

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

Thursday, October 20, 2016

**Agenda Item VI
Legislative Update**

Complete Text of Selected Solid Waste Bills

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Assembly Bill No. 1103

CHAPTER 443

An act to amend Section 41821.5 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 22, 2016. Filed with Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, Dodd. Solid 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 to submit that information to the department and would require the department to develop regulations that define "self-hauler" to include specified persons and entities.

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

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

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

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

(2) Exporters, brokers, self-haulers, and transporters of recyclables or compost shall submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. The department shall develop regulations implementing this

section that define “self-hauler” to include, at a minimum, a person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own food waste to a location or facility that is not owned and operated by that person or entity.

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

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

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

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

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

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

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

(g) (1) Notwithstanding Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code and Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, all records that the facility or operator is reasonably required to keep to allow the department to verify information in, or verification of, the reports required pursuant to

subdivisions (a) and (b) and implementing regulations shall be subject to inspection and copying by the department, but shall be confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

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

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

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

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

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

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

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

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

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Assembly Bill No. 1419

CHAPTER 445

An act to add Section 25143.2.5 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 22, 2016. Filed with Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, Eggman. 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. A violation of the hazardous waste laws is a crime.

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. The bill would prohibit the use of that CRT panel glass except in specified end uses. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

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

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

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

SECTION 1. Section 25143.2.5 is added to the Health and Safety Code, to read:

25143.2.5. (a) For purposes of this section, the following definitions apply:

(1) "Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

(2) “CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers, and oscilloscopes.

(3) “CRT funnel glass” means any glass separated from CRT panel glass that is derived from the treatment of a CRT and that consists of the neck and funnel section of a CRT, including the frit.

(4) “CRT panel glass” means glass separated from CRT funnel glass that is derived from the treatment of a CRT and that consists only of the face plate of a CRT containing a phosphor viewing surface. CRT panel glass does not include the frit.

(5) “CRT panel glass without phosphor” means CRT panel glass that has undergone treatment by an authorized universal waste handler to remove the phosphor.

(b) Used, broken CRT panel glass that exceeds the total threshold limit concentration (TTLC) only for barium is not a waste and is not subject to regulation by the department pursuant to this chapter, including the prohibition on the use of that glass in a manner constituting disposal, if it is recycled and meets the requirements of Section 261.39 of Title 40 of the Code of Federal Regulations.

(c) CRT panel glass without phosphor that exceeds the TTLC only for barium is not a waste and is not subject to regulation by the department pursuant to this chapter, including the prohibition on the use of that glass in a manner constituting disposal, if that glass meets the requirements of Section 66273.81 of Title 22 of the California Code of Regulations and is managed in accordance with the requirements of Section 261.39 of Title 40 of the Code of Federal Regulations.

(d) CRT panel glass meeting the requirements of subdivision (b) or (c) that is recycled may be used only for the following end uses:

- (1) Tiles, including floor or wall tiles.
- (2) Fiberglass.
- (3) Radiation shielding glass.
- (4) Decorative glass.
- (5) Bricks.
- (6) Cast concrete.
- (7) Blasting media.
- (8) Construction block.

(9) Any other end uses identified by the department, in consultation with the Department of Resources Recycling and Recovery, that pose no risk to the public health and safety.

(e) The department may prohibit any previously authorized end use if the department determines that the end use potentially poses environmental or public health harm. The department shall notify the recyclers of the prohibition not less than 60 days prior to the effective date of the prohibition.

(f) Used, broken CRT panel glass and processed CRT panel glass that exceeds the TTLC only for barium and that is recycled is not subject to any requirement implementing this chapter regarding export of materials.

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

(h) This section does not affect the identification or classification of a waste that is derived from the end use products listed in or identified pursuant to subdivision (d).

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

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

(k) This section does not affect, in any manner, the Toxics in Packaging Prevention Act (Article 10.4 (commencing with Section 25214.11)) or the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5)).

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

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

August 31, 2016

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

RE: Assembly Bill 1419 (Eggman) – REQUEST FOR SIGNATURE

Dear Governor Brown:

On behalf of the Rural County Representatives of California (RCRC), I respectfully request your signature on Assembly Bill 1419. AB 1419, authored by Assembly Member Susan Eggman, 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.

Again, RCRC respectfully requests your signature on AB 1419. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Susan Eggman, Member of the California State Assembly

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

ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE 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

Assembly Bill No. 1669

CHAPTER 874

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 Sections 1075 and 1076 to, the Labor Code, relating to employment.

[Approved by Governor September 30, 2016. Filed with
Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1669, 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.

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

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

CHAPTER 4.6. PUBLIC TRANSIT SERVICE CONTRACTS AND CONTRACTS
FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE

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

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

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

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

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

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

1071. The following definitions apply to this chapter:

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

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

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

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

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

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

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

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

(i) "Subcontractor" means any person who is not an employee who enters into a contract with a contractor to perform a portion of the contractor's express obligations under a service contract. "Subcontractor" does not include a contractor's vendors, suppliers, insurers, or other service providers.

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

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

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

(c) (1) If the awarding authority announces that it intends to let a service contract out to bid, the existing service contractor, within a reasonable time, shall provide to the awarding authority the number of employees who are performing services under the service contract and the wage rates, benefits, and job classifications of those employees. In addition, the existing service contractor shall make this information available to any entity that the awarding authority has identified as a bona fide bidder. This information shall be made available to each bona fide bidder in writing at least 30 days before bids for the service contract are due, whether by inclusion of the information in the request for bids or otherwise. If the successor service contract is awarded to a new contractor, the existing contractor shall provide the names, addresses, dates of hire, wages, benefit levels, and job classifications of employees to the successor contractor. The duties imposed by this subdivision shall be contained in all service contracts.

(2) A successor contractor or subcontractor who agrees to retain employees pursuant to subdivision (a) shall retain employees who have been employed by the prior contractor or subcontractors, except for reasonable and substantiated cause. That cause is limited to the particular employee's performance or conduct while working under the prior contract

or the employee's failure of any controlled substances and alcohol test, physical examination, criminal background check required by law as a condition of employment, or other standard hiring qualification lawfully required by the successor contractor or subcontractor.

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

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

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

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

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

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

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

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

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

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

subcontractor written notice of the violation or breach and 30 days to cure the violation or breach.

(d) This chapter shall only apply to service contracts for the collection and transportation of solid waste when an awarding agency decides to let an exclusive solid waste collection and transportation contract out to bid. It is not intended to determine whether or not a local agency should procure a service contract by inviting bids, extend an existing service contract, renegotiate its service contract with the prior contractor, or exercise any other right it possesses pursuant to Section 40059 of the Public Resources Code to determine aspects of solid waste handling that are of local concern.

(e) This chapter does not modify, limit, or abrogate in any manner any franchise, contract, license, or permit granted or extended by a city, county, or other local government agency before January 1, 2017.

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

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

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

Assembly Bill No. 2153

CHAPTER 666

An act to add Section 25215.5.5 to, and to repeal and add Article 10.5 (commencing with Section 25215) of Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, Cristina Garcia. The Lead-Acid Battery Recycling Act of 2016.

Existing law prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. Existing law requires a dealer to accept, when offered at the point of transfer, a lead-acid battery from a consumer in exchange for the new lead-acid battery purchased by that consumer from the dealer. A violation of these provisions is a misdemeanor.

This bill, the Lead-Acid Battery Recycling Act of 2016, would, as of January 1, 2017, revise these provisions to require a dealer to accept, at the point of transfer, specified types of used lead-acid batteries and would prohibit the dealer from charging any fee to accept these used lead-acid batteries. The bill, on and after April 1, 2017, would require a dealer to collect a refundable deposit for each new lead-acid battery of these types from a person who purchases the battery and who does not simultaneously provide a used lead-acid battery of the same size and type, and would require the dealer to refund the deposit to the person if, within 45 days of the sale of that lead-acid battery, the person presents a used lead-acid battery of the same type and size. The bill would require a dealer to post a specified notice or include specified information on the purchaser's receipt for one of these lead-acid batteries with regard to these provisions. The bill would allow the dealer to keep any lead-acid battery refundable deposit that is not properly claimed within 45 days after the date of sale of the new lead-acid battery.

