

Environmental Services Joint Powers' Authority
Board of Directors' Meeting

Thursday, March 15, 2018

Agenda Item IV

Legislative Update

Complete Text of Selected Solid Waste Bills

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ASSEMBLY BILL

No. 1933

Introduced by Assembly Member Maienschein

January 24, 2018

An act relating to greenhouse gases, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as introduced, Maienschein. Greenhouse Gas Reduction Fund: appropriations: recycling infrastructure projects.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act authorizes the state board to include the use of market-based compliance mechanisms in implementing the act. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation.

Existing law makes a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by 2020.

This bill would appropriate \$200,000,000 from the fund to the Department of Resources Recycling and Recovery for organic waste recycling infrastructure projects that reduce greenhouse gas emissions

ASSEMBLY BILL

No. 1975

Introduced by Assembly Member Chu

January 31, 2018

An act to add Section 43209.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as introduced, Chu. Nuisance: odors.

(1) Existing law prohibits, with specified exceptions, the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, the public. Existing law exempts from that prohibition, among other things, all odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals; odors emanating directly from a facility or operation that produces, manufactures, or handles compost, as defined; and odors emanating from operations that compost green material or animal waste products derived from agricultural operations, as specified.

Existing law also requires an air pollution control or air quality management district that receives a complaint regarding an odor emanating from an exempt composting operation to refer the complaint to an enforcement agency with jurisdiction pursuant to the California Integrated Waste Management Act of 1989, and requires that agency to take appropriate enforcement action.

This bill would require the Department of Resources Recycling and Recovery, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce, with a specified membership, to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District

1 (G) One representative from the local enforcement agency.

2 (b) No later than July 1, 2020, and notwithstanding Section
3 41705 of the Health and Safety Code, the South Bay Interagency
4 Taskforce shall do all of the following:

5 (1) Identify and quantify sources of odor emissions in the region
6 represented by the taskforce representatives.

7 (2) Develop and implement a protocol for joint inspections by
8 the Bay Area Air Quality Management District and the enforcement
9 agency represented on the taskforce.

10 (3) Identify best management practices that may be implemented
11 to reduce odor emissions.

12 (4) Make publicly available on the department's Internet Web
13 site taskforce meeting agendas, minutes, recommendations, and
14 findings.

15 (5) Provide opportunities for public participation.

16 SEC. 2. The Legislature finds and declares that a special statute
17 is necessary and that a general statute cannot be made applicable
18 within the meaning of Section 16 of Article IV of the California
19 Constitution because of the because of the unique odors that
20 emanate from various locations in the County of Santa Clara.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 2115

Introduced by Assembly Member Santiago

February 8, 2018

An act to add Section 21761 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, as introduced, Santiago. Vehicles: passing and overtaking: waste service vehicles.

Existing law requires the driver of a vehicle overtaking another vehicle proceeding in the same direction to pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, as specified. Existing law requires the driver of a vehicle overtaking any interurban electric or streetcar stopped or about to stop for the purpose of receiving or discharging any passenger to stop the vehicle to the rear of the nearest running board or door of the car and remain standing until all passengers have boarded the car, or upon alighting have reached a place of safety, except as provided. A violation of these provisions is an offense.

This bill would require the driver of a vehicle overtaking a stopped waste service vehicle, as defined, to pass at a safe distance without interfering with the safe operation of the waste service vehicle, and at a speed not exceeding 15 miles per hour. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

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

ASSEMBLY BILL

No. 2277

Introduced by Assembly Member Mathis

February 13, 2018

An act to amend Section 117700 of, to amend and renumber Section 117671 of, and to add Section 117667 to, the Health and Safety Code, and to add Chapter 1.5 (commencing with Section 47600) to Part 7 of Division 30 of the Public Resources Code, relating to home-generated pharmaceutical waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2277, as introduced, Mathis. Solid waste facilities: home-generated pharmaceutical waste: incineration.

The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacy establishments by the California State Board of Pharmacy. Existing law required the Department of Resources Recycling and Recovery, pursuant to provisions repealed on January 1, 2013, to develop, in consultation with appropriate state, local, and federal agencies, model programs for the collection and proper disposal of drug waste. Under the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, as defined, including pharmaceutical waste. Existing law defines the term medical waste and excludes certain types of waste from that definition.

This bill would vest the Department of Resources Recycling and Recovery with the primary responsibility for the disposal of home-generated pharmaceutical waste and, on or before January 1, 2020, would require the Department of Resources Recycling and Recovery, in collaboration with the State Department of Public Health,

1 suspected of being contaminated with infectious agents known to
2 be communicable to humans or a highly communicable disease.

3 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,
4 or vomitus, unless it contains visible or recognizable fluid blood,
5 as provided in subparagraph (C) of paragraph (1) of subdivision
6 (b) of Section 117690.

7 (d) Waste ~~which~~ *that* is not biohazardous, such as paper towels,
8 paper products, articles containing nonfluid blood, and other
9 medical solid waste products commonly found in the facilities of
10 medical waste generators.

11 (e) Hazardous waste, radioactive waste, or household waste,
12 including, but not limited to, home-generated sharps ~~waste, as~~
13 ~~defined in Section 117671.~~ *waste and home-generated*
14 *pharmaceutical waste.*

15 (f) Waste generated from normal and legal veterinarian,
16 agricultural, and animal livestock management practices on a farm
17 or ranch unless otherwise specified in law.

18 SEC. 4. Chapter 1.5 (commencing with Section 47600) is added
19 to Part 7 of Division 30 of the Public Resources Code, to read:

20
21 CHAPTER 1.5. HOME-GENERATED PHARMACEUTICAL WASTE

22
23 47600. For purposes of this chapter, the following definitions
24 apply:

25 (a) "Department" means Department of Resources Recycling
26 and Recovery.

27 (b) "Home-generated pharmaceutical waste" has the same
28 meaning as in Section 117667 of the Health and Safety Code.

29 47601. The department shall be vested with the primary
30 responsibility for the disposal of home-generated pharmaceutical
31 waste.

32 47602. On or before January 1, 2020, the department, in
33 collaboration with the State Department of Public Health, the
34 Department of Toxic Substances Control, and the California State
35 Board of Pharmacy, shall adopt regulations for the incineration of
36 home-generated pharmaceutical waste by solid waste facilities.
37 The regulations shall include at least all of the following:

38 (a) An application process for a solid waste facility to apply to
39 the department for authorization to incinerate home-generated
40 pharmaceutical waste.

ASSEMBLY BILL

No. 2411

Introduced by Assembly Member McCarty

February 14, 2018

An act to amend Section 12203 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2411, as introduced, McCarty. State Agency Buy Recycled Campaign: compost.

Existing law declares the intent of the Legislature that the state pursue all feasible measures to improve markets for recycled products including, but not limited to, bid evaluation preferences for purchases made by the state. Existing law requires a state agency to report annually to the California Integrated Waste Management Board its progress in meeting recycled product purchasing requirements, as specified. Existing law requires each state agency to ensure that, before January 1, 2020, at least 50% of reportable purchases are recycled products. Existing law also requires each state agency to ensure that, on and after January 1, 2020, that at least 75% of reportable purchases are recycled products, except for paint, antifreeze, and tires, and that at least 50% of reportable purchases of paint, antifreeze, and tires are recycled products.

This bill would require each state agency to ensure that, on and after January 1, 2020, at least 50% of reportable purchases of soil or similar products are compost, as described.

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

ASSEMBLY BILL

No. 2908

**Introduced by Assembly Member Berman
(Principal coauthor: Assembly Member Frazier)
(Principal coauthor: Senator Atkins)**

February 16, 2018

An act to amend Sections 42885, 42889, and 42961.5 of, to add Section 42872.2, and to repeal and add Section 42872.1 of, the Public Resources Code, relating to tire recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2908, as introduced, Berman. 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

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 to establish this incentive program to make payments to eligible entities that purchase tire products that are processed in the state from waste tire material for incorporation in products for sale to end users or for use in local public works projects, as specified. The bill would specify eligible entities for purposes of the act, and would differentiate between entities that sell a tire product to an end user, and entities that use a tire product in a local public works project. The bill would authorize the department, on or after an unspecified date, to change which type of entities are eligible for incentives for using a tire product in a local public works project. The bill would require the department, on or before January 1, 2020, to hold a public workshop to develop a plan for the tire recycling incentive payment program, 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 require the department, upon appropriation by the Legislature, to annually make available an allocation for incentive payments that is not less than 75 percent of the projected California tire fee revenue for that fiscal year at the time of the enactment of the annual Budget Act. The bill would authorize the department to reduce that allocation before the end of the fiscal year, if the department finds that actual California tire fee revenue falls short of projections.

