

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

Thursday, June 21, 2018

**Agenda Item V
Legislative Update**

Complete Text of Selected Solid Waste Bills

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AMENDED IN ASSEMBLY MAY 1, 2017
AMENDED IN ASSEMBLY APRIL 18, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1288

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

February 17, 2017

An act to amend Sections 42652.5, 48000, ~~48001~~, and 48004 of the Public Resources Code, relating to solid waste: ~~management: funding: waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1288, as amended, Eggman. Solid waste: ~~charges: management:~~ *funding.*

(1) Existing law requires the State Air Resources Board, no later than January 1, 2018, to approve and begin implementing a comprehensive short-lived climate pollutant strategy to reduce statewide emissions of specified pollutants, including reducing methane emissions by 40% below 2013 levels by 2030. Existing law requires methane emissions reduction goals to include specified targets for reducing organic waste in landfills. Existing law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills.

This bill would require the department, in adopting those regulations, to conduct at least one public workshop to discuss funding strategies for new and expanded organic waste reduction infrastructure, including,

but not limited to, existing public and private funding models and opportunities for new statewide funding sources.

(2) 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 42652.5 of the Public Resources Code
- 2 is amended to read:
- 3 42652.5. (a) The department, in consultation with the State
- 4 Air Resources Board, shall adopt regulations to achieve the organic
- 5 waste reduction goals for 2020 and 2025 established in Section
- 6 39730.6 of the Health and Safety Code. The regulations shall
- 7 comply with all of the following:
- 8 (1) May require local jurisdictions to impose requirements on
- 9 generators or other relevant entities within their jurisdiction and
- 10 may authorize local jurisdictions to impose penalties on generators
- 11 for noncompliance.
- 12 (2) Shall include requirements intended to meet the goal that
- 13 not less than 20 percent of edible food that is currently disposed
- 14 of is recovered for human consumption by 2025.

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

3 (4) May include different levels of requirements for local
4 jurisdictions and phased timelines based upon their progress in
5 meeting the organic waste reduction goals for 2020 and 2025
6 established in Section 39730.6 of the Health and Safety Code. The
7 department shall base its determination of progress on relevant
8 factors, including, but not limited to, reviews conducted pursuant
9 to Section 41825, the amount of organic waste disposed compared
10 to the 2014 level, per capita disposal rates, the review required by
11 Section 42653, and other relevant information provided by a
12 jurisdiction.

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

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

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

22 (c) In adopting the regulations pursuant to subdivision (a), the
23 department shall conduct at least one public workshop to discuss
24 funding strategies for new and expanded organic waste reduction
25 infrastructure, including, but not limited to, existing public and
26 private funding models and opportunities for new statewide funding
27 sources.

28 SEC. 2. Section 48000 of the Public Resources Code is
29 amended to read:

30 48000. (a) Each operator of a disposal facility shall pay a fee
31 quarterly to the state board that is based on the amount, by weight
32 or volumetric equivalent, as determined by the department, of all
33 solid waste disposed of at each disposal site.

34 (b) (1) The fee for solid waste disposed of shall be one dollar
35 and thirty-four cents (\$1.34) per ton. Commencing with the
36 1995–96 fiscal year, the amount of the fee shall be established by
37 the department at an amount that is sufficient to generate revenues
38 equivalent to the approved budget for that fiscal year, including a
39 prudent reserve, but shall not exceed one dollar and forty cents
40 (\$1.40) per ton.

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

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

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

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

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

24 ~~SEC. 3. Section 48001 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~48001. (a) The revenue from the fees paid pursuant to~~
27 ~~paragraph (1) of subdivision (b) of Section 48000 shall, after~~
28 ~~payment of refunds and administrative costs of collection, be~~
29 ~~deposited in the Integrated Waste Management Account, which~~
30 ~~is hereby created in the fund.~~

31 ~~(b) The department and the state board shall ensure that all of~~
32 ~~the fees for solid waste disposal imposed pursuant to this chapter,~~
33 ~~including, but not limited to, fees on solid waste that is exported~~
34 ~~for disposal, are remitted to the state board in accordance with this~~
35 ~~article.~~

36 ~~SEC. 4.~~

37 ~~SEC. 3. Section 48004 of the Public Resources Code is~~
38 ~~amended to read:~~

1 48004. (a) The money in the account shall be used by the
2 department, upon appropriation by the Legislature, for the
3 following purposes:

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

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

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

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

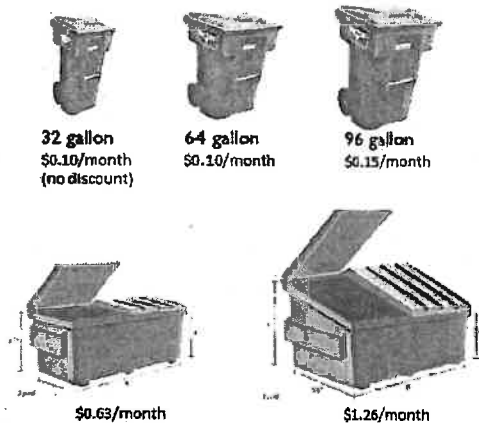
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Concepts for AB 1288

Revenue:

- IWMA Tip Fee surcharge to increase from \$1.40 to \$3.50, to go into effect 6 months after passage of the bill.
- CalRecycle to develop regulations to assess a "State Waste Management Fee" on individual generators, to go into effect 18 months after the passage of the bill.
 - The fee will be directly on households and business generators, but is to be collected by local governments and waste haulers, for the Board of Equalization, as a separate line item on solid waste bills
 - The fee will be the same for all households with garbage bins up to 64 gallons/week.
 - For households with more than 64 gallons of weekly trash service, as well as all commercial generators, the fee will applied at the same rate per 64-gallon-equivalent. (i.e. a business or household with 96 gallons of service/week shall be charged 1.5 times the "per household" fee)
 - CalRecycle shall establish the fee at an amount sufficient to generate, in combination with the IWMA Tip Fee surcharge increase above, a total of \$170 million / year (see breakdown below).
 - The fee shall not exceed \$0.20/month per household, either when originally set or when adjusted.
- The per household "State Waste Management Fee" fee will be adjusted annually to maintain a consistent amount of revenue to the department regardless of the revenue from the tip fee.

Hypothetical: \$0.10 per household/month



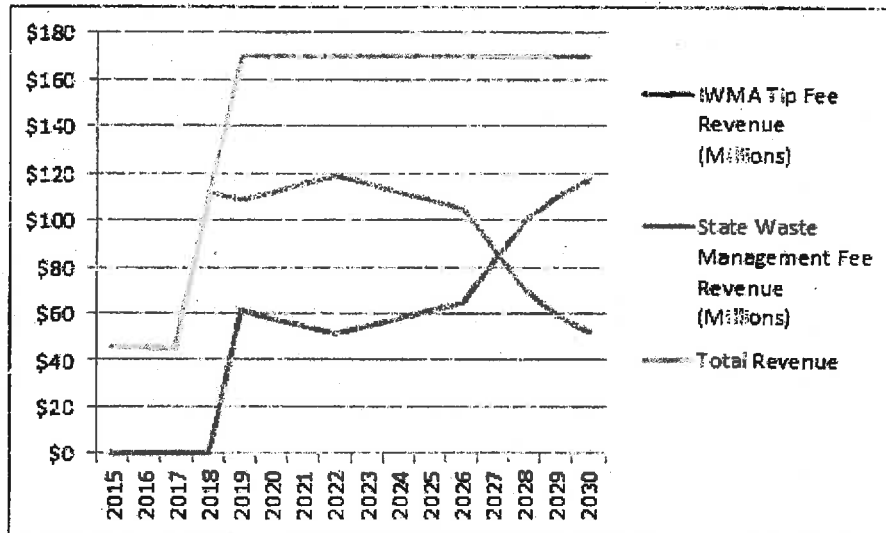
Use of Revenue (once fully funded):

- CalRecycle will develop an Organic Infrastructure Market Development Payment program that will fund the processing of organics with guaranteed payments per ton of organic material recycled.
 - The funding level will be established at a set amount per ton for a period of 3-5 years. (A range may be used to account for uncertain demand, but must include a floor to support longterm investment decisions.)
 - In setting the funding level for each next 3-5 year cycle, funding levels may be set at deferential level for different regions to insure that each region approximately benefits proportionally to the waste that it generates.
- Neither landfills or composting facilities will be subject to SWRCB WDR facility fees.

Funding Needs

Organics Infrastructure Market Development Payments	\$100 million
CalRecycle Operating Expenses	\$60 million
SWRCB WDR Expenses	\$10 million
Total	\$170 million

The amount of the State Waste Management Fee would fluctuate based on the difference between the revenue generated from the IWMA Tip Fee and total need (assumed to be \$170 million). The chart below is based on hypothetical fluctuations in disposal, with the IWMA Tip Fee increasing in 2018 and the State Waste Management Fee kicking in 2019.



AMENDED IN ASSEMBLY MAY 1, 2018
AMENDED IN ASSEMBLY APRIL 16, 2018
AMENDED IN ASSEMBLY APRIL 2, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1975

Introduced by Assembly Member Chu

January 31, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as amended, 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 and the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would require the taskforce, no later than January 1, 2020, to take specified actions, including, among others, ~~developing and implementing a protocol for joint inspections of odor complaints by the air district and the enforcement agency represented on the taskforce.~~ *identifying sources of odor emissions in the region represented by the taskforce representatives, and providing updates on inspections and enforcement actions conducted by each enforcement agency represented on the taskforce.* This bill would also require each agency represented on the taskforce to develop and implement procedures to receive and investigate odor complaints in its jurisdiction. By adding to the duties of local agencies, this bill would impose a state-mandated local program.

This bill would make these provisions inoperative on July 1, 2022, and repeal them on January 1, 2023.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for certain cities in the County of Santa Clara.

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

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

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

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

- 1 SECTION 1. Section 43209.5 is added to the Public Resources
- 2 Code, to read:
- 3 43209.5. (a) (1) No later than July 1, 2019, the department
- 4 shall establish the South Bay Interagency Odor Taskforce to
- 5 identify sources of odor emissions and nuisance complaints based

1 on odor emissions received by the Bay Area Air Quality
2 Management District and the City of Milpitas, City of Fremont,
3 City of Santa Clara, and City of San Jose.

4 (2) The taskforce established pursuant to this subdivision shall
5 be comprised of the following:

6 (A) One representative from the Bay Area Air Quality
7 Management District.

8 (B) One representative from the City of Milpitas.

9 (C) One representative from the City of Fremont.

10 (D) One representative from the City of Santa Clara.

11 (E) One representative from the City of San Jose.

12 (F) One representative from each facility identified by the
13 department, in consultation with the Bay Area Air Quality
14 Management District, as a potential source of odor emissions.

15 (G) One representative from the enforcement agency.

16 (b) No later than July 1, 2020, and notwithstanding Section
17 41705 of the Health and Safety Code, the South Bay Interagency
18 Taskforce shall do all of the following:

19 (1) Identify sources of odor emissions in the region represented
20 by the taskforce representatives.

21 ~~(2) To the extent feasible, develop and implement a protocol to~~
22 ~~coordinate joint inspections of odor complaints by the Bay Area~~
23 ~~Air Quality Management District and the enforcement agency~~
24 ~~represented on the taskforce.~~

25 ~~(3) Provide updates on inspections and enforcement conducted~~
26 ~~by the Bay Area Air Quality Management District and the~~
27 ~~enforcement agency represented on the taskforce.~~

28 *(2) Provide updates on inspections and enforcement actions*
29 *conducted by each enforcement agency represented on the*
30 *taskforce.*

31 ~~(4)~~

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

34 ~~(5)~~

35 (4) Make publicly available on the department's Internet Web
36 site taskforce meeting agendas, minutes, recommendations, and
37 findings.

38 ~~(6)~~

39 (5) Provide opportunities for public participation.

1 (c) *An agency represented on the taskforce, with jurisdiction*
2 *and authority over an area in the region, shall develop and*
3 *implement procedures to receive and investigate odor complaints*
4 *in its jurisdiction.*

5 (e)

6 (d) This section shall become inoperative on July 1, 2022, and,
7 as of January 1, 2023, is repealed.

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

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

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**Athens Services
California Refuse Recycling Council, Joint State Office
California State Association of Counties
Inland Empire Disposal Association
Los Angeles County Waste Management Association
Republic Services
Rural County Representatives of California
Solid Waste Association of Orange County**

May 1, 2018

The Honorable Lorena Gonzalez Fletcher
Chair
Assembly Appropriations Committee
Room 2114
State Capitol
Sacramento, CA 95814

RE: AB 1975 (Chu) – Unnecessary and Duplicative Regulation of Solid Waste Facilities.

POSITION: Oppose

Dear Chairwoman Gonzalez Fletcher:

On behalf of the undersigned organizations we respectfully oppose Assembly Bill 1975.

This measure would require CalRecycle to establish the South Bay Interagency Odor Taskforce to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District (BAAQMD), the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would require the taskforce, no later than January 1, 2020, to take specified actions, including, among others, developing and implementing a protocol for joint inspections by the air district and the enforcement agency represented on the taskforce.

All of our organizations recognize the importance of regulatory compliance and the absolute need to ensure that all facilities effectively limit impacts to those who reside near them. However, AB 1975 creates a duplicative, expensive, complex and unique process and protocol for odor enforcement in the South Bay area when extensive state and local odor enforcement processes and protocols already exist.

While AB 1975 appears to be broader in scope, the bill still focuses the statutory requirements on CalRecycle, the agency responsible for regulating and permitting solid waste facilities. Thus, it appears that the true intent is to impose new and duplicative permitting requirements on solid waste facilities in the South Bay.

Further, this bill is similar to legislation introduced in 2015 [AB 385 (Chu)], which sought to require the establishment of a community advisory committee, comprised of representatives of specified local government agencies, members of the public, and a representative of the landfill operator, to hold public meetings, relating to a specific landfill expansion. This expansion was approved by state and local regulators in 2015.

In 2015, as a result of the local land use process, the South Bay Odor Stakeholders Group was formed. It meets quarterly to serve as a platform for municipal leaders, private industry, and state and local regulators to collaborate in identifying and resolving perceived odor issues in the South Bay which may affect members in our community. This group includes the Cities of San Jose, Fremont, and Milpitas, the San Jose LEA, BAAQMD, the State Water Resources Control Board, CalRecycle, solid waste facilities, the San Jose Sewage Treatment Plant, Bay Restoration Projects, local public officials and members of the affected communities. It is, therefore, clear that AB 1975 is unnecessary. This measure seeks to duplicate the three years of work that has been done and that continues to be done by the already established South Bay Odor Stakeholders Group.

In addition, if the goal of this measure is to afford representation from local governments adjacent to potential odor generators in the area, then that goal has already been achieved through an extensive local land use process and in the case of solid waste facilities, a comprehensive solid waste facility permitting process. Local governments and residents are, and have been actively engaged in both processes over the past several years.

In short, existing permitting processes and a regional public and private collaboration on odor issues in the area are already in place. There is no need for a redundant entity to be formed whose goal is to possibly achieve the same purpose and possibly unravel the progress that has been made in the region by the South Bay Odor Stakeholders Group over the past several years. This duplicative process will increase costs for the regulatory agencies engaged as stakeholders without adding value to an already complicated process of defining and mitigating odors in the South Bay.

Further, this bill establishes a poor public policy precedent. California has a robust solid waste permitting and enforcement process that provides many opportunities for public input and comment at the local and state level. AB 1975 would establish a precedent, whereby those who oppose the land use and permitting decisions made by regulators at the state and local level would be encouraged to use the Legislature to seek new or additional requirements.

AB 1975, while seeking to impose unnecessary and duplicative requirements on the existing permitting process, also ignores the overarching public policy goals and objectives of the state to achieve greater solid waste recycling, particularly in the area of organics. For example, in 2011 the Legislature enacted AB 341 (Chesbro) which established a state policy goal that 75% of solid waste generated be diverted from landfill disposal by 2020; it further requires local governments to implement a commercial recycling program and a commercial waste generator to contract for recycling services

In 2014, the Legislature enacted AB 1826 (Chesbro) that phases in requirements for generators of organic waste to arrange recycling services for that material beginning January 1, 2016, through January 1, 2019. We are currently in the midst of implementing this program. And in 2016, the Legislature enacted SB 1383 (Lara). Among other things SB 1383 states that methane emission reduction goals shall include targets to reduce the landfill disposal of organic waste to 50% by 2020 and 75% by 2025 from 2014 levels. This means that such organic material needs to be processed and recycled at a solid waste processing facility.

All of these programs have imposed a very tough burden on local governments, recyclers, waste haulers and our ratepayers. We are confronting a demand to build more infrastructure in the face of tougher regulatory requirements, diminishing markets and a lack of long-term state funding support. Ultimately, AB 1975 presents additional challenges for an already strained solid waste processing infrastructure and in many ways conflicts with the goals that have been established by recent legislation on the matter.

