

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

Thursday, March 16, 2017

**Agenda Item IV
Legislative Update**

Complete Text of Selected Solid Waste Bills

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Summary Listing of Selected Solid Waste Related Bills

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ASSEMBLY BILL

No. 178

Introduced by Assembly Member Eggman

January 18, 2017

An act to amend Section 14501 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 178, as introduced, Eggman. California Beverage Container Recycling and Litter Reduction Act.

Under existing law, the Division of Recycling in the Department of Resources Recycling and Recovery administers the California Beverage Container Recycling and Litter Reduction Act. The act finds and declares that experience in this state and others demonstrates that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers.

This bill would remove the reference to experience in this state and others, and instead find and declare that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers.

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

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

- 1 SECTION 1. Section 14501 of the Public Resources Code is
- 2 amended to read:
- 3 14501. The Legislature finds and declares as follows:

1 (a) ~~Experience in this state and others demonstrates that financial~~
2 *Financial* incentives and convenient return systems ensure the
3 efficient and large-scale recycling of beverage containers.
4 Accordingly, it is the intent of the Legislature to encourage
5 increased, and more convenient, beverage container redemption
6 opportunities for all consumers. These redemption opportunities
7 shall consist of dealer and other shopping center locations,
8 independent and industry operated recycling centers, curbside
9 programs, and other recycling systems that assure all consumers,
10 in every region of the state, *of* the opportunity to return beverage
11 containers conveniently, efficiently, and economically.

12 (b) California grocery, beer, soft drink, container manufacturing,
13 labor, agricultural, consumer, environmental, government, citizen,
14 recreational, taxpayer, and recycling groups have joined together
15 in calling for an innovative program to generate large-scale
16 redemption and recycling of beverage containers.

17 (c) This division establishes a beverage container recycling goal
18 of 80 percent.

19 (d) It is the intent of the Legislature to ensure that every
20 container type proves its own recyclability.

21 (e) It is the intent of the Legislature to make redemption and
22 recycling convenient to consumers, and the Legislature hereby
23 urges cities and counties, when exercising their zoning authority,
24 to act favorably on the siting of multimaterial recycling centers,
25 reverse vending machines, mobile recycling units, or other types
26 of recycling opportunities, as necessary for consumer convenience,
27 and the overall success of litter abatement and beverage container
28 recycling in the state.

29 (f) The purpose of this division is to create and maintain a
30 marketplace where it is profitable to establish sufficient recycling
31 centers and locations to provide consumers with convenient
32 recycling opportunities through the establishment of minimum
33 refund values and processing fees and, through the proper
34 application of these elements, to enhance the profitability of
35 recycling centers, recycling locations, and other beverage container
36 recycling programs.

37 (g) The responsibility to provide convenient, efficient, and
38 economical redemption opportunities rests jointly with
39 manufacturers, distributors, dealers, recyclers, processors, and the
40 Department of Conservation.

- 1 (h) It is the intent of the Legislature, in enacting this division,
2 that all empty beverage containers redeemed shall be recycled,
3 and that the responsibilities and regulations of the department shall
4 be determined and implemented in a manner that favors the
5 recycling of redeemed containers, as opposed to their disposal.
- 6 (i) Nothing in this division shall be interpreted as affecting the
7 current business practices of scrap dealers or recycling centers,
8 except that, to the extent they function as a recycling center or
9 processor, they shall do so in accordance with this division.
- 10 (j) The program established by this division will contribute
11 significantly to the reduction of the beverage container component
12 of litter in this state.

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AMENDMENTS TO ASSEMBLY BILL NO. 178

Amendment 1

In the title, in line 1, strike out "Section 14501 of" and insert:

Sections 14504, 14505, 14506.3, 14515.6, 14573.5, 14575, and 14596 of, and to add Section 14573.8 to,

Amendment 2

On page 1, before line 1, insert:

SECTION 1. Section 14504 of the Public Resources Code is amended to read: 14504. (a) Except as provided in subdivision (b), "beverage" means any of the following products if those products are in liquid, ready-to-drink form, and are intended for human consumption:

- (1) Beer and other malt beverages.
 - (2) Wine and distilled spirit coolers.
 - (3) Carbonated water, including soda and carbonated mineral water.
 - (4) Noncarbonated water, including noncarbonated mineral water.
 - (5) Carbonated soft drinks.
 - (6) Noncarbonated soft drinks and "sport" drinks.
 - (7) Except as provided in paragraph ~~(4)~~ (3) of subdivision (b), noncarbonated fruit drinks that contain any percentage of fruit juice.
 - (8) Coffee and tea drinks.
 - (9) Carbonated fruit drinks.
 - (10) Vegetable juice in beverage containers of 16 ounces or less.
- (b) "Beverage" does not include any of the following:
- ~~(1) Any product sold in a container that is not an aluminum beverage container, a glass container, a plastic beverage container, or a bimetal container.~~
 - ~~(2)~~
 - (1) Wine, or wine from which alcohol has been removed, in whole or in part, whether or not sparkling or carbonated.
 - ~~(3)~~
 - (2) Milk, medical food, or infant formula.
 - ~~(4)~~
 - (3) One hundred percent fruit juice in containers that are 46 ounces or more in volume.
- (c) For purposes of this section, the following definitions shall apply:
- (1) "Infant formula" means any liquid food described or sold as an alternative for human milk for the feeding of infants.
 - (2) (A) "Medical food" means a food or beverage that is formulated to be consumed, or administered enterally under the supervision of a physician, and that is intended for specific dietary management of diseases or health conditions for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.



(B) A "medical food" is a specially formulated and processed product, for the partial or exclusive feeding of a patient by means of oral intake or enteral feeding by tube, and is not a naturally occurring foodstuff used in its natural state.

(C) "Medical food" includes any product that meets the definition of "medical food" in the ~~federal~~ Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. ~~360ee(b)(3)~~ 360ee(b)(3)).

(3) "Noncarbonated soft drink" means a nonalcoholic, noncarbonated naturally or artificially flavored water containing sugar or sweetener or trace amounts of various elements from both natural and synthetic sources.

(d) Any portion of a redemption payment paid to the department for deposit into the fund that exceeds the amount that would otherwise have been deposited absent the changes made to this section during the 2017-18 Regular Session shall not be continuously appropriated pursuant to Section 14580 and instead shall be subject to appropriation by the Legislature.

SEC. 2. Section 14505 of the Public Resources Code is amended to read:

14505. "Beverage container" means the individual, separate bottle, can, jar, carton, or other receptacle, however denominated, in which a beverage is ~~sold, and which is constructed of metal, glass, or plastic, or other material, or any combination of these materials.~~ sold. "Beverage container" does not include cups or other similar open or loosely sealed receptacles.

SEC. 3. Section 14506.3 of the Public Resources Code is amended to read:

14506.3. "Bimetal container" means a beverage container which consists of one or more metals and which is composed primarily of steel. For purposes of this division, "bimetal" is a material type.

SEC. 4. Section 14515.6 of the Public Resources Code is amended to read:

14515.6. "Physical recycling location" means the area in a convenience zone served by one or more reverse vending machines ~~which that~~ that accept all types of empty aluminum, glass, and plastic beverage containers and issue a cash refund or a redeemable credit slip and are located within 10 feet of each other. The physical recycling location shall redeem odd sized empty beverage containers ~~or empty beverage containers made from other material types~~ in a manner approved by the department. "Physical recycling location" does not include a combination of reverse vending machines ~~which that~~ accept less than all empty ~~aluminum, glass, and plastic~~ beverage containers and one or more dropoff bins.

SEC. 5. Section 14573.5 of the Public Resources Code is amended to read:

14573.5. (a) Except as provided in ~~Section 14573.6, Sections 14573.6 and 14573.8,~~ a processor shall pay to a certified recycling center, dropoff or collection program, or curbside program, for all types of empty beverage containers, by type of beverage container, received by the processor from a recycling center, curbside program, or dropoff or collection program, upon receipt by the certified processor of a shipping report from the supplier of the material, in the form adopted by the regulations adopted by the department, the sum of all of the following amounts:

(1) The refund value.

(2) Three-fourths of 1 percent of the refund value for administrative costs.

(3) The processing payment established pursuant to Section 14575.

(b) The processor shall make the payment required in subdivision (a) within two working days of the date that the processor receives these empty beverage containers,

or within the time which the department determines to be necessary and adequate. Under the procedures authorized by the department, the department may authorize a certified recycling center to cancel containers, and a certified processor may authorize a certified recycling center to cancel containers on behalf of the certified processor.

(c) If the department has set up an accounts receivable procedure or other procedure for seeking the payment of money improperly obtained by a certified recycling center from the fund, the department may reimburse the processor for its payments to that certified recycling center.

SEC. 6. Section 14573.8 is added to the Public Resources Code, to read:

14573.8. A processor shall not make a payment pursuant to subdivision (a) of Section 14573.5 for a load of empty beverage containers, or a commingled load of empty beverage containers and other containers of the same material type, if more than 5 percent of the load is made up of material other than empty beverage containers of one material type and other containers of the same material type.

SEC. 7. Section 14575 of the Public Resources Code is amended to read:

14575. (a) If any type of empty beverage container with a refund value established pursuant to Section 14560 has a scrap value less than the cost of recycling, the department shall, on January 1, 2000, and on or before January 1 annually thereafter, establish a processing fee and a processing payment for the container by the type of the material of the container.

(b) The processing payment shall be at least equal to the difference between the scrap value offered to a statistically significant sample of ~~recyclers~~ recyclers, excluding certified curbside programs, by willing purchasers, and except for the initial calculation made pursuant to subdivision (d), the sum of both of the following:

(1) The actual cost for certified recycling centers, excluding centers receiving a handling fee, of receiving, handling, storing, transporting, and maintaining equipment for each container sold for recycling or, only if the container is not recyclable, the actual cost of disposal, calculated pursuant to subdivision (c). The department shall determine the statewide weighted average cost to recycle each beverage container type, which shall serve as the actual recycling costs for purposes of paragraph (2) of subdivision (c), by conducting a survey of the costs of a statistically significant sample of certified recycling centers, excluding those recycling centers receiving a handling fee, for receiving, handling, storing, transporting, and maintaining equipment.

(2) A reasonable financial return for recycling centers.

(c) The department shall base the processing payment pursuant to this section upon all of the following:

(1) Except as provided in paragraph (2), for calculating processing payments that will be in effect on and after January 1, 2004, the department shall determine the actual costs for certified recycling centers, every second year, pursuant to paragraph (1) of subdivision (b). The department shall adjust the recycling costs annually to reflect changes in the cost of living, as measured by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency of the United States government.

