resident of the household that generated the household hazardous wastes to transport the wastes to the household hazardous waste facility.
2. Clarify that a material exchange, or reuse, program can be implemented at local agency designated locations to provide more access to the public and increased cost savings to sponsoring agencies.
3. Recycle-only facilities are a convenient and lower cost, program to collect a subset of HHW but clarifications are needed on which wastes are acceptable.
4. Specifically include local agencies that discover abandoned household hazardous like wastes to deliver that waste to a local household hazardous waste facility on a bill of lading or other comparable shipping paper.
5. Specifically include transport for household hazardous waste from one permanent HHW Facility to another permanent HHW Facility on a bill of lading or other comparable shipping paper.
6. Eliminate excess recordkeeping by allowing transportation of household hazardous wastes from one type of facility to another without a hazardous waste manifest.
7. Clarify the fee exemptions for used oil collection programs sponsored by a public agency.
8. Provide a more convenient option for eligible small businesses to transport their hazardous waste to a HHW facility.
9. Clarify acceptance of eligible small businesses to use a HHW facility.
10. Fix typographic error allowing for increased quantities of HHW transport to a HHW facility with increased education on safe packaging and transportation.
11. Update "California Integrated Waste Management Board" to the Department of Resources Recycling and Recovery.
12. Allow more flexibility for HHW programs to manage collected hazardous waste.

Prepared by Larry Sweetser for RCRC 4/15/16

SUGGESTION #1

Allow an individual who is not a resident of the household that generated the household hazardous wastes to transport the wastes to the household hazardous waste facility.

BACKGROUND

Household hazardous waste programs provide a much needed service for relatives cleaning up after a deceased person or assisting someone who is unable to use the facility. Also residents intending to use a household hazardous waste program may desire to assist their neighbor but also transporting their waste to the facility. Current statues limit the person transporting the HHW to the person generating the wastes. Clarifying that other persons can transport the wastes with increase the convenience of the program:

PROPOSED REVISION

SEC. 1. Section 25218.5 of the Health and Safety Code is amended to read:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

- (A) The individual or CESQG who generated the waste. When a resident of the household who generated the waste is unable or unavailable to transport the wastes such as due to death, illness, or disability, another person can transport the waste to the household hazardous waste program provided there is no compensation for transporting the wastes. This other person is subject to the same transportation limits as a household.
- (B) A curbside household hazardous waste collection program.
- (C) A mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.
- (D) A door-to-door household hazardous waste collection program.
- (E) A household hazardous waste residential pickup service.
- (F) A registered hazardous waste transporter carrying hazardous waste generated by a CESQG.
- (G) A registered hazardous waste transporter carrying hazardous waste from a solid waste landfill loadcheck program or a transfer station loadcheck program under agreement with the household hazardous waste collection facility.
- (H) A registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, if the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

SUGGESTION #2

Clarify that a material exchange, or reuse, program can be implemented at local agency designated locations to provide more access to the public and increased cost savings to sponsoring agencies.

BACKGROUND

Household hazardous waste programs receive products that can be set aside for reuse by the public. These material exchange programs operate pursuant to a quality assurance plan to ensure that only safer products are provided to the public. Reuse programs can save sponsoring jurisdiction significant costs for disposal typically amounting to over \$30,000 per year or about 10% of their disposal costs. Some jurisdictions seek to provide these reusable household hazardous products or materials at locations outside the boundary of the HHW facility in order to provide more convenient access to the public. This proposal will clarify that alternative locations are allowed.

PROPOSED REVISION

Sec. 1. Section 25218.1 of the Health and Safety Code is amended to read:

(l) "Recipient" means a person who accepts a reusable household hazardous product or material at a materials exchange program location~~household hazardous waste collection facility~~ operating pursuant to this article.

Sec. 2. Section 25218.12 of the Health and Safety Code is amended to read:

25218.12. (a) A public agency may conduct a materials exchange program with reusable household hazardous product or materials from ~~as a part of its~~ household hazardous waste collection program if the public agency determines which reusable household hazardous products or materials are suitable and acceptable for distribution to the public at a designated materials exchange program location in accordance with a quality assurance plan prepared by the public agency. The public agency shall instruct the recipient to use the product in a manner consistent with the instructions on the label.

SUGGESTION #3

Recycle-only facilities are a convenient, and lower cost, program to collect HHW but clarifications are needed on which wastes are acceptable.

BACKGROUND

Recycle-only facilities provide a means for residents to dispose of accumulated hazardous wastes at a convenient location and many are located at solid waste facilities. There are about 100 Recycle-only facilities in California and they can accept about 80% of the quantity of HHW collected by programs. Recycle-only facilities operate with less expensive infrastructure and staffing than permanent HHW facilities.

These proposed amendments will also allow for acceptance of future hazardous universal waste such as photovoltaic modules as was recently approved by the Legislature (Section 25259)

The current definitions define the wastes acceptable by a Recycle-only facility in Section 25218.1 are inconsistent with the operational requirements in Section 25218.8. These proposed amendments will synchronize those sections. The current definitions for Recycle-only facilities include:

(m) "Recyclable household hazardous waste material" means any of the following:

(1) Latex paint.

(2) Used oil.

(3) Used oil filters.

(4) Antifreeze.

(5) Spent lead-acid batteries.

(6) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available authorized recycling facility capable of accepting and recycling that waste.

(n) "Recycle-only household hazardous waste collection facility" means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.

PROPOSED REVISION

SEC. 1. Section 25218.8 of the Health and Safety Code is amended to read:

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

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

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

(A) Latex paint.

(B) Used oil.

(C) Used oil filters.

(D) Antifreeze.

(E) Spent lead-acid batteries.

(F) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department. Nickel-cadmium, alkaline, carbon-zinc, or other small batteries, if the facility is in compliance with Section 25216.1.

(G) Oil-based paint accepted pursuant to Section 25217.2.1. Intact spent fluorescent lamps.

~~(H) Intact spent high intensity discharge (HID) lamps.~~

(2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).

(3) The materials are transported to the collection facility by either of the following:

(A) A resident of the household that ~~The person who~~ generated the material. When a resident of the household who generated the waste is unable or unavailable to transport the wastes such as due to death, illness, or disability, another person can transport the waste to the household hazardous waste program provided there is no compensation for transporting the wastes. This other person is subject to the same transportation limits as a household.

(B) The authorized curbside household hazardous waste collection program or other household hazardous waste programs an sources, including loadcheck sources.

(4) The materials transported to the facility are transported in accordance with Section 25218.5.

(5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.

(6) The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter.

SUGGESTION #4

Specifically include local agencies that discover abandoned household hazardous like wastes to deliver that waste to a local household hazardous waste facility on a bill of lading or other comparable shipping paper.

BACKGROUND

HHW facilities provide a public service for the community as a safe location to drop off their hazardous waste. Local agencies, such as public works department, cleaning up illegal dumping sites sometimes encounter household hazardous like wastes such as electronics, batteries, and automotive products along with the abandoned trash. Current statute allows these waste to be delivered to a household hazardous waste facility provided that a registered hazardous waste transporter is used. Many commonly abandoned wastes such as electronics, batteries, and automotive products do not require use of a registered hazardous waste transporter. In addition, federal Department of Transportation regulations exempt a local government agency utilizing a local government vehicle from the federal hazardous materials transportation regulations (49 CFR, §173.12). This proposal will clarify that a public agency can deliver abandoned hazardous wastes directly rather use a hazardous waste transporter.

PROPOSED REVISION

SEC. 1. Section 25218.5 of the Health and Safety Code is amended to read:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

- (A) The individual or CESQG who generated the waste.
- (B) A curbside household hazardous waste collection program.
- (C) A mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.
- (D) A door-to-door household hazardous waste collection program.
- (E) A household hazardous waste residential pickup service.
- (F) A registered hazardous waste transporter carrying hazardous waste generated by a CESQG.
- (G) A registered hazardous waste transporter carrying hazardous waste from a solid waste landfill loadcheck program or a transfer station loadcheck program under agreement with the household hazardous waste collection facility.
- (H) A public agency, contractor of a public agency, or registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, if the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

SUGGESTION #5

Specifically include transport for household hazardous waste from one permanent HHW Facility to another permanent HHW Facility on a bill of lading or other comparable shipping paper.

BACKGROUND

Permanent Household Hazardous Waste Facilities have served as the hub for collection of household hazardous wastes. Current statutes indicate that transport of household hazardous waste (HHW) from many other types of HHW and other programs but do not specifically indicate transportation between permanent Household Hazardous Waste Facilities. Many jurisdictions sponsor smaller satellite permanent HHW facilities. Allowing transport of HHW from other permanent HHW facilities to another permanent HHW facility can result in significant cost savings to jurisdictions.

PROPOSED REVISION

SEC. 1. Section 25218.5 of the Health and Safety Code is amended to read:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

- (A) The individual or CESQG who generated the waste.
- (B) A curbside household hazardous waste collection program.
- (C) A permanent household hazardous waste collection facility, mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.
- (D) A door-to-door household hazardous waste collection program.
- (E) A household hazardous waste residential pickup service.
- (F) A registered hazardous waste transporter carrying hazardous waste generated by a CESQG.
- (G) A registered hazardous waste transporter carrying hazardous waste from a solid waste landfill loadcheck program or a transfer station loadcheck program under agreement with the household hazardous waste collection facility.
- (H) A registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, if the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

SUGGESTION #6

Eliminate excess recordkeeping by allowing transportation of household hazardous wastes from one type of facility to another without a hazardous waste manifest.

BACKGROUND

Currently, some jurisdictions transport HHW from remote HHW Facilities to a central HHW facility resulting in significant disposal cost savings. The remote HHW facilities provide convenient options for area residents rather than transporting their HHW to the more distant central HHW facility. Currently, transportation between hazardous waste facilities requires the use of a uniform hazardous waste manifest which is a six-part form with copies provided to the jurisdiction as generator, the transporter, and the Designated HHW facility with copies to the Department of Toxic Substances Control from the jurisdiction and the Designated Facility (see diagram below). When the same jurisdiction sponsors both the originating HHW event and the Designated HHW facility, current manifest requirements require the jurisdiction to send copies to itself as both generator and Designated Facility indicating they received their own wastes as well as to the Department indicating the wastes was collected by the agency and that sent the HHW to themselves.