According to CalRecycle the private solid waste industry and local government have built roughly 180 active anaerobic digesters and compost facilities in the past 25 years. In order to meet the 75 percent

organics reduction goals, set by SB 1383, we will need to finance, site, permit, and build at least double that number of facilities in the next 5-7 years at a cost of around \$3 billion in capital investment. Thus far no one has proposed streamlining the permitting process nor offered the needed capital investment to achieve the organic reduction goals laid out in SB 1383.

Therefore, rather than seeking to impose unnecessary and duplicative requirements on solid waste processing facilities, we urge the Legislature to look at ways to expedite the financing, siting, permitting and construction of solid waste facilities in California.

For the above reasons, we must respectfully oppose AB 1975 and ask that you vote No on the measure.

Sincerely,

Kelly Astor, General Counsel, Inland Empire Disposal Association, Los Angeles County Waste Management Association, Solid Waste Association of Orange County
jka@astor-kingsland.com

Chuck Helget, Director of Government Relations, Republic Services
Chelget@republicservices.com

Greg Loughnane, President, Athens Services
GLoughnane@athensservices.com

Cara Martinson, Legislative Representative, California State Association of Counties
cmartinson@counties.org

Josh Pane, Pane & Pane Associates, Inc. for California Refuse Recycling Council, Northern District
joshpane1@icloud.com

Kelly Astor, Astor & Kingsland for California Refuse Recycling Council, Southern District
jka@astor-kingsland.com

Paul Smith, Vice President, Governmental Affairs for Rural County Representatives of California
psmith@rcrcnet.org

cc: Members, Assembly Appropriations Committee
The Honorable Kansen Chu

AMENDED IN SENATE JUNE 11, 2018

AMENDED IN ASSEMBLY MAY 25, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2832

**Introduced by Assembly Member Members Dahle and Ting
(Coauthors: Assembly Members Acosta, Burke, Lackey, Mathis,
Melendez, Quirk, and Rodriguez)**

February 16, 2018

An act to add Chapter 7.5 (commencing with Section 42420) to and repeal Article 3 (commencing with Section 42450.5) of Chapter 8 of Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2832, as amended, Dahle. ~~Recycling and reuse: Recycling: lithium-ion batteries: vehicle batteries: advisory group.~~

The Rechargeable Battery Recycling Act of 2006 requires every retailer, as defined, to have in place a system for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal. Existing law requires the system for the acceptance and collection of used rechargeable batteries to include, at a minimum, specified elements, including, among others, the take-back at no cost to the consumer of a used rechargeable battery of the type or brand that the retailer sold or previously sold. Existing law defines "rechargeable battery" for purposes of these provisions to mean a small, nonvehicular, rechargeable nickel-cadmium, nickel metal hydride, lithium-ion, or sealed lead-acid battery, or a battery pack containing these types of batteries.

This bill would require the Secretary for Environmental Protection, on or before April 1, 2019, to convene the Lithium-Ion Car Battery Recycling Advisory Group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state, and would require the secretary to appoint members to the committee from specified departments, vocations, and organizations. The bill would require the advisory group to consult with specified entities and, on or before April 1, 2020, to submit policy recommendations to the Legislature aimed at ensuring that 90% of end-of-life lithium-ion batteries discarded in the state are recycled in a safe and cost-effective manner in the state. The bill would repeal these provisions on January 1, 2022.

~~The Rechargeable Battery Recycling Act of 2006 requires every retailer, as defined, to have in place a system for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal. Existing law requires the system for the acceptance and collection of used rechargeable batteries to include, at a minimum, specified elements, including, among others, the take-back of a used rechargeable battery of the type or brand that the retailer sold or previously sold at no cost to the consumer. Existing law defines “rechargeable battery” for purposes of these provisions to mean a small, nonvehicular, rechargeable nickel-cadmium, nickel metal hydride, lithium-ion, or sealed lead-acid battery, or a battery pack containing these types of batteries.~~

~~This bill would require the Department of Toxic Substances Control to work collaboratively with specified state entities and stakeholders to identify approaches for the reuse or recycling of lithium-ion batteries from electric vehicles when the batteries are no longer suitable for their intended purposes, identify processes for the proper disposal of those lithium-ion batteries, and develop recommendations for the creation of, and funding for, a grant program that would provide assistance for the development of recycling and reuse opportunities for those lithium-ion batteries, as provided, and to submit a report to the Legislature, on or before July 1, 2020, based on their findings.~~

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.** *Article 3 (commencing with Section 42450.5) is*
2 *added to Chapter 8 of Part 3 of Division 30 of the Public Resources*
3 *Code, to read:*

4
5 **Article 3. Lithium-Ion Batteries**
6

7 **42450.5.** *(a) For purposes of this section, the following*
8 *definitions apply:*

9 **(1)** *“Automobile dismantler” has the same definition as in*
10 *Section 220 of the Vehicle Code.*

11 **(2)** *“Motor vehicle” has the same definition as in Section 415*
12 *of the Vehicle Code.*

13 **(3)** *“Vehicle manufacturer” has the same definition as in Section*
14 *672 of the Vehicle Code.*

15 **(b)** *On or before April 1, 2019, the Secretary for Environmental*
16 *Protection shall convene the Lithium-Ion Car Battery Recycling*
17 *Advisory Group to review, and advise the Legislature on, policies*
18 *pertaining to the recovery and recycling of lithium-ion vehicle*
19 *batteries sold with motor vehicles in the state. Until April 1, 2020,*
20 *the advisory group shall meet at least quarterly. The advisory*
21 *group shall consult with universities and research institutions that*
22 *have conducted research in the area of battery recycling, with*
23 *manufacturers of electric and hybrid vehicles, and with the*
24 *recycling industry. The Secretary for Environmental Protection*
25 *shall appoint at least one member to the advisory group from each*
26 *of the following:*

27 **(1)** *The Department of Resources Recycling and Recovery.*

28 **(2)** *The Department of Toxic Substances Control.*

29 **(3)** *A vehicle manufacturer or an organization that represents*
30 *one or more vehicle manufacturers.*

31 **(4)** *An electronic waste recycler or an organization that*
32 *represents one or more electronic waste recyclers.*

33 **(5)** *An automotive repair dealer or an organization that*
34 *represents one or more automotive repair dealers.*

35 **(6)** *An automobile dismantler or an organization that represents*
36 *one or more automobile dismantlers.*

37 **(7)** *An environmental organization that specializes in waste*
38 *reduction and recycling.*

- 1 (8) A representative of the energy storage industry.
 2 (9) A lithium-ion vehicle battery manufacturer.
 3 (10) A standards-developing organization that has a focus on
 4 automotive engineering.

5 (c) On or before April 1, 2020, the Lithium-Ion Car Battery
 6 Recycling Advisory Group shall submit policy recommendations
 7 to the Legislature, in compliance with Section 9795 of the
 8 Government Code, aimed at ensuring that 90 percent of end-of-life
 9 lithium-ion vehicle batteries discarded in the state are recycled in
 10 a safe and cost-effective manner in the state.

11 (d) This section shall remain in effect only until January 1,
 12 2022, and as of that date is repealed.

13 SECTION 1. It is the intent of the Legislature to do both of
 14 the following:

15 (a) ~~Avoid the disposal in landfills of lithium-ion batteries from~~
 16 ~~electric vehicles, as electric vehicles become a larger portion of~~
 17 ~~the vehicle fleet, by identifying opportunities for the reuse and~~
 18 ~~recycling of those lithium-ion batteries that are no longer suitable~~
 19 ~~for their intended purposes.~~

20 (b) ~~Provide consumers with an opportunity to properly dispose~~
 21 ~~of lithium-ion batteries from electric vehicles, at no cost to~~
 22 ~~consumers.~~

23 SEC. 2. ~~Chapter 7.5 (commencing with Section 42420) is added~~
 24 ~~to Part 3 of Division 30 of the Public Resources Code, to read:~~

25
 26 ~~CHAPTER 7.5. LITHIUM-ION ELECTRIC VEHICLE BATTERIES~~

27
 28 ~~42420. For purposes of this chapter, "department" means the~~
 29 ~~Department of Toxic Substances Control.~~

30 ~~42420.2. The department shall work collaboratively with the~~
 31 ~~State Air Resources Board, the Department of Resources Recycling~~
 32 ~~and Recovery, the State Energy Resources Conservation and~~
 33 ~~Development Commission, the Bureau of Automotive Repair, and~~
 34 ~~stakeholders to do all of the following:~~

35 (a) ~~Identify approaches for the reuse or recycling of lithium-ion~~
 36 ~~batteries from electric vehicles when the batteries are no longer~~
 37 ~~suitable for their intended purposes, in order to minimize the~~
 38 ~~amount of potentially hazardous materials that enter the state's~~
 39 ~~waste disposal system.~~

1 ~~(b) Identify processes for the proper disposal of lithium-ion~~
2 ~~batteries from electric vehicles, including, but not limited to,~~
3 ~~disposal at no cost to the consumer.~~

4 ~~(c) Develop recommendations for the creation of, and funding~~
5 ~~for, a grant program that would provide assistance for the~~
6 ~~development of recycling and reuse opportunities for lithium-ion~~
7 ~~batteries from electric vehicles when the batteries are no longer~~
8 ~~suitable for their intended purposes. The recommendations shall~~
9 ~~provide that entities and persons who would be eligible for a grant~~
10 ~~include, but are not limited to, manufacturers of lithium-ion~~
11 ~~batteries for electric vehicles.~~

12 ~~(d) (1) On or before July 1, 2020, submit a report to the~~
13 ~~Legislature, in compliance with Section 9795 of the Government~~
14 ~~Code, based on findings pursuant to subdivisions (a), (b), and (c).~~

15 ~~(2) Pursuant to Section 10231.5 of the Government Code, the~~
16 ~~requirement for submitting a report imposed by this subdivision~~
17 ~~is inoperative on January 1, 2024.~~

O



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

April 5, 2018

The Honorable Brian Dahle
Member, California State Assembly
State Capitol, Room 3104
Sacramento, CA 95814

RE: Assembly Bill 2832 - SUPPORT

Dear Assembly Member Dahle:

On behalf of the Rural County Representatives of California (RCRC), I offer our support for your Assembly Bill 2832, which would require the Department of Toxic Substances Control (DTSC) to work with other state entities and stakeholders to identify approaches for the reuse or recycling of lithium-ion batteries from electric vehicles and to submit a report to the Legislature by July 1, 2020, based on their findings. RCRC is an association of thirty-five rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

Twenty-four member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements in order to reduce waste being disposed in landfills and increase recycling/re-use efforts for certain products.

To meet the state's greenhouse gas emissions reductions goals, car manufacturers are required to provide an increasing percentage of electric vehicles. While the life of the batteries is expected to generally be 7-10 years, at some point in the future, the state can anticipate a large volume of discarded lithium-ion batteries from electric vehicles when the batteries no longer function for their intended purpose. The state should be prepared to properly handle and divert these batteries from the waste stream before it becomes a problem.

AB 2832 would require DTSC to develop a grant program to fund the development of recycling and reuse opportunities for lithium-ion batteries. AB 2832 would also require the Department of Resources Recycling and Recovery to develop a process for a consumer to properly dispose of a lithium-ion battery from an electric

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The Honorable Brian Dahle
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Page 2

vehicle, at no cost to the consumer. RCRC believes AB 2832 is a mechanism for the state to be prepared to properly handle discarded lithium-ion batteries.

For these reasons, RCRC supports AB 2832. If you should have any questions or concerns, please do not hesitate to contact me at (916) 447-4806.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Pitto". The signature is fluid and cursive, with the first name "Mary" and the last name "Pitto" clearly distinguishable.

MARY PITTO
Regulatory Affairs Advocate

cc: Members of the Assembly Environmental Safety & Toxic Materials Committee
Consultant, Assembly Environmental Safety & Toxic Materials Committee



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

April 5, 2018

The Honorable Philip Ting
Member, California State Assembly
State Capitol, Room 2024
Sacramento, CA 95814

RE: Assembly Bill 2407 - SUPPORT

Dear Assembly Member Ting:

On behalf of the Rural County Representatives of California (RCRC), I offer our support for your Assembly Bill 2407, which would require the Secretary for Environmental Protection to convene the Lithium-Ion Car Battery Recycling Advisory Group to review and advise the Legislature on policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state. RCRC is an association of thirty-five rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

Twenty-four member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements in order to reduce waste being disposed in landfills and increase recycling/re-use efforts for certain products.

To meet the state's greenhouse gas emissions reductions goals, car manufacturers are required to provide an increasing percentage of electric vehicles. While the life of the batteries is expected to generally be 7-10 years, at some point in the future, the state can anticipate a large volume of discarded lithium-ion batteries from electric vehicles when the batteries no longer function for their intended purpose. The state should be prepared to properly handle and divert these batteries from the waste stream before it becomes a problem.

AB 2407 would require the Secretary for Environmental Protection to appoint members to the advisory group from specified departments, vocations, and organizations. AB 2407 would also require the advisory group to consult with specified entities and to submit policy recommendations to the Legislature aimed at ensuring that 90 percent of end-of-life lithium-ion batteries discarded in the state are recycled in a

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safe and cost-effective manner in the state by April 1, 2020. RCRC believes AB 2407 is a mechanism for the state to be prepared to properly handle discarded lithium-ion batteries.

For these reasons, RCRC supports AB 2407. If you should have any questions or concerns, please do not hesitate to contact me at (916) 447-4806.

Sincerely,

A handwritten signature in black ink that reads "Mary Pitto". The signature is written in a cursive style with a large, looped initial "M".

MARY PITTO
Regulatory Affairs Advocate

cc: Members of the Assembly Environmental Safety & Toxic Materials Committee
Consultant, Assembly Environmental Safety & Toxic Materials Committee

AMENDED IN ASSEMBLY APRIL 17, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

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 amended, 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

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 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~~, *January 1, 2022*, 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

existing tire recycling programs and make recommendations, as specified.

(5) 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, 2020, 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 SEC. 2. Section 42872.1 is added to the Public Resources Code,
4 to read:

5 42872.1. (a) This section shall be known, and may be cited,
6 as the Tire Recycling Incentive Program Act.

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

10 (c) Incentive payments shall be made only to eligible entities
11 for incentive-eligible tire products manufactured from
12 California-generated waste tire material that promote the recycling
13 of, the reduction of the disposal of, or the prevention of illegal
14 dumping of California-generated waste tire material.

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

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

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

5 (e) (1) If the end use of the tire product is for something other
6 than a local public works project, “eligible entity” includes, but is
7 not limited to, a manufacturer that produces an incentive-eligible
8 tire product incorporating California-generated waste tire material
9 for purchase by an end user. “Eligible entity” pursuant to this
10 paragraph does not include the entity or person that receives the
11 finished product.

12 (2) (A) If the end use of the tire product is for a local public
13 works project, “eligible entity” means a city, county, city and
14 county, or special district that puts out a bid and contracts with an
15 outside entity to use rubberized asphalt products that incorporate
16 California-generated waste tire material to pave projects, including,
17 but not limited to, streets, roads, ~~alleys~~ *alleys*, and other
18 thoroughfares specified in the bid documents.

19 (B) On or after January 1, ~~2021~~, 2022, the department may
20 revise the list of eligible entities pursuant to subparagraph (A), if,
21 after holding a public workshop and seeking public input, the
22 department makes a determination that funding other entities would
23 result in greater use of rubberized asphalt products.

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

26 (1) Cities, counties, and other local governmental agencies,
27 including school districts.

28 (2) State governmental agencies, including regional park
29 districts.

30 (3) Private companies and persons.

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

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

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

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

- 1 (D) Poured in place and tile playground mats.
2 (E) Landscape nuggets and mulch.
3 (F) Walkways and pathways.
4 (G) Running tracks.
5 (H) Tire-derived aggregate engineered applications.
6 (I) Molded, extruded, injected, and calendered products.
7 (J) Products that use recycled rubber as a substitute for other
8 materials, such as plastic.
9 (K) Paint and coatings.
10 (L) Other products, environmentally safe applications, or
11 treatments determined to be appropriate by the department.
12 (2) "Incentive-eligible tire product" does not include any of the
13 following:
14 (A) Tire-derived fuel.
15 (B) Alternative daily cover, intermediate cover, erosion, or other
16 landfill uses, except tire-derived aggregates used in landfill
17 engineered projects for landfill gas and leachate control systems
18 and other engineering projects designated by the department.
19 (C) Exports of whole waste tires.
20 (D) Crumb rubber as an intermediate product before purchase
21 for incorporation into a final end use.
22 (E) Tire-derived aggregate as an intermediate product before
23 purchase for incorporation into a final end use or as an intermediate
24 product that is shipped out of state.
25 (F) Rubberized pavement shipped out of state.
26 (G) Synthetic turf infill.
27 (H) Loose rubber nugget or mulch playgrounds.
28 (I) Purchases made to meet procurement requirements
29 established pursuant to Section 42703.
30 (h) (1) On or before January 1, 2020, the department shall hold
31 a public workshop to develop a plan for the tire recycling incentive
32 payment program established pursuant to subdivision (b). The plan
33 shall be included in the next revision of the five-year plan required
34 pursuant to Section 42885.5.
35 (2) At the public workshop required pursuant to paragraph (1),
36 the department shall do both of the following:
37 (A) Consistent with this chapter, determine, among other things,
38 all of the following:

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

4 (ii) The incentive payment amounts to be paid to eligible entities,
5 consistent with the requirements of subdivision (l).