(4) Existing law declares the intent of the Legislature to reduce the landfill disposal and stockpiling of used whole tires by 25% within 4 years of full implementation of a statewide tire recycling program and to recycle and reclaim used tires and used tire components to the greatest extent possible in order to recover valuable natural resources.

This bill would declare that it is the policy goal of the state that not less than 75% of solid waste tires generated be source reduced or recycled in the state by the year 2020. The bill would require the department, if that policy goal is met for 3 consecutive years, to review

1 ~~a public works or disability access project by a state or local~~
2 ~~governmental agency, including a regional park district.~~

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

8 ~~(d) This section shall become inoperative on June 30, 2019,~~
9 ~~and, as of January 1, 2020, is repealed, unless a later enacted~~
10 ~~statute, that becomes operative on or before January 1, 2020,~~
11 ~~deletes or extends the dates on which it becomes inoperative and~~
12 ~~is repealed.~~

13 SEC. 2. Section 42872.1 is added to the Public Resources Code,
14 to read:

15 42872.1. (a) This section shall be known, and may be cited,
16 as the Tire Recycling Incentive Program Act.

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

20 (c) Incentive payments shall be made only to eligible entities
21 for incentive-eligible tire products manufactured from
22 California-generated waste tire material that promote the recycling
23 of, the reduction of the disposal of, or the prevention of illegal
24 dumping of California-generated waste tire material.

25 (d) An entity is eligible to receive an incentive payment only
26 upon demonstrating the following to the department, as applicable:

27 (1) The entity purchased a tire product that is processed in
28 California from California-generated waste tire material.

29 (2) If the end use of the tire product is for something other than
30 a local public works project, the entity sold an incentive-eligible
31 tire product incorporating California-generated waste tire material
32 to an end user.

33 (e) (1) If the end use of the tire product is for something other
34 than a local public works project, "eligible entity" includes, but is
35 not limited to, a manufacturer that produces an incentive-eligible
36 tire product incorporating California-generated waste tire material
37 for purchase by an end user. "Eligible entity" pursuant to this
38 paragraph does not include the entity or person that receives the
39 finished product.

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

3 (A) Tire-derived fuel.

4 (B) Alternative daily cover, intermediate cover, erosion, or other
5 landfill uses, except tire-derived aggregates used in landfill
6 engineered projects for landfill gas and leachate control systems
7 and other engineering projects designated by the department.

8 (C) Exports of whole waste tires.

9 (D) Crumb rubber as an intermediate product before purchase
10 for incorporation into a final end use.

11 (E) Tire-derived aggregate as an intermediate product before
12 purchase for incorporation into a final end use or as an intermediate
13 product that is shipped out of state.

14 (F) Rubberized pavement shipped out of state.

15 (G) Synthetic turf infill.

16 (H) Loose rubber nugget or mulch playgrounds.

17 (I) Purchases made to meet procurement requirements
18 established pursuant to Section 42703.

19 (h) (1) On or before January 1, 2020, the department shall hold
20 a public workshop to develop a plan for the tire recycling incentive
21 payment program established pursuant to subdivision (b). The plan
22 shall be included in the next revision of the five-year plan required
23 pursuant to Section 42885.5.

24 (2) At the public workshop required pursuant to paragraph (1),
25 the department shall do both of the following:

26 (A) Consistent with this chapter, determine, among other things,
27 all of the following:

28 (i) What products, in addition to those listed in paragraph (1)
29 of subdivision (g), are “incentive-eligible tire products” for
30 purposes of this section.

31 (ii) The incentive payment amounts to be paid to eligible entities,
32 consistent with the requirements of subdivision (I).

33 (iii) Conditions to ensure that incentives are paid only for bona
34 fide transactions.

35 (iv) What is considered a “recycled-tire product” for purposes
36 of determining the recycling rate for California-generated waste
37 tire material. “recycled-tire product” shall include, among other
38 things, some nonincentive-eligible tire-derived products, for those
39 purposes.

1 (iv) The department shall conduct a waste tire market evaluation
2 to inform the development of the tiers and shall discuss the findings
3 at the public workshop required pursuant to paragraph (1).

4 (3) The department shall consider the amount of moneys made
5 available for incentive payments pursuant to subdivision (l) and,
6 in the biennial update of the plan following January 1, 2018, shall
7 reduce the amount of moneys expended for waste tire market
8 development grants pursuant to the five-year plan described in
9 Section 42885.5, from the amount that was authorized for such
10 grants as of January 1, 2018, as it deems appropriate. All other tire
11 program activities that are not related to market development grants
12 shall continue as described in the five-year plan.

13 (i) The department shall collect data from recipients of incentive
14 payments to be released annually in the California Waste Tire
15 Market Report.

16 (1) Data shall be aggregated to determine the total amount of
17 money paid for each category of incentive-eligible tire products
18 listed in subparagraphs (A) to (L), inclusive, of paragraph (1) of
19 subdivision (g) and how many tires, or passenger tire equivalents
20 as defined in subdivision (b) of Section 42961.5, were recycled.
21 The data specified in this paragraph shall be used by the department
22 for purposes of the evaluation required pursuant to subdivision (j).

23 (2) The department shall include in the California Waste Tire
24 Market Report the annual recycling rate, the number of tires, or
25 passenger tire equivalents, as defined in subdivision (b) of Section
26 42961.5, that were recycled in that year and, to the extent the
27 information is available, the number of tires or passenger tire
28 equivalents of the nonincentive-eligible tire-derived products
29 considered tire recycled products pursuant to clause (iv) of
30 subparagraph (A) of paragraph (2) of subdivision (h).

31 (3) The report shall also include the number of tires recycled
32 by the Department of Transportation and, to the extent the
33 information is available, an estimate of the recycling rate of waste
34 tire material recycled by other state and local agencies and by the
35 private sector, as part of the overall recycling rate.

36 (j) As part of the biennial update of the five-year plan required
37 pursuant to Section 42885.5, the department shall evaluate the tire
38 recycling incentive program established pursuant to subdivision
39 (b) in a public forum and propose changes accordingly. Consistent
40 with this chapter, the department may make changes to the tire

1 shall not result in reduced expenditures for other tire program
2 activities that are not associated with market development grants.

3 SEC. 3. Section 42872.2 is added to the Public Resources Code,
4 to read:

5 42872.2. (a) The Legislature hereby declares that it is the
6 policy goal of the state that not less than 75 percent of solid waste
7 tires generated be source reduced, or recycled in the state, by the
8 year 2020.

9 (b) If the state meets the policy goal in subdivision (a) for three
10 consecutive years, the department shall, as part of the five-year
11 plan required pursuant to Section 42885.5, review existing tire
12 recycling programs and make recommendations as to which
13 policies are necessary to maintain and increase the level of waste
14 tire recycling.

15 SEC. 4. Section 42885 of the Public Resources Code, as
16 amended by Section 31 of Chapter 401 of the Statutes of 2013, is
17 amended to read:

18 42885. (a) (1) For purposes of this section, "California tire
19 fee" means the fee imposed pursuant to *subdivision (b) of this*
20 *section.*

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

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

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

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

38 (c) (1) *Upon a finding by the department that the balance of*
39 *the California Tire Recycling Management Fund is projected to*
40 *drop below twenty-five million dollars (\$25,000,000) for the next*

1 (D) Whether, at the end of a fiscal year, after making payments
2 pursuant to Sections 42872.1 and 42889, sufficient net fund balance
3 remains in the California Tire Recycling Management Fund to
4 reduce the California tire regulatory fee.

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

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

9 (B) The department may adopt regulations to adjust the
10 California tire regulatory fee. These regulations shall be deemed
11 to meet the description in subdivision (g) of Section 11340.9 of the
12 Government Code and may be filed by the department pursuant
13 to Section 11343.8 of the Government Code.