Manifest Tracking Timeline

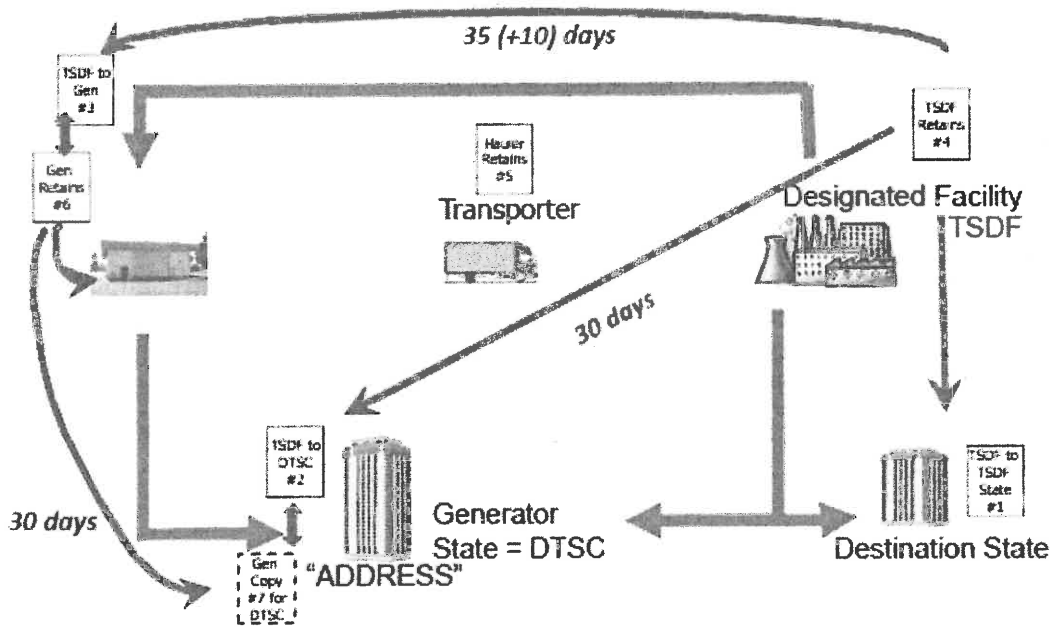


Figure 1 - Redline indicates manifest document routing.

The Department of Toxic Substances Control does use this manifest data for waste tracking purposes and collecting fees for processing manifests. Since a manifest is required for HHW be transported from the central facility, the wastes are collected twice since manifest are used for both incoming and outgoing wastes. HHW programs already are required to submit annual reports on their collected HHW (Form 303) to CalRecycle. So this additional, manifest data is duplicative. Pursuant to Health and Safety Code 25218.6, HHW programs are exempt from the Department manifest fee. This initial manifest requirement results in excessive recordkeeping with no cost recovery to the Department. Tracking of the wastes from one program to another could be accomplished with a simpler tracking document. The diagram below indicates the required procedure even when a jurisdiction is transporting the wastes to their own local facility.

Use of an alternative shipping document for HHW programs was allowed years ago under a variance issued by DTSC but that authority was limited years ago. Variances are still allowed but are limited to a period of one year (HSC 25143 (b)(2)(B)).

In addition, current statutes provide contradictory requirements. Health and Safety Code Sections 25218.4 and 25163 (f) exempts a person (including government agencies) from the hazardous waste transporter registration and manifest requirements. Conversely, Section 25218.5 (a)(3) and 25163 (a) and (c) require registration and a manifest. Sections 25163 (a) and (c) provide an exclusion under 25163 (f) for HHW programs. The proposed modifications clarify that the manifest and registration exemptions are consistently applied for HHW programs.

Section 25218.4 currently allows an exemption for use of manifests and registration as a hazardous waste transporter. Other sections are proposed for amendments to be consistent with these exemptions.

This proposal is based upon section 25218.4 that states:

25218.4 Except as provided in subdivision (f) of Section 25218.5, any person who transports household hazardous waste, and any CESQG that transports hazardous waste to an authorized household hazardous waste collection facility, who meets the conditions of Section 25218.5, is exempt from subdivision (a) of Section 25163 and from the requirement for possession of a manifest in paragraph (1) of subdivision (d) of Section 25160.

Section 25163 (f) provides the exemption from manifest and registration for some HHW programs.

(f) Any person transporting household hazardous waste or a conditionally exempt small quantity generator transporting hazardous waste to an authorized household hazardous waste collection facility pursuant to Section 25218.5 is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of the manifest while transporting hazardous waste.

Section 25218.5.1 allows and increases in the amount residents transport to a HHW facility provided there is education on safe packaging and transport. Section 25163 (f) needs to be modified to include Section 25218.5.1.

Section 25218.5.1 states:

25218.5.1. Notwithstanding Section 25218.5, a public agency may elect to increase the liquid volume and dry weight specified in paragraph (1) of subdivision (b) of, and in subdivision (c) of, Section 25218.5, to a liquid volume of 15 gallons and a dry weight of 125 pounds, if the public agency, as the case may be, finds that the local household hazardous waste collection program operated by that public agency, or its contractor, has adequate public education programs to inform the public on proper techniques for packaging and transporting the household hazardous waste to the program's household hazardous waste collection facilities.

PROPOSED REVISION

SEC. 1 Section 25163 of the Health and Safety Code is amended to read:

25163 (f) Any person transporting household hazardous waste or a conditionally exempt small quantity generator transporting hazardous waste to an authorized household hazardous waste collection facility pursuant to Section 25218.5 and 25218.5.1 is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of the manifest while transporting hazardous waste.

SEC. 2. Section 25218.5 (a) of the Health and Safety Code is repealed
25218.5 (a)

~~(3) Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivisions (a) and (c) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.~~

SEC. 3. Section 25218.5 of the Health and Safety Code is amended to read:
25218.5

(f) Notwithstanding Section 25218.4, a permanent household hazardous waste collection facility, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, ~~or a recycle-only household hazardous waste collection facility~~, or a solid waste load check program under an agreement with the household hazardous waste collection facility that transports ~~household hazardous waste from the collection facility to~~ a household hazardous waste collection facility pursuant to subdivision (a) shall comply with subdivisions (f) of Section 25163 ~~(a) and (c) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.~~

SUGGESTION #7

Clarify the fee exemptions for used oil collection programs sponsored by a public agency.

BACKGROUND

Public agencies sponsor used oil collection programs as a means for convenient management of used oil and filters from do-it-yourself mechanics. If that used oil center is co-located at a HHW program, that activity is exempt from facility and other fees imposed by the Department. This proposal would clarify that used oil collection facilities sponsored by public agencies but located separate from HHW programs are also fee exempt.

Pursuant to Health and Safety Code 25218.6, HHW programs are exempt from the Department hazardous waste fees. These used oil collection centers may still be subject to local hazardous waste fees imposed by the Certified Unified Program Agency.

These amendments will also fix and incorrect fee exemption reference to "Hazardous waste generated or disposed of by local vector control agencies" rather than HHW programs.

PROPOSED REVISION

SEC. 1. Section 25205.3 of the Health and Safety Code is amended to read:

Article 9.1

25205.3. The following facilities are exempt from the fees imposed by this article:

(a) Any household hazardous waste collection facility operated pursuant to Article 10.8 (commencing with Section 25218).

(b) Any facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency, which is used for wastes which meet the requirements of paragraph (32) of subdivision (a) of Section 25174.7, and used oil collection centers sponsored by public agencies and solely used for public drop-off.

(c) That portion of a solid waste facility permitted pursuant to Chapter 3 (commencing with Section 44001) of Part 4 of Division 30 of the Public Resources Code, which is used for the segregation, handling, and storage of hazardous waste separated from solid waste loads received by the facility, pursuant to a load checking program.

(d) A facility used solely for the treatment, storage, disposal, or recycling of hazardous waste which results when a public agency or its contractor investigates, removes, or remedies a release of hazardous waste caused by another person.

SEC. 2. Section 25205.16 of the Health and Safety Code is amended to read:

25218.6. The fees imposed by Article 7 (commencing with Section 25170) and Article 9.1 (commencing with Section 25205.1) do not apply to either of the following:

(a) Hazardous wastes generated or disposed of by a public agency, or its contractor, operating a household hazardous waste collection facility, including, but not limited to, hazardous waste received from CESQGs.

(b) A household hazardous waste collection facility operated in accordance with this article.

(c) Used oil collection centers sponsored by public agencies and solely used for public drop-off.

SUGGESTION #8

Provide a more convenient option for eligible small businesses to transport their hazardous waste to a HHW facility.

BACKGROUND

Small businesses generating less than 220 pounds of hazardous waste per month are regulated as Conditionally Exempt Small Quantity Generators (CESQGs) and are allowed to deliver their hazardous wastes to a HHW facility. Current statute limits that transport to a vehicle owned and operated by the business. Many small businesses do not own a vehicle and would technically be ineligible to use the facility unless they hired a hazardous waste transporter. This proposal would delete the ownership requirement provided the vehicle is under the direction of the business management

PROPOSED REVISION

SEC. 1. Section 25218.5. of the Health and Safety Code is amended to read:

25218.5.

(b) An individual transporting household hazardous waste generated by that individual and a CESQG transporting hazardous waste generated by the CESQG to a household hazardous waste collection facility shall meet all of the following conditions:

(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a CESQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(C) A CESQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:

(i) The hazardous waste being transported was generated by that CESQG.

(ii) The CESQG contacts the household hazardous waste collection facility prior to each delivery to confirm that the facility will accept the hazardous waste.

(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the CESQG prior to each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.

(iv) The CESQG or employees of the CESQG transport the hazardous waste in a vehicle ~~owned and~~ operated by the CESQG.

SUGGESTION #9

Clarify acceptance of eligible small businesses to use a HHW facility.

BACKGROUND

Conditionally exempt small quantity generator(CESQGs) are allowed to deliver their hazardous waste to HHW programs under certain conditions. Under Section 25218.3, a "household hazardous waste collection facility which is authorized to accept hazardous waste from CESQG" "shall not accept more than 100 kilograms of hazardous waste, or 1 kilogram of extremely hazardous waste, from any one CESQG in a calendar month."