This bill, on and after April 1, 2017, until March 31, 2022, would require a California battery fee in the amount of \$1 to be imposed on a person, except as specified, for each replacement lead-acid battery purchased that is of one of the specified types. The bill would authorize the dealer to retain 1 ½% of the fee as reimbursement for any costs associated with the collection of the fee and would require the dealer to remit the remainder to the State Board of Equalization (state board) for deposit into the Lead-Acid Battery Cleanup Fund, except as specified. On and after April 1, 2022, the bill would increase the California battery fee to \$2.

This bill, on and after April 1, 2017, until March 31, 2022, would require a manufacturer battery fee of \$1 to be imposed on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California, for deposit into the Lead-Acid Battery Cleanup Fund. The bill would require manufacturer battery fees remitted pursuant to these provisions to be credited against amounts owed by the manufacturer to the state under a judgment or determination of liability under specific hazardous materials provisions or any other law for removal, remediation, or other response costs relating to a release of a hazardous substance from a lead-acid battery recycling facility. The bill would require that the amount paid by a manufacturer for a manufacturer battery fee be considered to reduce the manufacturer's share of liability in the allocation of costs among potentially responsible parties in a contribution action brought by a private party related to a release of hazardous substances from a lead-acid battery recycling facility.

Of moneys collected pursuant to this act, the bill would require the board to retain moneys necessary for the payment of refunds and to reimburse the board for expenses in the collection of the California battery fee and the manufacturer battery fee. The bill would require that the remaining moneys be deposited into the Lead-Acid Battery Cleanup Fund, which would be created by the bill, and would make the moneys available upon appropriation by the Legislature for purposes of response actions at any area of the state that is reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility, administration of the fund, the department's administration and implementation of the act's provisions, and reimbursement of certain loans for lead cleanup. The bill would make the reimbursement money available for further loans, as specified. The bill would require \$1,200,000 be loaned from the California Tire Recycling Management Fund to the board for implementing the collection of the California battery fee and the manufacturer battery fee and would require that the loan be repaid before October 1, 2017.

This bill would require, on and after July 1, 2017, a manufacturer to place a recycling symbol, as specified, and other information on all replacement lead-acid batteries sold in California.

This bill would require, by February 1, 2018, and annually thereafter, the department to report to the Legislature on the status of the Lead-Acid Battery Cleanup Fund and on the department's progress in implementing these provisions.

This bill would authorize the board to adopt regulations to implement these lead-acid battery management provisions. Because a violation of these regulations would be a crime, this bill would impose a state-mandated local program.

This bill would require, on or before January 1, 2017, manufacturers to notify distributors, wholesalers, and dealers of the lead-acid batteries it manufactures of the bill's requirements, as specified.

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 declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Article 10.5 (commencing with Section 25215) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 10.5. The Lead-Acid Battery Recycling Act of 2016

25215. This article shall be known, and may be cited, as the Lead-Acid Battery Recycling Act of 2016.

25215.1. For purposes of this article, the following definitions shall apply:

(a) "Board" means State Board of Equalization.

(b) "Business" means any person, as defined in subdivision (j), except a natural person or a city, county, city and county, district, commission, the state, or any department, agency, or political subdivision of any of those, or an interstate body or, to the extent permitted by law, the United States and its agencies and instrumentalities.

(c) "California battery fee" means the fee imposed pursuant to Section 25215.25.

(d) "Dealer" means every person who engages in the retail sale of replacement lead-acid batteries directly to persons in California. "Dealer" includes a manufacturer of a new lead-acid battery that sells at retail that lead-acid battery directly to a person through any means, including, but not limited to, a transaction conducted through a sales outlet, catalog, or Internet Web site or any other similar electronic means.

(e) "Lead-acid battery" means any battery weighing over five kilograms that is primarily composed of both lead and sulfuric acid, whether sulfuric acid is in liquid, solid, or gel state, with a capacity of six volts or more that is used for any of the following purposes:

(1) As a starting battery that is designed to deliver a high burst of energy to an internal combustion engine until it starts.

(2) As a motive power battery that is designed to provide the source of power for propulsion or operation of a vehicle, including a watercraft.

(3) As a stationary storage or standby battery that is designed to be used in systems where the battery acts as either electrical storage for electricity generation equipment or a source of emergency power, or otherwise serves as a backup in case of failure or interruption in the flow of power from the primary source.

(4) As a source of auxiliary power to support the electrical systems in a vehicle, as defined in Section 670 of the Vehicle Code, including a vehicle as defined in Section 36000 of the Vehicle Code, or an aircraft.

(f) "Lead-acid battery recycling facility" means any site at which lead-acid batteries are or have been disassembled for the purpose of making components available for reclamation to produce elemental lead or lead alloys or at which lead-acid batteries or their components, or both, are or have been reclaimed to produce elemental lead or lead alloys.

(g) "Manufacturer" means either of the following:

(1) The person who manufactures the lead-acid battery and who sells, offers for sale, or distributes the lead-acid battery in the state.

(2) If there is no person described in paragraph (1) that is subject to the jurisdiction of the state, the manufacturer is the person who imports the lead-acid battery into the state for sale or distribution.

(h) "Manufacturer battery fee" means the fee imposed pursuant to Section 25215.35.

(i) "Owner or operator" has the same meaning given in Section 9601(20) of Title 42 of the United States Code and any person that previously met that definition or is the legal successor to a person that meets the definition or previously met the definition.

(j) "Person" means an individual, trust, firm, joint stock company, business concern, corporation, including, but not limited to, a government corporation, partnership, limited liability company, or association. "Person" also includes any city, county, city and county, district, commission, the state, or any department, agency, or political subdivision of any of those, interstate body, and the United States and its agencies and instrumentalities to the extent permitted by law.

(k) "Remedial action" has the same meaning as in Section 25322.

(l) "Removal" has the same meaning as in Section 25323.

(m) "Replacement lead-acid battery" means a new lead-acid battery that is sold at retail subsequent to the original sale or lease of the equipment or vehicle in which the lead-acid battery is intended to be used. "Replacement lead-acid battery" does not include a spent, discarded, refurbished, reconditioned, rebuilt, or reused lead-acid battery.

(n) "Response action" has the same meaning as in Section 25323.3.

(o) (1) A "retail sale" or a "sale at retail" has the same meaning as defined in Section 6007 of the Revenue and Taxation Code.

(2) "Retail sale" does not include any of the following:

(A) The sale of a battery for which a California battery fee has previously been paid.

(B) The sale of a replacement lead-acid battery that is temporarily stored or used in California for the sole purpose of preparing the replacement lead-acid battery for use thereafter solely outside of the state and that is subsequently transported outside the state and thereafter used solely outside of the state.

(C) The sale of a battery for incorporation into new equipment for subsequent resale.

(D) The replacement of a lead-acid battery pursuant to a warranty or a vehicle service contract described under Section 12800 of the Insurance Code.

(E) The sale of any battery intended for use with or contained within a medical device, as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) as that definition may be amended.

(p) “Used lead-acid battery” means a lead-acid battery no longer fully capable of providing the power for which it was designed or that a person no longer wants for any other reason.

(q) “Wholesaler” means any person who purchases a lead-acid battery from a manufacturer for the purpose of selling the lead-acid battery to a dealer, high-volume customer, or to a person for incorporation into new equipment for resale.

25215.15. (a) Except as provided in subdivision (b), no person shall dispose, or attempt to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters.

(b) A person may dispose of a lead-acid battery at either of the following locations:

(1) A facility, including a facility located at a solid waste facility, established and operated for the purpose of recycling, or providing for the eventual recycling of, lead-acid batteries.

(2) A dealer pursuant to Section 25215.2.

25215.2. (a) A dealer shall accept from persons at the point of transfer a used lead-acid battery of a type listed in paragraph (1), (2), or (4) of subdivision (e) of Section 25215.1, but shall not be required to accept from any person more than six used lead-acid batteries per day. A dealer shall not charge any fee to receive a used lead-acid battery.

(b) On and after April 1, 2017, a dealer shall charge to each person who purchases a replacement lead-acid battery of a type listed in paragraph (1), (2), or (4) of subdivision (e) of Section 25215.1 and who does not simultaneously provide the dealer with a used lead-acid battery of the same type and size a refundable deposit for each such battery purchased. The dealer shall display the amount of the deposit separately on the receipt provided to the purchaser. The dealer shall refund the deposit to that person if, within 45 days of the sale of the replacement lead-acid battery, the person presents to the dealer a used lead-acid battery of the same type and size. A dealer may require the person to provide a receipt documenting the payment of the deposit before refunding any deposit. A dealer may keep any lead-acid battery deposit moneys that are not properly claimed within 45 days after the date of sale of the replacement lead-acid battery, not including any sales tax reimbursement charged to the consumer. Sales tax reimbursement charged to the consumer on the amount of the deposit shall be remitted to the board.