(2) On and after January 1, 2010, the department shall use the most recently published, measured actual costs of recycling for a specific beverage material type if the department determines the number of beverage containers for that material type that is returned for recycling pursuant to Section 14551, based on the most recently

published calendar year number of beverage containers returned for recycling, is less than 5 percent of the total number of beverage containers returned for recycling for all material types. The department shall determine the actual recycling cost to be used for calculating processing payments for those beverage containers in the following manner:

(A) The department shall adjust the costs of recycling that material type every second year by the percentage change in the most recently measured cost of recycling HDPE plastic beverage containers, as determined by the department. The department shall use the percentage change in costs of recycling HDPE plastic beverage containers for this purpose, even if HDPE plastic beverage containers are less than 5 percent of the total volume of returned beverage containers.

(B) The department shall adjust the recycling costs annually for that material type to reflect changes in the cost of living, as measured by the Bureau of Labor Statistics of the United States Department of Labor or a successor agency of the United States government.

(d) Except as specified in subdivision (e), the actual processing fee paid by a beverage manufacturer shall equal 65 percent of the processing payment calculated pursuant to subdivision (b).

(e) The department, consistent with Section 14581 and subject to the availability of funds, shall reduce the processing fee paid by beverage manufacturers by expending funds in each material processing fee account, in the following manner:

(1) On January 1, 2005, and annually thereafter, the processing fee shall equal the following amounts:

(A) Ten percent of the processing payment for a container type with a recycling rate equal to or greater than 75 percent.

(B) Eleven percent of the processing payment for a container type with a recycling rate equal to or greater than 65 percent, but less than 75 percent.

(C) Twelve percent of the processing payment for a container type with a recycling rate equal to or greater than 60 percent, but less than 65 percent.

(D) Thirteen percent of the processing payment for a container type with a recycling rate equal to or greater than 55 percent, but less than 60 percent.

(E) Fourteen percent of the processing payment for a container type with a recycling rate equal to or greater than 50 percent, but less than 55 percent.

(F) Fifteen percent of the processing payment for a container type with a recycling rate equal to or greater than 45 percent, but less than 50 percent.

(G) Eighteen percent of the processing payment for a container type with a recycling rate equal to or greater than 40 percent, but less than 45 percent.

(H) Twenty percent of the processing payment for a container type with a recycling rate equal to or greater than 30 percent, but less than 40 percent.

(I) Sixty-five percent of the processing payment for a container type with a recycling rate less than 30 percent.

(2) The department shall calculate the recycling rate for purposes of paragraph (1) based on the 12-month period ending on June 30 that directly precedes the date of the January 1 processing fee determination.

(f) Not more than once every three months, the department may make an adjustment in the amount of the processing payment established pursuant to this section notwithstanding any change in the amount of the processing fee established pursuant

to this section, for any beverage container, if the department makes the following determinations:

(1) The statewide scrap value paid by processors for the material type for the most recent available 12-month period directly preceding the quarter in which the processing payment is to be adjusted is 5 percent more or 5 percent less than the average scrap value used as the basis for the processing payment currently in effect.

(2) Funds are available in the processing fee account for the material type.

(3) Adjusting the processing payment is necessary to further the objectives of this division.

(g) (1) Except as provided in paragraphs (2) and (3), every beverage manufacturer shall pay to the department the applicable processing fee for each container sold or transferred to a distributor or dealer within 40 days of the sale in the form and in the manner which the department may prescribe.

(2) (A) Notwithstanding Section 14506, with respect to the payment of processing fees for beer and other malt beverages manufactured outside the state, the beverage manufacturer shall be deemed to be the person or entity named on the certificate of compliance issued pursuant to Section 23671 of the Business and Professions Code. If the department is unable to collect the processing fee from the person or entity named on the certificate of compliance, the department shall give written notice by certified mail, return receipt requested, to that person or entity. The notice shall state that the processing fee shall be remitted in full within 30 days of issuance of the notice or the person or entity shall not be permitted to offer that beverage brand for sale within the state. If the person or entity fails to remit the processing fee within 30 days of issuance of the notice, the department shall notify the Department of Alcoholic Beverage Control that the certificate holder has failed to comply, and the Department of Alcoholic Beverage Control shall prohibit the offering for sale of that beverage brand within the state.

(B) The department shall enter into a contract with the Department of Alcoholic Beverage Control, pursuant to Section 14536.5, concerning the implementation of this paragraph, which shall include a provision reimbursing the Department of Alcoholic Beverage Control for its costs incurred in implementing this paragraph.

(3) (A) Notwithstanding paragraph (1), if a beverage manufacturer displays a pattern of operation in compliance with this division and the regulations adopted pursuant to this division, to the satisfaction of the department, the beverage manufacturer may make a single annual payment of processing fees, if the beverage manufacturer meets either of the following conditions:

(i) If the redemption payment and refund value is not increased pursuant to paragraph (3) of subdivision (a) of Section 14560, the beverage manufacturer's projected processing fees for a calendar year total less than ten thousand dollars (\$10,000).

(ii) If the redemption payment and refund value is increased pursuant to paragraph (3) of subdivision (a) of Section 14560, the beverage manufacturer's projected processing fees for a calendar year total less than fifteen thousand dollars (\$15,000).

(B) An annual processing fee payment made pursuant to this paragraph is due and payable on or before February 1 for every beverage container sold or transferred by the beverage manufacturer to a distributor or dealer in the previous calendar year.

(C) A beverage manufacturer shall notify the department of its intent to make an annual processing fee payment pursuant to this paragraph on or before January 31 of the calendar year for which the payment will be due.

(4) The department shall pay the processing payments on redeemed containers to processors, in the same manner as it pays refund values pursuant to Sections 14573 and 14573.5. The processor shall pay the recycling center the entire processing payment representing the actual costs and financial return incurred by the recycling center, as specified in subdivision (b).

(h) When assessing processing fees pursuant to subdivision (a), the department shall assess the processing fee on each container sold, as provided in subdivisions (d) and (e), by the type of material of the container, assuming that every container sold will be redeemed for recycling, whether or not the container is actually recycled.

(i) The container manufacturer, or a designated agent, shall pay to, or credit, the account of the beverage manufacturer in an amount equal to the processing fee.

(j) If, at the end of any calendar year for which glass recycling rates equal or exceed 45 percent and sufficient surplus funds remain in the glass processing fee account to make the reduction pursuant to this subdivision or if, at the end of any calendar year for which PET recycling rates equal or exceed 45 percent and sufficient surplus funds remain in the PET processing fee account to make the reduction pursuant to this subdivision, the department shall use these surplus funds in the respective processing fee accounts in the following calendar year to reduce the amount of the processing fee that would otherwise be due from glass or PET beverage manufacturers pursuant to this subdivision.

(1) The department shall reduce the glass or PET processing fee amount pursuant to this subdivision in addition to any reduction for which the glass or PET beverage container qualifies under subdivision (e).

(2) The department shall determine the processing fee reduction by dividing two million dollars (\$2,000,000) from each processing fee account by an estimate of the number of containers sold or transferred to a distributor during the previous calendar year, based upon the latest available data.

SEC. 8. Section 14596 of the Public Resources Code is amended to read:

14596. (a) Any person importing more than 25 pounds of empty aluminum, bimetal, ~~or plastic~~ plastic, or other beverage container material, or more than 250 pounds of empty glass beverage container material, into the state, shall report the material to the department and provide the department with all of the following:

- (1) Documentation on the source of the material.
- (2) Documentation on the destination of the material.
- (3) Any other information deemed necessary by the department as it relates to the importation of empty beverage container material.
- (4) An opportunity for inspection, in accordance with the regulations adopted by the department.

(b) (1) (A) In addition to inspections required by the regulations adopted by the department pursuant to subdivision (a), a vehicle entering the state that contains more than 25 pounds of empty beverage container material shall pass through the nearest plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code, and shall obtain proof of inspection from the department.

(B) The department may enter into an interagency agreement with the Department of Food and Agriculture to implement the requirements of this subdivision.

(2) The operator of a vehicle that contains more than 25 pounds of empty beverage container material is in violation of this chapter if the operator does any of the following:

(A) Fails to stop the vehicle at a plant quarantine inspection station.

(B) Willfully avoids a plant quarantine inspection station.

(C) Fails to stop upon demand of a clearly identified plant quarantine inspection station officer, an officer of the California Highway Patrol, or an officer of a state or local law enforcement agency, when the officer orders the operator to stop for the purpose of determining whether this operator is in violation of this section.

(c) The department may impose civil penalties pursuant to Section 14591.1 or take disciplinary action pursuant to Section 14591.2 for a violation of this section.

(d) Subdivision (c) does not prohibit the imposition of a criminal penalty pursuant to subdivision (a) of Section 14591 for a violation of subdivision (b). A second or subsequent violation of subdivision (b) within three years of a prior conviction of a violation of subdivision (b) shall be punishable as a misdemeanor.

SEC. 9. 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.

Amendment 3

On page 1, strike out lines 1 to 3, inclusive, and strike out pages 2 and 3

ASSEMBLY BILL

No. 509

Introduced by Assembly Member Frazier

February 13, 2017

An act to amend Sections 42885, 42889, and 42961.5 of, and to repeal and add Section 42872.1 of, the Public Resources Code, relating to tire recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 509, as introduced, Frazier. Tire recycling: California tire regulatory fee and waste tire program.

(1) The California Tire Recycling Act requires, until January 1, 2024, a person who purchases a new tire to pay a California tire fee of \$1.75 per tire, for deposit in the California Tire Recycling Management Fund, for expenditure by the Department of Resources Recycling and Recovery upon appropriation by the Legislature, to fund the waste tire program and for other purposes, including to pay for the costs associated with a waste tire and used tire hauler program and manifest system, as provided. After January 1, 2024, existing law reduces the tire fee to \$0.75 per tire.

Existing law requires any person generating waste tires or used tires that are transported or submitted for transportation, for offsite handling, altering, storage, disposal, or for any combination thereof, to complete a California Uniform Waste and Used Tire Manifest, as required by the department. Existing law requires a generator to provide the manifest to the waste and used tire hauler at the time of transfer of the tires, and to submit to the department, on a quarterly schedule, a legible copy of each manifest.

This bill would require, until January 1, 2024, upon a specified finding by the department, a waste tire generator that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee and to remit that fee to the state on a quarterly schedule for deposit in the California Tire Recycling Management Fund. The bill would require the department to track revenue from the California tire regulatory fee separately and would prohibit those funds from being used for activities other than those specified. The bill would require the department to identify the specific programs that the California tire regulatory fee would fund. The bill would require the department to establish the California tire regulatory fee in an amount that does not exceed \$1 per new tire sold, and would require the department to base the amount of the fee on specified criteria, as provided. The bill would authorize the department to differentiate in setting the fees between the waste tire generators who are retail sellers depending upon the nature of the activity generating waste tires, the number of waste tires generated, and other appropriate bases.

The bill would require the department, prior to establishing the California tire regulatory fee or making any adjustment to the fee, to hold a public hearing, as specified. The bill would provide that an adjustment to the fee becomes effective on January 1 of the year following its adoption. The bill would require the department to adopt regulations to implement the initial California tire regulatory fee, and would authorize the department to adopt regulations to adjust the California tire regulatory fee, as specified.