These amendments clarify that the quantity limits for acceptance of CESQG waste at a HHW facility are consistent with the recent approved provisions of SB 612 (Jackson) that in Health and Safety Code Section 25158.1. that indicate the calculation of the CESQG limit does not include universal wastes. Section 25158.1 states:

(a) When making the quantity determinations for purposes of Section 66262.34 of Title 22 of Division 4.5 of the California Code of Regulations, as it may be amended consistent with this code, a generator shall include all hazardous waste that it has generated in any month, except for universal wastes managed pursuant to the requirements of Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.

Some CESQGs only that only generate small amounts of universal wastes or only generate silver waste are not required to obtain a hazardous waste identification number form the Department. In addition, rather than risk potential improper disposal, a HHW program should be allowed to accept CESQG wastes that do not have a hazardous waste identification number issued by the Department provided the HHW facility records indicate the CESQG has applied for a identification number and the records are available for inspection by the CUPA for verification.

PROPOSED REVISION

SEC. 1. Section 25218.3. of the Health and Safety Code is amended to read:

25218.3. (a) The department may authorize any household hazardous waste collection facility to accept hazardous waste from conditionally exempt small quantity generators.

(b) A household hazardous waste collection facility which is authorized to accept hazardous waste from CESQGs pursuant to subdivision (a) shall not accept more than 100 kilograms of hazardouswaste, or 1 kilogram of extremely hazardous waste, from any one CESQG in a calendar month. This quantity will be determined as indicated in Section 25158.1. CESQGs using the facility shall:

(1) Be exempt from obtaining a hazardous waste identification number, or

(2) Provide the facility with their hazardous waste identification number prior to delivering wastes to the facility. If that identification number is not available or the application is pending, the facility can accept the wastes provided the facility record indicates the identification number is pending and the facility record is available to the CUPA for review.

(c) A public agency, or its contractor, that accepts hazardous waste from CESQGs pursuant to this section may charge the CESQGs a fee for the cost incurred in handling their hazardous waste.

(d) The department may adopt and revise regulations for household hazardous waste collection facilities, including those which are authorized to accept hazardous waste from CESQGs. The regulations shall provide for all of the following:

(1) Promoting the reduction, reclamation, and recycling of hazardous waste over other hazardous waste management alternatives.

(2) Ensuring the safe transport of household hazardous waste and hazardous waste to authorized collection programs.

(3) Ensuring the compliance of participating CESQGs with the monthly quantity limitations specified in Section 261.5 of Title 40 of the Code of Federal Regulations.

SUGGESTION #10

Fix typographic error allowing for increased quantities of HHW transport to a HHW facility with increased education on safe packaging and transportation.

BACKGROUND

Typically, individuals are allowed to transport up to five gallons or fifty pounds to a HHW facility. Section 25218.5.1 increased that quantity provided the public is informed of proper techniques for packaging and transporting the household hazardous waste to the program's household hazardous waste collection facilities. The current statute indicates that the volume and weight limits are combined rather than exclusively.

PROPOSED REVISION

SEC. 1. Section 25218.5.1 of the Health and Safety Code is amended to read:

25218.5.1. Notwithstanding Section 25218.5, a public agency may elect to increase the liquid volume and dry weight specified in paragraph (1) of subdivision (b) of, and in subdivision (c) of, Section 25218.5, to a liquid volume of 15 gallons ~~and or~~ a dry weight of 125 pounds, if the public agency, as the case may be, finds that the local household hazardous waste collection program operated by that public agency, or its contractor, has adequate public education programs to inform the public on proper techniques for packaging and transporting the household hazardous waste to the program's household hazardous waste collection facilities.

SUGGESTION #11

Update "California Integrated Waste Management Board" to the Department of Resources Recycling and Recovery.

BACKGROUND

The Department of Resources Recycling and Recovery replaced the California Integrated Waste Management Board in 2010. This proposal reflects that change.

PROPOSED REVISION

SEC. 1. Section 25218.9 of the Health and Safety Code is amended to read:

25218.9. On or before October 1 of each year, a public agency, or its contractor, operating a household hazardous waste collection facility shall submit to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404, a copy of the completed Department of Resources Recycling and Recovery California Integrated Waste Management Board Form 303, which is required to be submitted to that board for the prior fiscal year pursuant to regulations adopted by that board. The completed Department of Resources Recycling and Recovery California Integrated Waste Management Board Form 303 shall also be submitted to the department until (1) regulations promulgated by the Secretary for Environmental Protection establishing a unified program information collection and reporting system and standards are effective, (2) the regulations require a statewide data base system that will enable the department and the public to obtain the required information from all CUPAs or the authorized officers or agencies, and (3) the statewide data base system is in place and fully operational.

SEC. 1. Section 25218.10 of the Health and Safety Code is amended to read:

25218.10. The department and the Department of Resources Recycling and Recovery California Integrated Waste Management Board shall jointly develop and maintain a data base of all household hazardous waste collection events, facilities, and programs within the state. The department and the Department of Resources Recycling and Recovery California Integrated Waste Management Board shall both maintain that information, as a cooperative effort, and shall make information from the data base available to the public upon request. However, the department and the Department of Resources Recycling and Recovery California Integrated Waste Management Board shall implement this section only to the extent that funds are appropriated therefor by the Legislature.

SUGGESTION #12

Allow more flexibility for HHW programs to manage collected hazardous waste.

BACKGROUND

The requirements for operation of HHW programs have remained mostly unchanged since the mid-1990s. The same regulatory requirements for management of commercial hazardous waste of larger volume and greater hazard were referenced for HHW programs. HHW programs primarily handle much lower hazard and quantities of hazardous waste such as common materials used in the home and garage. The need for less burdensome regulations for HHW programs was recognized in Section 25218 (c).

These amendments recognize the need for customized standards for HHW programs. The amendments also provide that the HHW management requirements apply to all types of HHW facilities and not just Recycle-only facilities and also compliance with Certified Unified Program Agency (CUPA) notification requirements.

PROPOSED REVISION

SEC. 1. Section 25218.8 of the Health and Safety Code is amended to read:

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

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

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

- (A) Latex paint.
- (B) Used oil.
- (C) Used oil filters.
- (D) Antifreeze.
- (E) Spent lead-acid batteries.
- (F) Nickel-cadmium, alkaline, carbon-zinc, or other small batteries, if the facility is in compliance with Section 25216.1.
- (G) Intact spent fluorescent lamps.
- (H) Intact spent high intensity discharge (HID) lamps.

(2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).

(3) The materials are transported to the collection facility by either of the following:

- (A) The person who generated the material.
- (B) The authorized curbside household hazardous waste collection program.

(4) The materials transported to the facility are transported in accordance with Section 25218.5.

(5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.

~~(c)(6)~~ The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter or as authorized in the facility permit-by-rule.

~~(d)(7)~~ The facility is in compliance with Section 25218.2.

AMENDED IN SENATE JUNE 6, 2016
AMENDED IN SENATE JUNE 1, 2016
AMENDED IN SENATE MAY 11, 2016
AMENDED IN SENATE JULY 16, 2015
AMENDED IN ASSEMBLY MAY 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1103

Introduced by Assembly Member Dodd

February 27, 2015

An act to amend ~~Sections 41821.5 and 41953 of, to amend and renumber Section 41952 of, and to add Section 41952 to, Section 41821.5 of~~ the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, as amended, Dodd. Solid ~~waste: disposal:~~ *waste disposal: self-haulers.*

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 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.

This bill would additionally require a ~~self-hauler, as specified,~~ *self-hauler* to submit that information to the ~~department.~~ *department*

and would require the department to develop regulations that define "self-hauler" to include specified persons and entities.

~~Existing law prohibits a person, other than an authorized recycling agent, from removing specified materials that have been segregated from solid waste materials and placed at a designated recycling collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling or at a designated recycling collection location by any commercial or industrial entity. Existing law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations.~~

~~This bill would prohibit a person, subject to these same penalties and damages, from collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises located within a city, county, or local governmental jurisdiction, except in compliance with applicable law, as defined. The bill would apply those same penalties and damages in any civil action against a person alleged to have violated, or to have knowingly participated in the violation of, the segregated recycling laws specified above. The bill would require a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorneys' fees, expert witness fees, and costs incurred in the course of the litigation.~~

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

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

1 SECTION 1. Section 41821.5 of the Public Resources Code
 2 is amended to read:
 3 41821.5. (a) Disposal facility operators shall submit
 4 information on the disposal tonnages by jurisdiction or region of
 5 origin that are disposed of at each disposal facility to the
 6 department, and to counties that request the information, in a form
 7 prescribed by the department. To enable disposal facility operators
 8 to provide that information, solid waste handlers and transfer

1 station operators shall provide information to disposal facility
2 operators on the origin of the solid waste that they deliver to the
3 disposal facility.

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

10 (2) Exporters, brokers, self-haulers, and transporters of
11 recyclables or compost shall submit periodic information to the
12 department on the types, quantities, and destinations of materials
13 that are disposed of, sold, or transferred. The department shall
14 develop regulations implementing this section that define
15 "self-hauler" to include, at a minimum, a person or entity that
16 generates and transports, utilizing its own employees and
17 equipment, more than one cubic yard per week of its own food
18 waste to a location or facility that is not owned and operated by
19 that person or entity.

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

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

1 (1) Procedures to ensure that an opportunity to comply is
2 provided prior to initiation of enforcement authorized by Section
3 41821.7.

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

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

12 (e) Any person who knowingly or willfully files a false report,
13 or any person who refuses to permit the department or any of its
14 representatives to make inspection or examination of records, or
15 who fails to keep any records for the inspection of the department,
16 or who alters, cancels, or obliterates entries in the records for the
17 purpose of falsifying the records as required by regulations adopted
18 pursuant to this section, is liable for a civil penalty of not less than
19 five hundred dollars (\$500) and not more than ten thousand dollars
20 (\$10,000) for each violation of a separate provision or, for
21 continuing violations, for each day that the violation continues.

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

24 (g) (1) Notwithstanding Title 5 (commencing with Section
25 3426) of Part 1 of Division 4 of the Civil Code and Article 11
26 (commencing with Section 1060) of Chapter 4 of Division 8 of
27 the Evidence Code, all records that the facility or operator is
28 reasonably required to keep to allow the department to verify
29 information in, or verification of, the reports required pursuant to
30 subdivisions (a) and (b) and implementing regulations shall be
31 subject to inspection and copying by the department, but shall be
32 confidential and shall not be subject to disclosure under the
33 California Public Records Act (Chapter 3.5 (commencing with
34 Section 6250) of Division 7 of Title 1 of the Government Code).