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

16 (e)

17 (d) The department, or its agent authorized pursuant to Section
18 42882, shall be reimbursed for its costs of collection, auditing, and
19 making refunds associated with the California Tire Recycling
20 Management Fund, but the amount of that reimbursement shall
21 not to exceed 3 percent of the total annual revenue deposited in
22 the fund.

23 (d)

24 (e) The California tire fee imposed pursuant to subdivision (b)
25 shall be separately stated by the retail seller on the invoice given
26 to the customer at the time of sale. Any other disposal or
27 transaction fee charged by the retail seller related to the tire
28 purchase shall be identified separately from the California tire fee.

29 (e)

30 (f) A person or business who knowingly, or with reckless
31 disregard, makes a false statement or representation in a document
32 used to comply with this section is liable for a civil penalty for
33 each violation or, for continuing violations, for each day that the
34 violation continues. Liability under this section may be imposed
35 in a civil action and shall not exceed twenty-five thousand dollars
36 (\$25,000) for each violation.

37 (f)

38 (g) In addition to the civil penalty that may be imposed pursuant
39 to subdivision (e), (f), the department may impose an administrative
40 penalty in an amount not to exceed five thousand dollars (\$5,000)

1 mitigate or remediate air pollution caused by tires in the state, to
2 the extent that the state board or the applicable district determines
3 that the program or project remediates air pollution harms created
4 by tires upon which the fee described in *subdivision (b) of Section*
5 *42885* is imposed.

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

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

19 (2) To pay the costs of administration associated with collection,
20 making refunds, and auditing revenues in the fund, not to exceed
21 3 percent of the total revenue deposited in the fund, as provided
22 in ~~subdivision (e)~~ *(d)* of Section 42885.

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

25 (4) To pay the costs associated with the development and
26 enforcement of regulations relating to the storage of waste tires
27 and used tires. The department shall consider designating a city,
28 county, or city and county as the enforcement authority of
29 regulations relating to the storage of waste tires and used tires, as
30 provided in subdivision (c) of Section 42850, and regulations
31 relating to the hauling of waste and used tires, as provided in
32 subdivision (b) of Section 42963. If the department designates a
33 local entity for that purpose, the department shall provide sufficient,
34 stable, and noncompetitive funding to that entity for that purpose,
35 based on available resources, as provided in the five-year plan
36 adopted and updated as provided in subdivision (a) of Section
37 42885.5. The department may consider and create, as appropriate,
38 financial incentives for citizens who report the illegal hauling or
39 disposal of waste tires as a means of enhancing local and statewide
40 waste tire and used tire enforcement programs.

1 ~~board, department~~, including, but not limited to, an accurate
2 measurement of the number of tires being shipped, ~~the type or~~
3 ~~types of the tires, the date the shipment originated, originated or~~
4 ~~terminated~~, and the origin and ~~intended~~ final destination of the
5 shipment.

6 (2) *“Electronic Manifest” means a manifest that is submitted*
7 *to the department electronically in a manner specified by the*
8 *department.*

9 ~~(2)~~

10 (3) *“Waste and used tire hauler” or “hauler” means any person*
11 *required to be registered with the ~~board~~ department pursuant to*
12 *subdivision (a) of Section 42951.*

13 (b) *For purposes of this section, “Passenger Tire Equivalent”*
14 *or “PTE” means either of the following:*

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

17 (2) *A unit of measurement, such that 10 PTEs equals one cubic*
18 *yard of waste or used tires, and one PTE equals one waste or used*
19 *tire.*

20 ~~(b) Any person generating~~

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

31 ~~(e)~~

32 (2) ~~(1) Any waste and used tire~~ A hauler shall have the
33 ~~California Uniform Waste and Used Tire Manifest~~ *manifest* in his
34 or her possession while transporting waste or used tires. The
35 manifest shall be shown upon demand to any representative of the
36 ~~board, department~~, any officer of the *Department of the California*
37 *Highway Patrol*, or any peace officer, as defined in Section 830.1
38 or 830.2 of the ~~Penal Code, or any local public officer designated~~
39 ~~by the board. Code.~~

40 ~~(2)~~

1 ~~used tires shall maintain a copy of each the manifest used, a facility~~
2 ~~operator may submit an electronic report and any other information~~
3 ~~required that the department deems necessary to track the board~~
4 ~~meeting the requirements flow of Section 42814. waste and used~~
5 ~~tires through the state.~~

6 (e) ~~The department may require an electronic manifest submitted~~
7 ~~by a hauler to the department to include verification from a hauler,~~
8 ~~and a generator of waste or used tires, or the operator of a waste~~
9 ~~or used tire facility or other destination, that the information on~~
10 ~~the manifest is correct, including the number of tires and other~~
11 ~~information specified by the department.~~

12 (e)

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

20 (g) (1) ~~If approved by the board, any waste and used tire~~
21 ~~generator, waste and used tire hauler, or operator amount of a waste~~
22 ~~tire facility that is subject to the or used tires recorded on a~~
23 ~~manifest requirements of this section, may submit an electronic~~
24 ~~report to is by weight or volume, the board, in lieu of submitting~~
25 ~~the copy of the manifest required. The electronic report department~~
26 ~~shall include all information required to be on determine the~~
27 ~~California Uniform Waste and Used Tire Manifest, and any other~~
28 ~~information required by the board. number of waste or used tires~~
29 ~~being transported by converting the weight or volume into PTEs.~~

30 (2) A waste

31 (h) ~~The department may require a hauler to attend trainings~~
32 ~~and used tire generator, demonstrate understanding and proficiency~~
33 ~~with the provisions of this chapter, Chapter 16 (commencing with~~
34 ~~Section 42800), Chapter 17 (commencing with Section 42860),~~
35 ~~and any rules, regulations, or requirements issued or adopted~~
36 ~~pursuant to this chapter, Chapter 16, or Chapter 17 prior to~~
37 ~~receiving a waste and used tire hauler, hauler registration or~~
38 ~~operator of a waste and used tire facility that is subject to paragraph~~

ASSEMBLY BILL

No. 3036

Introduced by Assembly Member Cooley

February 16, 2018

An act to amend Section 40191 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 3036, as introduced, Cooley. Solid waste: definition.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste.

This bill would exclude from the act's definition of "solid waste" byproducts from processing food, if those byproducts are intended for use as animal feed.

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 40191 of the Public Resources Code is
2 amended to read:
3 40191. (a) Except as provided in subdivision (b), "solid waste"
4 means all putrescible and nonputrescible solid, semisolid, and
5 liquid wastes, including garbage, trash, refuse, paper, rubbish,
6 ashes, industrial wastes, demolition and construction wastes,
7 abandoned vehicles and parts thereof, discarded home and
8 industrial appliances, dewatered, treated, or chemically fixed

AMENDED IN ASSEMBLY FEBRUARY 26, 2018

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MAY 16, 2017

AMENDED IN SENATE MAY 2, 2017

AMENDED IN SENATE APRIL 18, 2017

AMENDED IN SENATE MARCH 1, 2017

SENATE BILL

No. 71

**Introduced by Senator Wiener
(Coauthor: Senator Allen)**

January 9, 2017

~~An act to add the heading of Article 1 (commencing with Section 25406) to, and to add Article 2 (commencing with Section 25408) to, Chapter 5.1 of Division 15 of the Public Resources Code, relating to energy. An act to amend Sections 41953, 41955, and 41956 of, and to amend, renumber, and add Section 41952 of, the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 71, as amended, Wiener. ~~Electricity: solar energy systems. Solid waste: disposal.~~

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act prohibits a person, other than an authorized recycling agent, from removing specified materials that have been segregated from solid waste materials and placed at a designated recycling

new residential and nonresidential buildings and to periodically update the study thereafter.

~~This bill would require the Energy Commission to consider requiring, and would authorize the Energy Commission to update the building efficiency standards to require, a rooftop solar energy generation system, appropriately sized to be cost effective, to be installed in the solar zone of those buildings, during the construction of those buildings, by January 1, 2020, for residential buildings and by January 1, 2023, for nonresidential buildings. The bill would require the Commission, prior to adopting rooftop solar energy generation system requirements, to issue findings by climate zone jointly with the Department of Housing and Community Development as to whether adoption of the requirements will or will not unreasonably or unnecessarily impact the affordability of housing for Californians.~~

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

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

1 *SECTION 1. Section 41952 of the Public Resources Code is*
2 *amended and renumbered to read:*

3 ~~41952.~~

4 41957. Nothing in this chapter limits the right of any person
5 to donate, sell, or otherwise dispose of his or her recyclable
6 materials.