6 (iii) Conditions to ensure that incentives are paid only for bona
7 fide ~~transations~~: *transactions*.

8 (iv) What is considered a “recycled-tire product” for purposes
9 of determining the recycling rate for California-generated waste
10 tire material. ~~“recycled-tire~~ “*Recycled-tire* product” shall include,
11 among other things, some nonincentive-eligible tire-derived
12 products, for those purposes.

13 (v) A timeline for implementing the tire recycling incentive
14 program and the program commencement date, which shall be no
15 later than July 1, 2020.

16 (B) (i) Develop a tiered incentive payment structure with no
17 more than three tiers. The tiers shall be designed to ensure that the
18 maximum amount of California-generated waste tires is recycled.

19 (ii) During the first two years of the program, individual
20 payment amounts for projects in the tier with the highest incentive
21 payments shall be no more than twice the individual payment
22 amounts for projects in the tier with the second highest incentive
23 payments. After the first two years of the program, the department
24 may determine in a public workshop incentive payments for
25 projects in the highest tier that are more than twice the individual
26 payment amounts for those in the tier with the second highest
27 incentive payments. This determination shall be based on market
28 information, program performance, the potential of new products
29 and different market segments, and the department’s goal of
30 developing a long-term, sustainable, and diversified demand for
31 tire-derived products. Payments for projects in the tier with the
32 highest incentive payments shall account for no more than 25
33 percent of the total amount of moneys made available as incentive
34 payments by the program for purposes other than pavement-related
35 activities.

36 (iii) In developing the tiers, the department shall consider
37 factors, including, but not limited to, the following:

38 (I) The quantity of waste tires that will be diverted from landfills.

39 (II) The incentive amount necessary for incentive-eligible tire
40 products to effectively compete with nonrecycled alternatives.

- 1 (III) The existing and potential markets for the applicable
2 incentive-eligible tire product.
- 3 (IV) The policy goal established pursuant to Section 42872.2.
- 4 (V) The market segments for waste tires.
- 5 (VI) The pricing structures necessary to increase the use of
6 incentive-eligible tire products by market segment, including
7 pricing structures necessary to achieve the goal established pursuant
8 to Section 42872.2.
- 9 (VII) The development of long-term, sustainable, and diversified
10 market demand for California tire-derived products.
- 11 (iv) The department shall conduct a waste tire market evaluation
12 to inform the development of the tiers and shall discuss the findings
13 at the public workshop required pursuant to paragraph (1).
- 14 (3) The department shall consider the amount of moneys made
15 available for incentive payments pursuant to subdivision (l) and,
16 in the biennial update of the plan following January 1, ~~2018~~, 2019,
17 shall reduce the amount of moneys expended for waste tire market
18 development grants pursuant to the five-year plan described in
19 Section 42885.5, from the amount that was authorized for such
20 grants as of January 1, ~~2018~~, 2019, as it deems appropriate. All
21 other tire program activities that are not related to market
22 development grants shall continue as described in the five-year
23 plan.
- 24 (i) The department shall collect data from recipients of incentive
25 payments to be released annually in the California Waste Tire
26 Market Report.
- 27 (1) Data shall be aggregated to determine the total amount of
28 money paid for each category of incentive-eligible tire products
29 listed in subparagraphs (A) to (L), inclusive, of paragraph (1) of
30 subdivision (g) and how many tires, or passenger tire equivalents
31 as defined in subdivision (b) of Section 42961.5, were recycled.
32 *The department shall use the data specified in this paragraph* ~~shall~~
33 ~~be used by the department~~ for purposes of the evaluation required
34 pursuant to subdivision (j).
- 35 (2) The department shall include in the California Waste Tire
36 Market Report the annual recycling rate, the number of tires, or
37 passenger tire equivalents, as defined in subdivision (b) of Section
38 42961.5, that were recycled in that year and, to the extent the
39 information is available, the number of tires or passenger tire
40 equivalents of the nonincentive-eligible tire-derived products

1 considered ~~tire recycled~~ *recycled-tire* products pursuant to clause
2 (iv) of subparagraph (A) of paragraph (2) of subdivision (h).

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

8 (j) As part of the biennial update of the five-year plan required
9 pursuant to Section 42885.5, the department shall evaluate the tire
10 recycling incentive program established pursuant to subdivision
11 (b) in a public forum and propose changes accordingly. Consistent
12 with this chapter, the department may make changes to the tire
13 program, but no more frequently than annually and only after
14 holding a public workshop.

15 (1) The evaluation required pursuant to this subdivision shall
16 include, but is not limited to, the following elements:

17 (A) The recycling rate of California-generated waste tire
18 material, including waste tire material recycled through funding
19 pursuant to the tire recycling incentive program, and, to the extent
20 the information is available, an estimate of the recycling rate of
21 waste tire material recycled by other state and local agencies and
22 the private sector.

23 (B) The amount of California-generated waste tire material
24 entering each market segment.

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

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

31 (k) For purposes of this section, recipients of incentive payments
32 shall meet specified criteria, as established by the department, that
33 are consistent with the provisions of this article.

34 (l) For purposes of this section, the department, upon
35 appropriation by the Legislature, shall annually make available an
36 allocation for incentive payments that is not less than 75 percent
37 of the projected California tire fee revenue for that fiscal year at
38 the time of the enactment of the annual Budget Act. If the
39 department finds that actual California tire fee revenue falls short
40 of projections, the department may reduce this allocation to the

1 extent it is unexpended before the end of the fiscal year. No less
 2 than 50 percent of the total annual value of incentive payments
 3 made pursuant to this section shall be made for pavement-related
 4 products, as described in subparagraph (A) of paragraph (1) of
 5 subdivision (g).

6 (m) Nothing in this section is intended to limit the use of waste
 7 tire products that are not incentive-eligible tire products.

8 (n) It is the intent of the Legislature that this section encourage
 9 activities and expenditures in addition to those under the tire
 10 program, other than activities associated with market development
 11 grants. Implementation of the tire recycling incentive program
 12 shall not result in reduced expenditures for other tire program
 13 activities that are not associated with market development grants.

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

16 42872.2. (a) The Legislature hereby declares that it is the
 17 policy goal of the state that not less than 75 percent of solid waste
 18 tires generated be source reduced, or recycled in the state, by the
 19 year 2020.

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

26 SEC. 4. Section 42885 of the Public Resources Code, as
 27 amended by Section 31 of Chapter 401 of the Statutes of 2013, is
 28 amended to read:

29 42885. (a) (1) For purposes of this section, "California tire
 30 fee" means the fee imposed pursuant to subdivision (b) of this
 31 section.

32 (2) For purposes of this section, a "California tire regulatory
 33 fee" means a fee imposed pursuant to subdivision (c) of this
 34 section.

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

38 (2) The retail seller shall charge the retail purchaser the amount
 39 of the California tire fee as a charge that is separate from, and not

1 included in, any other fee, charge, or other amount paid by the
2 retail purchaser.

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

10 (c) (1) Upon a finding by the department that the balance of
11 the California Tire Recycling Management Fund is projected to
12 drop below twenty-five million dollars (\$25,000,000) for the next
13 fiscal year, the department shall establish, and a waste tire generator
14 that is a retail seller of new tires to end user purchasers shall pay,
15 a California tire regulatory fee. The amount of the California tire
16 regulatory fee shall be established and adjusted by the department
17 based on the factors specified in paragraph (3), but that amount
18 shall not exceed one dollar (\$1) per new tire sold. The department
19 shall set this fee to collect no more than is necessary for the
20 following fiscal year, including a prudent reserve, as specified in
21 subparagraph (B) of paragraph (3). The department may
22 differentiate in setting fees between waste tire generators who are
23 retail sellers of new tires to end user purchasers depending upon
24 the nature of the retail seller's activity generating waste tires, the
25 number of waste tires generated, and other appropriate bases.

26 (2) A waste tire generator that is a retail seller of new tires to
27 end user purchasers shall remit the fee assessed pursuant to this
28 subdivision to the state on a quarterly schedule for deposit in the
29 California Tire Recycling Management Fund. The revenue from
30 the California tire regulatory fee shall be tracked separately by the
31 department and shall not be used for activities other than those
32 described in this subdivision.

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

36 (A) The amount necessary to fund the reasonable regulatory
37 costs incurred by the department incident to audits, inspections,
38 administrative activities, adjudications, manifesting, registration,
39 and other regulatory activities associated with waste tires pursuant

1 to this chapter, Chapter 16 (commencing with Section 42800), and
2 Chapter 19 (commencing with Section 42950).

3 (B) The sufficiency of revenues in the California Tire Recycling
4 Management Fund for the department to administer, enforce, and
5 promote its regulatory activities regarding waste tires, including
6 the regulatory aspects of the programs established pursuant to this
7 chapter, Chapter 16 (commencing with Section 42800), and
8 Chapter 19 (commencing with Section 42950), plus a prudent
9 reserve.

10 (C) Whether additional revenue is necessary to preserve the
11 department's ability to conduct regulatory activities in the
12 following fiscal year.

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

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

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

21 (B) The department may adopt regulations to adjust the
22 California tire regulatory fee. These regulations shall be deemed
23 to meet the description in subdivision (g) of Section 11340.9 of
24 the Government Code and may be filed by the department pursuant
25 to Section 11343.8 of the Government Code.

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

28 (d) The department, or its agent authorized pursuant to Section
29 42882, shall be reimbursed for its costs of collection, auditing, and
30 making refunds associated with the California Tire Recycling
31 Management Fund, but the amount of that reimbursement shall
32 not exceed 3 percent of the total annual revenue deposited in the
33 fund.

34 (e) The California tire fee imposed pursuant to subdivision (b)
35 shall be separately stated by the retail seller on the invoice given
36 to the customer at the time of sale. Any other disposal or
37 transaction fee charged by the retail seller related to the tire
38 purchase shall be identified separately from the California tire fee.

39 (f) A person or business who knowingly, or with reckless
40 disregard, makes a false statement or representation in a document

1 used to comply with this section is liable for a civil penalty for
2 each violation or, for continuing violations, for each day that the
3 violation continues. Liability under this section may be imposed
4 in a civil action and shall not exceed twenty-five thousand dollars
5 (\$25,000) for each violation.

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

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

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

37 SEC. 5. Section 42889 of the Public Resources Code, as
38 amended by Section 152 of Chapter 35 of the Statutes of 2014, is
39 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~~ *California Department of Tax and*
5 *Fee Administration* to the Air Pollution Control Fund. The state
6 board shall expend those moneys, or allocate those moneys to the
7 districts for expenditure, to fund programs and projects that
8 mitigate or remediate air pollution caused by tires in the state, to
9 the extent that the state board or the applicable district determines
10 that the program or project remediates air pollution harms created
11 by tires upon which the fee described in subdivision (b) of Section
12 42885 is imposed.

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

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

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

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

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

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

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

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

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

36 SEC. 6. Section 42961.5 of the Public Resources Code is
37 amended to read:

38 42961.5. (a) For purposes of this chapter, the following
39 definitions shall apply:

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

9 (2) “Electronic Manifest” means a manifest that is submitted to
10 the department electronically in a manner specified by the
11 department.

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

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

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

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

22 (c) (1) A hauler transporting waste or used tires for offsite
23 handling, altering, storage, or disposal, or for any combination
24 thereof, shall complete a manifest.

25 (2) A hauler shall have the manifest in his or her possession
26 while transporting waste or used tires. The manifest shall be shown
27 upon demand to any representative of the department, any officer
28 of the Department of the California Highway Patrol, or any peace
29 officer, as defined in Section 830.1 or 830.2 of the Penal Code.

30 (3) A hauler shall provide the manifest, or otherwise provide
31 all required manifest information, to the generator of waste or used
32 tires or to the operator of a waste or used tire facility or other
33 destination at the time of transfer of the tires.

34 (4) The hauler shall submit a manifest to the department for
35 each load of waste or used tires transported within seven days of
36 the date of the pickup or delivery. The department may grant an
37 extension before the seventh day upon a showing of good cause
38 by the hauler.

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

1 3 of the Civil Code), on and after January 1, 2020, the hauler shall
2 submit only an electronic manifest, and not a paper manifest, to
3 the department within seven days of the date of the pickup or
4 delivery for each load of waste or used tires transported.

5 (6) If approved by the department, a hauler may submit an
6 electronic manifest prior to January 1, 2020. The electronic
7 manifest shall include all information required to be on the manifest
8 and any other information required by the department.

9 (d) The authorized representative for the person generating or
10 ~~accepting waste~~ *accepting waste* or used tires shall verify that the
11 information on the manifest is correct, including the number of
12 tires and other information specified by the department, and shall
13 sign the manifest. The person generating or accepting waste or
14 used tires shall maintain a copy of the manifest and any other
15 information required that the department deems necessary to track
16 the flow of waste and used tires through the state.

17 (e) The department may require an electronic manifest submitted
18 by a hauler to the department to include verification from a hauler,
19 and a generator of waste or used tires, or the operator of a waste
20 or used tire facility or other destination, that the information on
21 the manifest is correct, including the number of tires and other
22 information specified by the department.

23 (f) The department shall develop and implement a system for
24 auditing manifests submitted to the department pursuant to this
25 section, for the purpose of enforcing this section.

26 (g) If the amount of waste or used tires recorded on a manifest
27 is by weight or volume, the department shall determine the number
28 of waste or used tires being transported by converting the weight
29 or volume into PTEs.

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

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AMENDED IN ASSEMBLY MAY 3, 2018

AMENDED IN ASSEMBLY APRIL 9, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

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 amended, 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 meet certain conditions, including, among others, that the byproducts are ~~intended~~ *destined* 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

1 liquid wastes, including garbage, trash, refuse, paper, rubbish,
 2 ashes, industrial wastes, demolition and construction wastes,
 3 abandoned vehicles and parts thereof, discarded home and
 4 industrial appliances, dewatered, treated, or chemically fixed
 5 sewage sludge which is not hazardous waste, manure, vegetable
 6 or animal solid and semisolid wastes, and other discarded solid
 7 and semisolid wastes.

8 (b) "Solid waste" does not include any of the following wastes:

9 (1) Hazardous waste, as defined in Section 40141.

10 (2) Radioactive waste regulated pursuant to the Radiation
 11 Control Law (Chapter 8 (commencing with Section 114960) of
 12 Part 9 of Division 104 of the Health and Safety Code).

13 (3) Medical waste regulated pursuant to the Medical Waste
 14 Management Act (Part 14 (commencing with Section 117600) of
 15 Division 104 of the Health and Safety Code). Untreated medical
 16 waste shall not be disposed of in a solid waste landfill, as defined
 17 in Section 40195.1. Medical waste that has been treated and
 18 deemed to be solid waste shall be regulated pursuant to this
 19 division.

20 (4) Byproducts from processing food, if those byproducts meet
 21 all of the following conditions:

22 (A) They originate from agricultural or industrial sources.

23 (B) They do not include animal, including fish, processing
 24 byproducts.

25 (C) They are source separated by the generator of the
 26 byproducts.

27 (D) They are not discarded.

28 (E) They are ~~intended~~ *destined* for use as animal feed.

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AMENDED IN SENATE JUNE 11, 2018
AMENDED IN ASSEMBLY APRIL 30, 2018
AMENDED IN ASSEMBLY APRIL 16, 2018
AMENDED IN ASSEMBLY MARCH 19, 2018
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 3178

Introduced by Assembly Member Rubio

February 16, 2018

An act to amend Section 41825 of, and to ~~add and repeal~~ Section 41780.02 ~~of, to~~, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 3178, as amended, Rubio. Integrated waste management plans: source reduction and recycling element: diversion requirements.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions.

Existing law requires a city, county, or regional agency to submit an annual report to the department summarizing its progress in reducing solid waste. Existing law requires the department to review a jurisdiction's compliance with the diversion requirements every 2 or 4

years, as specified, and authorizes the department to issue an order of compliance if the department finds, after considering specified factors, the jurisdiction failed to make a good faith effort to implement its source reduction and recycling element.

This bill would make findings, including, among others, that under China's National Sword import policy, many recyclable materials are now banned and may no longer be imported into that country, which has had a profound impact on California efforts to meet state recycling objectives. The bill would require the department, when evaluating a jurisdiction's good faith effort to implement a diversion program, to also consider whether China's National Sword import policy caused the absence or loss of a market for recyclable materials that necessitated the disposal of those materials as a temporary measure to avoid a public health threat, as specified. The bill would also require the department to consider the extent to which the jurisdiction has made efforts to reduce contamination and improve the quality of recycled materials and the extent to which the lack of an available market for one or more types of recyclable materials, which prevented the jurisdiction from fully implementing its diversion programs, was the result of circumstances beyond the reasonable control of the jurisdiction.

