

HF&H Consultants Legislative Update – May 2015

| Organics | | |
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| Bill | Status | Overview |
| AB 876 | Assembly Appropriations 4/29/2015: Referred to suspense file. | <p>Existing law requires each county to prepare a countywide siting element that provides, among other things, for an estimate of the total transformation or disposal capacity that will be needed for a 15-year period to safely handle solid waste generated within the county that cannot be reduced, recycled, or composted, and to identify areas for the location of new or expanded solid waste transformation or disposal facilities, if needed or desired.</p> <p>This bill would require each countywide siting element to provide an estimate of the total organics processing capacity that will be needed over a 15-year period to safely handle organic wastes generated within the county and to identify areas for the location of organics processing facilities, if needed or desired.</p> |
| AB 1045 | Assembly Appropriations 4/30/2015: Read second time. Ordered to third reading. | <p>Existing law requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. Those entities are required to divert 50% of all solid waste through source reduction, recycling, and composting.</p> <p>This bill would require the California Environmental Protection Agency, in coordination with the department, to develop and implement policies to aid in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state.</p> <p>This bill would also require CalRecycle, in coordination with the State Air Resources Board and the State Water Resources Control Board, to develop a policy that promotes the development of streamlined permitting and regulation of composting facilities while protecting air and water quality.</p> |
| AB 1103 | Assembly Natural Resources 5/18/2015: From committee: Amend, and do pass as amended. | <p>Existing law, on and after April 1, 2016, requires a business that generates a certain amount of organic waste to arrange for recycling services specifically for organic waste, and requires each city, county, or regional agency to implement an organic waste recycling program designed to divert organic waste generated by those businesses, except as specified. Existing law defines the term “organic waste” for purposes of those provisions to include food waste and food-soiled paper waste.</p> <p>This bill would also define the terms “food-soiled paper” and “food waste” for purposes of those provisions.</p> <p>“Food-soiled paper” includes food soiled napkins, towels, egg cartons, pizza boxes, waxed cardboard containers, and uncoated plates and cups.</p> |

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| | | <p>“Food waste” means discarded solid, semisolid, and liquid food, including fruits, vegetables, cheese, meat, bones, poultry, seafood, bread, rice, pasta, and oils, coffee filters and tea bags, cut flowers and herbs; and any putrescible matter produced from human or animal food production, preparation, and consumption activities. Food waste includes food-soiled paper.</p> |

| State Diversion Goals | | |
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| Bill | Status | Overview |
| AB 997 | Assembly Natural Resources 4/23/2015: In committee: Set first hearing. Hearing canceled at the request of author | <p>AB 341 (Chesbro, 2011) declares that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.</p> <p>This bill would restate the policy goal of the state to provide that the goal is for not less than 75% of solid waste generated to be source reduced, recycled, <u>used for power generation in dedicated anaerobic digesters as well as in modern landfills capturing methane gas</u>, or composted by the year 2020, and annually thereafter. The bill would also require the department to investigate emerging technologies that convert used plastic, textile, and fiber products into new plastic feedstock and monomers, adopt regulations and protocols by January 1, 2017, that encourage waste-to-energy and waste-to-fuel pyrolysis projects that address the various types and grades of plastic, textile, and fiber products that are disposed of in landfills, and, beginning January 1, 2017, and each year thereafter, examine and report to the Legislature on possible incentives for locating in-state those businesses and organizations that practice state-of-the-art, cost-effective material separation and recovery techniques as well as those organizations that are now commercially developing the most cost-effective conversion of mixed plastic, textile, and fiber wastes to fuels.</p> |
| SB 742 | Senate Appropriations: 5/18/2015: Placed on suspense file. | <p>AB 939 generally regulates the disposal, management, and recycling of solid waste. The act requires each state agency to develop and adopt, in consultation with the department, an integrated waste management plan. Existing law requires each state agency and each large state facility, on and after January 1, 2004, to divert at least 50% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.</p> <p>This bill would require each state agency and each large state facility, on and after January 1, 2018, to divert at least 60% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.</p> |