(c) A dealer shall post a written notice that is clearly visible in the public sales area of the establishment, or include on the purchaser’s receipt, the following language:

This dealer is required by law to charge a nonrefundable \$1 California battery fee and a refundable deposit for each lead-acid battery purchased.

A credit of the same amount as the refundable deposit will be issued if a used lead-acid battery is returned at the time of purchase or up to 45 days later along with this dealer's receipt.

(d) The department shall provide notice of an alleged violation of subdivision (c) to any person alleged to be in violation of that subdivision no less than 60 days before the issuance of an order or filing an action imposing a civil penalty pursuant to subdivision (b) of Section 25189.2. If the person corrects the alleged violation before the order is issued or the action is filed the department shall not impose the civil penalty.

(e) Subdivision (c) does not apply to any of the following:

(1) A person whose ordinary course of business does not include the sale of lead-acid batteries.

(2) A person that does not sell lead-acid batteries directly to consumers, such as over-the-counter, but instead removes nonfunctional or damaged batteries and installs new lead-acid batteries as a part of an automotive repair dealer service.

(3) A business that removes lead-acid batteries and installs new lead-acid batteries as a part of roadside services. "Roadside services," for purposes of this paragraph, means the services performed upon a motor vehicle for the purpose of transporting the vehicle or to permit it to be operated under its own power, by or on behalf of a motor club holding a certificate of authority pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code.

(f) Except as authorized by this article, a dealer shall not collect a refundable deposit for a lead-acid battery from a person.

25215.25. (a) (1) On and after April 1, 2017, until March 31, 2022, a California battery fee of one dollar (\$1) shall be imposed on a person for each replacement lead-acid battery of a type listed in paragraph (1), (2), or (4) of subdivision (e) of Section 25215.1 purchased from a dealer. On and after April 1, 2022, the amount of the fee shall be two dollars (\$2).

(2) Except for sales to businesses, the dealer shall charge a person the amount of the California battery fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the person.

(3) The dealer shall collect the California battery fee at the time of sale and may retain 1 ½ percent of the fee as reimbursement for any costs associated with the collection of the fee. The remainder of the California battery fee collected by the dealer shall be paid to the board in a manner and form prescribed by the board and at the time the return is required to be filed, as specified in Section 25215.47.

(4) All moneys collected by a dealer pursuant to this section that are not properly remitted to the board pursuant to paragraph (3) shall be deemed to be a debt owed to the state by the dealer.

(5) A person who purchases a replacement lead-acid battery in this state is liable for the California battery fee until that fee has been paid to the board, except that payment to a dealer registered under this article is sufficient to relieve the person from further liability of the fee.

(6) All moneys remitted to the board pursuant to this subdivision shall be expended in accordance with Section 25215.5.

(b) (1) Except for sales to businesses, the California battery fee imposed pursuant to subdivision (a) shall be separately stated by the dealer on the invoice given to a person at the time of sale. Any other fee charged by the dealer related to the lead-acid battery purchase, including any deposit charged, credited, or both, pursuant to Section 25215.2, shall be identified separately from the California battery fee.

(2) If a person purchases more than one lead-acid battery in a single transaction, and is therefore imposed more than one California lead-acid battery fee in that transaction, the dealer shall not be required to individually list on the invoice each California lead-acid battery fee imposed, but may instead condense the fees to a single-line item.

25215.35. (a) On and after April 1, 2017, a manufacturer battery fee of one dollar (\$1) shall be imposed on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California.

(b) Manufacturer battery fees shall be paid to the board in a manner and form as prescribed by the board and at the time the return is required to be filed, as specified in Section 25215.47.

(c) This section shall become inoperative on April 1, 2022, and, as of January 1, 2023, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

25215.45. (a) (1) Except as provided in paragraph (2), the lead-acid battery fees imposed pursuant to Sections 25215.25 and 25215.35 shall be collected by the board in accordance with the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code). For the purposes of this section, the reference to "feepayer" shall include a dealer and manufacturer.

(2) Notwithstanding the petition for redetermination and claim for refund provisions of the Fee Collection Procedures Law (Article 3 (commencing with Section 55081) of Chapter 3 of, and Article 1 (commencing with Section 55221) of Chapter 5 of, Part 30 of Division 2 of the Revenue and Taxation Code), the board shall not do either of the following:

(A) Accept or consider any petition for redetermination of fees determined under this article if the petition is founded upon the grounds that a battery is or is not a lead-acid battery, as defined in Section 25215.1. The board shall forward to the department any petition for redetermination that is based on those grounds.

(B) Accept or consider a claim for refund of fees paid pursuant to this article, if the claim for refund is founded upon the grounds that a battery is

or is not a lead-acid battery, as defined in Section 25215.1. The board shall forward to the department any claim for refund that is based on these grounds.

(b) The following persons shall register with the board:

- (1) A dealer of lead-acid batteries.
- (2) A manufacturer of lead-acid batteries.

25215.47. (a) The return required to be filed pursuant to Section 55040 of the Revenue and Taxation Code shall be prepared and filed by the person required to register with the board, in the form prescribed by the board, and shall contain the information the board deems necessary or appropriate for the proper administration of this article and the Fee Collection Procedures Law. Except as provided in subdivision (b), the return shall be filed on or before the last day of the calendar month following the calendar quarter to which the return relates, together with a remittance payable to the board for the fee amount due for that period. Returns shall be filed with the board using electronic media and authenticated in a form, or pursuant to methods, as may be prescribed by the board.

(b) The board may require the payment of the fee and the filing of the returns for other than quarterly periods.

25215.5. (a) Lead-acid battery fees collected pursuant to this article shall be managed as follows:

(1) The board shall retain moneys necessary for the payment of refunds and reimbursement of the board for expenses in the collection of the fees.

(2) The remaining moneys shall be deposited into the Lead-Acid Battery Cleanup Fund, which is hereby created in the State Treasury, and is available upon appropriation by the Legislature to the department for the purposes specified in this section.

(b) (1) Moneys in the Lead-Acid Battery Cleanup Fund shall be expended for the following activities:

(A) Investigation, site evaluation, cleanup, remedial action, removal, monitoring, or other response actions at any area of the state that is reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility.

(B) Administration of the Lead-Acid Battery Cleanup Fund and the department's administration and implementation of this article.

(C) Repayment of a loan described in Section 25215.59 that was made before the effective date of the act which added this section, or any other loan made for purposes set forth in subparagraph (A).

(2) Moneys in the Lead-Acid Battery Cleanup Fund shall not be used to implement Article 14 (commencing with Section 25251) with respect to lead-acid batteries or to loan moneys to any other program.

(c) The department shall report to the Legislature by February 1, 2018, and annually thereafter, on the status of the Lead-Acid Battery Cleanup Fund and on the department's progress implementing this article, including, but not limited to, the sites at which actions were performed using moneys from the fund, the status of cleanup at those sites, including total anticipated costs of cleanup at those sites, the balance of the fund, the amount of fees

remitted to the fund, the amount spent by the fund and the purposes for which those amounts were spent, the amounts reimbursed to the board pursuant to paragraph (1) of subdivision (a), and any other information requested by the Legislature.

25215.56. (a) Any manufacturer battery fees paid remitted pursuant to this article shall be credited against amounts owed by the manufacturer to the state pursuant to a judgment or determination of liability under Chapter 6.8 (commencing with Section 25300) or any other law for removal, remediation, or other response costs relating to a release of a hazardous substance from a lead-acid battery recycling facility. A manufacturer shall not seek more than one credit for the same fee amount. This subdivision does not apply to any manufacturer who is also an owner or operator of a lead-acid battery recycling facility in California.

(b) The amount paid by a manufacturer for a manufacturer battery fee shall be considered to reduce the manufacturer's share of liability in the allocation or apportionment of costs among potentially responsible parties in a contribution action brought by a private party related to a release of hazardous substances from a lead-acid battery recycling facility. This subdivision does not apply to any manufacturer who is also an owner or operator or a former owner or operator of a lead-acid battery recycling facility in California where a release occurred.