35 (2) Notwithstanding Title 5 (commencing with Section 3426)
36 of Part 1 of Division 4 of the Civil Code and Article 11
37 (commencing with Section 1060) of Chapter 4 of Division 8 of
38 the Evidence Code, an employee of a government entity may, at
39 the disposal facility, inspect and copy records related to tonnage
40 received at the facility on or after July 1, 2015, and originating

1 within the government entity's geographic jurisdiction. Those
2 records shall be limited to weight tags that identify the hauler,
3 vehicle, quantity, date, type, and origin of waste received at a
4 disposal facility. Those records shall be available to those
5 government entities for the purposes of subdivision (a) and as
6 necessary to enforce the collection of local fees, but those records
7 shall be confidential and shall not be subject to disclosure under
8 the California Public Records Act (Chapter 3.5 (commencing with
9 Section 6250) of Division 7 of Title 1 of the Government Code).
10 Names of haulers using specific landfills shall not be disclosed by
11 a government entity unless necessary as part of an administrative
12 or judicial enforcement proceeding to fund local programs or
13 enforce local franchises.

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

20 (4) For purposes of this section, a government entity is an entity
21 identified in Section 40145 or an entity formed pursuant to Section
22 40976.

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

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

30 (7) The records subject to inspection and copying by the
31 department pursuant to paragraph (1) or by an employee of a
32 government entity pursuant to paragraph (2) may be redacted by
33 the operator before inspection to exclude confidential pricing
34 information contained in the records, such as contract terms and
35 conditions (including information on pricing, credit terms, volume
36 discounts, and other proprietary business terms), if the redacted
37 information is not information that is otherwise required to be
38 reported to the department.

39 (h) Notwithstanding the Uniform Electronic Transactions Act
40 (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division

1 3 of the Civil Code), reports required by this section shall be
2 submitted electronically, using an electronic reporting format
3 system established by the department.

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

6 ~~SEC. 2.—Section 41952 of the Public Resources Code is~~
7 ~~amended and renumbered to read:~~

8 ~~41957. Nothing in this chapter limits the right of any person~~
9 ~~to donate, sell, or otherwise dispose of his or her recyclable~~
10 ~~materials.~~

11 ~~SEC. 3.—Section 41952 is added to the Public Resources Code,~~
12 ~~to read:~~

13 ~~41952. No person shall collect, remove, or transport solid waste~~
14 ~~generated by another person on residential, commercial, or~~
15 ~~industrial premises located within a city, county, or local~~
16 ~~governmental jurisdiction, except in compliance with applicable~~
17 ~~law. For purposes of this section, “applicable law” includes, but~~
18 ~~is not limited to, a municipal ordinance regulating the handling of~~
19 ~~solid waste.~~

20 ~~SEC. 4.—Section 41953 of the Public Resources Code is~~
21 ~~amended to read:~~

22 ~~41953. (a) In any civil action by a person, including, but not~~
23 ~~limited to, a local governmental agency or its recycling agent,~~
24 ~~against a person alleged to have violated Section 41950 or 41951,~~
25 ~~or by a person, including, but not limited to, a local governmental~~
26 ~~agency or a solid waste enterprise authorized by the local~~
27 ~~governmental agency to handle solid waste, against a person~~
28 ~~alleged to have violated, or to have knowingly participated in the~~
29 ~~violation of, Section 41952, the court may either allow treble~~
30 ~~damages, as measured by the market value of the recyclable~~
31 ~~material removed, or award a civil penalty of not more than two~~
32 ~~thousand dollars (\$2,000), whichever is greater, for each~~
33 ~~unauthorized removal, against the unauthorized person removing~~
34 ~~the recyclable material or solid waste.~~

35 ~~(b) In any civil action by a person, including, but not limited~~
36 ~~to, a local governmental agency or its recycling agent, against a~~
37 ~~person alleged to have violated Section 41950 or 41951, or by a~~
38 ~~person, including, but not limited to, a local governmental agency~~
39 ~~or a solid waste enterprise authorized by the local governmental~~
40 ~~agency to handle solid waste, against a person alleged to have~~

1 ~~violated, or to have knowingly participated in the violation of,~~
2 ~~Section 41952, for a second, or subsequent, time in any 12-month~~
3 ~~period, the court may either allow treble damages, as measured by~~
4 ~~the market value of the recyclable material removed, or award a~~
5 ~~civil penalty of not more than five thousand dollars (\$5,000),~~
6 ~~whichever is greater, for each unauthorized removal against the~~
7 ~~unauthorized person removing the recyclable material or solid~~
8 ~~waste.~~
9 ~~(c) If a plaintiff prevails in a civil action brought pursuant to~~
10 ~~this chapter, the court shall award to the plaintiff reasonable~~
11 ~~attorneys' fees, expert witness fees, and costs incurred in the course~~
12 ~~of the litigation.~~

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AMENDED IN SENATE JUNE 1, 2016

AMENDED IN ASSEMBLY MAY 5, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1419

Introduced by Assembly Member Eggman

February 27, 2015

An act to add Section ~~14591.25 to the Public Resources Code, relating to solid waste.~~ 25143.2.5 to the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, as amended, Eggman. ~~Recycling centers.~~ Hazardous waste: cathode ray tube glass.

Existing law prohibits the management of hazardous waste, except in accordance with the hazardous waste laws. Existing law requires the Department of Toxic Substances Control to regulate the management and disposal of hazardous waste. Under existing regulations, the department classifies a waste as hazardous waste if the waste exceeds certain total threshold limitation concentrations, which are established by the department for various substances, including barium.

This bill, except as specified, would provide that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceeds the total threshold limit concentration only for barium is not a waste and is not subject to regulation by the department if that panel glass meets certain requirements. The bill would provide that used, broken CRT panel glass and processed CRT panel glass that is recycled is not subject to the department's regulations on the export of materials.

~~Existing law, the California Beverage Container Recycling and Litter Reduction Act, provides for the Department of Resources Recycling and Recovery to certify operators of recycling centers. Existing law requires certified recycling centers, when accepting an empty beverage container from a consumer, to pay the refund value.~~

~~This bill would authorize the department to revoke a certification of a certified recycling center found to be abandoned, as specified. The bill would provide an opportunity for a hearing on that revocation to be conducted in the same manner as a hearing for an applicant whose original application for certification is denied.~~

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

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

- 1 SECTION 1. Section 25143.2.5 is added to the Health and
- 2 Safety Code, to read:
- 3 25143.2.5. (a) For purposes of this section, the following
- 4 definitions apply:
- 5 (1) "Cathode ray tube" or "CRT" means a vacuum tube or
- 6 picture tube used to convert an electrical signal into a visual image.
- 7 (2) "CRT device" means any electronic device that contains
- 8 one or more CRTs including, but not limited to, computer monitors,
- 9 televisions, cash registers, and oscilloscopes.
- 10 (3) "CRT funnel glass" means any glass separated from CRT
- 11 panel glass that is derived from the treatment of a CRT and that
- 12 consists of the neck and funnel section of a CRT, including the frit.
- 13 (4) "CRT panel glass" means glass separated from CRT funnel
- 14 glass that is derived from the treatment of a CRT and that consists
- 15 only of the face plate of a CRT containing a phosphor viewing
- 16 surface. CRT panel glass does not include the frit.
- 17 (5) "Processed CRT panel glass" means CRT panel glass with
- 18 the phosphor removed.
- 19 (b) Except as provided in subdivision (d), used, broken CRT
- 20 panel glass that exceeds the total threshold limit concentration
- 21 (TTLC) only for barium is not a waste and is not subject to
- 22 regulation by the department pursuant to this chapter, including
- 23 the prohibition on the use of that glass in a manner constituting
- 24 disposal, if it is recycled and meets the requirements of Section
- 25 261.39 of Title 40 of the Code of Federal Regulations.

1 (c) Except as provided in subdivision (d), processed CRT panel
2 glass that exceeds the TTLIC only for barium is not a waste and is
3 not subject to regulation by the department pursuant to this
4 chapter, including the prohibition on the use of that glass in a
5 manner constituting disposal, if that glass meets the requirements
6 of Section 66273.81 of Title 22 of the California Code of
7 Regulations and is managed in accordance with the requirements
8 of Section 261.39 of Title 40 of the Code of Federal Regulations.

9 (d) Subdivisions (a) and (b) do not apply to any CRT panel glass
10 that is used to manufacture any product or packaging intended to
11 be used for food or food products, including pet food and livestock
12 feeds, any medicines or drugs, any medical devices, any baby
13 bottles, any other food service items, including wine glasses, plates,
14 bowls, or drinking glasses, or any other manufactured articles or
15 products for which the department declares that that use may have
16 a potential adverse impact upon human health. Such a declaration
17 by the department need not be risk-based and need not meet the
18 peer review requirements that may otherwise be required by law.

19 (e) Notwithstanding other laws, used, broken CRT panel glass
20 and processed CRT panel glass that exceeds the TTLIC only for
21 barium and that is recycled is not subject to any requirement
22 implementing this chapter regarding export of materials.

23 (f) Except regarding the barium threshold, this section does not
24 affect, in any manner, the regulations adopted pursuant to this
25 chapter regulating the processing of CRT panel glass for disposal.

26 (g) This section does not affect, in any manner, the authority of
27 the Department of Resources Recovery and Recycling under
28 Section 41821.5 of, or Chapter 8.5 (commencing with Section
29 42460) of Part 3 of Division 30 of, the Public Resources Code.

30 SECTION 1. Section 14591.25 is added to the Public Resources
31 Code, to read:

32 14591.25. (a) The department may revoke a certification of a
33 certified recycling center found to be abandoned if both of the
34 following circumstances apply:

35 (1) The recycling center is not open during its posted hours on
36 two consecutive inspections.

37 (2) The recycling center has no reportable volumes for a period
38 of 30 consecutive days.