(2) Existing law prohibits the California tire fee from being imposed on a tire sold with, or sold separately for use on, a self-propelled wheelchair, a motorized tricycle or motorized quadricycle, or a vehicle that is similar to a motorized tricycle or motorized quadricycle, as specified.

This bill would prohibit the California tire regulatory fee from being imposed on those same vehicles.

(3) Existing law establishes, as a part of the waste tire program, the tire recycling program, which promotes and develops alternatives to the landfill disposal of used whole tires. The program provides for grants to certain entities involved in activities that result in reduced landfill disposal of whole used tires, and development and implementation of a waste tire incentive payment program to promote increased demand for waste tires recycled in this state. Under the act, until June 30, 2019, the Rubberized Pavement Market Development Act provides for the

award of grants to certain public agency projects that use rubberized asphalt concrete.

This bill would repeal the Rubberized Pavement Market Development Act and instead enact the Tire Recycling Incentive Program Act. The bill would require the department, in accordance with specified law, to establish this incentive program to make payments to entities that purchase waste tire material for incorporation in a product for sale to end users, as specified. The bill would require the department to collect data from recipients of incentive payments and release that data annually in the California Waste Tire Market Report, as specified. The bill would require the department to evaluate the program in a public forum and propose changes accordingly. The bill would make an entity eligible to receive an incentive payment upon demonstrating to the department that the entity purchased California-generated waste tire material processed in California and sold an incentive-eligible tire product incorporating that material to an end user.

(4) Existing law requires a person generating waste or used tires that are transported or submitted for transportation to submit a California Uniform Waste and Used Tire Manifest, as defined, to the waste and used tire hauler and to submit copies of the manifest to the department. A waste and used tire hauler is required to possess that manifest while transporting waste or used tires, and the operator of a waste or used tire facility is required to submit a copy of the manifest to the department and the generator. Existing law requires the department to develop and implement a system for auditing manifests, including continuously conducting random sampling and matching of manifests.

This bill would revise those provisions to, among other things, require a waste and used tire hauler, on and after January 1, 2019, to submit an electronic manifest, instead of a paper manifest, to the department within 7 days of the date of the pickup or delivery for each load of waste or used tires transported.

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

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

- 1 SECTION 1. Section 42872.1 of the Public Resources Code
- 2 is repealed.
- 3 ~~42872.1. (a) This section shall be known, and may be cited,~~
- 4 ~~as the Rubberized Pavement Market Development Act.~~

1 (b) In accordance with the tire recycling program authorized by
2 Section 42872, the department shall award grants in the following
3 manner:

4 (1) ~~To cities, counties, and other local governmental agencies~~
5 ~~for the funding of public works projects that utilize rubberized~~
6 ~~pavement.~~

7 (2) ~~To state and local governmental agencies, including regional~~
8 ~~park districts, for the funding of disability access projects at parks~~
9 ~~and Class I bikeways as defined in subdivision (a) of Section 890.4,~~
10 ~~relative to projects that utilize rubberized pavement.~~

11 (c) (1) ~~Except as provided in paragraph (2), the department~~
12 ~~shall award the grants pursuant to subdivision (b) in the amount~~
13 ~~of two dollars (\$2) for every 12 pounds of crumb rubber used in~~
14 ~~a public works or disability access project by a state or local~~
15 ~~governmental agency, including a regional park district.~~

16 (2) ~~The department may adjust the amount of grants awarded~~
17 ~~pursuant to paragraph (1) to an amount that is greater than, or less~~
18 ~~than, two dollars (\$2) for every 12 pounds of crumb rubber if the~~
19 ~~department finds this adjustment would further the purposes of~~
20 ~~this article.~~

21 (d) ~~This section shall become inoperative on June 30, 2019,~~
22 ~~and, as of January 1, 2020, is repealed, unless a later enacted~~
23 ~~statute, that becomes operative on or before January 1, 2020,~~
24 ~~deletes or extends the dates on which it becomes inoperative and~~
25 ~~is repealed.~~

26 SEC. 2. Section 42872.1 is added to the Public Resources Code,
27 to read:

28 42872.1. (a) This section shall be known, and may be cited,
29 as the Tire Recycling Incentive Program Act.

30 (b) In accordance with Section 42872, the department shall
31 establish a tire recycling incentive program that makes payments
32 to eligible entities.

33 (c) Incentive payments shall be made to eligible entities for
34 incentive-eligible tire products manufactured from
35 California-generated waste tire material that promote the recycling
36 of, the reduction of the disposal of, or the prevention of illegal
37 dumping of California-generated waste tire material.

38 (d) An eligible entity is eligible to receive an incentive payment
39 only upon demonstrating to the department that the entity
40 purchased California-generated waste tire material that was

1 processed in California and sold an incentive-eligible tire product
2 incorporating that material to an end user.

3 (e) For purposes of this section, “eligible entity” includes, but
4 is not limited to, a manufacturer that produces a product
5 incorporating California-generated waste tire material for purchase
6 by an end user. “Eligible entity” does not include the entity or
7 person that receives the finished product.

8 (f) For purposes of this section, “end user” includes, but is not
9 limited to, the following:

10 (1) Cities, counties, and other local governmental agencies,
11 including school districts.

12 (2) State and local governmental agencies, including regional
13 park districts.

14 (3) Private companies and persons.

15 (g) (1) For purposes of this section, “incentive-eligible tire
16 product” may include, but is not limited to, the following:

17 (A) Pavement-related products, such as rubberized asphalt,
18 asphalt rubber, modified binders, and chip seals.

19 (B) Rubberized asphalt base stock to be used in applications
20 other than pavement.

21 (C) Products used in disability access projects at parks and Class
22 I bikeways, as defined in subdivision (a) of Section 890.4 of the
23 Streets and Highways Code, relative to projects that use recycled
24 tires.

25 (D) Poured in place and tile playground mats.

26 (E) Landscape nuggets and mulch.

27 (F) Walkways and pathways.

28 (G) Running tracks.

29 (H) Tire-derived aggregate applications, including lightweight
30 fill and vibration mitigation.

31 (I) Molded, extruded, injected, and calendered products.

32 (J) Products that use recycled rubber as a substitute for other
33 materials, such as plastic.

34 (K) Paint and coatings.

35 (L) Other products, environmentally safe applications, or
36 treatments determined to be appropriate by the department.

37 (2) “Incentive-eligible tire product” does not include any of the
38 following:

39 (A) Tire-derived fuel.

- 1 (B) Alternative daily cover, intermediate cover, erosion, or other
2 landfill uses, except tire-derived aggregates used in landfill
3 engineered projects for landfill gas and leachate control systems
4 and other engineering projects designated by the department.
- 5 (C) Exports.
- 6 (D) Synthetic turf infill.
- 7 (E) Loose rubber nugget or mulch playgrounds.
- 8 (F) Purchases made to meet procurement requirements
9 established pursuant to Section 42703.
- 10 (h) The department shall collect data from recipients of incentive
11 payments to be released annually in the California Waste Tire
12 Market Report.
- 13 (1) Data shall be aggregated to determine the total amount of
14 money paid for each category of incentive-eligible tire products
15 listed in paragraphs (A) to (L), inclusive, of paragraph (1) of
16 subdivision (g) and how many tires, or passenger tire equivalents
17 as defined in subdivision (b) of Section 42961.5, were recycled.
18 The data specified in this paragraph shall be used by the department
19 for purposes of the evaluation required pursuant to subdivision (i).
- 20 (2) The department shall include in the California Waste Tire
21 Market Report the number of tires, or passenger tire equivalents,
22 as defined in subdivision (b) of Section 42961.5, that were recycled
23 in that year and the annual recycling rate.
- 24 (3) The report shall also include the number of tires recycled
25 by the Department of Transportation as part of the overall recycling
26 rate.
- 27 (i) As part of the biennial update of the five-year plan required
28 pursuant to Section 42885.5, the department shall evaluate the tire
29 recycling incentive program established pursuant to subdivision
30 (b) in a public forum and propose changes accordingly.
- 31 (1) The evaluation required pursuant to this subdivision shall
32 include, but is not limited to, the following elements:
- 33 (A) The recycling rate of California-generated waste tire
34 material, including waste tire material recycled through funding
35 pursuant to the tire recycling incentive program, and, to the extent
36 the information is available, an estimate of the recycling rate of
37 waste tire material recycled by other state and local agencies and
38 the private sector.
- 39 (B) The amount of California-generated waste tire material
40 entering each market segment.

1 (C) The amount of waste tire material recycled through
2 expenditures authorized by this chapter.

3 (2) Based on the findings from the evaluation required pursuant
4 to this subdivision, the department shall reevaluate and prioritize
5 funding for the categories of incentive-eligible tire products that
6 recycle the most waste tires.

7 (j) For purposes of this section, recipients of incentive payments
8 shall meet specified criteria, as established by the department, that
9 are consistent with the provisions of this article.

10 (k) No less than 50 percent of the total value of incentive
11 payments made pursuant to this section shall be made for
12 pavement-related products, as described in subparagraph (A) of
13 paragraph (1) of subdivision (g).

14 (l) Nothing in this section is intended to limit the use of waste
15 tire products that are not incentive-eligible tire products.

16 SEC. 3. Section 42885 of the Public Resources Code, as
17 amended by Section 31 of Chapter 401 of the Statutes of 2013, is
18 amended to read:

19 42885. (a) (1) For purposes of this section, "California tire
20 fee" means the fee imposed pursuant to *subdivision (b) of this*
21 *section.*

22 (2) *For purposes of this section, a "California tire regulatory*
23 *fee" means a fee imposed pursuant to subdivision (c) of this*
24 *section.*

25 (b) (1) A person who purchases a new tire, as defined in
26 subdivision ~~(g)~~, (h), shall pay a California tire fee of one dollar
27 and seventy-five cents (\$1.75) per tire.

28 (2) The retail seller shall charge the retail purchaser the amount
29 of the California tire fee as a charge that is separate from, and not
30 included in, any other fee, charge, or other amount paid by the
31 retail purchaser.

32 (3) The retail seller shall collect the California tire fee from the
33 retail purchaser at the time of sale and may retain 1 ½ percent of
34 the fee as reimbursement for any costs associated with the
35 collection of the fee. The retail seller shall remit the remainder to
36 the state on a quarterly schedule for deposit in the California Tire
37 Recycling Management Fund, which is hereby created in the State
38 Treasury.