(c) This article does not create a private cause of action. Nothing in this article shall be construed to affect, expand, alter, or limit any requirements, duties, rights, or remedies under other law, or limit the state or any other party from bringing any cause of action that may exist under any law.

25215.59. If the state loans money from the General Fund to the Toxic Substances Control Account for the cleanup of lead contamination in the state, the following shall apply:

(a) Money from the Lead-Acid Battery Cleanup Fund may be used towards repaying the loan that was made before the effective date of the act that added this section, or any other loan of public funds made for the purposes set forth in subparagraph (A) of paragraph (1) of subdivision (b) of Section 25215.5.

(b) Any moneys designated as repayment of the loan shall be deposited to that loan, but shall be available to be loaned to the Toxic Substances Control Account for the purposes of cleaning up areas of the state that are reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility.

25215.65. On and after July 1, 2017, a manufacturer shall place a recycling symbol consistent with the requirements of Section 103(b)(1) of the Federal Mercury Containing and Rechargeable Battery Management Act, Pub. L. No. 104-142 (1996) (42 U.S.C. 14301(b)(1)) and either "Pb" or the words "lead," "return," and "recycle" on all replacement lead-acid batteries sold in California. For purposes of this section, an entity that engages another party to manufacture batteries on its behalf shall be deemed the manufacturer.

25215.72. One million two hundred thousand dollars (\$1,200,000) shall be loaned from the California Tire Recycling Management Fund to the board for implementing the collection of the California battery fee and the manufacturer battery fee and shall be repaid from the proceeds of those fees pursuant to this article no later than October 1, 2017. The Director of Finance shall order the repayment of all or a portion of this loan if he or she determines that either of the following circumstances exist:

(a) The fund or account from which the loan was made has a need for the moneys.

(b) There is no longer a need for the moneys by the board.

25215.74. (a) The board may prescribe, adopt, and enforce regulations relating to the administration and enforcement of this article, including, but not limited to, registration, collections, reporting, notices for manufacturers, refunds, and appeals.

(b) The board may prescribe, adopt, and enforce any emergency regulations as necessary to implement this article. Any emergency regulation prescribed, adopted, or enforced pursuant to this article shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of the regulation is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Emergency regulations adopted pursuant to this subdivision shall remain in effect until regulations have been adopted pursuant to subdivision (a).

25215.75. This article shall become operative on January 1, 2017.

SEC. 2. Section 25215.5.5 is added to Article 10.5 (commencing with Section 25215) of Chapter 6.5 of Division 20 of the Health and Safety Code, as added by Chapter 209 of the Statutes of 1988, to read:

25215.5.5. This article shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3. (a) On or before January 1, 2017, each manufacturer of lead-acid batteries sold in this state shall notify the distributors, wholesalers, and dealers of the lead-acid batteries it manufactures of the requirements set forth in Article 10.5 (commencing with Section 25215) of Chapter 6.5 of Division 20 of the Health and Safety Code, as it will read on and after January 1, 2017.

(b) This section shall be repealed as of January 1, 2017.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

In order to increase the cleanup of toxic materials and to prevent additional toxic pollution at the earliest possible time, it is necessary that this act take effect immediately.

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Assembly Bill No. 2396

CHAPTER 466

An act to amend Section 42926 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 22, 2016. Filed with Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, McCarty. Solid waste: annual reports.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on or before May 1 of each year.

This bill would require each state agency to include in that annual report a summary of the state agency's compliance with specified requirements relating to recycling commercial solid waste and organic waste.

This bill would incorporate additional changes in Section 42926 of the Public Resources Code proposed by AB 2812 that would become operative only if AB 2812 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

SECTION 1. Section 42926 of the Public Resources Code is amended to read:

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

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

- (1) Calculations of annual disposal reduction.
- (2) Information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors.
- (3) A summary of progress made in implementing the integrated waste management plan.

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

(5) A summary of the state agency’s compliance with Chapter 12.8 (commencing with Section 42649) and Chapter 12.9 (commencing with Section 42649.8), if applicable.

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

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

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

SEC. 1.5. Section 42926 of the Public Resources Code is amended to read:

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

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

(1) Calculations of annual disposal reduction.

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

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

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

(5) A summary of the state agency’s compliance with the requirements specified in subdivisions (c) and (d) of Section 42924.5.

(6) A summary of the state agency’s compliance with Chapter 12.8 (commencing with Section 42649) and Chapter 12.9 (commencing with Section 42649.8), if applicable.

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

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

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

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 42926 of the Public Resources Code proposed by both this bill and AB 2812. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 42926 of the Public Resources Code, and (3) this bill is enacted after AB 2812, in which case Section 1 of this bill shall not become operative.

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April 18, 2016

The Honorable Kevin McCarty
Member, California State Assembly
State Capitol, Room 2160
Sacramento, CA 95814

**RE: Assembly Bill 2396 – REMOVAL OF OPPOSITION
As Amended April 13, 2016**

Dear Assembly Member McCarty:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we are removing our opposition to your Assembly Bill 2396 as amended on April 14, 2016.

As you may know, the recent amendments no longer eliminate the state mandates clause. We appreciate this amendment as it addresses our primary concern with the previous version of the bill.

If you have any questions or concerns regarding this matter, please do not hesitate to contact Cara Martinson at (916) 327-7500 or Paul A. Smith at (916) 447-4806.

Sincerely,

PAUL A. SMITH, RCRC
Senior Legislative Advocate

CARA MARTINSON, CSAC
Legislative Representative

cc: Members of the Assembly Appropriations Committee
Elizabeth MacMillan, Assembly Natural Resources Committee
Scott Smithline, Director, CalRecycle
John Kennedy, Assembly Republican Caucus

Assembly Bill No. 2812

CHAPTER 530

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

[Approved by Governor September 23, 2016. Filed with Secretary of State September 23, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, 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.

This bill would require the department, on or before July 1, 2017, to develop guidance for collecting and recycling recyclable materials in office buildings of state agencies and large state 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 and after July 1, 2018, 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, 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.

This bill would incorporate additional changes in Section 42926 of the Public Resources Code proposed by AB 2396 that would become operative only if AB 2396 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

SECTION 1. Section 42924.5 is added to the Public Resources Code, to read:

42924.5. (a) On or before July 1, 2017, the department shall develop guidance for collecting and recycling recyclable materials in office buildings of state agencies and large state facilities.

(b) For purposes of this section, "recyclable materials" shall include, but are not limited to, paper, plastic, metal, and organic waste.

(c) On and after July 1, 2018, a state agency and large state facility, for each office building of the state agency or large state facility, shall provide adequate receptacles, signage, education, and staffing, and arrange for recycling services consistent with Sections 42649.2 and 42649.81.

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

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

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

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

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

(1) Calculations of annual disposal reduction.

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

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

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

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

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

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

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

SEC. 2.5. Section 42926 of the Public Resources Code is amended to read:

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

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

- (1) Calculations of annual disposal reduction.
- (2) Information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors.
- (3) A summary of progress made in implementing the integrated waste management plan.
- (4) The extent to which the state agency intends to utilize programs or facilities established by the local agency for the handling, diversion, and disposal of solid waste. If the state agency does not intend to utilize those established programs or facilities, the state agency shall identify sufficient disposal capacity for solid waste that is not source reduced, recycled, or composted.

(5) A summary of the state agency’s compliance with the requirements specified in subdivisions (c) and (d) of Section 42924.5.

(6) A summary of the state agency’s compliance with Chapter 12.8 (commencing with Section 42649) and Chapter 12.9 (commencing with Section 42649.8), if applicable.

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

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

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

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 42926 of the Public Resources Code proposed by both this bill and Assembly Bill 2396. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 42926 of the Public Resources Code, and (3) this bill is enacted after Assembly Bill 2396, in which case Section 2 of this bill shall not become operative.

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RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

August 26, 2016

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

RE: Assembly Bill 2812 (Gordon) – REQUEST FOR SIGNATURE

Dear Governor Brown:

On behalf of the Rural County Representatives of California (RCRC), I respectfully request your signature on Assembly Bill 2812. AB 2812, authored by Assembly Member Richard Gordon, 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. The California Department of Resources Recycling and Recovery (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.