7 *SEC. 2. Section 41952 is added to the Public Resources Code,*
8 *to read:*

9 41952. *Where a city, county, or other local government agency*
10 *has authorized a solid waste enterprise to handle solid waste, no*
11 *person shall collect, remove, or transport solid waste generated*
12 *by another person from residential, commercial, or industrial*
13 *premises in violation of the rights authorized by the city, county,*
14 *or other local government agency, except in compliance with*
15 *applicable law.*

16 *SEC. 3. Section 41953 of the Public Resources Code is*
17 *amended to read:*

18 41953. (a) *In any civil action by a recycling agent or a local*
19 *governmental agency against a person alleged to have violated*
20 *violated, or to have knowingly participated in the violation of,*
21 *Section 41950 or 41951, or by a local governmental agency or a*

1 12-month period shall be charged as a misdemeanor punishable
2 pursuant to Section 19 of the Penal Code. *This section shall not*
3 *apply to a violation of Section 41952.*

4 SEC. 5. *Section 41956 of the Public Resources Code is*
5 *amended to read:*

6 41956. The ~~board~~ department may award special enforcement
7 grants to cities or counties to support pilot programs designed to
8 develop and evaluate enforcement techniques to reduce the theft
9 of recyclable materials from commercial, industrial, or other
10 nonresidential establishments.

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

13 (a) ~~Requiring building owners to take steps to produce~~
14 ~~renewable, low-carbon electricity and to capture solar heat has the~~
15 ~~potential to reduce pollution and the global warming effects of~~
16 ~~energy consumption.~~

17 (b) ~~Installing solar electric or solar thermal systems can benefit~~
18 ~~the health, welfare, and resiliency of the state and its residents.~~

19 (c) ~~Requiring solar electric or solar thermal systems to be~~
20 ~~installed on a building during its construction is more cost effective~~
21 ~~than installing the equipment after construction because workers~~
22 ~~are already onsite, permitting and administrative costs are lower,~~
23 ~~and financing the systems is more efficient at that time.~~

24 SEC. 2. ~~The heading of Article 1 (commencing with Section~~
25 ~~25406) is added to Chapter 5.1 of Division 15 of the Public~~
26 ~~Resources Code, to read:~~

27
28 Article 1. ~~The Sunny Homes Seal~~

29
30 SEC. 3. ~~Article 2 (commencing with Section 25408) is added~~
31 ~~to Chapter 5.1 of Division 15 of the Public Resources Code, to~~
32 ~~read:~~

33
34 Article 2. ~~Solar Ready Buildings~~

35
36 25408. ~~For purposes of this article, the following definitions~~
37 ~~apply:~~

38 (a) ~~“Solar ready building” means a building required to have a~~
39 ~~solar zone as determined by the commission pursuant to Section~~
40 ~~25402.~~

AMENDED IN SENATE JANUARY 18, 2018

AMENDED IN SENATE APRIL 6, 2017

AMENDED IN SENATE FEBRUARY 28, 2017

SENATE BILL

No. 168

Introduced by Senator Wieckowski

January 23, 2017

~~An act to amend, repeal, and add Sections 12024.13, 21608.5, and 23671 of the Business and Profession Code, to amend, repeal, and add Sections 47605.1 and 47612.1 of the Education Code, to amend, add, and repeal Section 1720.4 of the Labor Code, to amend, repeal, and add Sections 186.2 and 186.8 of the Penal Code, to amend Section 12165 of the Public Contract Code, to amend Sections 14526.5, 14571.5, and 14571.8 of, to amend and repeal Section 17002 of, to amend, repeal, and add Sections 615, 5845.8, 14315, 17000, 17001, 19535, 31178, 40003, 42476, 42889, and 48653 of, to add Section 14100.5 to, to add Chapter 9 (commencing with Section 14600) to Division 12.1 of, to add Chapter 20.5 (commencing with Section 42984) to Part 3 of Division 30 of, to repeal Section 40511 of, and to repeal and add Division 12.1 (commencing with Section 14500) of, the Public Resources Code, to amend Sections 17153.5 and 24315 of the Revenue and Taxation Code, to amend, repeal, and add Sections 2370 and 2382 of the Streets and Highways Code, and to amend, repeal, and add Section 79714 of the Water Code, relating to recycling. An act to add Sections 14514.2 and 14548 to, and to add and repeal Section 14549.7 of, the Public Resources Code, relating to recycling.~~

This bill would require distributors of beverage containers in the state to form a beverage container stewardship organization. The organization would be required to develop and submit a plan and budget for the recovery and recycling of empty beverage containers similar to that described in the Used Mattress Recovery and Recycling Act, and would require the organization to establish a stewardship fee, to be paid by distributor members of the organization, to assist in covering the costs of implementing the program. The act would require the organization to reimburse the department for the department's costs of enforcement. The bill would impose similar administrative civil penalties for a violation of these provisions.

(2) ~~The California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, is established to promote beverage container recycling, and provides for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers. The act requires the department to annually designate convenience zones statewide and requires at least one certified recycling center or location within every convenience zone, as defined; that accepts all types of empty beverage containers and pays the refund value, if any, at one location. The act authorizes the director of the department to exempt, if certain conditions are met, an individual convenience zone from the requirement that it have at least one certified recycling center or location and limits the total number of exemptions the director may grant to 35% of the total number of convenience zones identified pursuant to the act. For purposes of the act, "supermarket" is defined as a full-line, self-service retail store with gross annual sales of \$2,000,000, or more, and that sells specified food items. A violation of the act is an infraction.~~

This bill, for purposes of defining a "supermarket," would increase the minimum gross annual sales to \$4,000,000 and make conforming changes. The bill, until December 31, 2020, would increase the limit on the total number of exemptions the director may grant to 50%.

(3) ~~This bill, commencing January 1, 2021, would revise and recast the provisions of the California Beverage Container Recycling and Litter Reduction Act, which would be renamed the Beverage Container Recycling Program, and would include wine and distilled spirits as beverages under the program. The bill would specify a refund value for beverage containers and would require the department to provide recommendations to the Legislature on ways to increase the aggregate~~

1 container is constructed of, including, but not limited to, recycled
2 material.

3 SEC. 2. Section 14548 is added to the Public Resources Code,
4 to read:

5 14548. On or before January 1, 2023, and except as provided
6 in Section 14549, the department shall establish minimum content
7 standards for beverage containers that are constructed of metal,
8 glass, or plastic, or other material, or any combination thereof.

9 SEC. 3. Section 14549.7 is added to the Public Resources Code,
10 to read:

11 14549.7. (a) On or before January 1, 2020, the department
12 shall provide to the Legislature a report on the establishment and
13 implementation of an extended producer responsibility program
14 to replace the current beverage container recycling program
15 established by this division. The report shall include, but is not
16 limited to, analyses and recommendations on all of the following:

17 (1) Establishment of a stewardship organization, including all
18 of the following:

19 (A) Membership of the organization.

20 (B) Classification of the organization, such as whether the
21 organization should be a nonprofit organization.

22 (C) Duties and responsibilities of the organization, including
23 the components of a stewardship plan and annual reports to be
24 submitted by the organization.

25 (2) Program funding.

26 (3) Goals of the program.

27 (4) Oversight and enforcement for the program.

28 (b) (1) A report to be submitted pursuant to subdivision (a)
29 shall be submitted in compliance with Section 9795 of the
30 Government Code.

31 (2) Pursuant to Section 10231.5 of the Government Code, this
32 section is repealed on January 1, 2024.

AMENDED IN ASSEMBLY AUGUST 23, 2017

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MARCH 15, 2017

SENATE BILL

No. 210

Introduced by Senator Leyva
(Principal coauthor: ~~Assembly Member Reyes~~)

February 1, 2017

An act to ~~amend Section 116276 of the Health and Safety Code, relating to public health.~~ *add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Leyva. ~~Pupil health: drinking water.~~ *Heavy-Duty Vehicle Inspection and Maintenance Program.*

Existing law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would authorize the state board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of

1 (c) As of 2016, heavy-duty trucks operating in the state emitted
2 nearly 60 percent of all oxides of nitrogen emissions from mobile
3 sources, which are the most significant contributor to both federal
4 ozone and fine particulate matter (PM2.5) air quality standard
5 violations across the state. Heavy-duty diesel trucks are also the
6 largest source of diesel particulate matter emissions in the state.
7 Diesel particulate matter is a carcinogen and toxic air
8 contaminant. Risks are particularly high in urban areas and along
9 busy roadways where trucks operate.