39 (b) Subsequent to the revocation, the former certificate holder
40 may request a hearing which, notwithstanding Section 11445.20

1 ~~of the Government Code, shall be conducted in the same manner~~
2 ~~as a hearing for an applicant whose original application for~~
3 ~~certification is denied.~~

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

June 9, 2016

The Honorable Susan Eggman
Member, California State Assembly
State Capitol, Room 3173
Sacramento, CA 95814

RE: Assembly Bill 1419 – SUPPORT

Dear Assembly Member Eggman:

On behalf of the Rural County Representatives of California (RCRC), I offer our support for your Assembly Bill 1419 which would provide that specified used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass are not subject to regulation if that panel glass meets certain requirements.

RCRC is an association of thirty-five rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. In addition, twenty-three member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) in order to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements in order to reduce waste being disposed and increase recycling/re-use efforts for certain products.

Post-consumer use of CRT panel glass is currently regulated by the Department of Toxic Substances Control and current regulations and declining market conditions make it very difficult and more expensive to properly handle CRT products. There are very few recycling options for CRT in California, and current regulations limit export. As such, municipal solid waste managers are witnessing an extensive build-up of products containing CRT glass with few options. One immediate option is to de-regulate certain types of CRT panel glass if these products can be recycled and do not pose harm to human health. AB 1419 puts forth such an option.

On a final note, we would encourage the Legislature and other solid waste stakeholders to consider additional options for addressing the CRT issue. While CRT products are obsolete in the current market, there still remains a great number of these items dating back from heavy use decades ago. Our solid waste members inform us that we expect to see greater numbers of these products in our waste streams, and as such,

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

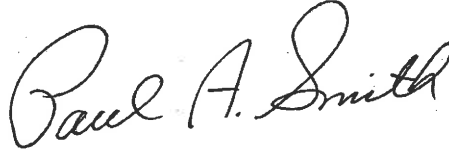
ALPINE AMADOR BUTTE CALAVERAS COLUSA DELNORTE EL DORADO GLENN HUMBOLDT IMPERIAL INYO LAKE LASSEN MADERA MARIPOSA MENDOCINO MERCED
MODOC MONO NAPA NEVADA PLACER PLUMAS SAN BENITO SAN LUIS OBISPO SHASTA SIERRA SISKIYOU SUTTER TEHAMA TRINITY TULARE TUOLUMNE YOLO YUBA

The Honorable Susan Eggman
Assembly Bill 1419
June 9, 2016
Page 2

a more extensive conversation must be had to address the proper movement of these waste products.

For these reasons, RCRC supports AB 1419. If you should have any questions or concerns, please do not hesitate to contact me at (916) 447-4806.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive style with a large, looped initial "P".

PAUL A. SMITH
Senior Legislative Advocate

cc: Members of the Senate Environmental Quality Committee

AMENDED IN SENATE JUNE 9, 2016
AMENDED IN ASSEMBLY APRIL 28, 2016
AMENDED IN ASSEMBLY MARCH 8, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1669

Introduced by Assembly Member Roger Hernández

January 15, 2016

An act to amend Sections 1070, 1071, and 1072 of, to amend the heading of Chapter 4.6 (commencing with Section 1070) of Part 3 of Division 2 of, and to add ~~Section~~ *Sections 1075 and 1076* to, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, as amended, Roger Hernández. Displaced employees: 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 is required to 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 is required to 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. Existing law authorizes an employee who was not offered employment or who has been discharged in violation of existing law, or his or her agent, to bring an action against the successor contractor or subcontractor in any superior court having jurisdiction over the successor contractor or subcontractor. Existing law authorizes an awarding authority to terminate a service contract under prescribed circumstances.

This bill would expand the application of these provisions to exclusive contracts for the collection and transportation of solid waste. The bill would require the information provided to a bona fide bidder to be made available in writing at least 30 days before bids for the service contract are due. The bill would establish certain provisions applicable only to service contracts for the collection and transportation of solid waste, including limits on the requirement to retain employees and specified requirements for notice and opportunity to cure in the context of civil action or termination. *The bill would not apply to contracts awarded before January 1, 2017, or to contracts for which the bid process has been completed before January 1, 2017.* By requiring local agencies to give a bidding preference under these provisions to those contractors and 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
6 CONTRACTS FOR THE COLLECTION AND TRANSPORTATION OF SOLID
7 WASTE

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

2 1070. The Legislature finds and declares all of the following:

3 (a) That when public agencies with jurisdiction over public
4 transit services or the collection and transportation of solid waste
5 award contracts to operate bus and rail services, or to provide for
6 the collection and transportation of solid waste to a new contractor,
7 qualified employees of the prior contractor who are not reemployed
8 by the successor contractor face significant economic dislocation
9 as a result.

10 (b) That those displaced employees rely unnecessarily upon the
11 unemployment insurance system, public social services, and health
12 programs, increasing costs to these vital government programs
13 and placing a significant burden upon both the government and
14 the taxpayers.

15 (c) That it serves an important social purpose to establish
16 incentives for contractors who bid on public transit service
17 contracts or contracts for the collection and transportation of solid
18 waste to retain qualified employees of the prior contractor to
19 perform the same or similar work.

20 SEC. 3. Section 1071 of the Labor Code is amended to read:

21 1071. The following definitions apply to this chapter:

22 (a) "Awarding authority" means any local government agency,
23 including any city, county, special district, transit district, joint
24 powers authority, or nonprofit corporation that awards or otherwise
25 enters into contracts for public transit services or for the collection
26 and transportation of solid waste performed within the State of
27 California.

28 (b) "Bidder" means any person who submits a bid to an
29 awarding authority for a public transit service contract, an exclusive
30 contract for the collection and transportation of solid waste, or a
31 subcontract.

32 (c) "Contractor" means any person who enters into a public
33 transit service contract or an exclusive contract for the collection
34 and transportation of solid waste with an awarding authority.

35 (d) "Employee" means any individual who works for a
36 contractor or subcontractor under a contract. "Employee" does not
37 include an executive, administrative, or professional employee
38 exempt from the payment of overtime compensation within the
39 meaning of subdivision (a) of Section 515 or any person who is

1 not an “employee” as defined under Section 2(3) of the National
2 Labor Relations Act (29 U.S.C. Sec. 152(3)).

3 (e) “Person” means any individual, proprietorship, partnership,
4 joint venture, corporation, limited liability company, trust,
5 association, or other entity that may employ individuals or enter
6 into contracts.

7 (f) “Public transit services” means the provision of passenger
8 transportation services to the general public, including paratransit
9 service.

10 (g) “Service contract” means any contract the principal purpose
11 of which is to provide public transit services or the exclusive right
12 to provide collection and transportation of solid waste through the
13 use of employees.

14 (h) “Solid waste” has the same meaning as defined in Section
15 40191 of the Public Resources Code.

16 (i) “Subcontractor” means any person who is not an employee
17 who enters into a contract with a contractor to perform a portion
18 of the contractor’s express obligations under a service contract.
19 “Subcontractor” does not include a contractor’s vendors, suppliers,
20 insurers, or other service providers.

21 SEC. 4. Section 1072 of the Labor Code is amended to read:

22 1072. (a) A bidder shall declare as part of the bid for a service
23 contract whether or not the bidder will retain the employees of the
24 prior contractor or subcontractor for a period of not less than 90
25 days, as provided in this chapter, if awarded the service contract.

26 (b) An awarding authority letting a service contract out to bid
27 shall give a 10 percent preference to any bidder who agrees to
28 retain the employees of the prior contractor or subcontractor
29 pursuant to subdivision (a).

30 (c) (1) If the awarding authority announces that it intends to
31 let a service contract out to bid, the existing service contractor,
32 within a reasonable time, shall provide to the awarding authority
33 the number of employees who are performing services under the
34 service contract and the wage rates, benefits, and job classifications
35 of those employees. In addition, the existing service contractor
36 shall make this information available to any entity that the awarding
37 authority has identified as a bona fide bidder. This information
38 shall be made available to each bona fide bidder in writing at least
39 30 days before bids for the service contract are due, whether by
40 inclusion of the information in the request for bids or otherwise.

1 If the successor service contract is awarded to a new contractor,
2 the existing contractor shall provide the names, addresses, dates
3 of hire, wages, benefit levels, and job classifications of employees
4 to the successor contractor. The duties imposed by this subdivision
5 shall be contained in all service contracts.

6 (2) A successor contractor or subcontractor who agrees to retain
7 employees pursuant to subdivision (a) shall retain employees who
8 have been employed by the prior contractor or subcontractors,
9 except for reasonable and substantiated cause. That cause is limited
10 to the particular employee's performance or conduct while working
11 under the prior contract or the employee's failure of any controlled
12 substances and alcohol test, physical examination, criminal
13 background check required by law as a condition of employment,
14 or other standard hiring qualification lawfully required by the
15 successor contractor or subcontractor.

16 (3) The successor contractor or subcontractor shall make a
17 written offer of employment to each employee to be retained
18 pursuant to subdivision (a). That offer shall state the time within
19 which the employee must accept that offer, but in no case less than
20 10 days. Nothing in this section requires the successor contractor
21 or subcontractor to pay the same wages or offer the same benefits
22 provided by the prior contractor or subcontractor.

23 (4) If, at any time, the successor contractor or subcontractor
24 determines that fewer employees are required than were required
25 under the prior contract or subcontract, the successor contractor
26 or subcontractor shall retain qualified employees by seniority
27 within the job classification. In determining those employees who
28 are qualified, the successor contractor or subcontractor may require
29 an employee to possess any license that is required by law to
30 operate the equipment that the employee will operate as an
31 employee of the successor contractor or subcontractor.

32 SEC. 5. Section 1075 is added to the Labor Code, to read:

33 1075. Notwithstanding any other provision of this chapter, the
34 following shall apply to service contracts for the collection and
35 transportation of solid waste:

36 (a) A successor contractor or subcontractor shall be required to
37 retain only employees of a contractor or subcontractor under a
38 prior service contract whose employment would be terminated if
39 the service contract were awarded to another ~~contractor~~. *contractor*
40 *or subcontractor*.

1 (b) A successor contractor or subcontractor shall not be required
2 to retain an employee of a contractor or subcontractor under a prior
3 service contract under any of the following circumstances:

4 (1) If the employee of the prior contractor or subcontractor does
5 not meet any standard hiring qualification lawfully required by
6 the successor contractor or subcontractor for the position.