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


ALPINE AMADOR BUTTE CALAVERAS COLUSA DEL NORTE 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 Edmund G. Brown, Jr.
Assembly Bill 2812
August 26, 2016
Page 2

While we request your signature on AB 2812, we are disappointed with the amendments that eliminate prescriptive requirements to state agencies for opportunities to better recycle items at state facilities. The previous version of AB 2812 would have resulted in more end-of-life products entering the diversion stream that originated from state facilities.

Again, RCRC respectfully requests your signature on AB 2812. Thank you for your consideration in this matter.

Sincerely,

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

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Richard Gordon, Member of the California State Assembly

Senate Bill No. 423

CHAPTER 771

An act to add Section 25218.14 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 423, Bates. Surplus household consumer product waste: management.

Existing law requires the Department of Resources Recycling and Recovery, in consultation with the Department of Toxic Substances Control, to develop and implement a public information program to provide uniform and consistent information on the proper disposal of hazardous substances found in and around homes. Existing law provides for regulation of the disposition of hazardous waste by the Department of Toxic Substances Control.

This bill would require the Department of Toxic Substances Control to convene a Retail Waste Working Group, as prescribed, to consider and make findings and recommendations relating to requirements for the management of surplus household consumer products, waste reduction opportunities for those products, and waste management requirements, as specified. The bill would require the working group to report these findings and recommendations to the Legislature by June 1, 2017.

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

SECTION 1. Section 25218.14 is added to the Health and Safety Code, to read:

25218.14. (a) The department shall convene a Retail Waste Working Group comprised of representatives of large retailers, small retailers, district attorneys, certified unified program agencies, nongovernment organizations, local governments, other relevant state agencies as determined by the department, manufacturers, reverse distributors, and other stakeholders to consider and make findings and recommendations on the following:

(1) Regulatory and statutory requirements that may be considered confusing or may need clarification or specification when applied to the overall management by manufacturer, distributor, supplier, vendor, retail, and reverse logistics facilities of surplus household consumer products, including products that can be considered hazardous waste or pharmaceutical waste once a waste determination is made.

(2) Statutory or regulatory recommendations to facilitate and increase the donation, liquidation, and sale of surplus household consumer products, and waste reduction opportunities for those products, and to clarify waste management requirements to encourage the management of surplus household consumer products by manufacturer, distributor, supplier, vendor, retail, and reverse logistics facilities in a manner that is protective of public health and the environment.

(b) For purposes of this section, “surplus household consumer product” means a household consumer product that cannot or will not be sold to a consumer through that product’s primary market.

(c) By June 1, 2017, the Retail Waste Working Group shall report the findings and recommendations made pursuant to subdivision (a) to the Legislature.

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Senate Bill No. 1229

CHAPTER 238

An act to add Section 1714.24 to the Civil Code, relating to pharmaceutical waste.

[Approved by Governor August 29, 2016. Filed with
Secretary of State August 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1229, Jackson. Home-generated pharmaceutical waste: secure drug take-back bins.

Under existing law, the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, including pharmaceutical waste, as defined. The act generally prohibits a person from transporting, storing, treating, disposing, or causing the treatment of medical waste in a manner not authorized by the act. A violation of that provision is a crime.

Under existing law, everyone is generally responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter, has willfully or by want of ordinary care, brought the injury upon himself or herself.

This bill would provide that a collector, as defined, is not liable for civil damages, or subject to criminal prosecution, for any injury or harm that results from the collector maintaining a secure drug take-back bin on its premises provided that the collector, not for compensation, acts in good faith to take specified steps, including that the collector regularly inspects the area surrounding the secure drug take-back bin for potential tampering or diversion, to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of home-generated pharmaceutical waste, as defined, contained in the bins.

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

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

(1) On October 12, 2010, the federal Secure and Responsible Drug Disposal Act of 2010 (Public Law 111-273; hereafter referred to as the Disposal Act) was enacted. Before the Disposal Act, individuals who wanted to dispose of unused, unwanted, or expired pharmaceutical controlled substances had limited disposal options. The federal Controlled Substances Act (21 U.S.C. Sec. 801 et seq.; hereafter referred to as the CSA) only permitted individuals to destroy those substances themselves (e.g., by

flushing or discarding), surrender them to law enforcement, or seek assistance from the federal Drug Enforcement Administration (DEA). These restrictions resulted in the accumulation of pharmaceutical controlled substances in household medicine cabinets that were available for abuse, misuse, diversion, and accidental ingestion. The Disposal Act amended the CSA to authorize specified individuals, referred to as “ultimate users,” to deliver their pharmaceutical controlled substances to another person for the purpose of disposal in accordance with regulations promulgated by the United States Attorney General.

(2) On September 9, 2014, the DEA issued its final rule governing the secure disposal of controlled substances by registrants and ultimate users. Those regulations implement the Disposal Act by expanding the options available to collect controlled substances from ultimate users for the purpose of disposal, including take-back events, mail-back programs, and collection receptacle locations. Those regulations, among other things, allow authorized manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an onsite pharmacy, and retail pharmacies to voluntarily administer mail-back programs and maintain collection receptacles.

(b) It is the intent of the Legislature, with the enactment of this act, to do both of the following:

(1) Encourage the good faith participation of federally authorized entities to maintain secure drug take-back bins on their premises for the convenience and public health and safety of prescription drug consumers and the proper disposal in the waste stream of the pharmaceutical waste contained in the bins.

(2) Limit the civil and criminal liability of participating entities that meet certain minimum standards and take reasonable care to ensure the health and safety of consumers and employees when maintaining secure drug take-back bins on their premises.

(c) The terms and conditions provided by subdivision (b) of Section 1714.24 of the Civil Code, as added by this act, shall be construed in a manner consistent with the requirements imposed by the DEA’s final rule governing the secure disposal of controlled substances (79 Fed. Reg. 53519-70 (September 9, 2014)) and any regulations promulgated by the state.

SEC. 2. Section 1714.24 is added to the Civil Code, to read:

1714.24. (a) For purposes of this section, the following definitions shall apply:

(1) “Collector” includes only those entities authorized by and registered with the federal Drug Enforcement Administration to receive a controlled substance for the purpose of destruction, if the entity is in good standing with any applicable licensing authority.

(2) “Compensation” means reimbursement or funds received from a customer to compensate for the cost incurred in obtaining, installing, or maintaining a secure drug take-back bin. “Compensation” does not include reimbursement or funds received from any other person or entity, other than

a customer, to compensate for the costs incurred in obtaining, installing, or maintaining a secure drug take-back bin.

(3) “Home-generated pharmaceutical waste” means a pharmaceutical that is no longer wanted or needed by the consumer and includes any delivery system, such as pills, liquids, and inhalers.

(4) “Maintains” includes owning, leasing, operating, or otherwise hosting a secure drug take-back bin on the collector’s premises.

(5) “Pharmaceutical” means a prescription or over-the-counter human or veterinary drug, including, but not limited to, a drug as defined in Section 109925 of the Health and Safety Code and Section 321(g)(1) of Title 21 of the United States Code. “Pharmaceutical” includes controlled substances included in Schedule II, III, IV, or V of the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code), but does not include a controlled substance included in Schedule I.

(6) “Secure drug take-back bin” means a collection receptacle as described in Section 1317.75 of Title 21 of the Code of Federal Regulations.

(b) Any collector that maintains a secure drug take-back bin shall not be liable in a civil action, or be subject to criminal prosecution, for any injury or harm that results from the collector maintaining a secure drug take-back bin on its premises provided that the collector, not for compensation, acts in good faith to take all of the following steps to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of the home-generated pharmaceutical waste contained in a secure drug take-back bin, unless the injury or harm results from the collector’s gross negligence or willful and wanton misconduct:

(1) Complies with all applicable state and federal laws and regulations relating to the collection of home-generated pharmaceutical waste for disposal in secure drug take-back bins, including, but not limited to, the federal Secure and Responsible Drug Disposal Act of 2010 (Public Law 111-273).

(2) Notifies local law enforcement and any local environmental health department as to the existence and location of any secure drug take-back bin on the collector’s premises and the status of the collector’s registration as a collector with the federal Drug Enforcement Administration.

(3) Ensures that the secure drug take-back bin is placed in a location that is regularly monitored by employees of the registered collector.

(4) Ensures that conspicuous signage is posted on the secure drug take-back bin that clearly notifies customers as to what controlled and noncontrolled substances are and are not acceptable for deposit into the bin, as well as the hours during which collection is allowed.