10 (d) Statewide, about 12 million residents live in communities
11 that exceed the federal ozone and PM2.5 standards. The health
12 and economic impacts of exposure to elevated levels of ozone and
13 PM2.5 in the state are considerable. Meeting air quality standards
14 will pay substantial dividends in terms of reducing costs associated
15 with emergency room visits and hospitalization, lost work and
16 school days, and, most importantly, premature mortality.

17 (e) While the state has made significant progress in improving
18 air quality through existing programs by the state and air pollution
19 control and air quality management districts, further action must
20 be taken to achieve our public health, air quality, and climate
21 goals

22 (f) The Heavy-Duty Vehicle Inspection and Maintenance
23 Program established by Section 44150 of the Health and Safety
24 Code is a key step in achieving the state's goals to improve public
25 health and meeting our environmental imperatives.

26 (g) It is the intent of the Legislature that the Heavy-Duty Vehicle
27 Inspection and Maintenance Program be developed in partnership
28 between affected state agencies, the public, industry, and other
29 stakeholders. It is further the intent of the Legislature for this
30 program to be developed in a way that minimizes costs to truck
31 owners and fleets; provides a level playing field for industry
32 through effective enforcement; and provides flexibility for the
33 program to adapt as truck technology and industry evolves.

34 SEC. 2. Chapter 5.5 (commencing with Section 44150) is added
35 to Part 5 of Division 26 of the Health and Safety Code, to read:

1 (8) Establish a disciplinary and penalty schedule, an appeals
2 process, and a recourse for fraud or incompetence by parties
3 involved in motor vehicle inspections, testing, or repair.

4 44151. (a) The state board shall assess a fee to fund the
5 reasonable costs of implementing the program established pursuant
6 to this chapter.

7 (b) All fees collected by the state board pursuant to this chapter
8 shall be deposited in the Truck Emission Check (TEC) Fund, which
9 is hereby created in the State Treasury. All moneys in the fund
10 shall be available upon appropriation by the Legislature to the
11 state board for the purposes of this chapter.

12 (c) All penalty moneys collected by the state board pursuant to
13 this chapter shall be deposited in the Diesel Emission System
14 Inspection and Smoke Test (DESIST) Account, which is hereby
15 created in the TEC Fund in the State Treasury. All moneys in the
16 account shall be available upon appropriation by the Legislature.

17 44152. The state board, in consultation with the bureau, the
18 Department of Motor Vehicles, and stakeholders as part of a public
19 process, may implement a pilot program prior to fully implementing
20 the program authorized pursuant to this chapter.

21 SECTION 1. ~~Section 116276 of the Health and Safety Code~~
22 ~~is amended to read:~~

23 ~~116276. (a) The state board shall establish a program, in~~
24 ~~consultation with the State Department of Education, to award~~
25 ~~grants to local educational agencies for the purposes of improving~~
26 ~~access to, and the quality of, drinking water in public schools~~
27 ~~consistent with the Legislature's intent that school facilities be~~
28 ~~maintained in "good repair," as defined in paragraph (1) of~~
29 ~~subdivision (d) of Section 17002 of the Education Code. Eligible~~
30 ~~entities shall be limited to local educational agencies serving~~
31 ~~kindergarten or any of grades 1 to 12, inclusive, and preschools~~
32 ~~and child day care facilities, as defined in Section 1596.750, located~~
33 ~~on public school property. The program shall include, but not be~~
34 ~~limited to, funding for at least one of the following:~~

35 ~~(1) Installation of water bottle filling stations.~~

36 ~~(2) Installation or replacement of drinking water fountains with~~
37 ~~devices that are capable of removing contaminants that are present~~
38 ~~in the facility's water supply.~~

39 ~~(3) Installation of point-of-entry or point-of-use treatment~~
40 ~~devices for drinking fountains, and up to three years of~~

1 ~~hold at least one public meeting to receive and consider public~~
2 ~~comment on the draft procedures and guidelines.~~

3 ~~(e) The state board shall provide technical assistance to~~
4 ~~applicants, including completing applications, overseeing~~
5 ~~installations, and assisting with operation and maintenance.~~

6 ~~(f) A contract entered into under the authority of this section is~~
7 ~~not subject to Section 10295 of the Public Contract Code.~~

O

2018 Legislation

Summary Listing of Selected Solid Waste Related Bills **March 2, 2018**

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 444

Author: Ting (D)
Title: Medical Waste: Home-Generated Medical Waste
Last Amend: 04/18/2017
Location: Senate Environmental Quality Committee
Summary: Authorizes the California Environmental Protection Agency to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste.
Status: 06/08/2017 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Pending (02/24/2017) ESJPA
 Paul

2. CA AB 509


Author: Frazier (D)
Title: Tire Recycling: Tire Regulatory Fee Program
Last Amend: 06/22/2017
Location: Senate Appropriations 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 an incentive program to make payments to entities that purchase waste tire material for incorporation in a product for sale to end users.
Status: 09/01/2017 In SENATE Committee on APPROPRIATIONS: Held in committee.
Lobbyist Position Subject
 Mary Support (08/29/2017) ESJPA
 Paul

3. CA AB 514

Author: Salas (D)
Title: Medical Waste: Pharmaceuticals
Last Amend: 04/17/2017
Location: Senate Environmental Quality Committee
Summary: Amends the Medical Waste Management Act. Excepts herbal-based remedies, homeopathic drugs, remedies, and any other product with a National Drug Code identifying the product as "homeopathic," and cosmetics, soap, shampoo, sunscreen, toothpaste, lip balm, antiperspirant, and saline products from the definition of pharmaceutical under the Act.
Status: 07/05/2017 In SENATE Committee on ENVIRONMENTAL QUALITY: Heard, remains in Committee.
Lobbyist Position Subject
 Mary Watch (02/24/2017) ESJPA
 Paul

4. CA AB 958

Author: Ting (D)

File: A-44
Location: Senate Inactive File 
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: 09/11/2017 In SENATE. From third reading. To Inactive File.
Lobbyist Position Subject
 Mary Pending (02/24/2017) ESJPA
 Paul

8. CA AB 1663

Author: Garcia (D)
Title: Lead Acid Batteries
Last Amend: 01/22/2018
Location: SENATE
Summary: Amends the Lead Acid Battery Recycling Act. Requires a manufacturer battery fee to be imposed for each lead acid battery sold at retail in the state. Requires the manufacturer battery fee to be paid to the Department of Tax and Fee Administration. Requires dealers and manufacturers of lead acid batteries to register with the Department. Exempts an importer who has an agreement of this type with a manufacturer, and who meets other specified requirements, from the requirement to register with the Department.
Status: 01/29/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (67-0)
Lobbyist Position Subject
 Mary Watch (03/07/2017) ESJPA
 Paul
 Staci

9. CA AB 1884

Author: Calderon I (D)
Title: Solid Waste: Single-Use Plastic Straws
Last Amend: 02/05/2018
Location: Assembly Natural Resources Committee
Summary: Prohibits a food facility where food may be consumed on the premises from providing single-use plastic straws to consumers unless requested by the consumer.
Status: 02/05/2018 To ASSEMBLY Committee on NATURAL RESOURCES.
 02/05/2018 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.
 02/05/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.
Lobbyist Position Subject
 Mary Watch (01/18/2018) ESJPA

10. CA AB 1933

Author: Maienschein (R)
Title: Greenhouse Gas Reduction Fund: Appropriations
Location: Assembly Natural Resources Committee
Summary: Appropriates \$200 million from the Greenhouse Gas Reduction Fund to the Department of Resources Recycling and Recovery for organic waste recycling infrastructure projects that reduce greenhouse gas emissions and solid waste recycling infrastructure projects that reduce greenhouse gas emissions.