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 41780.02 is added to the Public Resources
2 Code, to read:
3 41780.02. ~~(a)~~—The Legislature finds and declares all of the
4 following:
5 ~~(1)~~
6 (a) The existence of sustainable and resilient markets able to
7 receive material that has been separated and processed for reuse
8 is essential to any successful recycling or composting system.
9 ~~(2)~~
10 (b) Since the inception of the California Integrated Waste
11 Management Act of 1989, California has relied almost exclusively
12 on foreign markets to accept most of the recyclable materials that
13 are recovered in the state. Domestic markets for these materials
14 have not emerged. The department reports that more than 60

1 percent of California's recyclable materials were exported to China
2 in 2016.

3 ~~(3)~~

4 (c) The need to develop reliable domestic markets for recyclable
5 materials is now more acute than ever before. The National Sword
6 import policy implemented by China in 2018 has had a profound
7 impact on California efforts, and on the efforts of other states, to
8 meet applicable state recycling objectives.

9 ~~(4)~~

10 (d) Under China's new policy, many recyclable materials are
11 now banned and may no longer be imported into that country.
12 Other recyclable materials are now required, as a condition of
13 importation into China, to meet strict new contamination limits
14 that, in certain cases, may be unachievable.

15 ~~(5)~~

16 (e) As of the effective date of this section, the network of
17 recycling facilities that was developed to meet California's waste
18 diversion requirements is being overwhelmed. These facilities are
19 unable to move and market all of the processed recyclables they
20 receive. Most have resorted to stockpiling recyclable materials as
21 they seek to identify alternatives. Many are about to reach their
22 storage capacity.

23 ~~(6)~~

24 (f) The state must assert a leadership role and take the steps
25 necessary to reduce its traditional reliance on volatile foreign
26 markets for its recyclable materials. In the interim, it must also
27 consider the potential public health risk associated with recyclable
28 material storage that exceeds the design or permitted capacity of
29 a recycling facility.

30 ~~(7) The storage of recyclable materials in amounts that exceed~~
31 ~~the design capacity or permitted capacity of a solid waste facility~~
32 ~~can pose a threat to public health and safety.~~

33 ~~(b) This section shall remain in effect only until January 1, 2023,~~
34 ~~and as of that date is repealed.~~

35 SEC. 2. Section 41825 of the Public Resources Code, as
36 amended by Section 1 of Chapter 155 of the Statutes of 2017, is
37 amended to read:

38 41825. (a) Using the information in the report submitted to
39 the department by the jurisdiction pursuant to Section 41821 and
40 any other relevant information, the department shall make a finding

1 whether each jurisdiction was in compliance with Section 41780
2 for calendar year 2006 and shall review a jurisdiction's compliance
3 with Section 41780 in accordance with the following schedule:

4 (1) If the department makes a finding that the jurisdiction was
5 in compliance with Section 41780 for calendar year 2006, the
6 department shall review, commencing January 1, 2012, and at least
7 once every four years thereafter, whether the jurisdiction has
8 implemented its source reduction and recycling element and
9 household hazardous waste element.

10 (2) If the department makes a finding that the jurisdiction made
11 a good faith effort to implement its source reduction and recycling
12 element and household hazardous waste element, the department
13 shall review, commencing January 1, 2010, and at least once every
14 two years thereafter, whether the jurisdiction has implemented its
15 source reduction and recycling element and household hazardous
16 waste element.

17 (3) If the department makes a finding that the jurisdiction was
18 not in compliance with Section 41780 for calendar year 2006 or
19 for any subsequent calendar year, the department shall review,
20 commencing January 1, 2010, and at least once every two years
21 thereafter, whether the jurisdiction has implemented its source
22 reduction and recycling element and household hazardous waste
23 element.

24 (4) If, after determining that a jurisdiction is subject to paragraph
25 (2), or, if, after determining that a jurisdiction is not in compliance
26 with Section 41780 and is subject to paragraph (3), the department
27 subsequently determines that the jurisdiction has come into
28 compliance with Section 41780, the department shall review, at
29 least once every four years, whether the jurisdiction has
30 implemented its source reduction and recycling element and
31 household hazardous waste element in the same manner as a
32 jurisdiction that is subject to paragraph (1).

33 (5) If, after determining that a jurisdiction is in compliance with
34 Section 41780 and is subject to paragraph (1), the department
35 subsequently determines that the jurisdiction is not in compliance
36 with Section 41780, the department shall review, at least once
37 every two years, whether the jurisdiction has implemented its
38 source reduction and recycling element and household hazardous
39 waste element in the same manner as a jurisdiction that is subject
40 to paragraph (2) or (3).

1 (b) In addition to the requirements of subdivision (a), the
2 department may review whether a jurisdiction is in compliance
3 with Section 41780 in accordance with the requirements of this
4 section at any time that the department receives information that
5 indicates the jurisdiction may not be making a good faith effort to
6 implement its source reduction and recycling element and
7 household hazardous waste element.

8 (c) (1) Before issuing a compliance order pursuant to
9 subdivision (d), the department shall confer with the jurisdiction
10 regarding conditions relating to the proposed order of compliance,
11 with a first meeting occurring not less than 60 days before issuing
12 a notice of intent to issue an order of compliance.

13 (2) The department shall issue a notice of intent to issue an order
14 of compliance not less than 30 days before the department holds
15 a hearing to issue the notice of compliance. The notice of intent
16 shall specify all of the following:

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

18 (B) The proposed actions the department recommends are
19 necessary for the jurisdiction to complete to implement its source
20 reduction and recycling element or household hazardous waste
21 element.

22 (C) The proposed recommendations to the department.

23 (3) The department shall consider any information provided
24 pursuant to subdivision (c) of Section 41821 if the proposed
25 issuance of an order of compliance involves changes to a
26 jurisdiction's calculation of annual disposal.

27 (d) (1) If, after holding a public hearing, which, to the extent
28 possible, shall be held in the local or regional agency's jurisdiction,
29 the department finds that a jurisdiction has failed to make a good
30 faith effort to implement its source reduction and recycling element
31 or its household hazardous waste element, the department shall
32 issue an order of compliance with a specific schedule for achieving
33 compliance.

34 (2) The compliance order shall include those conditions that the
35 department determines to be necessary for the jurisdiction to
36 implement its diversion programs.

37 (3) In addition to considering the good faith efforts of a
38 jurisdiction, as specified in subdivision (e), to implement a
39 diversion program, the department shall consider all of the

1 following factors in determining whether or not to issue a
2 compliance order:

3 (A) Whether an exceptional growth rate may have affected
4 compliance.

5 (B) Whether China's National Sword import policy caused the
6 absence or loss of a market for recyclable materials diverted from
7 solid waste facilities that necessitated the disposal of those
8 materials as a temporary measure to avoid a public health threat
9 associated with storing recyclable materials in amounts that exceed
10 the permitted or design capacity of a solid waste facility.

11 (C) Other information that the jurisdiction may provide that
12 indicates the effectiveness of the jurisdiction's programs, such as
13 disposal characterization studies or other jurisdiction specific
14 information.

15 (e) For purposes of making a determination pursuant to this
16 section whether a jurisdiction has failed to make a good faith effort
17 to implement its source reduction and recycling element or its
18 household hazardous waste element, the department shall consider
19 all of the following criteria:

20 (1) For the purposes of this section, "good faith effort" means
21 all reasonable and feasible efforts by a jurisdiction to implement
22 those programs or activities identified in its source reduction and
23 recycling element or household hazardous waste element, or
24 alternative programs or activities that achieve the same or similar
25 results.

26 (2) For purposes of this section, "good faith effort" may also
27 include the evaluation by a jurisdiction of improved technology
28 for the handling and management of solid waste that would reduce
29 costs, improve efficiency in the collection, processing, or marketing
30 of recyclable materials or yard waste, and enhance the ability of
31 the jurisdiction to adequately address all sources of significant
32 disposal, the submission by the jurisdiction of a compliance
33 schedule, and the undertaking of all other reasonable and feasible
34 efforts to implement the programs identified in the jurisdiction's
35 source reduction and recycling element or household hazardous
36 waste element.

37 (3) In determining whether a jurisdiction has made a good faith
38 effort, the department shall consider the enforcement criteria
39 included in its enforcement policy, as adopted on April 25, 1995,
40 or as subsequently amended.

1 (4) The department shall consider all of the following when
2 considering whether a jurisdiction has made a good faith effort to
3 implement its source reduction and recycling element or its
4 household hazardous waste element:

5 (A) Natural disasters.

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

8 (C) Work stoppages that directly prevent a jurisdiction from
9 implementing its source reduction and recycling element or
10 household hazardous waste element.

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

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

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

19 (G) The extent to which the jurisdiction has made efforts to
20 reduce contamination and improve the quality of recycled
21 materials.

22 (H) Whether the jurisdiction has provided information to the
23 department concerning whether construction and demolition waste
24 material is at least a moderately significant portion of the waste
25 stream, and, if so, whether the local jurisdiction has adopted an
26 ordinance for diversion of construction and demolition waste
27 materials from solid waste disposal facilities, has adopted a model
28 ordinance pursuant to subdivision (a) of Section 42912 for
29 diversion of construction and demolition waste materials from
30 solid waste disposal facilities, or has implemented another program
31 to encourage or require diversion of construction and demolition
32 waste materials from solid waste disposal facilities.

33 (I) The extent to which the jurisdiction has implemented
34 programs to comply with Section 41780 and to maintain its per
35 capita disposal rate.

36 (J) The extent to which the lack of an available market for one
37 or more types of recyclable materials is the result of circumstances
38 beyond the reasonable control of the jurisdiction, and prevented
39 the jurisdiction from fully implementing its diversion programs.

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

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

13 SEC. 3. Section 41825 of the Public Resources Code, as
 14 amended by Section 2 of Chapter 155 of the Statutes of 2017, is
 15 amended to read:

16 41825. (a) At least once every two years, the department shall
 17 review each jurisdiction’s source reduction and recycling element
 18 and household hazardous waste element for compliance with
 19 Section 41780.

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

27 (c) (1) Before issuing a compliance order pursuant to
 28 subdivision (d), the department shall confer with the jurisdiction
 29 regarding conditions relating to the proposed order of compliance,
 30 with a first meeting occurring not less than 60 days before issuing
 31 a notice of intent to issue an order of compliance.

32 (2) The department shall issue a notice of intent to issue an order
 33 of compliance not less than 30 days before the department holds
 34 a hearing to issue the notice of compliance. The notice of intent
 35 shall specify all of the following:

- 36 (A) The proposed basis for issuing an order of compliance.
- 37 (B) The proposed actions the department recommends are
 38 necessary for the jurisdiction to complete the implementation of
 39 its source reduction and recycling element or household hazardous
 40 waste element.

1 (C) The proposed recommendations to the department.

2 (3) The department shall consider any information provided
3 pursuant to subdivision (c) of Section 41821, if the proposed
4 issuance of an order of compliance involves changes to a
5 jurisdiction's calculation of annual disposal.

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

13 (2) The compliance order shall include those conditions that the
14 department determines to be necessary for the jurisdiction to
15 implement its diversion programs.

16 (3) In addition to considering the good faith efforts of a
17 jurisdiction, as specified in subdivision (e), to implement a
18 diversion program, the department shall consider all of the
19 following factors in determining whether or not to issue a
20 compliance order:

21 (A) Whether an exceptional growth rate may have affected
22 compliance.

23 (B) Whether China's National Sword import policy caused the
24 absence or loss of a market for recyclable materials diverted from
25 solid waste facilities that necessitated the disposal of those
26 materials as a temporary measure to avoid a public health threat
27 associated with storing recyclable materials in amounts that exceed
28 the permitted or design capacity of a solid waste facility.

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

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

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

1 recycling element or household hazardous waste element, or
2 alternative programs or activities that achieve the same or similar
3 results.

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

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

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

23 (A) Natural disasters.

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

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

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

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

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

37 (G) The extent to which the jurisdiction has made efforts to
38 reduce contamination and improve the quality of recycled
39 materials.

1 (H) Whether the jurisdiction has provided information to the
2 department concerning whether construction and demolition waste
3 material is at least a moderately significant portion of the waste
4 stream, and, if so, whether the local jurisdiction has adopted an
5 ordinance for diversion of construction and demolition waste
6 materials from solid waste disposal facilities, has adopted a model
7 ordinance pursuant to subdivision (a) of Section 42912 for
8 diversion of construction and demolition waste materials from
9 solid waste disposal facilities, or has implemented another program
10 to encourage or require diversion of construction and demolition
11 waste materials from solid waste disposal facilities.

12 (I) The extent to which the jurisdiction has implemented
13 programs to comply with Section 41780 and to maintain its per
14 capita disposal rate.

15 (J) The extent to which the lack of an available market for one
16 or more types of recyclable materials is the result of circumstances
17 beyond the reasonable control of the jurisdiction, and prevented
18 the jurisdiction from fully implementing its diversion programs.

19 (5) In making a determination whether a jurisdiction has made
20 a good faith effort, pursuant to this section, the department may
21 consider a jurisdiction's per capita disposal rate as a factor in
22 determining whether the jurisdiction adequately implemented its
23 diversion programs. The department shall not consider a
24 jurisdiction's per capita disposal rate to be determinative as to
25 whether the jurisdiction has made a good faith effort to implement
26 its source reduction and recycling element or its household
27 hazardous waste element.

28 (f) This section shall become operative on January 1, 2022.

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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

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

This bill, where a city, county, or other local government agency has authorized a solid waste enterprise to handle solid waste, would subject an unauthorized person to these same damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law. The bill would expand civil enforcement to knowing participation in violations of these laws, and would require a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorney's fees, expert witness fees, and costs incurred in the course of the litigation, except as specified.

~~Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to develop design guidelines for new construction that include energy conserving options, including, among other things, building envelope solar heat gain control mechanisms and alternative energy systems such as solar energy for space heating and water heating and load management strategies.~~

~~Regulations on building standards adopted by the Energy Commission require certain residential and nonresidential buildings to have a solar zone, as defined, on the roof of the building that is designated and reserved for solar electric or solar thermal systems and that meets certain specifications relating to minimum area, orientation, and shading, among other things. Existing law requires a seller of production homes, as defined, to offer the option of a solar energy system, as defined, to all customers negotiating to purchase a new production home constructed on land meeting certain criteria and to disclose certain information. Existing law requires the Energy Commission, not later than July 1, 2007, to initiate a public proceeding to study and make findings whether, and under what conditions, solar energy systems should be required on~~

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 *solid waste enterprise against a person alleged to have violated,*
2 *or to have knowingly participated in the violation of, Section*
3 *41952, the court may either allow treble damages, as measured by*
4 *the market value of the recyclable material removed, or award a*
5 *civil penalty of not more than two thousand dollars (\$2,000),*
6 *whichever is greater, for each unauthorized removal, against the*
7 *unauthorized person removing the recyclable ~~material.~~ material*
8 *or solid waste.*

9 (b) In any civil action by a recycling ~~agent~~ *agent, solid waste*
10 *enterprise, or local governmental agency against a person alleged*
11 *to have ~~violated~~ violated, or to have knowingly participated in the*
12 *violation of, Section ~~41950~~ 41950, 41951, or ~~41951~~ 41952 for a*
13 *second, or ~~subsequent time,~~ subsequent, time in any 12-month*
14 *period, the court may either allow treble damages, as measured by*
15 *the market value of the recyclable material removed, or award a*
16 *civil penalty of not more than five thousand dollars (\$5,000),*
17 *whichever is greater, for each unauthorized removal against the*
18 *unauthorized person removing the recyclable ~~material.~~ material*
19 *or solid waste.*

20 (c) (1) *If a plaintiff prevails in a civil action brought pursuant*
21 *to this chapter, the court shall award to the plaintiff reasonable*
22 *attorney's fees, expert witness fees, and costs incurred in the course*
23 *of the litigation in an amount the court, in its discretion, deems*
24 *appropriate.*

25 (2) *This subdivision shall not apply to a violation of Section*
26 *41952 unless the plaintiff, before bringing a civil action, provided*
27 *written notice to the defendant demanding that the illegal action*
28 *cease.*

29 (3) *This subdivision shall not apply to a civil action for a*
30 *violation or knowing participation in a violation of Section 41950,*
31 *41951, or 41952 in which the value of the stolen recyclable*
32 *materials is fifty dollars (\$50) or less and no vehicle, as defined*
33 *in Section 670 of the Vehicle Code, was used in connection with*
34 *the removal of the materials.*

35 SEC. 4. *Section 41955 of the Public Resources Code is*
36 *amended to read:*

37 41955. *If the value of the stolen material is more than fifty*
38 *dollars (\$50), but less than nine hundred fifty dollars (\$950), a*
39 *violation of this part may be charged as either a misdemeanor or*
40 *an infraction. A violation after a second conviction within 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.~~

1 ~~(b) “Solar zone” means a section of the roof of a building~~
2 ~~designated and reserved for the future installation of a solar electric~~
3 ~~or solar thermal system, as determined by the commission pursuant~~
4 ~~to Section 25402.~~

5 ~~25408.2. By January 1, 2020, the commission shall consider~~
6 ~~requiring, and may update the building efficiency standards~~
7 ~~developed and adopted pursuant to Section 25402 to require, a~~
8 ~~rooftop solar energy generation system, appropriately sized to be~~
9 ~~cost effective, to be installed in the solar zone of a residential solar~~
10 ~~ready building, including a high-rise or low-rise multifamily~~
11 ~~building, during the construction of that building.~~

12 ~~25408.4. By January 1, 2023, the commission shall consider~~
13 ~~requiring, and may update the building efficiency standards~~
14 ~~developed and adopted pursuant to Section 25402 to require, a~~
15 ~~rooftop solar energy generation system, appropriately sized to be~~
16 ~~cost effective, to be installed in the solar zone of a nonresidential~~
17 ~~solar ready building, during the construction of that building.~~

18 ~~25408.6. Prior to adopting rooftop solar energy generation~~
19 ~~system requirements pursuant to Section 25408.2 or 25408.4, the~~
20 ~~commission and the Department of Housing and Community~~
21 ~~Development shall jointly issue findings, by climate zone, as to~~
22 ~~whether adoption of the requirements will or will not unreasonably~~
23 ~~or unnecessarily impact the affordability of housing for~~
24 ~~Californians, taking into account the purchase price and any~~
25 ~~benefits and costs derived from the rooftop solar energy generation~~
26 ~~system requirements.~~

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AMENDED IN ASSEMBLY APRIL 24, 2018

AMENDED IN ASSEMBLY APRIL 9, 2018

SENATE BILL

No. 452

Introduced by Senator Glazer

(Principal coauthors: Assembly Members Gloria and Kalra)

(Coauthors: Assembly Members Baker and Cunningham)

February 15, 2017

An act to amend Sections 14536, 14571.6, 14571.8, 14581, and 14585 of, to add Sections 14510.7, 14571.65, and 14573.8 to, and to add and repeal Sections 14549.2, 14572.3, and 14575.2 of, the Public Resources Code, relating to beverage containers, *and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 452, as amended, Glazer. The California Beverage Container Recycling and Litter Reduction Act.