7 (2) If the successor contractor or subcontractor would be
8 required to terminate or reassign an existing employee covered
9 under a collective bargaining agreement with the successor
10 contractor or subcontractor in order to hire the employee of the
11 prior contractor or subcontractor.

12 (3) If, and to the extent, the actual number of employees meeting
13 the requirements of this chapter exceeds the number of those
14 employees communicated to bona fide bidders in accordance with
15 paragraph (1) of subdivision (c) of Section 1072.

16 (c) An employee or his or her agent shall not bring an action
17 against a successor contractor or subcontractor under subdivision
18 (a) of Section 1073 without first giving the successor contractor
19 or subcontractor written notice of the violation or breach and 30
20 days to cure the violation or breach. An awarding authority shall
21 not terminate a service contract under subdivision (a) of Section
22 1074 without first giving the successor contractor or subcontractor
23 written notice of the violation or breach and 30 days to cure the
24 violation or breach.

25 *SEC. 6. Section 1076 is added to the Labor Code, to read:*

26 *1076. The amendments and additions to this chapter made by*
27 *the act adding this section shall not apply to contracts awarded*
28 *before January 1, 2017, or to contracts for which the bid process*
29 *has been completed before January 1, 2017.*

30 ~~SEC. 6.~~

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

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AMENDED IN ASSEMBLY MAY 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2812

Introduced by Assembly Member Gordon

February 19, 2016

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 amended, 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~~ *develop guidelines* for collecting and ~~storing recycling~~ *recycling* recyclable materials in ~~office buildings of state buildings agencies and large state facilities.~~ *facilities, except buildings and facilities of community college districts or their campuses.* The bill would require *that a covered* state agency and large state facility, ~~on or before and after July 1, 2018, consistent with those requirements,~~ *to provide receptacles for recyclable materials,*

~~provide staff, and establish a collection schedule for collecting recyclable materials. provide adequate receptacles, signage, education, and staffing, and arrange for recycling services consistent with specified law, for each office building of the state agency or large state facility. The bill would require, at least once per year, a covered 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. signage, education, and staffing.~~

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-no~~.

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~~ *develop*
- 5 *guidelines* for collecting and ~~storing~~ *recycling* recyclable materials
- 6 in *office buildings of state* ~~buildings~~ agencies and large state
- 7 facilities.
- 8 (b) For purposes of this section, "recyclable materials" shall
- 9 ~~include all~~ *include, but are not limited to,* paper, plastic, ~~and metal~~
- 10 ~~products accepted by the applicable city, county, or local agency~~
- 11 ~~for recycling.~~ *metal, and organic waste.*
- 12 (c) ~~On or before~~ *and after* July 1, 2018, a state agency and large
- 13 ~~state facility shall, consistent with the requirements adopted by~~

1 ~~the department pursuant to subdivision (a), provide receptacles for~~
2 ~~recyclable materials, provide staff, and establish a collection~~
3 ~~schedule for collecting recyclable materials.~~ *facility, for each office*
4 *building of the state agency or large state facility, shall provide*
5 *adequate receptacles, signage, education, and staffing, and arrange*
6 *for recycling services consistent with Sections 42649.2 and*
7 *42649.81.*

8 (d) At least once per year, a state agency and large state facility
9 shall review the adequacy and condition of receptacles for
10 recyclable material and of associated ~~signage.~~ *signage, education,*
11 *and staffing.*

12 (e) For purposes of this section, "state agency" and "large
13 state facility" do not include buildings or facilities of community
14 college districts or their campuses.

15 SEC. 2. Section 42926 of the Public Resources Code is
16 amended to read:

17 42926. (a) In addition to the information provided to the
18 department pursuant to Section 12167.1 of the Public Contract
19 Code, each state agency shall submit an annual report to the
20 department summarizing its progress in reducing solid waste as
21 required by Section 42921. The annual report shall be due on or
22 before May 1 of each year. The information in this report shall
23 encompass the previous calendar year.

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

26 (1) Calculations of annual disposal reduction.

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

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

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

38 (5) A summary of the state agency's compliance with the
39 requirements specified in *subdivisions (c) and (d) of Section*
40 *42924.5.*

1 (6) Other information relevant to compliance with Section
2 42921.

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

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

9 ~~SEC. 3. If the Commission on State Mandates determines that~~
10 ~~this act contains costs mandated by the state, reimbursement to~~
11 ~~local agencies and school districts for those costs shall be made~~
12 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
13 ~~4 of Title 2 of the Government Code.~~

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

June 15, 2016

The Honorable Bob Wieckowski
Chair, Senate Environmental Quality Committee
State Capitol, Room 3086
Sacramento, CA 95814

RE: Assembly Bill 2812 (Gordon) – SUPPORT

Dear Senator Wieckowski:

On behalf of the Rural County Representatives of California (RCRC), I am writing to express our support for Assembly Bill 2812, authored by Assembly Member Richard Gordon, which would attempt to ensure recycling opportunities are made available and staffed throughout state facilities.

RCRC is an association of thirty-five rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties. Our member counties represent their solid waste managers, who have been charged with ensuring that their respective counties meet state-imposed requirements in order to reduce waste being disposed and increase recycling/re-use efforts for certain products.

In addition to having a statewide 75 percent diversion goal, state law requires counties to divert at least 50 percent of their solid waste from landfills. CalRecycle enforces this requirement and works with counties to achieve these diversion requirements. Thankfully, CalRecycle recognizes many of the limitations that come with reaching these goals; however, we are constantly working with CalRecycle to implement programs that ultimately reduce waste disposal into landfills. One option that continues to surface is to have state agencies and large state facilities participate in recycling programs. It should be noted that in many rural counties, the State's facilities (the Department of Transportation, the local Department of Motor Vehicles offices, state prisons, fairgrounds) are the largest waste generators. As such, counties would appreciate the assistance in having these facilities better divert their waste.

We would be remiss to note that while we support AB 2812, we are disappointed with the recent amendments. The prior version was much more prescriptive to state agencies in requiring opportunities to recycle items at state facilities, including

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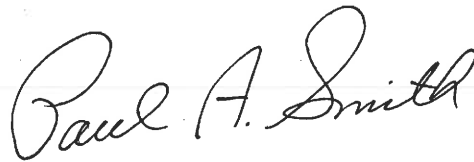
The Honorable Bob Wieckowski
Assembly Bill 2812
June 15, 2016
Page 2

community college facilities. This previous version would have resulted in more end-of-life products entering the diversion stream that originated from state facilities.

We understand that recent amendments were made to reduce state costs. Unfortunately, this is an example of the state recognizing its costs (and lowering/reducing them) in solid waste diversion efforts, but the state continues to impose diversion costs on local governments without a) the resources to fund them; nor b) the tools to adequately divert products from all types of waste generators.

For the above reasons, RCRC respectfully requests your 'Aye' vote when this measure is heard before your Committee.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Smith". The signature is written in a cursive, flowing style.

PAUL A. SMITH
Senior Legislative Advocate

cc: The Honorable Richard Gordon, Member of the California State Assembly
Members of the Senate Environmental Quality Committee
Scott Smithline, CalRecycle

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1383

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

February 19, 2016

An act to add Section ~~39731~~ 39730.5 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, as amended, 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~~ *board, no later than January 1, 2018, to approve and ~~implement~~ begin implementing* 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:

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

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

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

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

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

16 SEC. 2. Section ~~39731~~39730.5 is added to the Health and
17 Safety Code, to read:

18 ~~39731~~:

19 39730.5. (a) No later than January 1, 2018, the state board
20 shall approve and ~~implement~~ *begin implementing* the
21 comprehensive short-lived climate pollutant strategy developed
22 pursuant to Section 39730 to achieve a reduction in the statewide
23 emissions of methane by 40 percent, hydrofluorocarbon gases by
24 40 percent, and anthropogenic black carbon by 50 percent below
25 2013 levels by 2030.

26 (b) ~~It is the intent of the Legislature that the state board consider,~~
27 ~~when Prior to approving and implementing~~ the short-lived climate
28 pollutant strategy pursuant to subdivision (a), *the state board shall*
29 *do* all of the following:

30 (1) ~~Coordinating~~ *Coordinate* with other state and local agencies
31 and districts to develop measures identified as part of the strategy.

32 (2) ~~Providing~~ *Provide* a forum for public engagement by holding
33 at least three public hearings in geographically diverse locations
34 throughout the state.

35 (3) ~~Evaluating~~ *Evaluate* the best-available scientific,
36 technological, and economic information to ensure that the strategy
37 is cost effective and technologically feasible.

1 ~~(4) Considering the impact of the strategy on all of the~~
2 ~~following:~~

3 *(4) Incorporate and prioritize, as appropriate, measures and*
4 *actions that provide the following cobenefits:*

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

6 *(B) Public health benefits for residents, particularly in*
7 *disadvantaged communities identified pursuant to Section 39711.*

8 *(C) Potential for new innovation in technology, energy, and*
9 *resource management practices.*

10 *(c) The state board shall publicly notice the strategy described*
11 *in subdivision (a) and post a copy of that strategy on the state*
12 *board's Internet Web site at least one month prior to the state*
13 *board approving it pursuant to subdivision (a).*

O



*Inland Empire Disposal Association
Los Angeles County Waste Management Association
Solid Waste Association of Orange County*

April 5, 2016

The Honorable Ricardo Lara
State Capitol, Room 5050
Sacramento, CA 95814

RE: Senate Bill 1383 - CONCERN

Dear Senator Lara:

The Rural County Representatives of California (RCRC), the League of California Cities (LCC), the California State Association of Counties (CSAC), the Republic Services, the Inland Empire Disposal Association, the Los Angeles County Waste Management Association, and the Solid Waste Association of Orange County thank you for the opportunity to comment and express concerns regarding the impact of Senate Bill 1383 on local governments, the solid waste industry and our state's solid waste recycling infrastructure. We are particularly concerned with the methane reduction standards contained in SB 1383 and those that are proposed for organics disposal in the Draft Short-Lived Climate Pollutant Report circulated by the California Air Resources Board in September 2015.

That draft report sets the following targets to be implemented by ARB rulemaking in 2018:

- 75 percent diversion of organics by 2020, and
- Effectively eliminate (90 percent diversion) organic waste disposal in landfills by 2025.