(5) Ensures that public access to the secure drug take-back bin is limited to hours in which employees of the registered collector are present and able to monitor the operation of the secure drug take-back bin.

(6) Regularly inspects the area surrounding the secure drug take-back bin for potential tampering or diversion. Record logs of those inspections shall be maintained and retained for two years, reflecting the date and time

of the inspection, and the initials of the employee inspecting the area. The logs shall be maintained in writing or electronically and may be combined with logs required by state or federal regulations. The logs may be used to demonstrate regular inspection of the area. Other records or reports mandated by federal or state regulations shall also be retained for a minimum of two years unless regulations mandate a longer period.

(7) Notifies local law enforcement authorities of any suspected or known tampering, theft, or significant loss of controlled substances, within one business day of discovery. If the collector maintains daily business hours, this notification shall be made within one calendar day.

(8) Notify local law enforcement as to any decision to discontinue its voluntary collection of controlled substances and provide documentation of its written notification to the federal Drug Enforcement Administration's Registration Unit as otherwise required under federal laws and regulations.

(c) Nothing in this section shall be construed to require entities that may qualify as a collector to acquire, maintain, or make available to the public a secure drug take-back bin on its premises.

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Senate Bill No. 1383

CHAPTER 395

An act to add Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and to add Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, relating to methane emissions.

[Approved by Governor September 19, 2016. Filed with
Secretary of State September 19, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, Lara. Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.

(1) 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 approve 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, no later than January 1, 2018, to approve and 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. The bill also would establish specified targets for reducing organic waste in landfills.

This bill would require the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, as specified. The bill would require the state board to take certain actions prior to adopting those regulations. This bill would require the regulations to take effect on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations.

This bill would require the state board, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to undertake various actions related to reducing short-lived climate pollutants in the state. The bill would require state agencies to consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas.

(2) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each

county and city and county to prepare and submit to the department a countywide integrated waste management plan.

The bill would require the department, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill would authorize local jurisdictions to charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. The bill would require, no later than July 1, 2020, the department, in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill would authorize the department, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

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

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

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

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

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

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

(3) Short-lived climate pollutants that are toxic air contaminants also are a significant environmental risk factor for premature death.

(4) Reducing emissions of these pollutants can have an immediate beneficial impact on climate change and on public health.

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

(b) It is the intent of the Legislature to support the adoption of policies that improve organics recycling and innovative, cost effective, and environmentally beneficial uses of biomethane derived from solid waste facilities.

(c) It is intent of the Legislature that the disposal reduction targets established pursuant to Section 39730.6 of the Health and Safety Code shall serve as a statewide average target and not as a minimum requirement for each jurisdiction.

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

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

(b) Prior to approving the short-lived climate pollutant strategy pursuant to subdivision (a), the state board shall do all of the following:

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

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

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

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

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

(B) Public health benefits.

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

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

SEC. 3. Section 39730.6 is added to the Health and Safety Code, to read:

39730.6. (a) Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and Section 42652.5 of the Public Resources Code, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

SEC. 4. Section 39730.7 is added to the Health and Safety Code, to read:

39730.7. (a) For purposes of this section, the following terms have the following meanings:

(1) "Department" means the Department of Food and Agriculture.

(2) "Commission" means the Public Utilities Commission.

(3) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(4) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) (1) The state board, in consultation with the department, shall adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40 percent below the dairy sector's and livestock sector's 2013 levels by 2030.

(2) Prior to adopting regulations pursuant to paragraph (1), the state board shall do all of the following:

(A) Work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The group of stakeholders shall include a broad range of stakeholders involved in the development of dairy methane reduction projects, including, but not limited to, project developers, dairy and livestock industry representatives, state and local permitting agencies, energy agency representatives, compost producers with experience composting dairy manure, environmental and conservation stakeholders, public health experts, and others with demonstrated expertise relevant to the success of dairy methane emissions reduction efforts.

(B) Provide a forum for public engagement by holding at least three public meetings in geographically diverse locations throughout the state where dairy operations and livestock operations are present.

(C) In consultation with the department, do both of the following:

(i) Conduct or consider livestock and dairy operation research on dairy methane emissions reduction projects, including, but not limited to, scrape manure management systems, solids separation systems, and enteric fermentation.

(ii) Consider developing and adopting methane emissions reduction protocols.

(3) The state board shall make available to the public by posting on its Internet Web site a report on the progress made in implementing paragraph (2). Pursuant to Section 9795 of the Government Code, the state board shall notify the Legislature of the report.

(4) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted pursuant to paragraph (1) shall be implemented on or after January 1, 2024, if the state board, in consultation with the department, determines all of the following:

(A) The regulations are technologically feasible.

(B) The regulations are economically feasible considering milk and live cattle prices and the commitment of state, federal, and private funding, among other things, and that markets exist for the products generated by dairy manure management and livestock manure management methane emissions reduction projects, including composting, biomethane, and other products. The analysis shall include consideration of both of the following:

(i) Electrical interconnection of onsite electrical generation facilities using biomethane.

(ii) Access to common carrier pipelines available for the injection of digester biomethane.

(C) The regulations are cost effective.

(D) The regulations include provisions to minimize and mitigate potential leakage to other states or countries, as appropriate.

(E) The regulations include an evaluation of the achievements made by incentive-based programs.

(c) No later than July 1, 2020, the state board, in consultation with the department, shall analyze the progress the dairy and livestock sector has made in achieving the goals identified in the strategy and specified in paragraph (1) of subdivision (b). The analysis shall determine if sufficient progress has been made to overcome technical and market barriers, as identified in the strategy. If the analysis determines that progress has not been made in meeting the targets due to insufficient funding or technical or market barriers, the state board, in consultation with the department and upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock sectors, as identified pursuant to paragraph (1).

(d) (1) (A) No later than January 1, 2018, the state board, in consultation with the commission and the energy commission, shall establish energy infrastructure development and procurement policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to paragraph (1) of subdivision (b).

(B) The state board shall develop a pilot financial mechanism to reduce the economic uncertainty associated with the value of environmental credits, including credits pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) from dairy-related projects producing low-carbon transportation fuels. The state board shall make recommendations to the Legislature for expanding this mechanism to other sources of biogas.

(2) No later than January 1, 2018, the commission, in consultation with the state board and the department, shall direct gas corporations to implement not less than five dairy biomethane pilot projects to demonstrate interconnection to the common carrier pipeline system. For the purposes of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline infrastructure developed pursuant to the pilot projects.

(e) No later than January 1, 2018, the state board shall provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) and the market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5 from the methane reduction protocols described in the strategy and shall ensure that projects developed before the implementation of regulations adopted pursuant to subdivision (b) receive credit for at least 10 years. Projects shall be eligible for an extension of credits after the first 10 years to the extent allowed by regulations adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(f) Enteric emissions reductions shall be achieved only through incentive-based mechanisms until the state board, in consultation with the

department, determines that a cost-effective, considering the impact on animal productivity, and scientifically proven method of reducing enteric emissions is available and that adoption of the enteric emissions reduction method would not damage animal health, public health, or consumer acceptance. Voluntary enteric emissions reductions may be used toward satisfying the goals of this chapter.

(g) Except as provided in this section, the state board shall not adopt methane emissions reduction regulations controlling the emissions of methane from dairy operations or livestock operations to achieve the 2020 and 2030 greenhouse gas emissions reduction goals established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(h) Nothing in this section shall limit the authority of the state board to acquire planning and baseline information, including requiring the monitoring and reporting of emissions.

(i) This section does not in any way affect the state board's or districts' authority to regulate emissions of criteria pollutants, toxic air contaminants, or other pollutants pursuant to other provisions of this division.

SEC. 5. Section 39730.8 is added to the Health and Safety Code, to read:
39730.8. (a) For purposes of this section, the following terms have the following meanings:

- (1) "Commission" means the Public Utilities Commission.
- (2) "Energy commission" means the State Energy Resources Conservation and Development Commission.
- (3) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) The energy commission, in consultation with the state board and the commission, shall develop recommendations for the development and use of renewable gas, including biomethane and biogas, as a part of its 2017 Integrated Energy Policy Report prepared pursuant to Section 25302 of the Public Resources Code. In developing the recommendations, the energy commission shall identify cost-effective strategies that are consistent with existing state policies and climate change goals by considering priority end uses of renewable gas, including biomethane and biogas, and their interactions with state policies, including biomethane and all of the following:

- (1) The Renewables Portfolio Standard program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).
- (2) The Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations).
- (3) Waste diversion goals established pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.
- (4) The market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5.
- (5) The strategy.