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to annually designate convenience zones and requires that at least one certified recycling center that meets certain requirements be located within every convenience zone. Existing law authorizes the department to grant a convenience zone an exemption from certain redemption requirements, including certain dealer and recycling center redemption requirements, based on certain factors. Existing law limits the total number of exemptions that may be granted to 35% of the total number of convenience zones identified as having one or more of those factors applicable.

This bill, if there is a certified recycling center located within one mile of an unserved convenience zone, would require the department to grant that convenience zone an exemption from the redemption requirements and would increase the total number of exemptions that may be granted otherwise to 50% of the number identified as eligible. The bill would require the department to evaluate and recommend to the Legislature, on or before January 1, 2021, policies, incentives, and standards for ensuring the establishment and maintenance of a network of cost-effective direct redemption opportunities, as defined by the bill, in every community sufficient to support the recycling of not less than 80% of beverage containers sold in the state.

(2) The act requires dealers within a convenience zone where no recycling location has been established, or within a convenience zone that is unserved for 60 days and not exempt from convenience zone requirements, to submit an affidavit to the department stating that the dealer has met specified standards for redemption, including, among others, that the dealer is redeeming all empty beverage container types at all open cash registers or at one designated location on the dealer's premises, during all hours that the dealer is open for business. If the dealer does not submit that affidavit, existing law requires the dealer to pay \$100 per day to the department, for deposit in the California Beverage Container Recycling Fund, a continuously appropriated fund described in (3), until a recycling location is established or until the dealer meets the standards for redemption specified in the affidavit provision.

This bill would revise these convenience zone redemption duties and apply them only to dealers with gross annual sales of \$2,000,000 or more. The bill, until January 1, 2021, would exempt certain dealers from these requirements.

(3) The act establishes the California Beverage Container Recycling Fund and, except for administrative costs, continuously appropriates moneys in the fund to the department for specified purposes, including the amount necessary to pay handling fees to certain types of recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones. The act also continuously appropriates moneys in the fund to the department for expenditure for various purposes relating to beverage container recycling purposes that included, until January 1, 2018, up to \$10,000,000 annually for market development payments for empty plastic beverage containers. The act also continuously appropriates from the fund \$15,000,000 annually for

payments for curbside programs and neighborhood dropoff programs and \$10,500,000 annually for payments to cities and counties for beverage container recycling and litter cleanup activities.

This bill would require the department to offer a handling fee payment from the fund to certain certified recyclers within unserved convenience zones. The bill would make an appropriation by changing the terms and conditions under which the department is authorized to make payments from a continuously appropriated fund. The bill, until July 1, 2021, would require the handling fee to be set at the rate in effect on July 1, 2015. The bill would authorize the department, until July 1, 2021, to annually expend money from the fund for specified supplemental handling fee payments to low-volume recycling centers, and would reinstate the authority to appropriate up to \$10,000,000 annually for market development payments for empty plastic beverage containers until January 1, 2024. By authorizing the expenditure of a continuously appropriated fund for new purposes, this bill would make an appropriation. The bill would require the department to withhold payments for curbside programs and neighborhood dropoff programs and for beverage container recycling and litter cleanup activities in any city, county, or city and county that has restricted or prohibited the siting of a certified recycling center or a supermarket site, respectively, as provided.

(4) Under the act, the department is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer. The department is required to calculate the processing fee in a specified manner, so that the actual processing fee generally equals 65% of the processing payment that the department is required to pay to processors if the scrap value of the container having a refund value pursuant to the act is less than the cost of recycling. The department is required to determine the statewide weighted average cost to recycle each beverage container type by conducting a survey, as specified. The department is required to establish a processing fee account in the continuously appropriated California Beverage Container Recycling Fund for each material type and to deposit processing fees and other amounts in the applicable account.

This bill would, for purposes of calculating processing payments, require the department, until January 1, 2021, to use the actual cost of recycling that was in effect on December 30, 2015, adjusted as specified.

The bill would make an appropriation by changing the terms and conditions under which the department is authorized to make payments from a continuously appropriated fund. The bill would provide that the processing fees established by the department between ~~the effective date of the bill and December 31, 2018, inclusive,~~ *January 1, 2019, and December 31, 2019, inclusive*, shall not be higher than they would be absent these new provisions. The bill would require the department to suspend usage of surveys and calculations of recycling costs until at least January 1, 2020, and would authorize the department to redirect any contract funds for cost surveys and calculations to provide for a specified assessment and to utilize any contract funds available for the development of amendments to be recommended to the Legislature regarding specified provisions of the act.

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

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

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

- 1 SECTION 1. Section 14510.7 is added to the Public Resources
2 Code, to read:
3 14510.7. "Direct redemption opportunity" means a recycling
4 opportunity that meets both of the following conditions:
5 (a) Provides reasonable availability for a consumer to redeem
6 empty beverage containers and directly receive the redemption
7 value for those containers.
8 (b) Provides sufficient overall redemption opportunities in the
9 state whereby, in conjunction with other collection opportunities,
10 not less than 80 percent of beverage containers sold in the state
11 can be consistently and sustainably recycled.
- 12 SEC. 2. Section 14536 of the Public Resources Code is
13 amended to read:
14 14536. (a) Except as provided in subdivision (b), the director
15 shall adopt, amend, or repeal all rules and regulations in accordance
16 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
17 Division 3 of Title 2 of the Government Code.
18 (b) (1) The director shall adopt regulations, and may adopt
19 emergency regulations, for the purposes of implementing Sections

1 14538, 14539, 14541, 14549.1, 14549.2, 14550, 14561, 14571.6,
2 14571.65, 14574, 14575, 14585, 14588.1, 14588.2, and 14591.

3 (2) Any emergency regulations, if adopted, shall be adopted in
4 accordance with Chapter 3.5 (commencing with Section 11340)
5 of Part 1 of Division 3 of Title 2 of the Government Code, and for
6 the purposes of that chapter, including Section 11349.6 of the
7 Government Code, the adoption of these regulations is an
8 emergency and shall be considered by the Office of Administrative
9 Law as necessary for the immediate preservation of the public
10 peace, health and safety, and general welfare. Notwithstanding
11 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
12 3 of Title 2 of the Government Code, including subdivision (e) of
13 Section 11346.1 of the Government Code, any emergency
14 regulations adopted pursuant to this section shall be filed with, but
15 not be repealed by, the Office of Administrative Law and shall
16 remain in effect until revised by the director.

17 SEC. 3. Section 14549.2 is added to the Public Resources Code,
18 to read:

19 14549.2. (a) For purposes of this section, the following
20 definitions shall apply:

21 (1) "Certified entity" means a recycling center, processor, or
22 dropoff or collection program certified pursuant to this division.

23 (2) "Product manufacturer" means a person who manufactures
24 a plastic product in this state.

25 (b) In order to develop California markets for empty plastic
26 beverage containers collected for recycling in the state, the
27 department may, consistent with Section 14581 and subject to the
28 availability of funds, pay a market development payment to a
29 certified entity or product manufacturer for empty plastic beverage
30 containers collected and managed pursuant to this section.

31 (c) The department shall make a market development payment
32 to a certified entity or product manufacturer in accordance with
33 this section, only if the plastic beverage container is collected and
34 either recycled or used in manufacturing, in the state, as follows:

35 (1) The department shall make a market development payment
36 to a certified entity for empty plastic beverage containers that are
37 collected for recycling in the state, that are subsequently washed
38 and processed by a certified entity into a flake, pellet, or other
39 form in the state, and made usable for the manufacture of a plastic
40 product by a product manufacturer.

1 (2) The department shall make a market development payment
 2 to a product manufacturer for empty plastic beverage containers
 3 that are collected for recycling in the state, that are subsequently
 4 washed and processed into a flake, pellet, or other form in the state,
 5 and used by that product manufacturer to manufacture a product
 6 in this state.

7 (3) The department shall determine the amount of the market
 8 development payment, which may be set at a different level for a
 9 certified entity and a product manufacturer, but shall not exceed
 10 one hundred fifty dollars (\$150) per ton. In setting the amount of
 11 the market development payment for both certified entities and
 12 product manufacturers, the department shall consider all of the
 13 following:

14 (A) The minimum funding level needed to encourage the in-state
 15 washing and processing of empty plastic beverage containers
 16 collected for recycling in this state.

17 (B) The minimum funding level needed to encourage the in-state
 18 manufacturing that utilizes empty plastic beverage containers
 19 collected for recycling in this state.

20 (C) The total amount of funds projected to be available for
 21 plastic market development payments and the desire to maintain
 22 the minimum funding level needed throughout the year.

23 (4) The department may make a market development payment
 24 to both a certified entity and a product manufacturer for the same
 25 empty plastic beverage container.

26 (d) This section shall remain in effect only until January 1, 2024,
 27 and as of that date is repealed, unless a later enacted statute, that
 28 is enacted before January 1, 2024, deletes or extends that date.

29 SEC. 4. Section 14571.6 of the Public Resources Code is
 30 amended to read:

31 14571.6. (a) Except as provided in Section 14572.3, in any
 32 convenience zone where no recycling location has been established
 33 that satisfies the requirements of Section 14571, and in any
 34 convenience zone that has exceeded the 60-day period for the
 35 establishment of a recycling center pursuant to Section 14571.7,
 36 all dealers within that zone shall, until a recycling location has
 37 been established in that zone, do one of the following:

38 (1) Submit to the department an affidavit form provided by the
 39 department stating that all of the following standards are being
 40 met by the dealer:

1 (A) The dealer redeems all empty beverage container types at
2 a minimum of one designated location on the dealer's premises,
3 during all hours that the dealer is open for business. The dealer is
4 not required to redeem more than 24 beverage containers of any
5 one type per consumer per day.

6 (B) The dealer has posted signs that meet the size and location
7 requirements specified in subdivision (b) of Section 14570, and
8 that conform to paragraph (2) of that subdivision.

9 (C) The dealer is delivering, or having delivered, all empty
10 beverage containers received from the public to a certified recycling
11 center or processor for recycling.

12 (2) Pay to the department for deposit in the fund the sum of one
13 hundred dollars (\$100) per day until a recycling location is
14 established or until the standards for redemption specified in
15 paragraph (1) are met.

16 (b) This section shall apply only to a dealer with gross annual
17 sales of two million dollars (\$2,000,000) or more.

18 SEC. 5. Section 14571.65 is added to the Public Resources
19 Code, to read:

20 14571.65. (a) It is the intent of the Legislature that the
21 requirements and incentive payments of the act do all of the
22 following:

23 (1) Provide residents of every community with direct redemption
24 opportunities.

25 (2) Provide sufficient overall redemption opportunities in the
26 state whereby, in conjunction with other collection opportunities,
27 not less than 80 percent of beverage containers sold in the state
28 can be consistently and sustainably recycled.

29 (3) Provide a marketplace and even playing field whereby the
30 businesses that operate facilities that collect empty beverage
31 containers for recycling are as sustainable and profitable, and the
32 workers as fairly compensated, as the businesses and workers that
33 produce and distribute the beverages for consumption.

34 (b) On or before January 1, 2021, the department shall evaluate
35 and recommend to the Legislature policies, incentives, and
36 standards for ensuring the establishment and maintenance of a
37 network of cost-effective direct redemption opportunities in every
38 community sufficient to support the recycling of not less than 80
39 percent of beverage containers sold in the state.

- 1 (c) When developing recommendations for direct redemption
2 opportunities, the department shall consider all of the following
3 factors:
- 4 (1) Population density.
 - 5 (2) Distance between population centers and the recycler or
6 other operation that redeems empty beverage containers.
 - 7 (3) Total population of the community.
 - 8 (4) Rural and nonrural areas.
 - 9 (5) Alternative certified redemption opportunities.
 - 10 (6) Best practices identified in a department-sponsored
11 convenience study.
 - 12 (7) The role of dealers, including supermarkets, in providing
13 direct redemption opportunities.
 - 14 (8) Enforcement mechanisms for ensuring direct redemption
15 opportunities.
 - 16 (9) The role of local governments to support direct redemption
17 opportunities.
 - 18 (10) The process for providing exemptions to the direct
19 redemption opportunity standards.
 - 20 (11) The role of the state in supporting direct redemption
21 opportunities and the structure and amount of any payments.
 - 22 (12) Any other factors that the department deems appropriate.
- 23 (d) The department shall conduct at least two stakeholder
24 meetings to determine the factors to be considered when developing
25 recommendations for direct redemption opportunities.
- 26 SEC. 6. Section 14571.8 of the Public Resources Code is
27 amended to read:
- 28 14571.8. (a) A lease entered into by a dealer after January 1,
29 1987, shall not contain a leasehold restriction that prohibits or
30 results in the prohibition of the establishment of a recycling
31 location.
- 32 (b) Except as provided in subdivision (h), the director may grant
33 an exemption from the requirements of Section 14571 for an
34 individual convenience zone only after the department solicits
35 public testimony on whether or not to provide an exemption from
36 Section 14571. The solicitation process shall be designed by the
37 department to ensure that operators of recycling centers, dealers,
38 and members of the public in the jurisdiction affected by the
39 proposed exemption are aware of the proposed exemption. After
40 evaluation of the testimony and any field review conducted, the

1 department shall base a decision to exempt a convenience zone
2 pursuant to this subdivision on one, or any combination, of the
3 following factors:

4 (1) The exemption will not significantly decrease the ability of
5 consumers to conveniently return beverage containers for the
6 refund value to a certified recycling center redeeming all material
7 types.

8 (2) The nearest certified recycling center is within a reasonable
9 distance of the convenience zone being considered from exemption.

10 (3) The convenience zone is in the area of a curbside program
11 that meets the criteria specified in Section 14509.5.

12 (4) The requirements of Section 14571 cannot be met in a
13 particular convenience zone due to local zoning or the dealer's
14 leasehold restrictions for leases in effect on January 1, 1987, and
15 the local zoning or leasehold restrictions are not within the
16 authority of the department and the dealer. However, any lease
17 executed after January 1, 1987, shall meet the requirements
18 specified in subdivision (a).

19 (5) The convenience zone has redeemed less than 60,000
20 containers per month for the prior 12 months.

21 (c) The department shall review each convenience zone in which
22 a certified recycling center was not located on January 1, 1996, to
23 determine the eligibility of the convenience zone under the
24 exemption criteria specified in subdivision (b).

25 (d) The total number of exemptions granted by the director
26 under subdivision (b) shall not exceed 50 percent of the total
27 number of convenience zones identified as eligible pursuant to
28 subdivision (b).