While we support a reasonable goal of removing Short Lived Climate Pollutants (SLCP) from landfills, we believe that these goals cannot be achieved without:

- Substantial solid waste and recycling rate increases,
- Historic revisions to existing state requirements for siting and permitting solid waste infrastructure including CEQA, and
- A dramatic increase in markets for compost and renewable fuels.

Building a New Organics Infrastructure:

To place these new requirements in perspective, California has added about 13 active anaerobic digestion (AD) facilities and 169 active composting facilities in the past 20 years. At least 135-150 new facilities must be financed, sited, permitted, and built in the next four years to achieve the Draft Strategy's target of 75 percent organics diversion by 2020. An additional 100-150 facilities must be added in the following five years to achieve the 90 percent target by 2025.

Our extensive experience siting compost and AD facilities indicates that a new compost or AD facility takes a minimum of five years to finance, site, permit and build. That same experience shows that we simply cannot finance, site, permit and build 150 facilities in four years or 300 in nine years without historic and monumental changes to local siting processes, permitting, and CEQA.

Financing \$2 to \$3 Billion in New Infrastructure:

The Draft Strategy calls for diversion of 75 percent of organics by 2020, which will require 9 million additional tons of organics diversion capacity statewide by 2020--four years from now. This equates to needing an additional 120 compost operations and 12-15 more AD facilities over the next five years. Using a low-end estimated cost of \$10 million each, those 135 facilities would cost \$1.35 billion in four years. This does not include the substantial additional costs to collect, process, and deliver the organics to the facilities. We are concerned that the Draft Strategy does not identify the source(s) of this funding or how the money will be raised in such a short time.

Organics Diversion Policies and Methane Controls Are Already In Place:

Further, the solid waste industry has worked with the legislature, CalRecycle, ARB, and the Governor's Office to enact some of the most aggressive measures in the United States to increase the diversion and recycling of solid waste by local jurisdictions throughout California, including:

- The signatories on this letter worked cooperatively with the ARB and various Air Districts to implement the Landfill Methane Rule (LMR), one of the very first early action measures adopted by the ARB.

- AB 341 (2011), established Mandatory Commercial Recycling (MCR) throughout California. This legislation also established a state goal of 75 percent solid waste diversion by 2020. This measure has only recently been fully implemented.
- AB 1826 (2014), which establishes a Mandatory Commercial Organics Recycling (MCOR) program that requires businesses to recycle their organic waste starting on April 1, 2016. This law establishes a **target of recycling 50 percent of organics by 2020.**

Insufficient Time to Modify Business Strategies, Franchises and Contracts:

The industry and local government have developed a business strategy based on AB 1826 (50 percent organics reduction by 2020) and the 75 percent Recycling Goal contained in AB 341. We are committed to meeting those goals even though we recognize that they are a very heavy lift. The SLCP Report does not effectively acknowledge those efforts. Nor does it effectively recognize that current solid waste franchise agreements and contracts with cities and counties across the state will require major modifications to fund and enforce the organics mandates contained in CARDB's draft SLCP report.

In closing we believe that the goals set by CARB's Draft SLCP Report are technically and fiscally infeasible unless the state is willing to commit to major land use siting (and solving the related CEQA challenges) and permitting concessions as well as \$2 to \$3 billion in infrastructure funding.

Yet even with those commitments, the path will be very uncertain since we will be funding AD technologies and compost facilities that are historically difficult to site near large urban sources of feed stock. Mixed solid waste and organic residuals will have to be processed at great expense to remove the organic fraction and to insure that feedstock is free of contamination. A wholesale revision of California's view on conversion technologies will be required.

We would like the opportunity to work with you and your office to work cooperatively on a bill that will compliment the framework of AB 1826 and take us beyond 2020 with new goals for 2025 and 2030. All efforts towards this goal should be consistent with work done to date.

Please contact any one of the undersigned if you have any questions or require further information about our comments, recommendations and concerns.

Sincerely,

The Honorable Ricardo Lara
Senate Bill 1383
April 5, 2016
Page 4

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cc: Members, Senate Environmental Quality Committee

**2016 Legislation
June 14, 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
Committee: Senate Environmental Quality Committee
Hearing: 06/29/2016 9:30 am, Room 3191
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: 06/08/2016 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

BOARD.PACKET	Lobbyist	Position	Staff	Subject
APRIL2015	Paul	Oppose.Unless.Amend (05/31/2016)	Larry	ESJPA
DEC.2014			Mary	Solid.Waste
MAR2015				

2. CA AB 577

Author: Bonilla (D)
Title: Biomethane: Grant Program
Last Amend: 07/06/2015
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
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

File: 6
Location: Senate Second Reading File
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: 06/08/2016 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS. (6-0)

Lobbyist	Position	Staff	Subject
Mary-Ann	Watch (01/11/2016)	Larry	ESJPA
		Mary	Solid.Waste

5. CA AB 1063

Author: Williams (D)
Title: Solid Waste: Charges
Last Amend: 08/17/2015
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 Disposal: Self-Haulers
Last Amend: 06/06/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/15/2016 9:30 am, Room 3191
Summary: Requires a self-hauler of solid waste to submit specified information to the Department of Resources Recycling and Recovery on the types, quantities and destinations of materials that are disposed of, sold, or transferred. Requires the Department to develop regulations that define self-hauler to include specified persons and entities.

Status: 06/06/2016 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
 06/06/2016 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Paul	Support (05/13/2016)	Mary	ESJPA

7. CA AB 1108

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

Last Amend:
Committee: Senate Appropriations Committee
Hearing: 06/20/2016 10:00 am, John L. Burton Hearing Room (4203)
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: 06/08/2016 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (4-0)
Lobbyist Position Staff Subject
 Paul Watch (03/27/2015) Mary ESJPA

8. CA AB 1239

Author: Gordon (D)
Title: Tire Recycling: Tire Regulatory Fee: Waste Tires
Last Amend: 06/02/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/29/2016 9:30 am, Room 3191
Summary: Relates to the Tire Recycling Management Fund. Requires a waste tire generator to pay a State regulatory tire fee and remit that fee to the State for deposit into the Fund. Authorizes the establishment of such fee in amount that is sufficient to cover specified costs incurred with regulating retail sellers. Requires public hearings on that fee. Enacts the Tire Recycling Incentive Program Act that would provide incentive payments for entities using crumb rubber. Authorizes an adjustment of such payments.
Status: 06/02/2016 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
 06/02/2016 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Staff Subject
 Paul Support (06/22/2015) Mary ESJPA

9. CA AB 1419

Author: Eggman (D)
Title: Hazardous Waste: Cathode Ray Tube Glass
Last Amend: 06/01/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/29/2016 9:30 am, Room 3191
Summary: Provides that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceeds the total threshold limit concentration only for barium is not a waste and is not subject to regulation if that panel glass meets certain requirements. Provides that such glass that is recycled is not subject to regulations on the export of materials.
Status: 06/08/2016 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.
Lobbyist Position Staff Subject
 Mary Support (06/09/2016) Larry ESJPA
 Paul

10. CA AB 1435

Author: Alejo (D)
Title: Hazardous Waste: Toxics: Packaging
 08/18/2015

Last

Amend:

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.

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

11. CA AB 1669

Author: Hernandez R (D)
Title: Displaced Employees: Service Contracts

Last Amend: 06/09/2016

Committee: Senate Labor and Industrial Relations Committee
Hearing: 06/22/2016 9:30 am, Rose Ann Vuich Hearing Room (2040)

Summary: Expands the provisions of existing law regarding retention of current public employees under a contract for specified public services and the related requirements of contractor, to cover exclusive contracts for the collection and transportation of solid waste. Provides the time period for notification of such retention requirements prior to the submission of bids. Provides these provisions are application to solid waste related contracts only, include limits on employee retention. Provides exempt contracts.

Status: 06/09/2016 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS with author's amendments.

06/09/2016 In SENATE. Read second time and amended. Re-referred to Committee on LABOR AND INDUSTRIAL RELATIONS.

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

12. CA AB 1776

Author: Obernolte (R)
Title: Hazardous Waste: Disposal: Exemption

Last Amend: 03/17/2016

Committee: Senate Environmental Quality Committee
Hearing: 06/15/2016 9:30 am, Room 3191

Summary: Excludes from the definition of the term disposal the onsite movement of soil at an active outdoor sport shooting range if this movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the shooting range, the activities at the range are consistent with a specified manual, and the residual soil is replaced within the area from which was originally removed.

Status: 05/05/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Subject
Mary	Watch (03/30/2016)	ESJPA
Paul		Solid.Waste

13. CA AB 1811

Author: Dodd (D)

Title: Fertilizer: Organic Plant Material: Registration
Last Amend: 05/27/2016
Committee: Senate Agriculture Committee
Hearing: 06/21/2016 9:30 am, Room 113
Summary: Relates to registration of organic input material and the labeling of such material. Provides for a temporary label for renewal of such registered material while new labels are being corrected and reprinted or during the renewal process. Relates to registration renewal. Authorizes a schedule of registration. Relates to inspections of high-risk products and manufacturers. Provides a provision registration period. Prohibits distribution of certain misbranded fertilizers.
Status: 05/27/2016 From SENATE Committee on AGRICULTURE with author's amendments.
 05/27/2016 In SENATE. Read second time and amended. Re-referred to Committee on AGRICULTURE.

Lobbyist	Position	Staff	Subject
Paul	Watch (04/08/2016)	Mary	ESJPA Solid.Waste

14. CA AB 1817

Author: Stone (D)
Title: Solid Waste: Garbage and Refuse Disposal Districts
Last Amend: 04/11/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Authorizes a Garbage and Refuse Disposal District Board to provide, by ordinance or resolution, compensation to a member of the Board, in an amount not to exceed a specified amount per day for each day of attendance at a meeting of the Board or for each day service rendered as Director by request of the Board. Authorizes a member of the Board to receive that compensation for a maximum time period in a calendar month.
Status: 06/10/2016 Signed by GOVERNOR.
 06/10/2016 Chaptered by Secretary of State. Chapter No. 21

Lobbyist	Position	Staff	Subject
Paul	Watch (04/08/2016)	Mary	ESJPA Solid.Waste

15. CA AB 2039

Author: Ting (D)
Title: Solid Waste: Home-Generated Sharps
Last Amend: 04/05/2016
Location: Assembly Environmental Safety and Toxic Materials Committee
Summary: Requires a producer of home-generated sharps or their stewardship organization to submit a home-generated sharps stewardship plan to the Department of Resources Recycling and Recovery. Requires a recovery program to reduce the generation of, and manage the end of life of, home-generated sharps. Includes collection rates. Provides for review, plan approval and an administrative fee. Relates to health risk to the public, waste workers and janitors of transmission of HIV, hepatitis, tetanus and syphilis.
Status: 04/12/2016 In ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Not heard.