Summary: Relates to existing law which requires a manufacturer of carpet sold in this state to submit to the Department of Resources Recycling and Recovery a report describing its activities to achieve the purposes of the carpet stewardship laws. Changes the date by which the annual demonstration concerning recycling and the annual report are required to be completed from a specified date of each year to a specified date of each year.

Status: 02/22/2018 To ASSEMBLY Committee on NATURAL RESOURCES.

Lobbyist	Position	Subject
Mary	Pending (02/15/2018)	ESJPA
Paul		

15. CA AB 2115

Author: Santiago (D)

Title: Vehicles: Passing and Overtaking: Waste Vehicles

Location: Assembly Transportation Committee

Summary: Requires the driver of a vehicle overtaking a stopped waste service vehicle to pass at a safe distance without interfering with the safe operation of the waste service vehicle, and at a speed not exceeding 15 miles per hour.

Status: 02/22/2018 To ASSEMBLY Committee on TRANSPORTATION.

Lobbyist	Position	Subject
Mary	Watch (02/15/2018)	ESJPA
Paul		

16. CA AB 2178

Author: Limon (D)

Title: Limited Service Charitable Feeding Operation

Location: Assembly Health Committee

Summary: Exempts a limited service charitable feeding operation from the definition of food facility. Defines that operation to include a food service operation, whose purpose is to feed food-insecure individuals, and that does one of specified actions, including food warming of commercially prepackaged food.

Status: 03/01/2018 To ASSEMBLY Committee on HEALTH.

Lobbyist	Position	Subject
Mary	Pending (02/23/2018)	ESJPA
Paul		

17. CA AB 2189

Author: Santiago (D)

Title: Hazardous Waste: Facilities: Permits

Location: ASSEMBLY

Summary: Makes a nonsubstantive change to the provision requiring an application for a hazardous waste facilities permit or to operate a hazardous waste facility to include a disclosure statement.

Status: 02/12/2018 INTRODUCED.



Lobbyist	Position	Subject
Mary	Pending (02/15/2018)	ESJPA
Paul		

18. CA AB 2277

Author: Mathis (R)

Title: Solid Waste Facilities: Pharmaceutical Waste

Committee: Assembly Environmental Safety and Toxic Materials Committee

Hearing: 03/20/2018 1:30 pm, State Capitol, Room 444  

Author: McCarty (D)
Title: State Agency Buy Recycled Campaign: Compost
Location: ASSEMBLY
Summary: Declares the intent of the Legislature that the state pursue all feasible measures to improve markets for recycled products. Requires each state agency to ensure that, on and after a specified date, at least a specified percentage of reportable purchases of soil or similar products are compost, as described.
Status: 02/14/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Support (02/15/2018) ESJPA
 Paul

23. CA AB 2474

Author: Quirk (D)
Title: Hazardous Waste: Discarded Appliances
Location: ASSEMBLY
Summary: Requires a certified unified program agency, following an inspection of a certified appliance recycling facility, to transmit the results of the inspection to the Department of Hazardous Materials and would authorize the department to take any authorized enforcement action based on the results of the inspection and any other pertinent information.
Status: 02/14/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/15/2018) CountyOperation_Misc
 Paul ESJPA

24. CA AB 2606

Author: Fong (R)
Title: Hazardous Waste: Facilities: Permits: Renewals
Location: ASSEMBLY
Summary: Deems a hazardous waste facilities permit renewal application approved 90 days after the submission of the application to the Department of Toxic Substances Control if the department has not taken action on the application and certain other conditions apply, including that operations at the hazardous waste facility have not changed significantly since the approval of the permit for the preceding term.
Status: 02/15/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/20/2018) ESJPA
 Paul

25. CA AB 2632

Author: Santiago (D)
Title: Packaging and Labeling: Containers: Slack Fill
Location: ASSEMBLY
Summary: Relates to the prohibition against nonfunctional slack fill for commodities containers subject to the Sherman Food, Drug, and Cosmetic Law and specifies 14 reasons that a container may contain slack fill without violating the prohibition. Specifies 3 additional reasons containers may contain slack fill without violating the nonfunctional slack fill prohibition.
Status: 02/15/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/23/2018) ESJPA
 Paul

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Cleaning Product Right to Know Act
Location: ASSEMBLY
Summary: Updates and corrects references to the names of specified substances and entities under the Cleaning Product Right to Know Act.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Watch (02/20/2018) ESJPA
 Paul

31. CA AB 2902

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Hazardous Substances
Location: ASSEMBLY
Summary: Revises the definition of above ground storage tank under the APS Act to include a container that meets certain specifications, and would additionally exempt from that definition a tank containing hazardous waste or extremely hazardous waste if the owner or operator of the storage tank has a permit by rule authorization for the tank from the unified program agency.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/20/2018) ESJPA
 Paul

32. CA AB 2908

Author: Berman (D)
Title: Tire Recycling: California Tire Regulatory Fee
Location: ASSEMBLY
Summary: Relates to the Department of Resources Recycling and Recovery. Requires upon a specified finding by the Department of Resources and Recycling and Recovery 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 a deposit in the California Tire Recycling Management Fund. Requires the department to track revenue from the California tire regulatory fee separately.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Support (02/20/2018) ESJPA
 Paul

33. CA AB 2921

Author: Low (D)
Title: Polystyrene Food Service Packaging Recovery Recycling
Location: ASSEMBLY
Summary: Enacts the Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form or designate an organization consisting of PFP manufacturers and resin producers, to be known as the Polystyrene Food Service Packaging Recycling Organization.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/26/2018) ESJPA
 Paul

34.

Author: Rubio (D)
Title: Solid Waste: Recycling: Diversion: Green Material
Location: ASSEMBLY
Summary: Deletes obsolete provisions relating to the adoption of regulations pertaining to the use of solid waste as alternative daily cover in the construction and operation of a solid waste landfill.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject
 Mary Pending (02/20/2018) ESJPA
 Paul

39. **CA SB 71**

Author: Wiener (D)
Title: Solid Waste: Disposal
Last Amend: 02/26/2018
Location: Assembly Utilities and Energy Committee
Summary: Subjects an unauthorized person to damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, where a city, county, or other local government agency has authorized a solid waste enterprise to handle solid waste. Expands civil enforcement to knowing participation in violations of these laws and requires a court to award reasonable attorney's fees, expert witness fees, and costs incurred.
Status: 02/26/2018 From ASSEMBLY Committee on UTILITIES AND ENERGY with author's amendments.
 02/26/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on UTILITIES AND ENERGY.
Lobbyist Position Subject
 Mary Pending (02/28/2018) ESJPA
 Paul

40. **CA SB 102**

Author: Senate Budget & Fiscal Review Committee
Title: Budget Act of 2017
Last Amend: 06/12/2017
Location: Assembly Budget Committee
Summary: Authorizes the Department of General Services to enter into leases with the Capitol Area Development authority to develop a parking structure and retail space on certain state property. Requires a dealer to redeem a specified number of beverage containers per consumer per day. Modifies certain recycling fees and payment processes. Redefines convenience zone for recycling center placement.
Status: 06/12/2017 From ASSEMBLY Committee on BUDGET with author's amendments.
 06/12/2017 In ASSEMBLY. Read second time and amended. Re-referred to Committee on BUDGET.
BOARD.PACKET Lobbyist Position Subject
 AUGUST.2017 Mary Watch (08/10/2017) ESJPA
 Paul Solid.Waste

41. **CA SB 168**

Author: Wieckowski (D)
Title: Recycling: Beverage Containers
Last Amend: 01/18/2018

Paul

45. **CA SB 1076**

Author: Hertzberg (D)
Title: Vehicles: Transportation of Hazardous Waste
Location: Senate Rules Committee
Summary: Makes technical, nonsubstantive changes to provisions declaring the intent of the Legislature to provide the public additional protection through the licensing of motor carriers transporting hazardous material.
Status: 02/22/2018 To SENATE Committee on RULES.
Lobbyist Position Subject
 Mary Pending (02/15/2018) ESJPA
 Paul

46. **CA SB 1142**

Author: Skinner (D)
Title: Recycling: Beverage Containers
Location: Senate Rules Committee
Summary: Makes nonsubstantive changes in provisions of the California Beverage Container Recycling and Litter Reduction Act.
Status: 02/22/2018 To SENATE Committee on RULES.
Lobbyist Position Subject
 Mary Pending (02/15/2018) ESJPA
 Paul