(c) Based on the recommendations developed pursuant to subdivision (b), and to meet the state's climate change, renewable energy, low-carbon fuel, and short-lived climate pollutants goals, including black carbon, landfill diversion, and dairy methane targets identified in the strategy, state agencies shall consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.

(d) Based on the recommendations developed pursuant to subdivision (b), the commission, in consultation with the energy commission and the state board, shall consider additional policies to support the development and use in the state of renewable gas, including biomethane and biogas, that reduce short-lived climate pollutants in the state.

(e) In implementing this section, priority shall be given to fuels with the greatest greenhouse gas emissions benefits, including the consideration of carbon intensity and reduction in short-lived climate pollutants, as appropriate.

SEC. 6. Chapter 13.1 (commencing with Section 42652) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 13.1. SHORT-LIVED CLIMATE POLLUTANTS

42652. The Legislature finds and declares all of the following:

(a) The organic disposal reduction targets are essential to achieving the statewide recycling goal identified in Section 41780.01.

(b) Achieving organic waste disposal reduction targets requires significant investment to develop organics recycling capacity.

(c) More robust state and local funding mechanisms are needed to support the expansion of organics recycling capacity.

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted

pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations.

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

42653. (a) No later than July 1, 2020, the department, in consultation with the State Air Resources Board, shall analyze the progress that the waste sector, state government, and local governments have made in achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The analysis shall include all of the following:

(1) The status of new organics recycling infrastructure development, including the commitment of state funding and appropriate rate increases for solid waste and recycling services to support infrastructure expansion.

(2) The progress in reducing regulatory barriers to the siting of organics recycling facilities and the timing and effectiveness of policies that will facilitate the permitting of organics recycling infrastructure.

(3) The status of markets for the products generated by organics recycling facilities, including cost-effective electrical interconnection and common carrier pipeline injection of digester biomethane and the status of markets for compost, biomethane, and other products from the recycling of organic waste.

(b) If the department determines that significant progress has not been made on the items analyzed pursuant to subdivision (a), the department may include incentives or additional requirements in the regulations described in Section 42652 to facilitate progress towards achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department may, upon consultation with stakeholders, recommend to the Legislature revisions to those organic waste reduction goals.

42654. This chapter shall not limit the authority of a local jurisdiction to adopt, implement, or enforce requirements in addition to those set forth in the regulations adopted pursuant to this chapter.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

September 13, 2016

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

RE: Senate Bill 1383 (Lara)

Dear Governor Brown:

Senate Bill 1383, authored by Senator Ricardo Lara, addresses and revises statewide goals to reduce the number of short-lived climate pollutants that are released into the atmosphere. SB 1383 currently awaits your consideration for signature. RCRC is an association of thirty-five rural California counties and the RCRC Board of Directors is comprised of an elected supervisor from each of those member counties.

SB 1383, among other provisions, sets forth new statewide targets for reducing organic materials in our state's solid waste landfills. The bill also confers authority to CalRecycle for the development of regulations and enforcement mechanisms to meet these aggressive targets. We wish to thank Senator Lara, his staff, legislative staff, as well as members of your Administration in crafting amendments that address many concerns of rural counties. We support reasonable and achievable goals in removing short-lived climate pollutants from landfills. As such, RCRC encouraged your signature of Assembly Bill 341 (Chesbro, 2011) and Assembly Bill 1826 (Chesbro, 2014) both of which put forth goals and requirements to remove organic materials in solid waste disposal facilities.

As you consider the final disposition of SB 1383, we wish to offer some brief comments in the event this bill becomes law and we begin the implementation phase. RCRC wishes to continue the work with Air Resources Board, CalRecycle and others to address a number of vital issues surrounding the reduction/removal of organic materials from solid waste disposal facilities. These issues include:

- The need for substantial public sector funding (namely "Cap-and-Trade" proceeds) to help off-set the costs in developing an organics recycling infrastructure;

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 Edmund G. Brown, Jr.
Senate Bill 1383
September 13, 2016
Page 2

- Reforms to the State's solid waste disposal fee (commonly referred to as the "tipping fee") in order to ensure monies are available from ratepayers to develop and maintain an organics recycling infrastructure;
- Significant revisions to existing state requirements for siting and permitting organics processing/recycling facilities; and,
- An increase in market support for compost and renewable fuels (subsidies of bio-mass facilities much like wind and solar facilities).

We acknowledge the progress made during the legislative process in crafting SB 1383. However, more needs to be done. As such, we implore the Legislature, and your Administration, to provide local governments with the tools necessary to ensure we reach these aggressive targets without punitive sanctions that will only complicate the goals outlined in these recently-adopted measures.

If you have any questions, please feel free to contact either Ms. Mary Pitto at mpitto@rcrcnet.org, or Paul A. Smith at psmith@rcrcnet.org. Thank you for your consideration in this matter.

Sincerely,



PATRICIA MEGASON
Executive Vice President

cc: The Honorable Ricardo Lara, Member of the California State Senate
Scott Smithline, CalRecycle

2016 Legislation
October 7, 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**

DEAD

Author: Mullin (D)
Title: Household Hazardous Waste
Last Amend: 01/21/2016
Location: Senate Environmental Quality Committee
Summary: Requires the Department of Resources Recycling to adopt model ordinance for a comprehensive program for the collection of household hazardous waste. Authorizes a local jurisdiction proposing to enact an ordinance for the collection and diversion of such waste to adopt a Department model. Requires a determination as to whether a nonprofit organization has been created and funded to make grants to local entities for purposes related to the disposal of such waste.
Status: 06/29/2016 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.

BOARD PACKET

APRIL2015

DEC.2014

JUNE2016

MAR2015

Lobbyist

Paul

Position

Oppose.Unless.Amend (05/31/2016)

Staff

Larry

Mary

Subject

ESJPA

Solid.Waste

2. **CA AB 577**

DEAD

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

Paul

Position

Pending (03/03/2015)

Staff

Mary

Subject

ESJPA

3. **CA AB 628**

DEAD

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

Paul

Position

Watch (03/03/2015)

Staff

Mary

Subject

ESJPA

4.CA AB 655**CHAPTERED**

Author: Quirk (D)
Title: Rendering: Inedible Kitchen Grease: Registration Fee
Last Amend: 08/01/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Increases the maximum amount of additional fees charged to each licensed inedible kitchen grease renderer and collection center for the costs of regulating such entities. Increases the registration fees for inedible kitchen grease transporters. Authorizes the Secretary of Food and Agriculture to determine additional fee amounts needed to carry out the governing provisions. Provides any additional fee must be recommended by the Rendering Industry Advisory Board.
Status: 09/12/2016 Signed by GOVERNOR.
 09/12/2016 Chaptered by Secretary of State. Chapter No. 286

Lobbyist
 Paul
Position
 Oppose.Unless.Amend (06/27/2016)
Staff
 Mary
Subject
 ESJPA

5.CA AB 1005**CHAPTERED**

Author: Gordon (D)
Title: Beverage Container Recycling and Litter Reduction Act
Last Amend: 08/15/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
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. Expends additional amounts to make market development payments, calculated.
Status: 09/22/2016 Signed by GOVERNOR.
 09/22/2016 Chaptered by Secretary of State. Chapter No. 442

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

6.CA AB 1063**DEAD**

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
 AUG.2015
 DEC.2015
 JAN.2016

JUNE2015
SEPT2015
Lobbyist
Paul
Position
Support (06/01/2015)
Staff
Mary
Subject
ESJPA
Solid.Waste

7. **CA AB 1103** **CHAPTERED**

Author: Dodd (D)
Title: Solid Waste Disposal: Self-Haulers
Last Amend: 06/06/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
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: 09/22/2016 Signed by GOVERNOR.
09/22/2016 Chaptered by Secretary of State. Chapter No. 443

BOARD.PACKET
JUNE2016
Lobbyist
Paul
Position
Support (05/13/2016)
Staff
Mary
Subject
ESJPA
Solid.Waste