29 (e) The department may, on its own motion, or upon petition
30 by any interested person, revoke a convenience zone exemption,
31 including an exemption granted under subdivision (h), if either of
32 the following occurs:

33 (1) The condition or conditions that caused the convenience
34 zone to be exempt no longer exists, and the department determines
35 that the criteria for an exemption specified in this section are not
36 presently applicable to the convenience zone.

37 (2) The department determines that the convenience zone
38 exemption was granted due to an administrative error.

39 (f) If an exemption is revoked and a recycling center is not
40 certified and operational in the convenience zone, the department

1 shall, within 10 days of the date of the decision to revoke, serve
2 all dealers in the convenience zone with the notice specified in
3 subdivision (a) of Section 14571.7.

4 (g) An exemption shall not be revoked when a recycling center
5 becomes certified and operational within an exempt convenience
6 zone unless either of the events specified in paragraphs (1) and (2)
7 of subdivision (e) occurs.

8 (h) If there is a certified recycling center located within one
9 mile of an unserved convenience zone, the department shall grant
10 an exemption from the requirements of Section 14571 for that
11 convenience zone.

12 SEC. 7. Section 14572.3 is added to the Public Resources Code,
13 to read:

14 14572.3. (a) A dealer described in subdivision (c) and who is
15 located in a convenience zone described in subdivision (b) shall
16 be exempt from the dealer requirements of Section 14571.6.

17 (b) Subdivision (a) shall apply only to a dealer that is located
18 in a convenience zone that meets one of the following:

19 (1) The convenience zone was served by, or exempted because
20 of, a recycling center that closed between January 1, 2016, and
21 December 31, 2017, inclusive, at the initiation of the recycler and
22 not at the initiation of the dealer.

23 (2) The convenience zone was served by, or exempted because
24 of, a recycling center that closed as a result of an action taken by
25 the department or local government on or after January 1, 2018.

26 (c) Subdivision (a) shall apply only to a dealer that meets one
27 of the following conditions:

28 (1) The dealer demonstrates to the department that it has acted
29 in full compliance with the requirements of Section 14571.6.

30 (2) The department approves the dealer for an exemption
31 described in subdivision (a). The department may approve a dealer
32 that was not in compliance with Section 14571.6 for an exemption
33 only if the dealer pays the department any moneys owed by the
34 dealer under Section 14571.6.

35 (d) The Legislature finds and declares that the purpose of this
36 section is to temporarily suspend the obligations of dealers
37 described in subdivision (c) to comply with the requirements of
38 Section 14571.6 in order to focus attention and resources on the
39 reestablishment of recycling centers in currently unserved
40 convenience zones. Nothing in this section is intended to reduce

1 the obligation of dealers and the department to site and maintain
2 recycling centers.

3 (e) This section shall remain in effect only until January 1, 2021,
4 and as of that date is repealed.

5 SEC. 8. Section 14573.8 is added to the Public Resources Code,
6 to read:

7 14573.8. (a) It is the intent of the Legislature to maximize the
8 recovery, redemption, and recycling of empty beverage containers
9 generated in this state, including any empty beverage containers
10 that have been deposited by consumers in curbside programs with
11 the expectation that those containers will be recycled and the
12 redemption value and any processing payment allocated to helping
13 to offset the cost of operating those programs.

14 (b) No provision of this division, and no regulation adopted or
15 enforced by the department to carry out this division, shall prevent
16 the department from encouraging, supporting, or certifying entities
17 established to recover, recycle, and redeem empty beverage
18 containers from the curbside stream, including certifying entities
19 that recover, sort, cancel, and claim the refund value and processing
20 payments on any empty beverage containers recovered from the
21 residual generated by a curbside recycling program or material
22 recovery facility.

23 (c) No provision of this division, and no regulation adopted or
24 enforced by the department to carry out this division, shall prevent
25 the department from certifying a processor to recover, sort, cancel,
26 and claim the refund value and processing payments on any empty
27 beverage containers recovered from the residual generated by a
28 curbside recycling program or material recovery facility.

29 SEC. 9. Section 14575.2 is added to the Public Resources Code,
30 to read:

31 14575.2. (a) (1) Notwithstanding Section 14575, for purposes
32 of calculating processing payments, the department shall use the
33 actual costs of recycling that were in effect on December 30, 2015.

34 (2) Consistent with Section 14575, the department shall adjust
35 the recycling costs described in paragraph (1) to reflect changes
36 in the cost of living from December 30, 2015, as measured by the
37 Bureau of Labor Statistics of the United States Department of
38 Labor or a successor agency of the United States government as
39 of ~~the effective date of this section~~ *January 1, 2019*, and at least
40 once annually thereafter.

1 (3) Consistent with Section 2975 of Title 14 of the California
2 Code of Regulations, the department shall adjust the recycling
3 costs described in paragraph (1) to reflect the fixed reasonable
4 financial returns for urban and rural recycling centers designated
5 for the 2018 processing payment.

6 (b) Notwithstanding subdivisions (d) and (e) of Section 14575,
7 for processing fees established by the department between ~~the~~
8 ~~effective date of this section and December 31, 2018, January 1,~~
9 ~~2019, and December 31, 2019, inclusive,~~ the department shall not
10 impose a processing fee on a beverage manufacturer that is higher
11 than the processing fee that would be imposed without this section.

12 (c) (1) Notwithstanding subdivision (c) of Section 14575, the
13 department shall suspend usage of surveys and calculations of
14 recycling costs until at least January 1, 2020.

15 (2) The department may redirect any contract funds already
16 approved for cost surveys and calculations as of ~~the effective date~~
17 ~~of this section January 1, 2019,~~ into an updated contract to utilize
18 data collected for the 2015 processing payment to provide the
19 department with an assessment of variations in the average cost
20 of recycling based on, at a minimum, each of the following:

21 (A) Recycling location monthly average volume.

22 (B) Recycling location geographic area.

23 (C) Recycling location distance to end-use market.

24 (3) The department may utilize any contract funds available as
25 ~~of the effective date of this section January 1, 2019,~~ for the analysis
26 and development of recommendations to the Legislature of
27 amendments to subdivisions (b) and (c) of Section 14575 to satisfy
28 the legislative intent expressed in subdivision (f) of Section 14501
29 to create and maintain a marketplace where it is profitable to
30 establish sufficient recycling centers and locations to provide
31 consumers with convenient recycling opportunities through the
32 establishment of minimum refund values and processing fees and,
33 through the proper application of these elements, to enhance the
34 profitability of recycling centers, recycling locations, and other
35 beverage container recycling programs.

36 (d) This section shall remain in effect only until January 1, 2021,
37 and as of that date is repealed.

38 SEC. 10. Section 14581 of the Public Resources Code is
39 amended to read:

1 14581. (a) Subject to the availability of funds and in
2 accordance with subdivision (b), the department shall expend the
3 moneys set aside in the fund, pursuant to subdivision (c) of Section
4 14580, for the purposes of this section in the following manner:

5 (1) For each fiscal year, the department may expend the amount
6 necessary to make the required handling fee payment pursuant to
7 Section 14585.

8 (2) (A) Fifteen million dollars (\$15,000,000) shall be expended
9 annually for payments for curbside programs and neighborhood
10 dropoff programs pursuant to Section 14549.6.

11 (B) The department shall withhold payments to curbside
12 programs and neighborhood dropoff programs in any city, county,
13 or city and county that has prohibited the siting of a certified
14 recycling center, caused a certified recycling center to close its
15 business, or adopted a land use policy that restricts or prohibits
16 the siting of a certified recycling center within its jurisdiction.

17 (3) (A) Ten million five hundred thousand dollars (\$10,500,000)
18 may be expended annually for payments of five thousand dollars
19 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments
20 to counties for beverage container recycling and litter cleanup
21 activities, or the department may calculate the payments to counties
22 and cities on a per capita basis, and may pay whichever amount
23 is greater, for those activities.

24 (B) Eligible activities for the use of these funds may include,
25 but are not necessarily limited to, support for new or existing
26 curbside programs, neighborhood dropoff programs, public
27 education promoting beverage container recycling, litter prevention,
28 and cleanup, cooperative regional efforts among two or more cities
29 or counties, or both, or other beverage container recycling
30 programs.

31 (C) These funds shall not be used for activities unrelated to
32 beverage container recycling or litter reduction.

33 (D) To receive these funds, a city, county, or city and county
34 shall fill out and return a funding request form to the department.
35 The form shall specify the beverage container recycling or litter
36 reduction activities for which the funds will be used.

37 (E) The department shall annually prepare and distribute a
38 funding request form to each city, county, or city and county. The
39 form shall specify the amount of beverage container recycling and
40 litter cleanup funds for which the jurisdiction is eligible. The form

1 shall not exceed one double-sided page in length, and may be
2 submitted electronically. If a city, county, or city and county does
3 not return the funding request form within 90 days of receipt of
4 the form from the department, the city, county, or city and county
5 is not eligible to receive the funds for that funding cycle.

6 (F) For the purposes of this paragraph, per capita population
7 shall be based on the population of the incorporated area of a city
8 or city and county and the unincorporated area of a county. The
9 department shall withhold payment to any city, county, or city and
10 county that has prohibited the siting of a supermarket site, caused
11 a supermarket site to close its business, or adopted a land use policy
12 that restricts or prohibits the siting of a supermarket site within its
13 jurisdiction.

14 (4) One million five hundred thousand dollars (\$1,500,000) may
15 be expended annually in the form of grants for beverage container
16 recycling and litter reduction programs.

17 (5) (A) The department shall expend the amount necessary to
18 pay the processing payment established pursuant to Section 14575.
19 The department shall establish separate processing fee accounts
20 in the fund for each beverage container material type for which a
21 processing payment and processing fee are calculated pursuant to
22 Section 14575, or for which a processing payment is calculated
23 pursuant to Section 14575 and a voluntary artificial scrap value is
24 calculated pursuant to Section 14575.1, into which account shall
25 be deposited both of the following:

26 (i) All amounts paid as processing fees for each beverage
27 container material type pursuant to Section 14575.

28 (ii) Funds equal to the difference between the amount in clause
29 (i) and the amount of the processing payments established in
30 subdivision (b) of Section 14575, and adjusted pursuant to
31 paragraph (2) of subdivision (c) of, and subdivision (f) of, Section
32 14575, to reduce the processing fee to the level provided in
33 subdivision (e) of Section 14575, or to reflect the agreement by a
34 willing purchaser to pay a voluntary artificial scrap value pursuant
35 to Section 14575.1.

36 (B) Notwithstanding Section 13340 of the Government Code,
37 the moneys in each processing fee account are hereby continuously
38 appropriated to the department for expenditure without regard to
39 fiscal years, for purposes of making processing payments pursuant
40 to Section 14575.

1 (6) Up to five million dollars (\$5,000,000) may be annually
2 expended by the department for the purposes of undertaking a
3 statewide public education and information campaign aimed at
4 promoting increased recycling of beverage containers.

5 (7) Up to ten million dollars (\$10,000,000) may be expended
6 annually by the department for quality incentive payments for
7 empty glass beverage containers pursuant to Section 14549.1.

8 (8) Up to ten million dollars (\$10,000,000), less any amount
9 appropriated in the annual Budget Act, may be expended annually
10 by the department for market development payments for empty
11 plastic beverage containers pursuant to Section 14549.2, until
12 January 1, 2024.

13 (b) (1) If the department determines, pursuant to a review made
14 pursuant to Section 14556, that there may be inadequate funds to
15 pay the payments required by this division, the department shall
16 immediately notify the appropriate policy and fiscal committees
17 of the Legislature regarding the inadequacy.

18 (2) On or before 180 days, but not less than 80 days, after the
19 notice is sent pursuant to paragraph (1), the department may reduce
20 or eliminate expenditures, or both, from the funds as necessary,
21 according to the procedure set forth in subdivision (c).

22 (c) If the department determines that there are insufficient funds
23 to make the payments specified pursuant to this section and Section
24 14575, the department shall reduce all payments proportionally.

25 (d) Before making an expenditure pursuant to paragraph (6) of
26 subdivision (a), the department shall convene an advisory
27 committee consisting of representatives of the beverage industry,
28 beverage container manufacturers, environmental organizations,
29 the recycling industry, nonprofit organizations, and retailers to
30 advise the department on the most cost-effective and efficient
31 method of the expenditure of the funds for that education and
32 information campaign.

33 (e) Subject to the availability of funds, the department shall
34 retroactively pay in full any payments provided in this section that
35 have been proportionally reduced during the period of January 1,
36 2010, through June 30, 2010.

37 SEC. 11. Section 14585 of the Public Resources Code is
38 amended to read:

39 14585. (a) The department shall adopt guidelines and methods
40 for paying handling fees to supermarket sites, nonprofit

1 convenience zone recyclers, or rural region recyclers to provide
2 an incentive for the redemption of empty beverage containers in
3 convenience zones. The guidelines shall include, but not be limited
4 to, all of the following:

5 (1) Handling fees shall be paid on a monthly basis, in the form
6 and manner adopted by the department. The department shall
7 require that claims for the handling fee be filed with the department
8 not later than the first day of the second month following the month
9 for which the handling fee is claimed as a condition of receiving
10 any handling fee.

11 (2) The department shall determine the number of eligible
12 containers per site for which a handling fee will be paid in the
13 following manner:

14 (A) Each eligible site’s combined monthly volume of glass and
15 plastic beverage containers shall be divided by the site’s total
16 monthly volume of all empty beverage container types.

17 (B) If the quotient determined pursuant to subparagraph (A) is
18 equal to, or more than, 10 percent, the total monthly volume of
19 the site shall be the maximum volume which is eligible for a
20 handling fee for that month.

21 (C) If the quotient determined pursuant to subparagraph (A) is
22 less than 10 percent, the department shall divide the volume of
23 glass and plastic beverage containers by 10 percent. That quotient
24 shall be the maximum volume that is eligible for a handling fee
25 for that month.

26 (3) The department shall pay a handling fee per eligible
27 container in the amount determined pursuant to subdivision (f).

28 (4) If the eligible volume in any given month would result in
29 handling fee payments that exceed the allocation of funds for that
30 month, as provided in subdivision (b), sites with higher eligible
31 monthly volumes shall receive handling fees for their entire eligible
32 monthly volume before sites with lower eligible monthly volumes
33 receive any handling fees.

34 (5) (A) If a dealer where a supermarket site, nonprofit
35 convenience zone recycler, or rural region recycler is located ceases
36 operation for remodeling or for a change of ownership, the operator
37 of that supermarket site, nonprofit convenience zone recycler, or
38 rural region recycler shall be eligible to apply for handling fees
39 for that site for a period of three months following the date of the
40 closure of the dealer.

1 (B) Every supermarket site operator, nonprofit convenience
2 zone recycler, or rural region recycler shall promptly notify the
3 department of the closure of the dealer where the supermarket site,
4 nonprofit convenience zone recycler, or rural region recycler is
5 located.

6 (C) Notwithstanding subparagraph (A), any operator who fails
7 to provide notification to the department pursuant to subparagraph
8 (B) shall not be eligible to apply for handling fees.

9 (b) The department may allocate the amount authorized for
10 expenditure for the payment of handling fees pursuant to paragraph
11 (1) of subdivision (a) of Section 14581 on a monthly basis and
12 may carry over any unexpended monthly allocation to a subsequent
13 month or months. However, unexpended monthly allocations shall
14 not be carried over to a subsequent fiscal year for the purpose of
15 paying handling fees but may be carried over for any other purpose
16 pursuant to Section 14581.

17 (c) (1) The department shall not make handling fee payments
18 to more than one certified recycling center in a convenience zone.
19 If a dealer is located in more than one convenience zone, the
20 department shall offer a single handling fee payment to a
21 supermarket site located at that dealer. This handling fee payment
22 shall not be split between the affected zones. The department shall
23 stop making handling fee payments if another recycling center
24 certifies to operate within the convenience zone without receiving
25 payments pursuant to this section, if the department monitors the
26 performance of the other recycling center for 60 days and
27 determines that the recycling center is in compliance with this
28 division. Any recycling center that locates in a convenience zone,
29 thereby causing a preexisting recycling center to become ineligible
30 to receive handling fee payments, is ineligible to receive any
31 handling fee payments in that convenience zone.

32 (2) The department shall offer a single handling fee payment
33 to a rural region recycler located anywhere inside a convenience
34 zone, if that convenience zone is not served by another certified
35 recycling center and the rural region recycler does either of the
36 following:

37 (A) Operates a minimum of 30 hours per week in one
38 convenience zone.