47. **CA SB 1161**

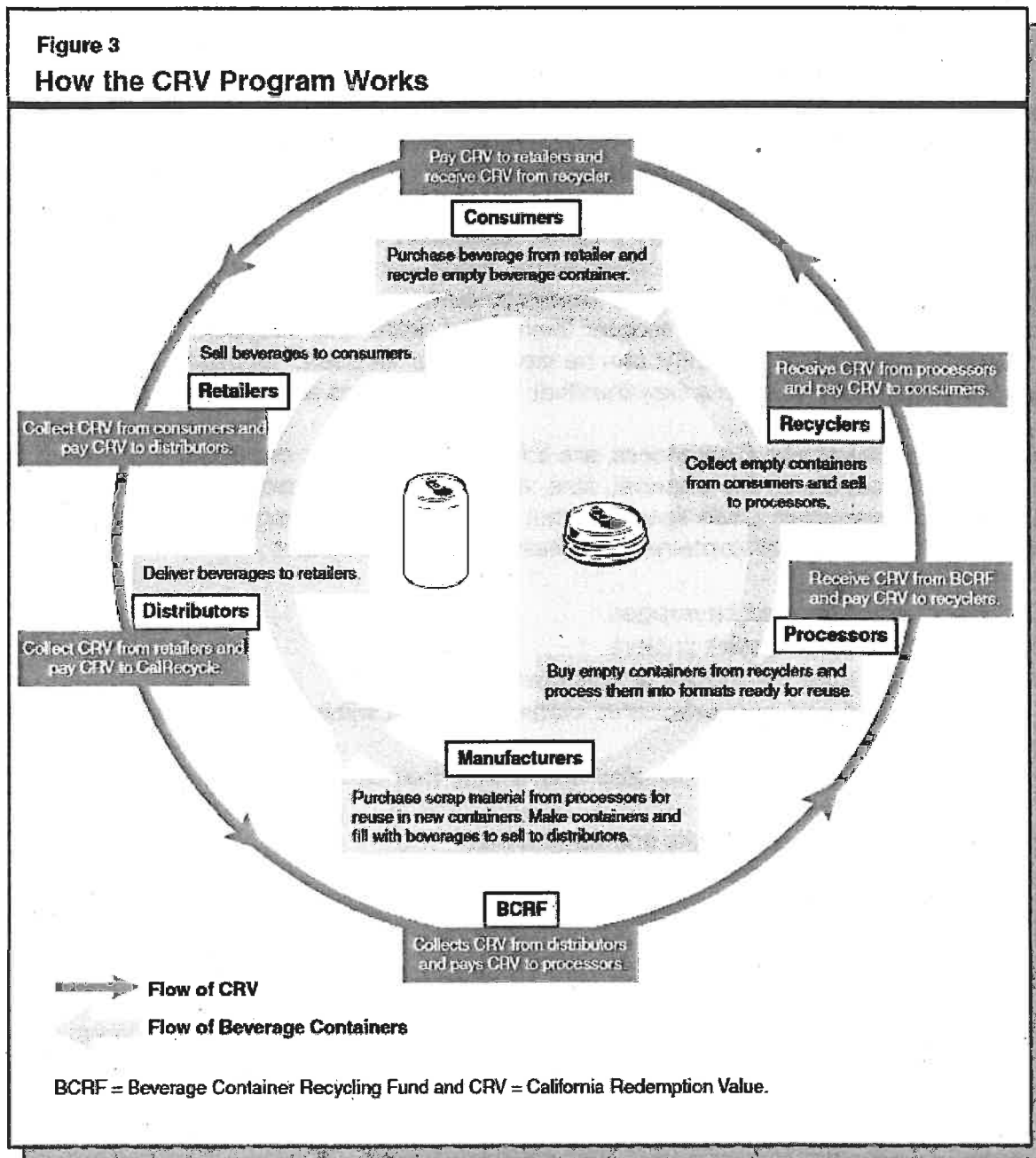
Author: Stone (R)
Title: Junk Dealers/recyclers: Payment for Nonferrous Material
Location: Senate Business, Professions & Economic Development Committee
Summary: Requires payment for nonferrous material, by a junk dealer or recycler, to be made in the form of a donation to a nonprofit organization, unless the material is delivered by a junk dealer or recycler.
Status: 02/22/2018 Re-referred to SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT.
Lobbyist Position Subject
 Mary Watch (02/15/2018) ESJPA
 Paul

48. **CA SB 1335**

Author: Allen (D)
Title: Solid Waster: Disposable Food Service Packaging
Location: Senate Environmental Quality Committee
Summary: Enacts the Sustainable Packaging for the State of California Act of 2018, which would prohibit a food service facility in a state agency or large state facility from dispensing prepared food to a customer using disposable food service packaging unless the type of disposable food service packaging is accepted for recovery by the recycling or composting program serving the state agency or large state facility and it has been demonstrated to the satisfaction of the department.
Status: 03/01/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Support (02/20/2018) ESJPA
 Paul

AGENDA**INFORMATIONAL HEARING: OVERSIGHT OF RECYCLING PROGRAMS****ASSEMBLY BUDGET COMMITTEE NO. 3 RESOURCES AND TRANSPORTATION****ASSEMBLYMEMBER RICHARD BLOOM, CHAIR****WEDNESDAY, MARCH 7, 2018****9:30 A.M. – STATE CAPITOL, ROOM 447**

ITEMS TO BE HEARD		
ITEM	DESCRIPTION	
3970	DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY	1
ISSUE 1 INFORMATIONAL	OVERSIGHT OF THE BEVERAGE CONTAINER RECYCLING PROGRAM	1
ISSUE 2 INFORMATIONAL	OVERSIGHT OF THE MATTRESS RECYCLING PROGRAM	11



The recycling of CRV containers begins after consumers have purchased and consumed a beverage. At that point, they may choose to recycle the empty container to a recycling center, curbside collector, or other collection program—which collects the containers and then sells them to a processor. The processors then sort, clean, and process the containers into formats ready for reuse and then sell it to manufacturers for use in new beverage containers or other types of products. Beverage manufacturers then combine the recycled material with virgin material to create new containers and fill

center are located within a half mile radius of supermarkets. These recycling centers typically serve individuals and collect a lower volume of containers than other types of recycling centers.

Traditional recycling centers are those located outside the radius of supermarkets. These recyclers usually accept large quantities of materials, frequently by truckload from municipal or commercial waste collection services.

Alternatively, a participant may “donate” their containers in their residential curbside recycling collection or take them to other community drop-off programs. Under these options, the participant does not redeem their deposit. Instead, the redemption is made by curbside or the collecting organization.

Unredeemed CRV Deposit. Despite paying the CRV deposit, not all consumers recycle their CRV-eligible containers. In 2015–16, CalRecycle reports that the Beverage Container Recycling Fund (BCRF) received roughly \$1.3 billion in deposits, but only about \$1.1 billion was spent on redemption payments. The BCRF retains unredeemed deposits, and state law requires that much of the unredeemed CRV be spent on specified recycling–related programs. These supplemental programs are not directly involved in the exchange of CRV, but they are intended to help achieve the programmatic goals of increased recycling and reduced litter. There are currently ten supplemental programs funded from the BCRF (including program administration). Such programs include subsidizing glass and plastic recycling, encouraging supermarket recycling collection sites, and providing grants for market development and other recycling–related activities. CalRecycle estimates that a total of \$257.4 million will be spent on supplemental programs in 2016–17.

Structural Deficit in the Program. High recycling rates and spending on the supplemental programs are creating a structural deficit in the BCRF. The structural deficit means that program expenditures exceed program revenues under the current mandated expenditure and revenue structure. The BCRF has operated under an annual structural deficit averaging about \$90 million since 2008–09. According to CalRecycle, the BCRF is currently operating with a projected \$50 million structural deficit for 2016–17. Based on this structural deficit and current fund balances, the department estimates that there may be insufficient funds to fully support program payments and maintain minimal reserve requirements in 2017–18. The structural deficit can fluctuate as much as tens of millions of dollars from quarter to quarter as a result of economic shifts and other factors (including scrap value rates). Previously, the gap between expenditures and revenues has been temporarily bridged through repayments of loans, particularly to the General Fund, made from the fund when it was operating at a surplus. The final loan repayment, amounting to \$82.3 million, was paid in full at the end of 2014–15.