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| Plastic Bags | | |
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| Bill | Status | Overview |
| AB 190 | Assembly Natural Resources 4/13/2015: In committee: Set second hearing. Failed passage. Reconsideration granted. | Existing law (SB 270), inoperative due to a pending referendum election, would otherwise, as of July 1, 2015, prohibit stores that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer. Existing law, would also have otherwise prohibited those stores from selling or distributing a recycled paper bag unless the store makes that bag available for purchase for not less than \$0.10 and would allow those stores to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than \$0.10. This bill would repeal the above provisions and related provisions. |
| AB 191 | Assembly Natural Resources 4/13/2015: In committee: Set second hearing. Failed passage. Reconsideration granted. | This bill would repeal the requirement of SB 270, that a store that distributes recycled paper bags and makes those bags available for purchase for not less than \$0.10 |
| AB 1136 | Assembly Natural Resources 5/11/2015: In committee: Set, first hearing. Hearing canceled at the request of author. | The existing law (SB 270), would require these stores to provide to certain customers a reusable grocery bag or recycled paper bag at no cost at the point of sale. Subject to the referendum petition, this bill would expand the group of customers who would be provided a reusable grocery bag or a recycled paper bag at no cost at the point of sale to include a customer who is 65 years of age or older and a customer who provides proof of current attendance at a California college or university. |

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| Beverage Container Recycling and Litter Reduction Act | | |
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| Bill | Status | Overview |
| AB 1108 | Assembly Appropriations 5/14/2015: Read second time. Ordered to Consent Calendar. | <p>The California Beverage Container Recycling and Litter Reduction Act requires certified recycling centers, when accepting an empty beverage container from a consumer, to pay the refund value.</p> <p>This bill would prohibit a certified recycling center from paying the refund value to a consumer for more than 50 pounds of aluminum beverage containers or plastic beverage containers, or any combination thereof, or 500 pounds of glass beverage containers, submitted by that consumer to the certified recycling center in a single 24-hour period. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.</p> |
| SB 732 | Senate Environmental Quality 4/15/2015: Set for first hearing. Failed passage in committee. | <p>Existing law requires the department to calculate a processing fee and a processing payment for any type of empty beverage container with a refund value less than the cost of recycling in accordance with a specified formula. The department is prohibited from imposing a processing fee on certain plastic beverage containers labeled with a “1” called PET beverage containers if a willing purchaser offers to purchase empty PET containers at a voluntary artificial scrap value that is equal to the processing fee, as specified.</p> <p>This bill would delete the provisions prohibiting the department from imposing a processing fee on PET beverage containers for which there is such a willing purchaser.</p> <p>Existing law requires the department to reduce the processing fee paid by beverage manufacturers based on the recycling rate of the container, subject to specified requirements and the availability of funds.</p> <p>This bill would prohibit the department from reducing the processing fee requirements for any beverage manufacturer for any beverage container sold in the state unless the beverage manufacturer demonstrates to the department that the beverage container is manufactured at a facility that meets or exceeds a certain percentage of recycled content, regardless of whether the container is manufactured in the state.</p> |

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| Greenhouse Gas | | |
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| Bill | Status | Overview |
| AB 199 | Assembly Revenue and Taxation 5/11/2015: In committee: Set first hearing. Referred to suspense file | <p>Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance for projects that promote the use of alternative energies. Existing law, until January 1, 2021, authorizes the authority to approve a project for financial assistance in the form of a sales and use tax exclusion. Existing law prohibits the authority from granting sales and use tax exclusions that exceed \$100,000,000 for each calendar year.</p> <p>This bill would expand projects eligible for the sales and use tax exclusion to include projects that process or utilize recycled feedstock, but would not include a project that processes or utilizes recycled feedstock in a manner that constitutes disposal.</p> |
| AB 239 | Assembly Natural Resources 3/23/2015: In committee: Set first hearing. Failed passage. Reconsideration granted. | <p>AB 32 authorizes the California Air Resources Board (CARB) to adopt greenhouse gas emissions limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reduction in greenhouse gas emissions to assist in achieving the statewide greenhouse gas emissions limit.</p> <p>This bill would prohibit CARB, on and after January 1, 2016, from adopting or amending regulations pursuant to the act. The bill would authorize CARB to submit to the Legislature recommendations on how to achieve the goals of the act.</p> |
| AB 777 | 3/12/2015: Referred to Assembly Natural Resources. | <p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions.</p> <p>This bill would repeal the act.</p> |