39 (c) (1) *Upon a finding by the department that the California*
40 *Tire Recycling Management Fund will not have sufficient revenue*

1 to fund the reasonable regulatory costs incurred by the department
2 incident to audits, inspections, administrative activities,
3 adjudications, manifesting, registration, and other regulatory
4 activities regarding waste tires, including the regulatory aspects
5 of the programs established pursuant to this chapter, Chapter 16
6 (commencing with Section 42800), and Chapter 19 (commencing
7 with Section 42950), for the next fiscal year, the department shall
8 establish, and a waste tire generator that is a retail seller of new
9 tires to end user purchasers shall pay, a California tire regulatory
10 fee. The amount of the California tire regulatory fee shall be
11 established and adjusted by the department based on the factors
12 specified in paragraph (3), but that amount shall not exceed one
13 dollar (\$1) per new tire sold. The department shall set this fee to
14 collect no more than is necessary for the following fiscal year,
15 including a prudent reserve, as specified in subparagraph (B) of
16 paragraph (3). The department may differentiate in setting fees
17 between waste tire generators who are retail sellers of new tires
18 depending upon the nature of the retail seller's activity generating
19 waste tires, the number of waste tires generated, and other
20 appropriate bases.

21 (2) A waste tire generator that is a retail seller of new tires shall
22 remit the fee assessed pursuant to this subdivision to the state on
23 a quarterly schedule for deposit in the California Tire Recycling
24 Management Fund. The revenue from the California tire regulatory
25 fee shall be tracked separately by the department and shall not be
26 used for activities other than those described in paragraph (1).

27 (3) Prior to establishing or adjusting the California tire
28 regulatory fee, the department shall review at a public hearing
29 the following factors:

30 (A) The amount necessary to fund the reasonable regulatory
31 costs incurred by the department incident to audits, inspections,
32 administrative activities, adjudications, manifesting, registration,
33 and other regulatory activities associated with waste tires pursuant
34 to this chapter, Chapter 16 (commencing with Section 42800), and
35 Chapter 19 (commencing with Section 42950).

36 (B) The sufficiency of revenues in the California Tire Recycling
37 Management Fund for the department to administer, enforce, and
38 promote its regulatory activities regarding waste tires, including
39 the regulatory aspects of the programs established pursuant to
40 this chapter, Chapter 16 (commencing with Section 42800), and

1 Chapter 19 (commencing with Section 42950), plus a prudent
2 reserve.

3 (C) Whether additional revenue is necessary to preserve the
4 department's ability to conduct regulatory activities in the
5 following fiscal year.

6 (D) Whether, at the end of a fiscal year, after making payments
7 pursuant to Sections 42872.1 and 42889, sufficient surplus remains
8 in the California Tire Recycling Management Fund to reduce the
9 California tire regulatory fee.

10 (4) An adjustment to the California tire regulatory fee shall
11 become effective on January 1 of the year following its adoption.

12 (5) (A) The department shall adopt regulations to establish the
13 California tire regulatory fee.

14 (B) The department may adopt regulations to adjust the
15 California tire regulatory fee. These regulations shall be deemed
16 to meet the description in subdivision (g) of Section 11340.9 of the
17 Government Code and may be filed by the department pursuant
18 to Section 11343.8 of the Government Code.

19 (6) The department shall identify the specific programs to be
20 funded by the California tire regulatory fee.

21 (e)

22 (d) The department, or its agent authorized pursuant to Section
23 42882, shall be reimbursed for its costs of collection, auditing, and
24 making refunds associated with the California Tire Recycling
25 Management Fund, but ~~not to the amount of that reimbursement~~
26 shall not exceed 3 percent of the total annual revenue deposited
27 in the fund.

28 (d)

29 (e) The California tire fee imposed pursuant to subdivision (b)
30 shall be separately stated by the retail seller on the invoice given
31 to the customer at the time of sale. Any other disposal or
32 transaction fee charged by the retail seller related to the tire
33 purchase shall be identified separately from the California tire fee.

34 (e)

35 (f) A person or business who knowingly, or with reckless
36 disregard, makes a false statement or representation in a document
37 used to comply with this section is liable for a civil penalty for
38 each violation or, for continuing violations, for each day that the
39 violation continues. Liability under this section may be imposed

1 in a civil action and shall not exceed twenty-five thousand dollars
2 (\$25,000) for each violation.

3 ~~(f)~~

4 (g) In addition to the civil penalty that may be imposed pursuant
5 to subdivision ~~(e)~~, (f), the department may impose an administrative
6 penalty in an amount not to exceed five thousand dollars (\$5,000)
7 for each violation of a separate provision or, for continuing
8 violations, for each day that the violation continues, on a person
9 who intentionally or negligently violates a permit, rule, regulation,
10 standard, or requirement issued or adopted pursuant to this chapter.
11 The department shall adopt regulations that specify the amount of
12 the administrative penalty and the procedure for imposing an
13 administrative penalty pursuant to this subdivision.

14 ~~(g)~~

15 (h) For purposes of this section, “new tire” means a pneumatic
16 or solid tire intended for use with onroad or off-road motor
17 vehicles, motorized equipment, construction equipment, or farm
18 equipment that is sold separately from the motorized equipment,
19 or a new tire sold with a new or used motor vehicle, as defined in
20 Section 42803.5, including the spare tire, construction equipment,
21 or farm equipment. “New tire” does not include retreaded, reused,
22 or recycled tires.

23 ~~(h)~~

24 (i) The California tire fee *and the California tire regulatory fee*
25 shall not be imposed on a tire sold with, or sold separately for use
26 on, any of the following:

27 (1) A self-propelled wheelchair.

28 (2) A motorized tricycle or motorized quadricycle, as defined
29 in Section 407 of the Vehicle Code.

30 (3) A vehicle that is similar to a motorized tricycle or motorized
31 quadricycle and is designed to be operated by a person who, by
32 reason of the person’s physical disability, is otherwise unable to
33 move about as a pedestrian.

34 ~~(i)~~

35 (j) This section shall remain in effect only until January 1, 2024,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2024, deletes or extends that date.

38 SEC. 4. Section 42889 of the Public Resources Code, as
39 amended by Section 152 of Chapter 35 of the Statutes of 2014, is
40 amended to read:

1 42889. (a) Of the moneys collected pursuant to *subdivision*
2 *(b)* of Section 42885, an amount equal to seventy-five cents (\$0.75)
3 per tire on which the fee is imposed shall be transferred by the
4 State Board of Equalization to the Air Pollution Control Fund. The
5 state board shall expend those moneys, or allocate those moneys
6 to the districts for expenditure, to fund programs and projects that
7 mitigate or remediate air pollution caused by tires in the state, to
8 the extent that the state board or the applicable district determines
9 that the program or project remediates air pollution harms created
10 by tires upon which the fee described in *subdivision (b)* of Section
11 42885 is imposed.

12 (b) The remaining moneys collected pursuant to *subdivision (b)*
13 *of* Section 42885 shall be used to fund the waste tire program, and
14 program and the tire recycling incentive program, pursuant to
15 Section 42872.1, and shall be appropriated to the department in
16 the annual Budget Act in a manner consistent with the five-year
17 plan adopted and updated by the department. These moneys shall
18 be expended for the payment of refunds under this chapter and for
19 the following purposes: purposes, to the extent they are not lawfully
20 payable from funds allocated pursuant to *subdivision (c)* of Section
21 42885:

22 (1) To pay the administrative overhead cost of this chapter, not
23 to exceed 6 percent of the total revenue deposited in the fund
24 annually, or an amount otherwise specified in the annual Budget
25 Act.

26 (2) To pay the costs of administration associated with collection,
27 making refunds, and auditing revenues in the fund, not to exceed
28 3 percent of the total revenue deposited in the fund, as provided
29 in ~~subdivision (e)~~ *(d)* of Section 42885.

30 (3) To pay the costs associated with operating the tire recycling
31 program specified in Article 3 (commencing with Section 42870).

32 (4) To pay the costs associated with the development and
33 enforcement of regulations relating to the storage of waste tires
34 and used tires. The department shall consider designating a city,
35 county, or city and county as the enforcement authority of
36 regulations relating to the storage of waste tires and used tires, as
37 provided in *subdivision (c)* of Section 42850, and regulations
38 relating to the hauling of waste and used tires, as provided in
39 *subdivision (b)* of Section 42963. If the department designates a
40 local entity for that purpose, the department shall provide sufficient,

1 stable, and noncompetitive funding to that entity for that purpose,
2 based on available resources, as provided in the five-year plan
3 adopted and updated as provided in subdivision (a) of Section
4 42885.5. The department may consider and create, as appropriate,
5 financial incentives for citizens who report the illegal hauling or
6 disposal of waste tires as a means of enhancing local and statewide
7 waste tire and used tire enforcement programs.

8 (5) To pay the costs of cleanup, abatement, removal, or other
9 remedial action related to waste tire stockpiles throughout the state,
10 including all approved costs incurred by other public agencies
11 involved in these activities by contract with the department. Not
12 less than six million five hundred thousand dollars (\$6,500,000)
13 shall be expended by the department during each of the following
14 fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

15 (6) To make studies and conduct research directed at promoting
16 and developing alternatives to the landfill disposal of waste tires.

17 (7) To assist in developing markets and new technologies for
18 used tires and waste tires. The department's expenditure of funds
19 for purposes of this subdivision shall reflect the priorities for waste
20 management practices specified in subdivision (a) of Section
21 40051.

22 (8) To pay the costs associated with implementing and operating
23 a waste tire and used tire hauler program and manifest system
24 pursuant to Chapter 19 (commencing with Section 42950).

25 (9) To pay the costs to create and maintain an emergency
26 reserve, which shall not exceed one million dollars (\$1,000,000).

27 (10) To pay the costs of cleanup, abatement, or other remedial
28 action related to the disposal of waste tires in implementing and
29 operating the Farm and Ranch Solid Waste Cleanup and Abatement
30 Grant Program established pursuant to Chapter 2.5 (commencing
31 with Section 48100) of Part 7.

32 (11) To fund border region activities specified in paragraph (8)
33 of subdivision (b) of Section 42885.5.

34 (12) For expenditure pursuant to paragraph (3) of subdivision
35 (a) of, and paragraph (3) of subdivision (b) of, Section 17001.

36 (c) This section shall remain in effect only until January 1, 2024,
37 and as of that date is repealed, unless a later enacted statute that
38 is enacted before January 1, 2024, deletes or extends that date.

39 SEC. 5. Section 42961.5 of the Public Resources Code is
40 amended to read:

1 42961.5. (a) For purposes of this chapter, the following
2 definitions shall apply:

3 (1) "California Uniform Waste and Used Tire Manifest" or
4 "manifest" means a shipping document signed by a waste or used
5 tire hauler and a generator of waste or used tires, a waste and used
6 tire hauler, or the operator of a waste or used tire facility or other
7 destination that contains all of the information required by the
8 board, department, including, but not limited to, an accurate
9 measurement of the number of tires being shipped, the type or
10 types of the tires, the date the shipment originated, originated or
11 terminated, and the origin and intended final destination of the
12 shipment.

13 (2) "Electronic Manifest" means a manifest that is submitted
14 to the department electronically in a manner specified by the
15 department.

16 ~~(2)~~

17 (3) "Waste and used tire hauler" or "hauler" means any person
18 required to be registered with the board department pursuant to
19 subdivision (a) of Section 42951.