39 (B) Serves two or more convenience zones, and meets all of the
40 following criteria:

- 1 (i) Is the only certified recycler within each convenience zone.
2 (ii) Is open and operating at least eight hours per week in each
3 convenience zone and is certified at each location.
4 (iii) Operates at least 30 hours per week in total for all
5 convenience zones served.
- 6 (3) In a convenience zone that, as of ~~the effective date of the~~
7 ~~measure that added this paragraph~~, *January 1, 2019*, has been
8 continuously unserved by a certified recycling location for at least
9 six months, the department shall offer a handling fee payment to
10 a recycler located within the convenience zone that operates a
11 minimum of 30 hours per week regardless of physical location
12 within that convenience zone and that is certified on or after ~~the~~
13 ~~effective date of that bill~~. *January 1, 2019*.
- 14 (d) The department may require the operator of a supermarket
15 site, or the operator of a rural region recycler, receiving handling
16 fees to maintain records for each location where beverage
17 containers are redeemed, and may require the supermarket site or
18 rural region recycler to take any other action necessary for the
19 department to determine that the supermarket site or rural region
20 recycler does not receive an excessive handling fee.
- 21 (e) The department may determine and utilize a standard
22 container per pound rate, for each material type, for the purpose
23 of calculating volumes and making handling fee payments.
- 24 (f) (1) On or before January 1, 2008, and every two years
25 thereafter, the department shall conduct a survey pursuant to this
26 subdivision of a statistically significant sample of certified
27 recycling centers that receive handling fee payments to determine
28 the actual cost incurred for the redemption of empty beverage
29 containers by those certified recycling centers. The department
30 shall conduct these cost surveys in conjunction with the cost
31 surveys performed by the department pursuant to subdivision (b)
32 of Section 14575 to determine processing payments and processing
33 fees. The department shall include, in determining the actual costs,
34 only those allowable costs contained in the regulations adopted
35 pursuant to this division that are used by the department to conduct
36 cost surveys pursuant to subdivision (b) of Section 14575.
- 37 (2) Using the information obtained pursuant to paragraph (1),
38 the department shall then determine the statewide weighted average
39 cost incurred for the redemption of empty beverage containers,

1 per empty beverage container, at recycling centers that receive
2 handling fees.

3 (3) The department shall determine the amount of the handling
4 fee to be paid for each empty beverage container by subtracting
5 the amount of the statewide weighted average cost per container
6 to redeem empty beverage containers by recycling centers that do
7 not receive handling fees from the amount of the statewide
8 weighted average cost per container determined pursuant to
9 paragraph (2).

10 (4) The department shall adjust the statewide average cost
11 determined pursuant to paragraph (2) for each beverage container
12 annually to reflect changes in the cost of living, as measured by
13 the Bureau of Labor Statistics of the United States Department of
14 Labor or a successor agency of the United States government.

15 (5) The cost information collected pursuant to this section at
16 recycling centers that receive handling fees shall not be used in
17 the calculation of the processing payments determined pursuant
18 to Section 14575.

19 (6) Notwithstanding paragraphs (2) and (3), for the period from
20 ~~the effective date of the measure that added this paragraph~~ *January*
21 *1, 2019*, to July 1, 2021, inclusive, the handling fee shall be set at
22 the rate in effect on July 1, 2015.

23 (g) The department may update the methodology and scrap
24 values used for calculating the handling fee from the most recent
25 cost survey if it finds that the handling fee resulting from the most
26 recent cost survey does not accurately represent the actual cost
27 incurred for the redemption of empty beverage containers by those
28 certified recycling centers.

29 (h) (1) The department may expend up to three million dollars
30 (\$3,000,000) annually from the fund for supplemental handling
31 fee payments to low-volume recycling centers and recyclers willing
32 to open a recycling center in a convenience zone that has recently
33 become unserved. The department shall allocate the amount
34 authorized for these supplemental handling fee payments into 12
35 equal monthly allotments.

36 (2) Supplemental handling fee payments shall be distributed
37 once per month in equal amounts to recycling centers that are
38 eligible for handling fees pursuant to subdivision (a), subject to
39 all of the following requirements:

1 (A) A recycling center receiving a handling fee pursuant to this
2 subdivision shall have no more than 600,000 beverage containers
3 eligible for handling fees per month.

4 (B) Priority shall be given to recycling centers with the lowest
5 volumes of beverage containers that are located in rural regions.

6 (C) (i) Payments shall be distributed first to no more than 100
7 recycling centers with the lowest volumes of beverage containers
8 that are located in rural regions, in order of lowest volume.

9 (ii) After payments are distributed pursuant to clause (i),
10 payments shall be distributed to other recycling centers with the
11 lowest volumes of beverage containers, in order of lowest volume.

12 (3) No more than 400 recycling centers shall receive
13 supplemental handling fee payments pursuant to this subdivision.

14 (4) The department may make the supplemental handling fee
15 payments authorized pursuant to this subdivision by augmenting
16 handling fee payments received by recyclers pursuant to
17 subdivision (f).

18 (5) This subdivision shall become inoperative on July 1, 2021.

19 ~~SEC. 12. This act is an urgency statute necessary for the~~
20 ~~immediate preservation of the public peace, health, or safety within~~
21 ~~the meaning of Article IV of the California Constitution and shall~~
22 ~~go into immediate effect. The facts constituting the necessity are:~~

23 ~~Because of the unprecedented closures of recycling centers~~
24 ~~statewide, reduced access to redemptions for consumers, declining~~
25 ~~recycling rates, and higher costs associated for grocers and retailers,~~
26 ~~it is necessary for this act to take effect immediately.~~

27
28
29 REVISIONS: _____
30 Heading—Line 2.
31 _____

O



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 18, 2018

The Honorable Steven Glazer
Member, California State Senate
State Capitol, Room 4072
Sacramento, CA 95814

**RE: Senate Bill 452 – SUPPORT IF AMENDED
As Amended April 24, 2018**

Dear Senator Glazer:

On behalf of the Rural County Representatives of California (RCRC), I am writing to express our "Support if Amended" position for your Senate Bill 452, relating to the California Beverage Container Recycling and Litter Reduction Act (commonly known as the Bottle Bill). RCRC is an association of thirty-five rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

In addition, twenty-four member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs.

In light of the widespread recycling center closures, RCRC believes it is imperative to enlarge the accessibility of recycling centers to unserved zones. RCRC supports the preservation of handling fees for certified centers, city/county payments, and programs to increase and improve recycling infrastructure in rural counties. With the closure of many certified recycling centers, "convenient" beverage container redemption opportunities for many Californians do not exist in many rural areas. Since these closures, not only do many rural residents not have the opportunity to redeem their refunds, but the beverage container recycling rates have decreased.

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

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

The Honorable Steven Glazer
Senate Bill 452
May 18, 2018
Page 2

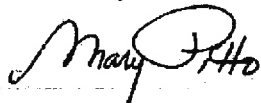
SB 452 is a modest reform measure that focuses on several aspects of the Bottle Bill. While RCRC appreciates SB 452 as an acknowledgement for a limited, but much-needed fix, we are concerned with a number of aspects in the proposal. With this in mind, we offer the following suggested concepts:

- Increase the number of containers that can be redeemed at a retailer to 50 individual containers;
- Exemptions for mandatory retailer take-back be applicable for only 18 months (until July 1, 2020); and,
- No retailer take-back exemptions in counties that do not have at least one convenience zone.

RCRC has long supported a long-term fix for a sustainable Bottle Bill program, but, again, we believe a limited-approach is a good start. RCRC appreciates your acknowledgment of the need to make structural changes to the Bottle Bill, and we welcome the opportunity to work with you to find appropriate solutions.

RCRC appreciates your consideration of our request. If you should have any questions or concerns, please do not hesitate to contact me at (916) 447-4806.

Sincerely,



MARY PITTO
Regulatory Affairs Advocate

cc: The Honorable Catharine Baker, Member of the State Assembly
The Honorable Jordan Cunningham, Member of the State Assembly
Members of the Assembly Natural Resources Committee
Consultant, Assembly Natural Resources Committee
John Kennedy, Assembly Republican Caucus

2018 Legislation

Summary Listing of Selected Solid Waste Related Bills

June 8, 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)

Title: Product Safety: Polyfluoroalkyl Substances
Last Amend: 05/31/2018
Location: Senate Rules Committee
Summary: Requires a manufacturer of food packaging or cookware, as defined, that is sold in the state to visibly disclose on an exterior location of the food packaging or cookware packaging a specified statement relating to the presence of perfluoroalkyl and polyfluoroalkyl substances.
Status: 06/04/2018 Withdrawn from SENATE Committee on APPROPRIATIONS.
06/04/2018 Re-referred to SENATE Committee on RULES.
Lobbyist Position Subject
Mary Watch (05/09/2017) ESJPA

5. CA AB 1036


Author: McCarty (D)
Title: Organic Waste: Composting
Last Amend: 06/20/2017
Location: Senate Environmental Quality Committee
Summary: Requires California Environmental Protection Agency and the Department of Food and Agriculture, with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the State Air Resources Board to assess the state's progress towards developing the organic waste processing and recycling infrastructure necessary to meet the state goals. Requires an air pollution control district or air quality management district to include certain factors in baseline emissions calculations.
Status: 06/20/2017 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
06/20/2017 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
Mary Pending (05/09/2017) ESJPA

6. CA AB 1288

Author: Eggman (D)
Title: Solid Waste: Management: Funding
Last Amend: 05/01/2017
Location: Senate Environmental Quality Committee
Summary: Requires the Department of Resources Recycling and Recovery to conduct a public workshop to discuss funding for organic waste reduction infrastructure. Requires the department and the State Air Resources 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.
Status: 06/01/2017 To SENATE Committee on ENVIRONMENTAL QUALITY.
BOARD.PACKET Lobbyist Position Subject
AUGUST.2017 Mary Pending (02/24/2017) ESJPA
DEC.2017 Paul Solid.Waste

7. CA AB 1441



Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Hazardous Waste: Transportation: Electronic Manifests
Last Amend: 06/15/2017

File: A-42
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 Environmental Quality Committee
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: 06/07/2018 To SENATE Committees on ENVIRONMENTAL QUALITY and GOVERNANCE AND FINANCE.
Lobbyist Position Subject
 Mary Watch (03/07/2017) ESJPA
 Paul
 Staci

9. CA AB 1884

Author: Calderon I (D)
Title: Food Facilities: Single Use Plastic Straws
Last Amend: 04/30/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  
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. Specifies that the first and second violations of these provisions would result in a warning and any subsequent violation would be an infraction punishable by a specified fine for each day the food facility is in violation.
Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Watch (01/18/2018) ESJPA

10. CA AB 1933

Author: Maienschein (R)
Title: Greenhouse Gas Reduction Fund: Recycling Projects
Last Amend: 05/25/2018
Committee: Senate Environmental Quality Committee

Hearing: 06/20/2018 8:30 am, Room 3191  

Summary: Amends existing law relating to the design and construction of facilities for processing recyclable materials. Specifies that activities that expand and improve waste diversion and recycling include food rescue, waste prevention, and organic waste recycling. Specifies that eligible infrastructure projects that reduce greenhouse gas emissions include the expansion of facilities for processing recyclable materials and projects to improve the quality of recycled materials.

Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Staff	Subject
Mary	Support (04/25/2018)	Staci	Climate.Change ESJPA

11. CA AB 1970

Author: Garcia E (D)

Title: Low-carbon Fuels: Electric Trucks and Charging Station

Last Amend: 05/25/2018

Location: SENATE

Summary: Requires the commission to develop a pilot program for a certain number of pilot projects for the development of innovative low-carbon fuel. Requires the commission to develop a pilot program to reduce emissions of greenhouse gases and improve air quality at a marine terminal located in a disadvantaged community located in the County of San Diego through the purchase of electric yard trucks and charging stations.

Status: 05/31/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (52-24)

Lobbyist	Position	Subject
Mary	Watch (05/01/2018)	ESJPA
Paul		



12. CA AB 1975

Author: Chu (D)

Title: Nuisance: Odors

Last Amend: 05/01/2018

File: A-49

Location: Assembly Inactive File  

Summary: Requires the Department of Resources Recycling and Recovery 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 and the Cities of Milpitas, Fremont, Santa Clara and San Jose.

Status: 06/04/2018 In ASSEMBLY. Reconsideration granted.
06/04/2018 In ASSEMBLY. From third reading. To Inactive File.

Lobbyist	Position	Subject
Mary	Oppose (04/02/2018)	ESJPA
Paul		



13. CA AB 1981

Author: Limon (D)

Title: Organic Waste: Composting

Last Amend: 04/30/2018

Committee: Senate Environmental Quality Committee

Hearing: 06/20/2018 8:30 am, Room 3191  

Summary: Imposes additional duties on various state agencies relating to promoting the application of compost and includes the Department of Forestry and Fire Protection in the list of agencies in the state agencies in coordination with which the state Environmental Protection Agency is required to develop and implement policies to aid in diverting organic waste from landfills by promoting composting. Requires agencies to work toward greenhouse gas reduction goals.

Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.



Lobbyist	Position	Staff	Subject
Staci	Support (05/01/2018)	Mary	ESJPA

14. CA AB 2094

Author: Kalra (D)

Title: Hazardous Waste Facilities: Inspections

Committee: Senate Environmental Quality Committee

Hearing: 06/20/2018 8:30 am, Room 3191  

Summary: Requires the Department of Toxic Substances Control to adopt regulations establishing inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities, hazardous waste generators, and hazardous waste transporters. Requires the inspection frequency for a hazardous waste land disposal facility to be no less than 2 times per calendar year.

Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

15. CA AB 2097

Author: Acosta (R)

Title: Carpet Recycling: Annual Reports

Location: Senate Appropriations Committee

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: 06/06/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (5-0)

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

16. CA AB 2115

Author: Santiago (D)

Title: Vehicles: Passing and Overtaking: Waste Vehicles

Last Amend: 05/02/2018

Committee: Senate Transportation and Housing Committee

Hearing: 06/12/2018 1:30 pm, John L. Burton Hearing Room (4203)  



Summary: Requires the driver of a vehicle on a public street or highway approaching or overtaking a stopped waste service vehicle to make a lane change into an adjacent and available lane, and pass at a safe distance, subject to exceptions. Requires that, if that maneuver would be unsafe, the driver slow to a reasonable and prudent speed that is safe for

existing traffic conditions. Applies if the waste service vehicle is readily identifiable as such based on configuration or markings and has flashing amber lights.

Status: 05/30/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.

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

17. CA AB 2178

Author: Limon (D)
Title: Limited Service Charitable Feeding Operation
Last Amend: 04/02/2018
Committee: Senate Health Committee
Hearing: 06/27/2018 1:30 pm, John L. Burton Hearing Room (4203)  

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. Requires all categories of limited service charitable feeding operations to register with the local enforcement agency.

Status: 05/10/2018 To SENATE Committee on HEALTH.

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

18. CA AB 2189

Author: Santiago (D)
Title: Hazardous Substances: Lead: Cleanup: Exide Technologies
Last Amend: 05/25/2018
Location: SENATE

Summary: Amends the Lead Acid Battery Recycling Act. Creates the Lead Acid Battery Cleanup Fund. Requires that the fees collected under the Act be deposited into the Fund. Requires that moneys in the Fund be expended for the investigation, site evaluation, cleanup, remedial actions, removal, monitoring, or other response actions at any area of the state that is reasonably suspected to have been contaminated by the operation of a lead acid battery recycling facility.

Status: 05/31/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (78-0)

Lobbyist	Position	Subject
Mary	Watch (04/02/2018)	ESJPA
Paul		

19. CA AB 2277

Author: Mathis (R)
Title: Solid Waste Facilities: Pharmaceutical Waste
Location: Assembly Environmental Safety and Toxic Materials Committee

Summary: Vests the Department of Resources Recycling and Recovery with the primary responsibility for the disposal of home-generated pharmaceutical waste and would require the Department of Resources Recycling and Recovery, in collaboration with the State Department of Public Health, the Department of Toxic Substances control, and the California State Board of Pharmacy, to adopt regulations authorizing the incineration of home-generated pharmaceutical waste by solid waste facilities.

Status: 03/01/2018 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

Lobbyist	Position	Subject

Mary Pending (02/15/2018) ESJPA
Paul Solid.Waste

20. CA AB 2308

Author: Stone (D)
Title: Cigarettes: Single-Use Filters
Location: Assembly Governmental Organization Committee
Summary: Relates to state findings and declarations of the Legislature regarding the health and public safety hazards to residents of the state relating to cigarettes utilizing single-use filters. Prohibits a person or entity from selling, giving, or in any way furnishing to another person of any age in this state a cigarette utilizing a single-use filter made of any material, including cellulose acetate, any other fibrous plastic material, or any organic or biodegradable material.

Status: 05/02/2018 In ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION: Failed passage.

Lobbyist	Position	Subject
Mary	Pending (05/01/2018)	ESJPA
Paul		

21. CA AB 2321

Author: McCarty (D)
Title: Solid Waste: Integrated Waste Management
Location: ASSEMBLY
Summary: Makes nonsubstantive changes to legislative findings regarding solid waste management in the state.

Status: 02/13/2018 INTRODUCED.

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


22. CA AB 2345

Author: Reyes (D)
Title: Hazardous Waste: Facilities: Permits
Location: Senate Appropriations Committee
Summary: Requires, for 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 that permit to submit to a Part A and Part B application for permit renewal at least 6 months before the fixed term of the permit expires.