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| Greenhouse Gas | | |
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| Bill | Status | Overview |
| SB 32 | Senate Appropriations 5/18/2015: Placed on suspense file | <p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions.</p> <p>This bill would require the state board to approve a statewide greenhouse gas emissions limit that is equivalent to 80% below the 1990 level to be achieved by 2050, as specified. The bill would authorize the state board to adopt interim greenhouse gas emissions level targets to be achieved by 2030 and 2040. The bill also would state the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure the long-term emissions reductions advance specified criteria.</p> |
| SB 398 | Senate Appropriations 5/11/2015: Placed on suspense file. | <p>Existing law generally designates the state board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.</p> <p>This bill would establish the Green Assistance Program, to be administered by the Secretary for Environmental Protection in concert with environmental justice programs, that, among other things, would provide technical assistance to small businesses, small nonprofits, and disadvantaged communities in applying for an allocation of moneys from the Greenhouse Gas Reduction Fund.</p> |

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| Waste Tires | | |
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| Bill | Status | Overview |
| AB 1239 | Assembly Natural Resources 4/28/2015: Do pass as amended and be re-referred to the Committee on Appropriations | <p>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 CalRecycle 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.</p> <p>This bill would require a waste tire generator, as defined, that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee not to exceed \$1.25 per new tire sold.</p> <p>Existing law 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.</p> <p>This bill would repeal the Rubberized Pavement Market Development Act and instead enact the Tire Recycling Incentive Program Act. The bill would require the department, in accordance with the tire recycling program, to establish this incentive program to award payments to eligible recipients, as specified. The bill would require the department to award these payments in the amount of \$2 for every 12 pounds of crumb rubber used by the eligible recipient</p> |

| Household Hazardous Wastes | | |
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| Bill | Status | Overview |
| AB 45 | Assembly Appropriations 5/4/2015 - Re-referred to Committee on Appropriations. | <p>This bill would require each jurisdiction which provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous wastes by 15% over a baseline amount, on or before July 1, 2020. The baseline amount will be determined in accordance with CalRecycle regulations. The bill would authorize CalRecycle to adopt a model ordinance for a comprehensive program to facilitate jurisdictional compliance. Jurisdictions would be required to report annually on progress achieved in complying with the provisions.</p> |

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| Facilities | | |
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| Bill | Status | Overview |
| AB 1063 | 5/11/2015: In Senate. Read first time. To Committee on Rules for assignment. | <p>Existing law 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 law requires CalRecycle to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton.</p> <p>This bill would require CalRecycle, on or before July 1, 2016, to hold a public hearing and workshop to develop a proposal for the Legislature regarding a new solid waste management fee which would provide the department with the revenue necessary to carry out certain actions. The bill would require the department, within 6 months of the public hearing and workshop, to propose a new solid waste management fee to the Legislature.</p> |
| AB 901 | Assembly Appropriations 4/29/2015 - In committee: Set first hearing. Referred to suspense file. | <p>Existing law requires disposal facility operators to submit information to counties from periodic tracking surveys on the disposal tonnages that are disposed of at the disposal facility by jurisdiction or region of origin.</p> <p>This bill would revise these provisions by, among other things, requiring recycling and composting operations and facilities to submit specified information directly to CalRecycle, rather than to counties, and would delete the requirement for counties to submit that information to cities, regional agencies, and the department.</p> |

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| Extended Producer Responsibility | | |
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| Bill | Status | Overview |
| AB 1159 | Senate 5/14/2015: Read first time. To Committee on Revenue & Taxation for assignment. | <p>Existing law requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit, on an annual basis, to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices.</p> <p>Existing law leaves in operation Department of Toxic Substances Control regulations, adopted until January 1, 2008, to exempt a hazardous waste management activity, including management of hazardous waste batteries, from certain statutory requirements related to hazardous waste management if specified conditions for exemption are met, including that the regulations identify the waste as a universal waste.</p> <p>This bill would establish the Product Stewardship Pilot Program and, until January 1, 2024, would require producers and product stewardship organizations of covered products, defined to mean a consumer product that is used or discarded in this state and is either home-generated sharps waste or household batteries, to develop and implement a product stewardship plan, as specified. By July 1, 2017, a producer of a covered product, individually or through a product stewardship organization, to submit a product stewardship plan to the Department of Resources Recycling and Recovery.</p> |

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| Illegal Dumping | | |
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| Bill | Status | Overview |
| AB 144 | Assembly Appropriations 5/7/2015 – Sent to consent calendar | <p>Existing law prohibits dumping waste matter in or upon a public or private highway or road, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction.</p> <p>This bill would make dumping waste matter on private property, including on any private road or highway, without the consent of the owner punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or conviction. The bill would make a fourth or subsequent conviction a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 or more than \$3,000.</p> |