20 (b) For purposes of this section, "Passenger Tire Equivalent"
21 or "PTE" means either of the following:

22 (1) A unit of measurement, such that one PTE equals 20 pounds
23 of waste or used tires, and one PTE equals one waste or used tire.

24 (2) A unit of measurement, such that 10 PTEs equals one cubic
25 yard of waste or used tires, and one PTE equals one waste or used
26 tire.

27 ~~(b) Any person generating~~

28 (c) (1) A hauler transporting waste or used tires that are
29 transported or submitted for transportation, for offsite handling,
30 altering, storage, or disposal, or for any combination thereof, shall
31 complete a California Uniform Waste and Used Tire Manifest, as
32 required by the board. The generator shall provide the manifest to
33 the waste and used tire hauler at the time of transfer of the tires.
34 Each generator shall submit to the board, on a quarterly schedule,
35 a legible copy of each manifest. The copy submitted to the board
36 shall contain the signatures of the generator and the waste and used
37 tire hauler manifest.

38 ~~(e) (1) Any waste and used tire~~

39 (2) A hauler shall have the California Uniform Waste and Used
40 Tire Manifest manifest in his or her possession while transporting

1 waste or used tires. The manifest shall be shown upon demand to
2 any representative of the ~~board~~, *department*, any officer of the
3 *Department of the California Highway Patrol*, or any peace officer,
4 as defined in Section 830.1 or 830.2 of the Penal Code, or any
5 local public officer designated by the board. *Code*.

6 ~~(2) Any waste and used tire hauler hauling waste or used tires~~
7 ~~for offsite handling, altering, storage, disposal, or any combination~~
8 ~~thereof, shall complete the California Uniform Waste and Used~~
9 ~~Tire Manifest as required by the board. The waste and used tire~~
10 ~~hauler shall provide the manifest to the~~

11 *(3) A hauler shall provide the manifest, or otherwise provide*
12 *all required manifest information, to the generator of waste or*
13 *used tires or to the operator of a waste or used tire facility operator*
14 *who receives the waste or used tires for handling, altering, storage,*
15 *disposal, or any combination thereof. Each waste and used tire*
16 *hauler shall submit to the board, on a quarterly schedule, a legible*
17 *copy of each manifest. The copy submitted to the board shall*
18 *contain the signatures of the generator and the facility operator.*
19 *or other destination at the time of transfer of the tires.*

20 *(4) Notwithstanding the Uniform Electronic Transactions Act*
21 *(Title 2.5 (commencing with Section 1633.1) of Part 2 of Division*
22 *3 of the Civil Code), the hauler shall submit a manifest to the*
23 *department for each load of waste or used tires transported within*
24 *seven days of the date of the pickup or delivery. The department*
25 *may grant an extension before the seventh day upon a showing of*
26 *good cause by the hauler.*

27 *(5) On and after January 1, 2019, the hauler shall submit only*
28 *an electronic manifest, and not a paper manifest, to the department*
29 *within seven days of the date of the pickup or delivery for each*
30 *load of waste or used tires transported.*

31 *(6) If approved by the department, a hauler may submit an*
32 *electronic manifest prior to January 1, 2019. The electronic*
33 *manifest shall include all information required to be on the*
34 *manifest and any other information required by the department.*

35 ~~(d) Each waste or used tire facility operator that receives The~~
36 ~~authorized representative for the person generating or accepting~~
37 ~~waste or used tires for handling, altering, storage, disposal, or any~~
38 ~~combination thereof, that was transported with a manifest pursuant~~
39 ~~to this section, shall submit copies of each manifest provided by~~
40 ~~the waste and used tire hauler to the board and the generator on a~~

1 ~~quarterly schedule. The copy submitted to the board shall contain~~
2 ~~the signatures of each generator, each transporter, and the facility~~
3 ~~operator. If approved by the board, in lieu of submitting shall verify~~
4 ~~that the information on the manifest is correct, including the~~
5 ~~number of tires and other information specified by the department,~~
6 ~~and shall sign the manifest. The person generating or accepting~~
7 ~~waste or used tires shall maintain a copy of each manifest used,~~
8 ~~a facility operator may submit an electronic report to the board~~
9 ~~meeting the requirements of Section 42814. the manifest and any~~
10 ~~other information required that the department deems necessary~~
11 ~~to track the flow of waste and used tires through the state.~~

12 ~~(e) The department may require an electronic manifest submitted~~
13 ~~by a hauler to the department to include verification from a hauler,~~
14 ~~and a generator of waste or used tires, or the operator of a waste~~
15 ~~or used tire facility or other destination, that the information on~~
16 ~~the manifest is correct, including the number of tires and other~~
17 ~~information specified by the department.~~

18 ~~(e)~~

19 ~~(f) The board department shall develop and implement a system~~
20 ~~for auditing manifests submitted to the board department pursuant~~
21 ~~to this section, for the purpose of enforcing this section. The board~~
22 ~~or its agent shall continuously conduct random sampling and~~
23 ~~matching of manifests submitted by any person generating waste~~
24 ~~or used tires, hauling waste or used tires, or operating waste or~~
25 ~~used tire facilities, to assure compliance with this section.~~

26 ~~(f) (1) If approved by the board, any waste and used tire~~
27 ~~generator, waste and used tire hauler, or operator of a waste tire~~
28 ~~facility that is subject to the manifest requirements of this section,~~
29 ~~may submit an electronic report to the board, in lieu of submitting~~
30 ~~the copy of the manifest required. The electronic report shall~~
31 ~~include all information required to be on the California Uniform~~
32 ~~Waste and Used Tire Manifest, and any other information required~~
33 ~~by the board.~~

34 ~~(2) A waste and used tire generator, waste and used tire hauler,~~
35 ~~or operator of a waste tire facility that is subject to paragraph (1)~~
36 ~~may submit the electronic reports to the board on a quarterly~~
37 ~~schedule.~~

38 ~~(g) If the amount of waste or used tires recorded on a manifest~~
39 ~~is by weight or volume, the department shall determine the number~~

1 of waste or used tires being transported by converting the weight
2 or volume into PTEs.
3 (h) The department may require a hauler to attend trainings
4 and demonstrate understanding and proficiency with the provisions
5 of this chapter, Chapter 16 (commencing with Section 42800),
6 Chapter 17 (commencing with Section 42860), and any rules,
7 regulations, or requirements issued or adopted pursuant to this
8 chapter, Chapter 16, or Chapter 17 prior to receiving a waste and
9 used tire hauler registration or a waste and used tire hauler
10 registration renewal.

O

ASSEMBLY BILL

No. 1288

**Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member McCarty)**

February 17, 2017

An act to amend Sections 48000, 48001, and 48004 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as introduced, Eggman. Solid waste: charges.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, generally regulates the management and recycling of solid waste. The act requires the operator of a disposal facility to pay to the State Board of Equalization a fee based on the amount of all solid waste disposed of at each disposal site. The act requires the department to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. Existing law requires the moneys collected from the fee to be deposited in the Integrated Waste Management Account and requires the moneys in the account to be used by the department, upon appropriation, for specified purposes, including, among others, the administration and implementation of the act.

This bill would require the department to use the moneys in the account also to maintain a prudent reserve for the administration and implementation of the act. The bill would require the department and the state board to ensure that fees for solid waste disposal, including, but not limited to, fees on solid waste that is exported for disposal, are remitted to the state board in accordance with the financial provisions of the act. The bill would also make nonsubstantive changes.

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

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

- 1 SECTION 1. Section 48000 of the Public Resources Code is
 2 amended to read:
- 3 48000. (a) Each operator of a disposal facility shall pay a fee
 4 quarterly to the ~~State Board of Equalization, which state board~~
 5 *that* is based on the amount, by weight or volumetric equivalent,
 6 as determined by the ~~Department~~ *department*, of ~~Resources~~
 7 ~~Recycling and Recovery~~, of all solid waste disposed of at each
 8 disposal site.
- 9 (b) (1) The fee for solid waste disposed of shall be one dollar
 10 and thirty-four cents (\$1.34) per ton. Commencing with the
 11 1995–96 fiscal year, the amount of the fee shall be established by
 12 the ~~Department of Resources Recycling and Recovery~~ *department*
 13 at an amount that is sufficient to generate revenues equivalent to
 14 the approved budget for that fiscal year, including a prudent
 15 reserve, but shall not exceed one dollar and forty cents (\$1.40) per
 16 ton.
- 17 (2) On and after July 1, 2012, the amount of the fee established
 18 by the ~~Department of Resources Recycling and Recovery~~
 19 *department* pursuant to paragraph (1) shall be increased by twelve
 20 cents (\$0.12) per ton for each operator of a solid waste landfill
 21 whose owner has notified the department that it elects to participate
 22 in the State Solid Waste Postclosure and Corrective Action Trust
 23 Fund pursuant to Article 2.1 (commencing with Section 48010).
- 24 (c) The ~~Department of Resources Recycling and Recovery~~
 25 *department* shall notify the state board on the first day of the period
 26 in which the rate shall take effect of any rate change adopted
 27 pursuant to paragraphs (1) and (2) of subdivision (b).
- 28 (d) The ~~Department of Resources Recycling~~ *department* and
 29 ~~Recovery~~ and the state board shall ensure that all of the fees for
 30 solid waste imposed pursuant to this section that are collected at
 31 a transfer station are paid to the state board in accordance with this
 32 article.
- 33 (e) (1) The fee imposed by paragraph (2) of subdivision (b)
 34 shall not be operative on or after July 1, 2012, unless the
 35 ~~Department of Resources Recycling and Recovery~~ *department*

1 receives, on or before January 1, 2012, letters of participation in
2 the State Solid Waste Postclosure and Corrective Action Trust
3 Fund from landfill owners representing at least 50 percent of the
4 total volume of waste disposed of in 2010.

5 (2) ~~The Department of Resources Recycling and Recovery~~
6 *department* shall notify the state board, on or before February 29,
7 2012, if the fee imposed by paragraph (2) of subdivision (b) shall
8 become operative pursuant to paragraph (1).

9 SEC. 2. Section 48001 of the Public Resources Code is
10 amended to read:

11 48001. (a) The revenue from the fees paid pursuant to
12 paragraph (1) of subdivision (b) of Section 48000 shall, after
13 payment of refunds and administrative costs of collection, be
14 deposited in the Integrated Waste Management Account, which
15 is hereby created in the fund.

16 (b) *The department and the state board shall ensure that all of*
17 *the fees for solid waste disposal imposed pursuant to this chapter,*
18 *including, but not limited to, fees on solid waste that is exported*
19 *for disposal, are remitted to the state board in accordance with*
20 *this article.*

21 SEC. 3. Section 48004 of the Public Resources Code is
22 amended to read:

23 48004. (a) The money in the account shall be used by the
24 ~~Department of Resources Recycling and Recovery,~~ *department,*
25 upon appropriation by the Legislature, for the following purposes:

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

29 (2) The state water board's and regional water boards'
30 administration and implementation of Division 7 (commencing
31 with Section 13000) of the Water Code at solid waste disposal
32 sites.