Status: 05/16/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (7-0)

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

23. CA AB 2379

Author: Bloom (D)
Title: Waste Management: Plastic Microfiber
Last Amend: 04/26/2018
File: A-43
Location: Assembly Inactive File 



Summary:

Relates to toxic chemical enforcement. Requires that new clothing with a certain material composition bear a conspicuous label that is visible to the consumer in the form of a sticker, or any other label type, with a statement that the garment sheds plastic microfibers when washed. Requires additional information, including that same statement, on the care label of such garments. Prohibits sales of such new clothing without those labels.

Status: 06/04/2018 In ASSEMBLY. To Inactive File.

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

24. CA AB 2407

Author: Ting (D)
Title: Recycling: Lithium-ion Vehicle Batteries
Last Amend: 04/17/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  

Summary: Requires the Secretary for Environmental Protection to convene the Lithium-Ion Car Battery Recycling Advisory Group to review policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state. Requires the advisory group to consult with specified entities and to submit policy recommendations aimed at ensuring that 90% of end-of-life lithium-ion batteries discarded in the state are recycled in a safe and cost-effective manner.

Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist	Position	Subject
Mary	Support (04/05/2018)	ESJPA
Paul		

25. CA AB 2411

Author: McCarty (D)
Title: Solid Waste: Use of Compost: Planning
Last Amend: 05/01/2018
Location: Senate Second Reading File

Summary: Amends the Integrated Waste Management Act. Requires the Department of Resources Recycling, and Recovery to develop and implement a plan to maximize the use of compost for slope stabilization and establishing vegetation in the course of providing debris removal services following a wildfire. Requires the Department in coordination with the Department of Transportation, to identify best practices for each of the DOT 12 districts regarding the cost-effective use of compost along roadways.

Status: 06/06/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS. (5-0)

BOARD.PACKET	Barbed.Wire	Lobbyist	Position	Subject
APRIL2018	Current.Bill.List	Mary	Support (04/12/2018)	ESJPA
		Paul		

26. CA AB 2493

Author: Bloom (D)
Title: Beverage Container Recycling: Convenience Zones
Last Amend: 04/17/2018
Location: SENATE

Summary:

Amends the Beverage Container Recycling and Litter Reduction Act. Requires the Department of Resources Recycling and Recovery to redefine convenience zone. Provides that recycling centers that received a handling fee immediately before the adoption of such regulations would remain eligible to receive handling fee payments, under certain conditions.

Status: 05/31/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (78-0)

Barbed.Wire	Lobbyist	Position	Subject
Current.Bill.List	Mary	Pending (04/18/2018)	ESJPA
	Paul		



27. CA AB 2606

Author: Fong (R)
Title: Hazardous Waste: Facilities: Permits: Renewals
Last Amend: 05/25/2018
Location: SENATE
Summary: Requires the Department of Toxic Substances Control to process a hazardous waste facilities permit renewal application in an expedited manner, as provided, if the department determines that certain conditions are met, including that operations at the hazardous waste facility have not changed significantly since the approval of the permit in effect at the time the renewal application is submitted. Imposes a maximum on the amount of reimbursement to the department for the costs incurred.

Status: 05/31/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (65-4)

Lobbyist	Position	Subject
Mary	Pending (02/20/2018)	ESJPA
Paul		

28. CA AB 2632



Author: Santiago (D)
Title: Packaging and Labeling: Containers: Slack Fill
Last Amend: 05/07/2018
Committee: Senate Business, Professions & Economic Development Committee
Hearing: 06/25/2018, Room 3191  

Summary: Relates to the prohibition against nonfunctional slack fill for commodities containers subject to the Sherman Food, Drug, and Cosmetic Law. Specifies a certain number of reasons that a container may contain slack fill without violating the prohibition. Specifies additional reasons containers may contain slack fill without violating the nonfunctional slack fill prohibition.

Status: 06/07/2018 To SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT.

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

29. CA AB 2660

Author: Quirk (D)
Title: Hazardous Waster: Surplus Household Consumer Products
Last Amend: 05/21/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  

Summary:

Imposes certain requirements on a retailer or supplier who transfers or ships a surplus household consumer product, as defined by the bill, to a reverse distributor. Authorizes a reverse distributor to receive a surplus household consumer product to evaluate a surplus house consumer product for reuse, donation, transfer for credit, and other specified purposes.

Status: 05/21/2018 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
05/21/2018 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.


Lobbyist	Position	Subject
Mary	Support (05/30/2018)	ESJPA
Paul		

30. CA AB 2766

Author: Berman (D)
Title: California Beverage Container Recycling
Last Amend: 03/19/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  
Summary: Relates to the California Beverage Container Recycling and Litter Reduction Act. Authorizes the Department of Resources Recycling and Recovery to expend specified amounts to make market development payments until a specified date.
Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.



Lobbyist	Position	Subject
Mary	Support (04/25/2018)	ESJPA
Paul		

31. CA AB 2779

Author: Stone (D)
Title: Recycling: Single Use Plastic Beverage Container Caps
Last Amend: 05/25/2018
File: A-41
Location: Assembly Inactive File 
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 for those containing water. Provides that these prohibitions do not apply for beverage containers manufactured by small bottlers, as defined.
Status: 06/04/2018 In ASSEMBLY. From third reading. To Inactive File.

Lobbyist	Position	Subject
Mary	Watch (02/20/2018)	ESJPA
Paul		

32. CA AB 2803



Author: Limon (D)
Title: Public Nuisance: Residential Lead-Based Paint
Last Amend: 04/23/2018
Committee: Senate Judiciary Committee
Hearing: 06/12/2018 1:30 pm, Room 112  
Summary: Provides that residential lead-based paint that affects the health of a considerable number of persons constitutes a public nuisance. Provides that a party may be subject to

liability for public nuisance if that party promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable.

Status: 05/30/2018 To SENATE Committees on JUDICIARY, ENVIRONMENTAL QUALITY and APPROPRIATIONS.

Lobbyist	Position	Subject
Mary	Pending (02/20/2018)	ESJPA
Paul		

33. CA AB 2832

Author: Dahle (R)
Title: Recycling and Reuse: Lithium-Ion Batteries
Last Amend: 05/25/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  
Summary: Requires the Department of Toxic Substances Control to work collaboratively with specified state entities and stakeholders to identify approaches for the reuse or recycling of lithium-ion batteries from electric vehicles when the batteries are no longer suitable for their intended purposes, identify processes for the proper disposal of those lithium-ion batteries.

Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.

BOARD.PACKET	Lobbyist	Position	Subject
APRIL2018	Mary	Support (05/04/2018)	ESJPA

34. CA AB 2901

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Cleaning Product Right to Know Act
Location: Enrolled
Summary: Updates and corrects references to the names of specified substances and entities under the Cleaning Product Right to Know Act. Relates to the disclosure on a product label and a manufacturer's website information related to chemicals contained in the designated product.

Status: 05/30/2018 Enrolled.

Lobbyist	Position	Subject
Mary	Watch (02/20/2018)	ESJPA
Paul		

35. CA AB 2902

Author: Assembly Environmental Safety and Toxic Materials Committee
Title: Hazardous Substances
Last Amend: 05/25/2018
Location: Senate Appropriations Committee
Summary: Revises the prohibition on issuing or renewing permits to instead prohibit a local agency from issuing a permit to operate an underground storage tank to, or renewing such a permit of, a person operating an underground storage tank to which a red tag is affixed.

Status: 06/06/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (5-0)

Lobbyist	Position	Subject
Mary	Pending (02/20/2018)	ESJPA
Paul		

36.



CA AB 2908

Author: Berman (D)
Title: Tire Recycling: California Tire Regulatory Fee
Last Amend: 04/17/2018
Location: SENATE
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: 05/30/2018 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (45-28)
Lobbyist Position Subject
 Mary Support (04/02/2018) ESJPA
 Paul

37. CA AB 2921

Author: Low (D)
Title: Expanded Polystyrene Food Service Packaging Recovery
Last Amend: 04/05/2018
Location: Assembly Natural Resources Committee
Summary: Enacts the Expanded Polystyrene Food Service Packaging Recovery and Recycling Act. Authorizes expanded polystyrene food service packaging manufacturers and polystyrene resin producers to form or designate an organization consisting of PFP manufacturers and resin producers, to be known as the Expanded Polystyrene Food Service Packaging Recycling Organization. Requires PFP manufacturers or resin producers to pay to the Organization the expanded polystyrene food service packaging assessment fee.
Status: 04/23/2018 In ASSEMBLY Committee on NATURAL RESOURCES: Not heard.
Lobbyist Position Subject
 Mary Pending (02/26/2018) ESJPA
 Paul

38. CA AB 2928

Author: Chen (R)
Title: Hazardous Waste: Used Oil
Last Amend: 03/19/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  
Summary: Provides that the testing of used oil from a generator of highly controlled used oil is required only once per year for the purpose of determining whether the used oil is hazardous waste for purposes of the exemption from regulation.
Status: 05/30/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Pending (02/20/2018) ESJPA
 Paul

39. CA AB 3014

Author: Quirk (D)

Title: Brake Friction Materials: Copper Limits
Last Amend: 06/07/2018
Location: Senate Environmental Quality Committee
Summary: Exempts high performance road and track capable vehicles, and brake friction materials for use on those vehicles from the prohibition against the sale of motor vehicle brake friction materials containing more than a certain percent of copper by weight.
Status: 06/07/2018 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
 06/07/2018 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
Lobbyist Position Subject
 Mary Watch (04/03/2018) ESJPA
 Paul

40. CA AB 3036

Author: Cooley (D)
Title: Solid Waste: Definition
Last Amend: 05/03/2018
Location: Senate Appropriations Committee
Summary: Excludes from the State Integrated Waste Management Act's definition of solid waste byproducts from processing food, if those byproducts meet certain conditions, including, among others, that the byproducts are destined for use as animal feed.
Status: 06/06/2018 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS. (5-0)
Barbed.Wire Lobbyist Position Subject
 Current.Bill.List Mary Pending (02/20/2018) ESJPA
 Paul

41. CA AB 3138

Author: Muratsuchi (D)
Title: Hazardous Materials: Management: Civil Liability
Last Amend: 05/25/2018
Location: Senate Environmental Quality Committee
Summary: Increases the lesser maximum amount of civil or administrative liability imposed on a person or stationary source for a violation to a specified amount for each day in which the violation occurs, and would authorize the greater maximum civil or administrative liability to be imposed on a person or stationary source that knowingly violates those provisions regardless of whether the violation was committed after reasonable notice.
Status: 06/07/2018 To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.
Lobbyist Position Subject
 Mary Pending (02/20/2018) ESJPA
 Paul

42. CA AB 3154

Author: Rubio (D)
Title: Litter: Receptacles
Location: ASSEMBLY
Summary: Makes nonsubstantive changes to existing law requiring litter receptacles to be placed in all public places.
Status: 02/16/2018 INTRODUCED.
Lobbyist Position Subject

Mary Paul Pending (02/20/2018) ESJPA



43. CA AB 3178

Author: Rubio (D)
Title: Integrated Waste Management Plans: Source Reduction
Last Amend: 04/30/2018
Committee: Senate Environmental Quality Committee
Hearing: 06/20/2018 8:30 am, Room 3191  
Summary: Amends the Integrated Waste Management Act. Makes findings, including, among others, that under China's National Sword import policy, many recyclable materials are now banned and may no longer be imported into that country, which has had a profound impact on state efforts to meet state recycling objectives. Requires the Department to consider the extent to which a jurisdiction has made efforts to reduce contamination and improve the quality of recycled materials.
Status: 06/07/2018 To SENATE Committee on ENVIRONMENTAL QUALITY.
BOARD.PACKET **Barbed.Wire** **Lobbyist** **Position** **Subject**
 APRIL2018 Current.Bill.List Mary Support (04/18/2018) ESJPA
 Paul

44. CA AB 3187

Author: Grayson (D)
Title: Biomethane: Gas Corporations: Rates
Last Amend: 05/01/2018
Location: Senate Energy, Utilities and Communications Committee
Summary: Replaces the requirement that this consideration be made before expiration of the program, to instead require the commission to open a proceeding to consider those options by no later than July 1, 2019.
Status: 06/07/2018 To SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS.
Lobbyist **Position** **Subject**
 Mary Support (04/02/2018) ESJPA
 Paul

45. CA SB 71

Author: Wiener (D)
Title: Solid Waste: Disposal
Last Amend: 02/26/2018
Committee: Assembly Natural Resources Committee
Hearing: 06/18/2018 2:30 pm, State Capitol, Room 447  
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: 04/16/2018 Re-referred to ASSEMBLY Committees on NATURAL RESOURCES and JUDICIARY.
Lobbyist **Position** **Subject**
 Mary Pending (02/28/2018) ESJPA
 Paul

46. **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 Paul	Watch (08/10/2017)	ESJPA Solid.Waste

47. **CA SB 168**

Author: Wieckowski (D)
Title: Recycling: Beverage Containers
Last Amend: 05/24/2018
Location: Assembly Natural Resources Committee
Summary: Amends the Beverage Container Recycling and Litter Reduction Act. Relates to the minimum refund value for beverage containers. Relates to requirements of using post filled glass in manufacturing of glass food, drink, or beverage containers. Requires the Department to establish minimum content standards for beverage containers constructed of metal, glass, or plastic. Requires the implementation of an extended producer responsibility program to replace the current recycling program.
Status: 05/24/2018 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.
 05/24/2018 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.

BOARD.PACKET	Barbed.Wire	Lobbyist	Position	Subject
DEC.2017	Current.Bill.List	Mary Paul	Watch (01/24/2017)	ESJPA Solid.Waste

48. **CA SB 210**

Author: Leyva (D)
Title: Heavy Duty Vehicle Inspection and Maintenance Program
Last Amend: 08/23/2017
Location: Assembly Transportation Committee
Summary: Authorizes the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty on road motor vehicles. Authorizes the state board to assess a fee and penalty as part of the program. Creates the Truck Emission Check Fund and the Diesel Emission System Inspection and Smoke Test Account in the fund, with all the moneys deposited in each fund to be available upon appropriation.
Status: 04/18/2018 Re-referred to ASSEMBLY Committee on TRANSPORTATION.

Lobbyist	Position	Subject
Mary	Pending (03/01/2018)	Air.Quality ESJPA

49. **CA SB 212**

Author: Jackson (D)
Title: Medical Waste
Location: Assembly Environmental Safety and Toxic Materials 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: 05/18/2017 To ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.
Lobbyist Position Subject
 Mary Pending (02/06/2017) ESJPA
 Paul

50. **CA SB 452**

Author: Glazer (D)
Title: Beverage Container Recycling and Litter Reduction Act
Last Amend: 04/24/2018
Location: Assembly Natural Resources Committee
Summary: Requires the Department of Resources Recycling and Recovery to grant a convenience zone an exemption from the redemption requirements, if there is a certified recycling center within a certain distance of an unserved zone. Increases the total number of exemptions that may be granted. Establishes the Beverage Container Recycling Fund to pay handling fees to certain recyclers to provide an incentive for the redemption of empty beverage containers in these zones.
Status: 05/10/2018 Re-referred to ASSEMBLY Committee on NATURAL RESOURCES.
BOARD.PACKET Barbed.Wire Lobbyist Position Subject
 APRIL2018 Current.Bill.List Mary Support.If.Amended (05/18/2018) ESJPA
 Paul Solid.Waste

51. **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

52. **CA SB 1161**

Author: Stone (R)
Title: Inland Empire Rural Crime Prevention Program
Last Amend: 04/25/2018
Location: Senate Public Safety Committee
Summary: Authorizes the Counties of Riverside and San Bernardino to create the Inland Empire Rural Crime Prevention Program. Requires those counties, if they participate, to form a regional task force. Allocates moneys appropriated to the program by the Legislature equally between the counties for these purposes.

Status: 05/11/2018 To SENATE Committees on PUBLIC SAFETY and APPROPRIATIONS.

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

53. CA SB 1335

Author: Allen (D)

Title: Solid Waster: Food Service Packaging: State Agencies

Last Amend: 05/07/2018

Location: ASSEMBLY

Summary: Enacts the Sustainable Packaging for the State of California Act. Prohibits a food service facility located in a state owned facility, acting as a concessionaire on state property, or under contract to provide food service to a state agency, from dispensing prepared food using a type of food service packaging with exception. Requires the Department of Resources Recycling and Recovery to evaluate the list of approved types of food service packaging.

Status: 05/30/2018 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (22-13)

Lobbyist	Position	Subject
Mary	Watch (05/10/2018)	ESJPA
Paul		

54. CA SB 1445

Author: Stone (R)

Title: Hazardous Waste

Location: Senate Rules Committee

Summary: Requires the department to develop and adopt by regulation criteria and guidelines for the identification of hazardous wastes and extremely hazardous waste, and to manage waste that conforms to one of those criteria in accordance with permits, orders, and regulations issued or adopted by the department and in accordance with state building standards relating to hazardous waste facilities.

Status: 03/08/2018 To SENATE Committee on RULES.

Lobbyist	Position	Subject
Mary	Pending (02/20/2018)	ESJPA
Paul		