Lobbyist	Position	Staff	Subject
Paul	Support (03/28/2016)	Mary	ESJPA Solid.Waste

16. CA AB 2059

Author: Garcia E (D)
Title: Junk Dealers and Recyclers: Nonferrous Materials
Last Amend: 05/03/2016
File: A-19
Location: Assembly Inactive File
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 minimum sum which exclusively covers the cost of 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. Defines recoverable cost of loss to the verifiable owner of the scrap metal to be specified damages. Requires a report on related metal theft reduction.
Status: 06/02/2016 In ASSEMBLY. To Inactive File.
Lobbyist Position Staff Subject
 Paul Watch (03/30/2016) Mary ESJPA

17. CA AB 2110

Author: Dahle (R)
Title: Beverage Containers: Redemption Payments
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.
Lobbyist Position Staff Subject
 Paul Watch (02/18/2016) Mary ESJPA
 Solid.Waste

18. CA AB 2153

Author: Garcia (D)
Title: Lead Acid Battery Recycling Act
Last Amend: 06/01/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/15/2016 9:30 am, Room 3191
Summary: Establishes the Used Lead-Acid Battery Recycling Act. Requires a acceptance of lead-acid batteries of the same type and size sold by a dealer, no matter the brand name or original dealer. Requires the collection of a refundable deposit for each such battery purchased without a trade-in of a used battery. Provides for a refund of the deposit with a battery trade-in within a specified time period. Requires a fee for each such battery sold for placement into the Lead-Acid Battery Cleanup Fund.
Status: 06/09/2016 To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.
Lobbyist Position Subject
 Mary Pending (03/30/2016) ESJPA
 Paul

19. CA AB 2396

Author: McCarty (D)
Title: Solid Waste: Annual Reports
Last Amend: 04/13/2016
Committee: Senate Appropriations Committee

Hearing: 06/20/2016 10:00 am, John L. Burton Hearing Room (4203)
Summary: Relates to the established integrated waste management program. Requires each state agency to include in its annual report summarizing its progress in reducing solid waste, a summary of the agency's compliance with specified requirements relating to recycling commercial waste and organic waste.
Status: 06/08/2016 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (6-0)
Lobbyist Position Staff Subject
 Paul Pending (04/18/2016) Mary ESJPA
 Solid.Waste

20. CA AB 2530

Author: Gordon (D)
Title: Recycling: Beverage Containers
Last Amend: 06/01/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/29/2016 9:30 am, Room 3191
Summary: Requires a manufacturer of a beverage sold in a plastic beverage container to report the average percentage of postconsumer recycled content in beverage containers sold in the State in the previous year. Requires a manufacturer to use several specified methods of determining the recycled content for making a claim about the postconsumer recycled content. Requires a manufacturer to demonstrate compliance with these provisions annually.
Status: 06/09/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Watch (02/23/2016) ESJPA
 Paul Solid.Waste

21. CA AB 2576

Author: Gray (D)
Title: Recycling: Glass Container Manufacturers
Last Amend: 04/11/2016
Location: Assembly Appropriations Committee
Summary: Provides that a specified amount of funds shall be made available from the Greenhouse Gas Reduction Fund for market development payments to glass container manufacturers in an amount per ton of state-generated cullet, utilized for manufacturing in the State to achieve greenhouse gas emissions reductions not otherwise required by statute or regulation.
Status: 05/27/2016 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.
Lobbyist Position Staff Subject
 Paul Pending (03/07/2016) Mary ESJPA

22. CA AB 2579

Author: Low (D)
Title: Food Service Packaging: Producer Responsibility: Study
Last Amend: 04/13/2016
Location: Senate Rules Committee
Summary: Amends the Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, that regulates the disposal, management, and recycling of solid waste. Requires the Department to complete a study to establish baseline data relating to food service packaging that contains specified

information, including the current and potential markets for recycled and composted food service packaging products.

Status: 06/09/2016 To SENATE Committee on RULES.

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

23. CA AB 2585

Author: Williams (D)

Title: Global Warming Solutions Act of 2006: Biomethane

Last Amend: 03/15/2016

Location: Assembly Appropriations Committee

Summary: Requires the State Air Resources Board to review any regulation adopted as part of a market-based compliance mechanism to consider the intended purpose and consistency of requirements aimed to prevent resources shuffling among all fuels subject to the regulation.

Status: 05/27/2016 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

Analyst	Lobbyist	Position	Subject
Santinia	Mary	Watch (03/31/2016)	Climate.Change
	Staci		ESJPA

24. CA AB 2725

Author: Chiu (D)

Title: Food Manufacturers: Food Facilities: Labels

Last Amend: 04/05/2016

Location: Assembly Health Committee

Summary: Relates to the Retail Food Code, and the State Department of Health. Requires the Department to identify a list of ready-to-eat foods that have a high level of risk associated with consumption after a specified date and to post that list on its Internet Web site. Requires a food manufacturer that elects to include an elevated risk date on products that require time/temperature control for safety to label the package or container of that food identifying the elevated-risk date, certain wording.

Status: 04/19/2016 In ASSEMBLY Committee on HEALTH: Not heard.

Lobbyist	Position	Subject
Mary	Support (03/30/2016)	ESJPA
Paul		

25. CA AB 2794

Author: Santiago (D)

Title: Hazardous Waste: Facilities Permitting: Fees

Last Amend: 04/05/2016

Location: Assembly Appropriations Committee

Summary: Amends existing law that provides a person who applies for, or requests, specialized hazardous waste permits, variances, or waste classification determinations with the option of paying a specified flat fee amount or entering into a reimbursement agreement to reimburse the Department of Toxic Substances Control for costs incurred in processing the application or response to the request. Provides those fees are deposited in the Hazardous Waste Control Account. Increases the specified flat fee amounts.

Status: 05/27/2016 In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.

Lobbyist	Position	Subject
Mary	Watch (03/30/2016)	ESJPA

Paul

26. CA AB 2812

Author: Gordon (D)
Title: Solid Waste: Recycling
Last Amend: 05/27/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/29/2016 9:30 am, Room 3191
Summary: Requires the Department of Resources Recycling and Recovery to develop guidelines for collecting and recycling recyclable materials in office buildings of State agencies and large State facilities, except buildings of community college districts. Requires a covered State agency or large State facility provide adequate receptacles, signage, education, and staffing, and arrange for recycling services for each office building of the agency or facility. Requires an annual review of these requirements.
Status: 06/09/2016 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Subject
Mary	Support (03/14/2016)	ESJPA
Paul		Solid.Waste

27. CA AB 2891

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Hazardous Waste: Funding
Last Amend: 05/25/2016
Committee: Senate Environmental Quality Committee
Hearing: 06/15/2016 9:30 am, Room 3191
Summary: Expresses the intent of the Legislature regarding funds deposited in the Toxic Substances Control Account be appropriated to the Site Remediation Account to pay for site remediation including Federal Superfund orphan sites and at state-only orphan sites. Repeals a Budget Act requirement regarding fees paid by organizations that handle hazardous materials that are necessary to fund the State's increased obligation under the Federal Superfund Act.
Status: 05/25/2016 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
05/25/2016 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Subject
Mary	Watch (03/30/2016)	ESJPA
Paul		

28. CA SB 423

Author: Bates (R)
Title: Retail Nonprescription Surplus Products: Reuse
Last Amend: 08/31/2015
Location: Assembly Environmental Safety and Toxic Materials Committee
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: 06/13/2016

Re-referred to ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

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

29. CA SB 970

Author: Leyva (D)
Title: Greenhouse Gas Reduction Fund: Grants: Recyclables
Last Amend: 05/10/2016
Location: Assembly Natural Resources Committee
Summary: Requires the Department of Resources Recycling and Recovery, in awarding a grant for organic composting or anaerobic digestion under the grant program under the Greenhouse Gas Reduction Fund for financial assistance to reduce such gas emissions, to consider the amount of greenhouse gas emission reductions that may result from the project and the amount of organic material that may be diverted from landfills as a result of the project.
Status: 06/06/2016 To ASSEMBLY Committee on NATURAL RESOURCES.

Lobbyist	Position	Staff	Subject
Paul	Watch (03/30/2016)	Mary	ESJPA Solid.Waste

30. CA SB 1213

Author: Wieckowski (D)
Title: Renewable Energy: Biosolids: Matching Grants
Last Amend: 04/04/2016
Location: Senate Appropriations Committee
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.
Status: 05/27/2016 In SENATE Committee on APPROPRIATIONS: Held in committee.

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

31. CA SB 1325

Author: De Leon (D)
Title: Hazardous Waste: Facilities: Postclosure Plans
Last Amend: 04/12/2016
Location: Assembly Environmental Safety and Toxic Materials Committee
Summary: Restores the authority of the Department of Toxic Substances Control impose specified requirements regarding hazardous waste facility postclosure plans through an enforcement order or an enforcement agreement. Requires the Department to adopt regulations to impose postclosure plan requirements.
Status: 06/06/2016 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Lobbyist	Position	Staff	Subject
Paul	Pending (04/14/2016)	Mary	ESJPA

32. CA SB 1383

Author: Lara (D)

Title: Short-Lived Climate Pollutants
Last Amend: 04/12/2016
Location: Assembly Natural Resources Committee
Summary: Requires the State Air Resources Board to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a specified reduction in methane, hydro-fluorocarbon gases, and anthropogenic black carbon below 2013 levels by 2030.
Status: 06/13/2016 To ASSEMBLY Committee on NATURAL RESOURCES.

Analyst	BOARD.PACKET	Lobbyist	Position	Subject
Santina	APRIL2016	Mary Staci	Concerns (04/05/2016)	Climate.Change DisadvantagedComm ESJPA Fire Forestry Solid.Waste

33. CA SB 1459

Author: Morrell (R)
Title: Beverage Container Recycling: Enforcement
Location: Senate Rules Committee
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: 03/10/2016 To SENATE Committee on RULES.

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