33 (b) It is the intent of the Legislature that an amount that is
34 sufficient to fund state water board and regional water board
35 regulatory activities for solid waste landfills be appropriated from
36 the account by the Legislature in the annual Budget Act. Those
37 persons who are required to pay the fee imposed pursuant to
38 Section 48000 shall not be required to pay the annual fee imposed
39 pursuant to subdivision (d) of Section 13260 of the Water Code
40 with regard to the same discharge if the requirements for the waiver

1 of that fee set forth in paragraph (3) of subdivision (d) of Section
2 13260 of the Water Code are met.
3 (c) Notwithstanding subdivisions (a) and (b), if the fee
4 established pursuant to Section 48000 does not generate revenues
5 sufficient to fund the programs specified in ~~this section~~, *section*
6 or if the amount appropriated by the Legislature for these purposes
7 is reduced, those reductions shall be equally and proportionally
8 distributed between funding for the solid waste programs of the
9 state water board and the regional water boards and the ~~Department~~
10 ~~of Resources Recycling and Recovery~~. *department*.

O

ASSEMBLY BILL

No. 1572

Introduced by Assembly Member Aguiar-Curry

February 17, 2017

An act to amend Section 41825 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1572, as introduced, Aguiar-Curry. Integrated waste management plans: source reduction and recycling element: review schedule.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert 50% of all solid waste subject to the element through source reduction, recycling, and composting, except as specified. A city, county, or regional agency is required to submit an annual report to the department summarizing its progress in reducing solid waste. Existing law requires the department, until January 1, 2018, to review a jurisdiction's compliance with those diversion requirements every 2 or 4 years, with the frequency conditioned upon the department finding in the prior review that the jurisdiction was or was not in compliance with those diversion requirements, as specified. Existing law repeals this conditional review schedule on January 1, 2018, and, as of that date, requires the department to review each jurisdiction's source reduction and recycling element and household hazardous waste element for compliance with those diversion requirements at least once every 2 years.

This bill would postpone the repeal of that conditional review schedule, and postpone the corresponding operation of the department's 2-year review schedule, to January 1, 2020.

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

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

1 SECTION 1. Section 41825 of the Public Resources Code, as
2 amended by Section 159 of Chapter 140 of the Statutes of 2009,
3 is amended to read:

4 41825. (a) Using the information in the report submitted to
5 the ~~board~~ department by the jurisdiction pursuant to Section 41821
6 and any other relevant information, the ~~board~~ department shall
7 make a finding whether each jurisdiction was in compliance with
8 Section 41780 for calendar year 2006 and shall review a
9 jurisdiction's compliance with Section 41780 in accordance with
10 the following schedule:

11 (1) If the ~~board~~ department makes a finding that the jurisdiction
12 was in compliance with Section 41780 for calendar year 2006, the
13 ~~board~~ department shall review, commencing January 1, 2012, and
14 at least once every four years thereafter, whether the jurisdiction
15 has implemented its source reduction and recycling element and
16 household hazardous waste element.

17 (2) If the ~~board~~ department makes a finding that the jurisdiction
18 made a good faith effort to implement its source reduction and
19 recycling element and household hazardous waste element, the
20 ~~board~~ department shall review, commencing January 1, 2010, and
21 at least once every two years thereafter, whether the jurisdiction
22 has implemented its source reduction and recycling element and
23 household hazardous waste element.

24 (3) If the ~~board~~ department makes a finding that the jurisdiction
25 was not in compliance with Section 41780 for calendar year 2006
26 or for any subsequent calendar year, the ~~board~~ department shall
27 review, commencing January 1, 2010, and at least once every two
28 years thereafter, whether the jurisdiction has implemented its
29 source reduction and recycling element and household hazardous
30 waste element.

31 (4) If, after determining that a jurisdiction is subject to paragraph
32 (2), or, if, after determining that a jurisdiction is not in compliance

1 with Section 41780 and is subject to paragraph (3), the ~~board~~
2 *department* subsequently determines that the jurisdiction has come
3 into compliance with Section 41780, the ~~board~~ *department* shall
4 review, at least once every four years, whether the jurisdiction has
5 implemented its source reduction and recycling element and
6 household hazardous waste element in the same manner as a
7 jurisdiction that is subject to paragraph (1).

8 (5) If, after determining that a jurisdiction is in compliance with
9 Section 41780 and is subject to paragraph (1), the ~~board~~ *department*
10 subsequently determines that the jurisdiction is not in compliance
11 with Section 41780, the ~~board~~ *department* shall review, at least
12 once every two years, whether the jurisdiction has implemented
13 its source reduction and recycling element and household hazardous
14 waste element in the same manner as a jurisdiction that is subject
15 to paragraph (2) or (3).

16 (b) In addition to the requirements of subdivision (a), the ~~board~~
17 *department* may review whether a jurisdiction is in compliance
18 with Section 41780 in accordance with the requirements of this
19 section at any time that the ~~board~~ *department* receives information
20 that indicates the jurisdiction may not be making a good faith effort
21 to implement its source reduction and recycling element and
22 household hazardous waste element.

23 (c) (1) Before issuing a compliance order pursuant to
24 subdivision (d), the ~~board~~ *department* shall confer with the
25 jurisdiction regarding conditions relating to the proposed order of
26 compliance, with a first meeting occurring not less than 60 days
27 before issuing a notice of intent to issue an order of compliance.

28 (2) The ~~board~~ *department* shall issue a notice of intent to issue
29 an order of compliance not less than 30 days before the ~~board~~
30 *department* holds a hearing to issue the notice of compliance. The
31 notice of intent shall specify all of the following:

32 (A) The proposed basis for issuing an order of compliance.

33 (B) The proposed actions the ~~board~~ *department* recommends
34 are necessary for the jurisdiction to complete to implement its
35 source reduction and recycling element or household hazardous
36 waste element.

37 (C) The proposed recommendations to the ~~board~~ *department*.

38 (3) The ~~board~~ *department* shall consider any information
39 provided pursuant to subdivision (c) of Section 41821 if the

1 proposed issuance of an order of compliance involves changes to
2 a jurisdiction's calculation of annual disposal.

3 (d) (1) If, after holding a public hearing, which, to the extent
4 possible, shall be held in the local or regional agency's jurisdiction,
5 the ~~board~~ *department* finds that a jurisdiction has failed to make
6 a good faith effort to implement its source reduction and recycling
7 element or its household hazardous waste element, the ~~board~~
8 *department* shall issue an order of compliance with a specific
9 schedule for achieving compliance.

10 (2) The compliance order shall include those conditions that the
11 ~~board~~ *department* determines to be necessary for the jurisdiction
12 to implement its diversion programs.

13 (3) In addition to considering the good faith efforts of a
14 jurisdiction, as specified in subdivision (e), to implement a
15 diversion program, the ~~board~~ *department* shall consider both of
16 the following factors in determining whether or not to issue a
17 compliance order:

18 (A) Whether an exceptional growth rate may have affected
19 compliance.

20 (B) Other information that the jurisdiction may provide that
21 indicates the effectiveness of the jurisdiction's programs, such as
22 disposal characterization studies or other jurisdiction specific
23 information.

24 (e) For purposes of making a determination pursuant to this
25 section whether a jurisdiction has failed to make a good faith effort
26 to implement its source reduction and recycling element or its
27 household hazardous waste element, the ~~board~~ *department* shall
28 consider all of the following criteria:

29 (1) For the purposes of this section, "good faith effort" means
30 all reasonable and feasible efforts by a jurisdiction to implement
31 those programs or activities identified in its source reduction and
32 recycling element or household hazardous waste element, or
33 alternative programs or activities that achieve the same or similar
34 results.

35 (2) For purposes of this section, "good faith effort" may also
36 include the evaluation by a jurisdiction of improved technology
37 for the handling and management of solid waste that would reduce
38 costs, improve efficiency in the collection, processing, or marketing
39 of recyclable materials or yard waste, and enhance the ability of
40 the jurisdiction to adequately address all sources of significant

1 disposal, the submission by the jurisdiction of a compliance
2 schedule, and the undertaking of all other reasonable and feasible
3 efforts to implement the programs identified in the jurisdiction's
4 source reduction and recycling element or household hazardous
5 waste element.

6 (3) In determining whether a jurisdiction has made a good faith
7 effort, the ~~board~~ *department* shall consider the enforcement criteria
8 included in its enforcement policy, as adopted on April 25, 1995,
9 or as subsequently amended.

10 (4) The ~~board~~ *department* shall consider all of the following
11 when considering whether a jurisdiction has made a good faith
12 effort to implement its source reduction and recycling element or
13 its household hazardous waste element:

14 (A) Natural disasters.

15 (B) Budgetary conditions within a jurisdiction that could not
16 be remedied by the imposition or adjustment of solid waste fees.

17 (C) Work stoppages that directly prevent a jurisdiction from
18 implementing its source reduction and recycling element or
19 household hazardous waste element.

20 (D) The impact of the failure of federal, state, and other local
21 agencies located within the jurisdiction to implement source
22 reduction and recycling programs in the jurisdiction.

23 (E) The extent to which the jurisdiction has implemented
24 additional source reduction, recycling, and composting activities.

25 (F) The extent to which the jurisdiction has made program
26 implementation choices driven by considerations related to other
27 environmental issues, including climate change.

28 (G) Whether the jurisdiction has provided information to the
29 ~~board~~ *department* concerning whether construction and demolition
30 waste material is at least a moderately significant portion of the
31 waste stream, and, if so, whether the local jurisdiction has adopted
32 an ordinance for diversion of construction and demolition waste
33 materials from solid waste disposal facilities, has adopted a model
34 ordinance pursuant to subdivision (a) of Section 42912 for
35 diversion of construction and demolition waste materials from
36 solid waste disposal facilities, or has implemented another program
37 to encourage or require diversion of construction and demolition
38 waste materials from solid waste disposal facilities.

1 (H) The extent to which the jurisdiction has implemented
2 programs to comply with Section 41780 and to maintain its per
3 capita disposal rate.

4 (5) In making a determination whether a jurisdiction has made
5 a good faith effort, pursuant to this section, the ~~board~~ *department*
6 may consider a jurisdiction's per capita disposal rate as a factor
7 in determining whether the jurisdiction adequately implemented
8 its diversion programs. The ~~board~~ *department* shall not consider
9 a jurisdiction's per capita disposal rate to be determinative as to
10 whether the jurisdiction has made a good faith effort to implement
11 its source reduction and recycling element or its household
12 hazardous waste element.

13 (f) This section shall remain in effect only until January 1, ~~2018~~,
14 ~~2020~~, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, ~~2018~~, ~~2020~~, deletes or extends
16 that date.

17 SEC. 2. Section 41825 of the Public Resources Code, as added
18 by Section 14 of Chapter 343 of the Statutes of 2008, is amended
19 to read:

20 41825. (a) At least once every two years, the ~~board~~ *department*
21 shall review each jurisdiction's source reduction and recycling
22 element and household hazardous waste element for compliance
23 with Section 41780.