Reforms to Address Deficit. CalRecycle has implemented several program reforms, including reduced daily load limits for redemption at recycling centers, increased monitoring of the importation of out-of-state beverage containers, and elimination of the commingled rate at buyback centers. This last reform allowed for slightly lower per-

The report made a series of recommendations, most of which the department has embraced. To ensure that it can demonstrate that its fraud prevention efforts are maximizing financial recoveries for the beverage program, BSA recommended CalRecycle modify and annually update its fraud management plan to include the following:

- Finalize a process to analyze the data the Department of Food and Agriculture provided on out-of-state containers and act on the results to identify and prosecute those committing fraud.
- Develop fraud estimates—by type of fraudulent activity—that quantify the potential financial losses to the beverage program and the methodology CalRecycle used to develop these estimates.
- Identify the amount of actual fraud in the prior year by type of fraudulent activity, such as the financial losses resulting from the redemption of out-of-state beverage containers or the falsification of reports used to substantiate program payments.
- Identify the amount actually recovered for the beverage program in the form of cash for restitution and penalties resulting from fraud.
- Contract with the Board of Equalization (BOE) to determine the feasibility and cost of transferring its revenue collection duties and audit reviews to them.
- Should CalRecycle find that it is feasible and cost-effective, pursue legislative changes that enable the BOE to collect revenues for the beverage program at the point of sale and remit the money to the beverage fund.

Legislative Analyst's Office Review. In 2015, the Legislative Analyst's Office (LAO) conducted a thorough review of the BCRP and determined that not only is the shortfall accurate, certain offsets place additional costs on the program and the effectiveness of some of the supplemental programs are unclear. The LAO review found the following:

- **High Recycling Rates and Spending on Supplemental Programs Create BCRF Shortfall.** The BCRF has operated under an annual structural deficit averaging about \$90 million since 2008-09. This deficit is largely due to increased recycling rates in recent years, which have resulted in a greater share of BCRF revenue being paid out for CRV. Moreover, some supplemental programs are paid on a per container basis, and therefore these expenditures increase as the number of containers redeemed increases. The combined effects of higher recycling rates—more spending on CRV payments and certain supplemental program expenditures—make it much more difficult for the BCRF to operate with a structural balance.

Proportional reductions are problematic because they do not allow for discretion in spending based on priorities or other factors. For example, under proportional reductions, the department cannot prioritize programs that are most effective or central to the BCRP's overall mission. Additionally, proportional reductions are very disruptive to program participants. Since all payments are reduced equally and quickly, participants can experience a significant cut in funding without much warning to plan accordingly. In 2009, CalRecycle had to implement proportional reductions to maintain the BCRF's solvency. This included (1) reduced payments to recyclers of about 70 percent, (2) increased processing fees charged to beverage manufacturers totaling around \$50 million, and (3) elimination of most grant and market development program funding. Based on current revenue and expenditure projections.

2014 Proposal—Phase 2 Reform. In January 2014, the budget proposed programmatic changes that were expected to result in a net increase to the BCRF annual fund balance of \$72.3 million in 2014-15, growing to \$127 million when fully implemented in 2016-17. The changes would have both raised revenue and decreased overall program expenditures, while at the same time modestly increasing specific expenditures for fraud prevention, data collection, and expanded grant programs. The Administration projected that these changes would eliminate the program's structural deficit once fully implemented, and avoid the need to implement proportional reductions.

2014 Budget and Trailer Bill Actions. The budget subcommittees did not approve trailer bill language and the budget proposals that would have provided the second phase of the BCRF reform. Instead, the Legislature approved trailer bill language to remove the Local Conservation Corps (LCC) from the statutory provisions of the program funding and diversified the LCC funding similar to that proposed by the Governor under the program reform proposal.

The budget also included several positions to increase audit coverage of beverage manufacturers and distributors to better protect the integrity of the BCRF. The emphasis was on prevention fraud, collecting revenues owed to CalRecycle, and mitigating risk to the fund.

2015 Legislative Oversight and Actions. The Legislature took action in the 2015 budget to make additional changes to the BCRP, specifically to address issues raised by the Legislature and BSA related to audits and compliance. These actions included:

- Targeted Activities to Improve Program Integrity. \$357,000 (BCRF) and three positions, and \$717,000 (BCRF penalty account) and seven two-year, limited-term positions, to implement targeted activities to enhance program integrity, reduce expenditures, and mitigate potential program funding shortfalls. The budget converted eight existing limited-term positions to permanent for ongoing program certification workload.
- Processor Oversight Activities. \$933,000 and 10 two-year limited-term positions to establish a pilot program with dedicated on-site investigation resources at

Due to the reduced recycling infrastructure and other factors, the fund conditions within the BCRF currently reflect a healthy balance. However, many of the issues that drove the need for comprehensive reform remain. Consumers in many areas continue to have limited or no access to redemption opportunities. Grocers must continue with the inconvenience of taking back the containers or paying a \$100/day fee. According to an annual report published by CalRecycle in 2017, the state's empty beverage container recycling rate fell below 80 percent for the first time since 2008, with peak recycling rate at 85 percent in 2013.

Council is the nonprofit organization certified by CalRecycle to administer the mattress recycling program in California.

How the Program Works. The Mattress Recycling Council (MRC) launched the mattress recycling program in California, also known as Bye Bye Mattress, on December 20, 2016 with the principal goals of reducing illegal dumping and cleaning up illegally dumped mattresses. MRC oversees all aspects of the program, including the collection and recycling of discarded mattresses. The program is funded through a \$10.50 (decreased from \$11 on January 1, 2018) recycling fee collected on all purchases of new, used and renovated mattresses and box springs.

Residents can drop off their old mattress at no-cost at a participating collection site or recycling facility. Residents are also eligible for a \$3 reimbursement per mattress if they take the mattress back to a participating recycling facility. This option is limited to five units per person per day. The mattress recycling program also requires retailers to offer consumer's the option to have their old mattresses picked up when delivering a new mattress, at no additional cost. Further, the program is required to provide financial incentives to fund the collection of illegally dumped mattresses and provide collection services to low-income communities.

Producers and importers must register with the program in order to sell mattresses in California. Obligations vary depending on what role a company plays in the manufacturing, distribution, sale or renovation of mattresses and box springs. Businesses not complying with the law can be prohibited from selling their products in California and face financial penalties.

The MRC must submit to CalRecycle by July 1 of each year a report that includes an updated list of participating manufacturers, renovators, and retailers and an updated list of brands covered.

The Mattress Recycling Program is one of the first product stewardship programs in California. The mattress recycling program adopts core principals of the extended producer responsibility (EPR) model, which provides that that manufacturer should internalize disposal costs associated with their products. EPR involves: 1) the shifting of responsibility upstream toward the producer and away from the municipalities; and, 2) providing incentives to producers to incorporate environmental considerations in the design of their products. However, the program does include an advanced recovery fee, which is paid by the consumer of a new mattress at the point of sale. The fee revenue funds the proposed program to be managed by the MRC and overseen and enforced by CalRecycle.

Joint Legislative Audit Underway. Assembly member Christina Garcia (D- District 58) filed a request with the Joint Legislative Audit Committee in January 2018 to assess the oversight of the MRC by CalRecycle to ensure they are in compliance with the California Mattress Recycling Law. The Audit Committee approved the request and indicated the audit could be completed in five months.

STAFF COMMENTS

There have been concerns raised over MRC's implementation of the Mattress recycling program. Concerns include the lack of transparency and the meagerness of its recovery rate. Some questionable actions by the MRC include the terminating its recycling contract with the largest mattress recycler in California. The joint legislative audit that is underway would help answer some of the questions relating to the program's progress, efficiency, and efficacy. Any potential proposed changes to the mattress program would be better served until the audit is complete.

Both the mattress recycling program and the bottle bill program seek to reduce litter and increase recycling. Each seeks to accomplish those goals with different means. The mattress recycling program is loosely modeled after the "polluter pays" principal while the bottle bill program is structured after a deposit redemption model. Both have their unique challenges. As the Legislature evaluate potential changes to both programs, it should consider the merits and pitfalls of each model and whether certain elements can be used in conjunction.