8. **CA AB 1239** **DEAD**

Author: Gordon (D)
Title: Tire Recycling: Tire Regulatory Fee: Waste Tires
Last Amend: 08/16/2016
Location: ASSEMBLY
Summary: Relates to the Tire Recycling Management Fund. Requires a waste tire generator to pay a state regulatory tire fee for deposit into the Fund. Authorizes such fee in an amount sufficient to cover costs incurred with regulating retail sellers. Enacts the Tire Recycling Incentive Program Act that would provide incentive payments for entities using California-generated waste tire material. Requires a public hearing regarding fees and fee adjustments. Prohibits fees on wheelchairs.
Status: 08/31/2016 In ASSEMBLY. ASSEMBLY refused to concur in SENATE amendments. (34-34)
Lobbyist
Paul
Position
Support (06/22/2015)
Staff
Mary
Subject
ESJPA

9. **CA AB 1419** **CHAPTERED**

Author: Eggman (D)
Title: Hazardous Waste: Cathode Ray Tube Glass
Last Amend: 08/19/2016
Effective Date: 01/01/2017 [code impact]

Location: Chaptered
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. Prohibits the use of CRT panel glass except in specified end uses.
Status: 09/22/2016 Signed by GOVERNOR.
09/22/2016 Chaptered by Secretary of State. Chapter No. 445

BOARD.PACKET
JUNE2016
Lobbyist
Mary
Paul
Position
Support (08/31/2016)
Staff
Larry
Subject
ESJPA
Solid.Waste

10. **CA AB 1435** **DEAD**

Author: Alejo (D)
Title: Hazardous Waste: Toxics: Packaging
Last Amend: 08/18/2015
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
Paul
Position
Watch (04/23/2015)
Staff
Mary
Subject
ESJPA

11. **CA AB 1669** **CHAPTERED**

Author: Hernandez R (D)
Title: Displaced Employees: Service Contracts
Last Amend: 06/27/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
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: 09/30/2016 Signed by GOVERNOR.
09/30/2016 Chaptered by Secretary of State. Chapter No. 874

BOARD.PACKET
JUNE2016
Lobbyist
Paul
Position
Pending (03/07/2016)
Staff
Mary
Subject
ESJPA

Solid.Waste

12. **CA AB 1811**

CHAPTERED

Author: Dodd (D)
Title: Fertilizer: Organic Plant Material: Registration
Last Amend: 05/27/2016
Effective Date: 01/01/2017 [code Impact]
Location: Chaptered
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: 09/22/2016 Signed by GOVERNOR.
09/22/2016 Chaptered by Secretary of State. Chapter No. 448

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

13. **CA AB 1817**

CHAPTERED

Author: Stone (D)
Title: Solid Waste: Garbage and Refuse Disposal Districts
Last Amend: 04/11/2016
Effective Date: 01/01/2017 (Corrected) [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
Paul
Position
Watch (04/08/2016)
Staff
Mary
Subject
ESJPA
Solid.Waste

14. **CA AB 2039**

DEAD

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

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

15. CA AB 2059

DEAD

Author: Garcia E (D)
Title: Junk Dealers and Recyclers: Nonferrous Materials
Last Amend: 05/03/2016
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
Paul
Position
Watch (03/30/2016)
Staff
Mary
Subject
ESJPA

16. CA AB 2110

DEAD

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

17. CA AB 2153

CHAPTERED

Author: Garcia (D)
Title: Lead Acid Battery Recycling Act
Last Amend: 08/31/2016
Effective Date: 09/26/2016 [code impact]
Location: Chaptered
Summary: Establishes the Used Lead-Acid Battery Recycling Act. Requires acceptance of lead-acid batteries and prohibits a dealer from charging certain fees. Requires the collection of a deposit for batteries purchased without the 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: 09/26/2016 Signed by GOVERNOR.
09/26/2016 Chaptered by Secretary of State. Chapter No. 666
Lobbyist
Mary

Paul
Position
Pending (03/30/2016)
Subject
ESJPA

18. **CA AB 2396**

CHAPTERED

Author: McCarty (D)
Title: Solid Waste: Annual Reports
Last Amend: 08/09/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
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: 09/22/2016 Signed by GOVERNOR.
09/22/2016 Chaptered by Secretary of State. Chapter No. 466

Lobbyist
Paul
Position
Pending (04/18/2016)
Staff
Mary
Subject
ESJPA
Solid.Waste

19. **CA AB 2530**

CHAPTERED

Author: Gordon (D)
Title: Recycling: Beverage Containers
Last Amend: 06/15/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Requires a manufacturer of a beverage sold in a plastic beverage container subject to the State Redemption Value to annually report to the Department of Resources Recycling and Recovery the amount of virgin plastic and postconsumer recycled plastic used by the manufacturer for plastic beverage containers subject to the State Redemption Value for sale in the State in the previous calendar year.
Status: 09/30/2016 Signed by GOVERNOR.
09/30/2016 Chaptered by Secretary of State. Chapter No. 861

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

20. **CA AB 2576**

DEAD

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

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

21. CA AB 2579

DEAD

Author: Low (D)
Title: Waste Characterization Study: Food Service Packaging
Last Amend: 06/20/2016
Location: Senate Environmental Quality Committee
Summary: Requires the Department of Resources Recycling and Recovery to include specified information relating to food service packaging waste management in the next regularly scheduled waste characterization study conducted by the Department.
Status: 06/21/2016 Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist
Mary
Paul
Position
Watch (02/22/2016)
Subject
ESJPA
Solid.Waste

22. CA AB 2585

DEAD

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

23. CA AB 2812

CHAPTERED

Author: Gordon (D)
Title: Solid Waste: Recycling
Last Amend: 08/15/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Requires the Department of Resources Recycling and Recovery to develop guidance 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: 09/23/2016 Signed by GOVERNOR.
09/23/2016 Chaptered by Secretary of State. Chapter No. 530
BOARD.PACKET

JUNE2016
Lobbyist
Mary
Paul
Position
Support (08/26/2016)
Subject
ESJPA
Solid.Waste

24. **CA AB 2891** **CHAPTERED**

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Hazardous Waste: Funding
Last Amend: 08/19/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Expresses the intent of the Legislature that funds deposited into the Toxic Substances Control Account be appropriated in the annual Budget Act to the Site Remediation Account to pay for site remediation at both Federal Superfund orphan sites and at state 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: 09/27/2016 Signed by GOVERNOR.
09/27/2016 Chaptered by Secretary of State. Chapter No. 704

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

25. **CA SB 970** **CHAPTERED**

Author: Leyva (D)
Title: Greenhouse Gas Reduction Fund: Grants: Recyclables
Last Amend: 06/29/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered
Summary: Requires the Department of Resources Recycling and Recovery, in awarding a grant for organic composting or anaerobic digestion to consider the amount of greenhouse gas emission reductions resulting and the amount of organic material diverted from landfills as a result of the project. Permits grants for large-scale regional integrated projects. Provides that additional funds from the Greenhouse Gas Reduction Fund shall be used for in-state development of infrastructure for new value-added products.
Status: 09/14/2016 Chaptered by Secretary of State. Chapter No. 365

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

26. **CA SB 1325** **CHAPTERED**

Author: De Leon (D)
Title: Hazardous Waste: Facilities: Postclosure Plans
Last Amend: 08/18/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered

Summary: Restores the authority of the Department of Toxic Substances Control to 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: 09/26/2016 Signed by GOVERNOR.
09/26/2016 Chaptered by Secretary of State. Chapter No. 676

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

27. CA SB 1383 CHAPTERED

Author: Lara (D)
Title: Short-Lived Climate Pollutants: Methane: Landfills
Last Amend: 08/31/2016
Effective Date: 01/01/2017 [code impact]
Location: Chaptered

Summary: Requires the State Air Resources Board to adopt regulations that achieve specified targets for reducing organic waste in landfills. Authorizes local jurisdictions to charge fees to recover costs of compliance. Authorizes an analysis of progress in reducing such waste. Authorizes incentives or additional requirements, depending on the outcome of the analysis. Requires the adoption of regulations concerning livestock and dairy manure management. Relates to short-lived climate pollutants and recycling goals.

Status: 09/19/2016 Signed by GOVERNOR.
09/19/2016 Chaptered by Secretary of State. Chapter No. 395

Analyst
Santinia
BOARD.PACKET
APRIL2016
JUNE2016
SEPT.2016
Lobbyist
Mary
Staci
Position
Neutral (09/13/2016)
Subject
Climate.Change
DisadvantagedComm
ESJPA
Fire
Forestry
Solid.Waste

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