24 (b) In addition to the requirements of subdivision (a), the ~~board~~
25 *department* may review whether a jurisdiction is in compliance
26 with Section 41780 in accordance with the requirements of this
27 section at any time that the ~~board~~ *department* receives information
28 that indicates the jurisdiction may not be making a good faith effort
29 to implement its source reduction and recycling element and
30 household hazardous waste element.

31 (c) (1) Before issuing a compliance order pursuant to
32 subdivision (d), the ~~board~~ *department* shall confer with the
33 jurisdiction regarding conditions relating to the proposed order of
34 compliance, with a first meeting occurring not less than 60 days
35 before issuing a notice of intent to issue an order of compliance.

36 (2) The ~~board~~ *department* shall issue a notice of intent to issue
37 an order of compliance not less than 30 days before the ~~board~~
38 *department* holds a hearing to issue the notice of compliance. The
39 notice of intent shall specify all of the following:

40 (A) The proposed basis for issuing an order of compliance.

1 (B) The proposed actions the ~~board~~ *department* recommends
2 are necessary for the jurisdiction to complete the implementation
3 of its source reduction and recycling element or household
4 hazardous waste element.

5 (C) The proposed recommendations to the ~~board~~ *department*.

6 (3) The ~~board~~ *department* shall consider any information
7 provided pursuant to subdivision (c) of Section 41821, if the
8 proposed issuance of an order of compliance involves changes to
9 a jurisdiction's calculation of annual disposal.

10 (d) (1) If, after holding a public hearing, which, to the extent
11 possible, shall be held in the local or regional agency's jurisdiction,
12 the ~~board~~ *department* finds that a jurisdiction has failed to make
13 a good faith effort to implement its source reduction and recycling
14 element or its household hazardous waste element, the ~~board~~
15 *department* shall issue an order of compliance with a specific
16 schedule for achieving compliance.

17 (2) The compliance order shall include those conditions that the
18 ~~board~~ *department* determines to be necessary for the jurisdiction
19 to implement its diversion programs.

20 (3) In addition to considering the good faith efforts of a
21 jurisdiction, as specified in subdivision (e), to implement a
22 diversion program, the ~~board~~ *department* shall consider all of the
23 following factors in determining whether or not to issue a
24 compliance order:

25 (A) Whether an exceptional growth rate may have affected
26 compliance.

27 (B) Other information that the jurisdiction may provide that
28 indicates the effectiveness of the jurisdiction's programs, such as
29 disposal characterization studies or other jurisdiction specific
30 information.

31 (e) For purposes of making a determination pursuant to this
32 section as to whether a jurisdiction has failed to make a good faith
33 effort to implement its source reduction and recycling element or
34 its household hazardous waste element, the ~~board~~ *department* shall
35 consider all of the following criteria:

36 (1) For the purposes of this section, "good faith effort" means
37 all reasonable and feasible efforts by a jurisdiction to implement
38 those programs or activities identified in its source reduction and
39 recycling element or household hazardous waste element, or

1 alternative programs or activities that achieve the same or similar
2 results.

3 (2) For purposes of this section, “good faith effort” may also
4 include the evaluation by a jurisdiction of improved technology
5 for the handling and management of solid waste that would reduce
6 costs, improve efficiency in the collection, processing, or marketing
7 of recyclable materials or yard waste, and enhance the ability of
8 the jurisdiction to adequately address all sources of significant
9 disposal, the submission by the jurisdiction of a compliance
10 schedule, and the undertaking of all other reasonable and feasible
11 efforts to implement the programs identified in the jurisdiction’s
12 source reduction and recycling element or household hazardous
13 waste element.

14 (3) In determining whether a jurisdiction has made a good faith
15 effort, the ~~board~~ *department* shall also consider the enforcement
16 criteria included in its enforcement policy, as adopted on April 25,
17 1995, or as subsequently amended.

18 (4) The ~~board~~ *department* shall consider all of the following
19 when considering whether a jurisdiction has made a good faith
20 effort to implement its source reduction and recycling element or
21 its household hazardous waste element:

22 (A) Natural disasters.

23 (B) Budgetary conditions within a jurisdiction that could not
24 be remedied by the imposition or adjustment of solid waste fees.

25 (C) Work stoppages that directly prevent a jurisdiction from
26 implementing its source reduction and recycling element or
27 household hazardous waste element.

28 (D) The impact of the failure of federal, state, and other local
29 agencies located within the jurisdiction to implement source
30 reduction and recycling programs in the jurisdiction.

31 (E) The extent to which the jurisdiction has implemented
32 additional source reduction, recycling, and composting activities.

33 (F) The extent to which the jurisdiction has made program
34 implementation choices driven by considerations related to other
35 environmental issues, including climate change.

36 (G) Whether the jurisdiction has provided information to the
37 ~~board~~ *department* concerning whether construction and demolition
38 waste material is at least a moderately significant portion of the
39 waste stream, and, if so, whether the local jurisdiction has adopted
40 an ordinance for diversion of construction and demolition waste

1 materials from solid waste disposal facilities, has adopted a model
2 ordinance pursuant to subdivision (a) of Section 42912 for
3 diversion of construction and demolition waste materials from
4 solid waste disposal facilities, or has implemented another program
5 to encourage or require diversion of construction and demolition
6 waste materials from solid waste disposal facilities.

7 (H) The extent to which the jurisdiction has implemented
8 programs to comply with Section 41780 and to maintain its per
9 capita disposal rate.

10 (5) In making a determination whether a jurisdiction has made
11 a good faith effort, pursuant to this section, the ~~board~~ *department*
12 may consider a jurisdiction's per capita disposal rate as a factor
13 in determining whether the jurisdiction adequately implemented
14 its diversion programs. The ~~board~~ *department* shall not consider
15 a jurisdiction's per capita disposal rate to be determinative as to
16 whether the jurisdiction has made a good faith effort to implement
17 its source reduction and recycling element or its household
18 hazardous waste element.

19 (f) This section shall become operative on January 1, ~~2018~~
20 2020.

O

Introduced by Senators Glazer and McGuire
(Coauthor: Assembly Member Baker)

December 21, 2016

An act to add and repeal Section 14571.9 of the Public Resources Code, relating to recycling, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Glazer. Recycling: beverage containers: convenience zones.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state. The act requires the Department of Resources Recycling and Recovery to annually designate convenience zones, as defined, statewide and requires at least one certified recycling center or location within every convenience zone that accepts all types of empty beverage containers and pays the refund value, if any, at one location, and that is open for business 30 hours per week.

This bill, until July 1, 2017, would exempt from the requirement that each convenience zone be served by at least one certified recycling center (1) a convenience zone that was served by or exempted because of a recycling center that closed between January 1, 2016, and March 31, 2016, or that is closed as a result of an action taken by the department on or after July 1, 2016, and (2) a convenience zone that is in a jurisdiction with a land use restriction that prevents the siting or operation of a certified recycling center on or after July 1, 2016.

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

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 14571.9 is added to the Public Resources
2 Code, to read:
3 14571.9. (a) Notwithstanding Sections 14571.6, 14571.7, and
4 14571.8, a convenience zone shall be exempt from the requirements
5 of Section 14571 if any of the following apply:
6 (1) The convenience zone was served by or exempted because
7 of a recycling center that closed between January 1, 2016, and
8 March 31, 2016.
9 (2) The convenience zone was served by or exempted because
10 of a recycling center that is closed as a result of an action taken
11 by the department on or after July 1, 2016.
12 (3) The convenience zone is in a city, county, or city and county
13 that, pursuant to Section 14583, is ineligible for payments, grants,
14 or loans, as a result of the city, county, or city and county adopting
15 or enforcing a land use restriction that prevents the siting or
16 operation of a certified recycling center at a supermarket site on
17 or after July 1, 2016.
18 (b) Exemptions granted pursuant to this section shall be in
19 addition to the total number of exemptions that the director may
20 grant pursuant to subdivision (d) of Section 14571.8.
21 (c) This section shall become inoperative on July 1, 2017, and,
22 as of January 1, 2018, is repealed, unless a later enacted statute,
23 that becomes operative on or before January 1, 2018, deletes or
24 extends the dates on which it becomes inoperative and is repealed.
25 SEC. 2. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the California Constitution and shall
28 go into immediate effect. The facts constituting the necessity are:
29 In order to guarantee the continued distribution and availability
30 of our food supply in California, which is threatened when
31 supermarket sites are forced to close when required to pay daily
32 fees for being located in convenience zones without certified

- 1 recycling locations, it is necessary that this act take effect
- 2 immediately.

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2017 Legislation
March 3, 2017

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 178**

Author: Eggman (D)
Title: Beverage Container Recycling and Litter Reduction Act
Location: ASSEMBLY
Summary: Amends an existing law which finds and declares that experience in the state and others demonstrates that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers. Removes the reference to experience in the state and others, and instead declares that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers.
Status: 01/18/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|--------------------|----------------|
| Mary | Watch (01/19/2017) | ESJPA |
| Paul | | Solid.Waste |

2. CA AB 245

Author: Gomez (D)
Title: Hazardous Waste: Facilities
Committee: Assembly Environmental Safety and Toxic Materials Committee
Hearing: 03/07/2017 1:30 pm, State Capitol, Room 444
Summary: Requires the Department of Toxic Substances Control to hold a public meeting for specified purposes relating to the renewal in or near the community in which the hazardous waste facility is located.
Status: 02/06/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (01/31/2017) | ESJPA |
| Paul | | Solid.Waste |

3. CA AB 246

Author: Santiago (D)
Title: Hazardous Waste: Facilities: Permits
Committee: Assembly Environmental Safety and Toxic Materials Committee
Hearing: 03/07/2017 1:30 pm, State Capitol, Room 444
Summary: Requires an applicant, as a condition for a new hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, to obtain a permit from the air quality management district or local air pollution control district and to maintain compliance with the requirements of the permit.
Status: 02/06/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (01/31/2017) | ESJPA |
| Paul | | Solid.Waste |

4. CA AB 248

Author: Reyes (D)
Title: Hazardous Waste: Facilities: Permits
Committee: Assembly Environmental Safety and Toxic Materials Committee
Hearing: 03/07/2017 1:30 pm, State Capitol, Room 444

Summary: Requires, for a hazardous waste facilities permit that will expire on or before a specified date, the owner or operator of a facility intending to extend the term of a permit to submit a complete Part A and part B application for a permit before the fixed term of the permit expires.

Status: 02/06/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

| Lobbyist | Position | Subject |
|----------|----------------------|-------------|
| Mary | Pending (01/31/2017) | ESJPA |
| Paul | | Solid.Waste |

5. CA AB 249

Author: Gomez (D)

Title: Hazardous Waste: Civil Penalties

Committee: Assembly Environmental Safety and Toxic Materials Committee

Hearing: 03/07/2017 1:30 pm, State Capitol, Room 444

Summary: Amends the Hazardous Waste Control Law which regulates the use and disposal of hazardous materials. Increases the administrative and civil penalties for disposing or causing the disposal of a hazardous waste at an unauthorized site, or treating or storing a hazardous waste at an unauthorized site.

Status: 02/06/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

| Lobbyist | Position | Subject |
|----------|----------------------|-------------|
| Mary | Pending (01/31/2017) | ESJPA |
| Paul | | Solid.Waste |

6. CA AB 319

Author: Stone (D)

Title: Recycling: Single-Use Plastic Beverage Container Caps

Location: Assembly Natural Resources Committee

Summary: Prohibits a retailer from selling or offering for sale a single-use plastic beverage container with a cap that is not tethered to or contiguously affixed to the beverage container.

Status: 02/21/2017 To ASSEMBLY Committee on NATURAL RESOURCES.

| Lobbyist | Position | Subject |
|----------|--------------------|---------|
| Mary | Watch (02/08/2017) | ESJPA |
| Paul | | |

7. CA AB 332

Author: Bocanegra (D)

Title: Vacation of Street or Highway: Illegal Dumping

Location: Assembly Local Government Committee

Summary: Authorizes the legislative body of a local agency to summarily vacate a street or highway for illegal dumping.

Status: 02/21/2017 To ASSEMBLY Committee on LOCAL GOVERNMENT.

| Lobbyist | Position | Subject |
|----------|--------------------|---------|
| Mary | Watch (02/24/2017) | ESJPA |
| Paul | | |

8. CA AB 444

Author: Ting (D)

Title: Medical Waste: Home-Generated Sharps Waste

Location: Assembly Environmental Safety and Toxic Materials Committee

Summary: Extends the time period that sharps containers at a home-generated sharps consolidation point may be held from 7 to 14 days under the Medical Waste Management Act.

Status: 02/27/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

9. CA AB 509

Author: Frazier (D)

Title: Tire Recycling: Tire Regulatory Fee Program

Location: Assembly Natural Resources Committee

Summary: Requires a waste tire generator that is a retail seller of new tires to pay a tire regulatory fee. Requires the Department of Resources Recycling and Recovery, prior to establishing the fee, to hold a public hearing. Repeals the Rubberized Pavement Market Development Act and instead enacts the Tire Recycling Incentive Program Act. Requires the department to establish this incentive program to make payments to entities that purchase waste tire material for incorporation in a product for sale to end users.

Status: 02/27/2017 To ASSEMBLY Committee on NATURAL RESOURCES.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

10. CA AB 514

Author: Salas (D)

Title: Surplus Household Consumer Product Waste

Location: ASSEMBLY

Summary: Expresses the intent of the Legislature to adopt the recommendations of a Retail Waste Working Group convened by the Department of Toxic Substances Control later in the current legislative session.

Status: 02/13/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|--------------------|----------------|
| Mary | Watch (02/24/2017) | ESJPA |
| Paul | | |

11. CA AB 881

Author: Gallagher (R)

Title: Solid Waste: Composting: Anaerobic Digestion

Location: ASSEMBLY

Summary: Expresses the intent of the Legislature to enact legislation to encourage investment in anaerobic digestion.

Status: 02/16/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

12. CA AB 954

Author: Chiu (D)

Title: Organic Waste: Reduction

Location: Assembly Natural Resources Committee

Summary: Requires the Department of Resources Recycling and Recovery to include in the analysis of the progress made on organic waste reduction targets the status of industry efforts

and federal legislation to reduce consumer food waste, including the adoption of uniform labels on food.

Status: 03/02/2017 To ASSEMBLY Committee on NATURAL RESOURCES.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

13. CA AB 971

Author: Choi (R)
Title: Driving Offenses: Dumping
Location: ASSEMBLY
Summary: Makes technical, nonsubstantive changes to provisions that requires a person who drops, dumps, deposits, places, or throws, or causes or permits to be dropped, dumped, deposited, placed, or thrown, specified materials upon a highway or street to immediately remove the material or cause the material to be removed and authorizes the Department of the California Highway Patrol or another government agency to act to remove materials disposed of in this manner.

Status: 02/16/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

14. CA AB 1147

Author: Salas (D)
Title: Solid Waste: Disposal
Location: ASSEMBLY
Summary: Relates to the California Integrated Waste Management Act of 1989 which regulates the disposal, management, and recycling of solid waste. Subjects an unauthorized person to these same penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premise. Expands civil enforcement to knowing participation in violations of these laws.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

15. CA AB 1179

Author: Kalra (D)
Title: Hazardous Waste Facilities: Inspections
Location: ASSEMBLY
Summary: Requires the Department of Toxic Substances Control inspect a permitted hazardous wasteland disposal facility.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

16. CA AB 1180

Author: Holden (D)
Title: California Tire Fee: Stormwater Permit Compliance
Location: ASSEMBLY
Summary: Makes conforming changes to The California Tire Recycling Act which would increase the California tire fees. Deposits the additional moneys in the Stormwater Permit Compliance

Fund and make the moneys available to the State Water Resources control Board
Division of Financial Assistance.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

17. CA AB 1212

Author: Dahle (R)
Title: Hazardous Materials: Chemicals of Concern
Location: ASSEMBLY

Summary: Makes nonsubstantive changes to an existing law which requires the Department of Toxic Substances Control to adopt regulations concerning identification of chemicals or chemical ingredients in consumer products that may be considered chemicals of concern.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

18. CA AB 1287

Author: Acosta (R)
Title: Solid Waste: Plastic Products
Location: ASSEMBLY

Summary: Extends the operation of a provision that requires a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain specified information and documentation in written form in its records in support of that claim, and to provide that information and documentation upon request or on the Internet.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

19. CA AB 1288

Author: Eggman (D)
Title: Solid Waste: Charges
Location: ASSEMBLY

Summary: Requires the Department of Resources Recycling and Recovery and the state board to ensure that fees for solid waste disposal, including, but not limited to, fees on solid waste that is exported for disposal are remitted to the state board of equalization in accordance with the financial provisions of the Integrated Waste Management Act. Makes nonsubstantive changes.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

20. CA AB 1294

Author: Berman (D)
Title: Solid Waste: Plastic Products
Location: ASSEMBLY

Summary: Postpones the repeal of provisions requiring a manufacturer or supplier of plastic products making an environmental marketing claim relating to the recycled content of a

plastic food container product to maintain specified information and documentation in written form in its records in support of that claim.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

21. CA AB 1417

Author: Cunningham (R)

Title: California Beverage Container Recycling and Litter

Location: ASSEMBLY

Summary: Makes nonsubstantive changes to existing law, the California Beverage Container Recycling and Litter Reduction Act.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

22. CA AB 1439

Author: Assembly Environmental Safety and Toxic Materials Committee

Title: Hazardous Materials: Reporting

Location: ASSEMBLY

Summary: Repeals provisions requiring the Department of Toxic Substances Control to implement a procedure for electronic reporting of all hazardous waste facilities permit modifications, to the extent of procedure is compatible with electronic reporting. Authorizes the department require a person submitting workplan, schedule, notice, request, application, or other document for compliance with certain laws and regulations to submit electronic format document.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

23. CA AB 1441

Author: Assembly Environmental Safety and Toxic Materials Committee

Title: Hazardous Waste: Transportation: Electronic Manifests

Location: ASSEMBLY

Summary: Authorizes manifest requirements for transporting hazardous waste, including requirements to give, provide, send, forward, or return to another person a copy of a manifest, to sign a manifest or manifest certification by hand, or to keep or retain a copy of a manifest, to be satisfied through the use of the United States Environmental Protection Agency electronic manifest (e-Manifest) system.

Status: 02/17/2017 INTRODUCED.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/24/2017) | ESJPA |
| Paul | | |

24. CA AB 1522

Author: Limon (D)

Title: Beverage Containers

Location: ASSEMBLY

Summary:

Makes nonsubstantive changes to the California Beverage Container Recycling and Litter Reduction Act requiring that every beverage container sold state have a minimum refund value and a message relating to the beverage container's redemption value of refund.

Status: 02/17/2017 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/24/2017) ESJPA
 Paul

25. CA AB 1572

Author: Aguiar-Curry (D)
Title: Integrated Waste Management Plans: Source Reduction
Location: ASSEMBLY
Summary: Amends the California Integrated Waste Management Act, which requires the development of a source reduction and recycling element of an integrated waste management plan and which requires a review of a jurisdiction's compliance with certain diversion requirements. Postpones the repeal of a conditional review schedule.
Status: 02/17/2017 INTRODUCED.
Lobbyist Position Subject
 Mary Support (02/24/2017) ESJPA
 Paul

26. CA AB 1579

Author: Daly (D)
Title: Recycling: Beverage Containers
Location: ASSEMBLY
Summary: Amends the California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resource Recovery and Recycling. Makes nonsubstantive changes to the provision defining beverage.
Status: 02/17/2017 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/24/2017) ESJPA
 Paul

27. CA AB 1646

Author: Muratsuchi (D)
Title: Hazardous Materials: Risk Management
Location: ASSEMBLY
Summary: Requires the risk management plan of a petroleum refinery to be posted on the Internet Web site of the Office of Emergency Services or on the Internet Web site of the Unified Program Agency, or UPA.
Status: 02/17/2017 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/24/2017) ESJPA
 Paul

28. CA SB 60

Author: Glazer (D)
Title: Recycling: Beverage Containers: Convenience Zones
Location: Senate Environmental Quality Committee
Summary: Amends an existing law which requires the Department of Resources Recycling and Recovery to designate certain convenience zones, and which requires at least one certified recycling center within every convenience zone. Exempts from that requirement

a convenience zone that was served by or exempted because of a recycling center that closed between specified dates.

Status: 02/15/2017 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (12/22/2016) | ESJPA |
| Paul | | Solid.Waste |

29. CA SB 168

Author: Wieckowski (D)
Title: California Beverage Container Recycling
Last Amend: 02/28/2017
Location: Senate Rules Committee
Summary: Increases the fine for violations of the California Beverage Container Recycling and Litter Reduction Act.
Status: 02/28/2017 From SENATE Committee on RULES with author's amendments.
 02/28/2017 In SENATE. Read second time and amended. Re-referred to Committee on RULES.

| Lobbyist | Position | Subject |
|-----------------|--------------------|----------------|
| Mary | Watch (01/24/2017) | ESJPA |
| Paul | | Solid.Waste |

30. CA SB 212

Author: Jackson (D)
Title: Medical Waste
Location: Senate Environmental Quality Committee
Summary: Adds to the Medical Waste Management Act a definition of home-generated pharmaceutical waste as a prescription or over-the-counter human or veterinary home-generated pharmaceutical that is waste and is derived from a household, including, but not limited to, a multifamily residence or household.
Status: 02/09/2017 To SENATE Committee on ENVIRONMENTAL QUALITY.

| Lobbyist | Position | Subject |
|-----------------|----------------------|----------------|
| Mary | Pending (02/06/2017) | ESJPA |
| Paul | | |