

HF&H Consultants Legislative Update – November 2013

Plastic Bag Bills		
Bill	Status	Overview
AB 158	No longer active	Until January 1, 2020 operators of large stores are required to have an at-store clean plastic bag recycling program. This bill would prohibit stores that have a specified amount of sales or square footage from providing a single-use carryout bag to a customer as of January 2015. The bill would require these stores to meet other requirements for providing recycled paper bags, compostable bags, or reusable bags to customers. The bill would allow penalties for a violation and require the department to submit a report to the Legislature by January 2017 regarding the implementation of the bill's provisions.
SB 405	2-Year Bill. Senate Floor vote 18-17, reconsideration granted.	With specified exceptions, this bill would, as of January 1, 2015, prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer. The bill would require these stores to meet other specified requirements regarding providing recycled paper bags, compostable bags, or reusable bags to customers. The bill would allow a local public agency that has adopted a bag ordinance, resolution, regulation, or rule prior to September 1, 2013, to continue to enforce and implement that ordinance, resolution, regulation, or rule, but would require any amendments to that ordinance, resolution, regulation, or rule to be subject to state preemption.
SB 529	2-Year Bill	This bill would prohibit a fast food facility from distributing disposable food service packaging or a single-use carryout bag to a consumer on and after July 1, 2014, unless the disposable food service packaging or single-use carryout bag meets the criteria for either compostable packaging or recyclable packaging specified in the bill.
SB 700	2-Year Bill	This bill would require retail establishments that sell food or alcohol for consumption on or off premises to collect a \$0.05 fee for each single-use carryout bag provided to customers (including paper or plastic). Establishments would be able to retain \$0.005 per \$0.05 collected and would be able to collect an additional \$0.005 if they credit customers \$0.05 for each bag brought in. Funds paid by establishments (minus the \$0.005 retained by the establishment) would be used for the purpose of enhancing city and county parks reducing and cleaning up litter. The bill would not preempt or prohibit local ordinances, curbside/drop off recycling programs, franchise agreements, or an ordinance that states that the charge does not apply to their jurisdiction. This bill would provide that it would not take effect if SB 405 amends state law to prohibit the provision of single-use carryout bags to a customer at a point of sale, and that bill is enacted and becomes operative on or before January 1, 2014.

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Product Stewardship Bills		
Bill	Status	Overview
AB 215	No longer active	Rigid plastic packaging containers that are sold in California are required to meet specified recycling criteria. One of the criteria is that a rigid plastic packaging container be made from source reduced materials. This bill would revise the definitions of the various terms used in the requirements, including revising the definition of the term source reduced to impose new requirements.
AB 333	2-Year Bill	Generators of medical waste must complete a medical waste management plan which is a document provided by the State Department of Public Health or a local agency. Existing law exempts a person who is authorized to collect solid waste and who <i>unknowingly</i> transports medical waste to a solid waste facility, incidental to the collection of solid waste from the definition of a medical waste generator. This bill would define a medical waste management plan as a document that describes how the medical waste generated shall be segregated, handled, stored, packaged, treated, or shipped for treatment and would exempt persons who unknowingly transport medical waste from the entire act, with regard to that waste, and would require the solid waste transporter to contact the originating generator of the medical waste to respond to provide proper disposal of the medical waste.
AB 403	No longer active	Pharmaceutical manufacturers that sell or distribute medication that is intended to be self-injected at home are required to submit to CalRecycle a plan by April 1, 2015 supporting the safe collection and proper disposal of specified waste devices on an annual basis. The bill would require the plan to provide for the development and implementation of a recovery program to reduce the generation of, and manage the end of life of, home-generated sharps, and to include specified elements, including provisions to meet specified minimum collection rates for the home generated sharps subject to the plan.
AB 488	No longer active	California requires retailers of rechargeable batteries to have in place a system for the acceptance and collection of rechargeable batteries. The bill would require a producer of single-use household batteries or a single-use household battery stewardship organization created by one or more producers to submit a battery stewardship plan by January 1, 2015 to the CalRecycle.

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Product Stewardship Bills		
Bill	Status	Overview
AB 521	No longer active	Rigid plastic packaging containers that are sold in California are required to meet specified recycling criteria. This bill would require CalRecycle to adopt of list of items found to be major sources of marine plastic pollution by July 1, 2014. CalRecycle would be required to notify the producer if an item is listed. The producer of that covered item would need to submit a plan to reduce its portion of the marine plastic pollution for CalRecycle’s approval no more than six months later. The bill would require each producer’s plan to specify the measures that would be needed to reduce the marine plastic pollution to meet targets.
SB 254	Signed by Governor	This will establish the Used Mattress Recovery and Recycling Act. This law requires a qualified industry organization to establish an organization for purposes of developing, implementing, and administering a mattress recycling plan. The mattress recycling organization (MRO) shall be composed of manufacturers, renovators, and retailers by July 1, 2014. SB 254 requires the organization to establish a “mattress recycling charge” to be added to the purchase price of a mattress. The MRO shall submit a stewardship plan and budget to CalRecycle for approval by July 1, 2015. Implementation is expected to start January 1, 2016. CalRecycle shall establish the state mattress recycling baseline amount and the state mattress recycling goal by January 1, 2018. The law prohibits selling or offering for sale a mattress to any person in this state unless the manufacturer is in compliance with the act.
SB 727	2-Year Bill	This bill would require a producer of a pharmaceutical sold in the state to, individually or through a stewardship organization, to submit a plan, on or before January 1, 2015, to CalRecycle. The bill would require the plan to provide for the development of a program to collect, transport, and process home-generated pharmaceutical drugs and to include specified aspects, including the minimum amount of collection sites, including by January 1, 2016, at least one collection service within 10 miles per person in the state. The bill would require a producer or stewardship organization, on or after April 1, 2016, and every year thereafter, to prepare and submit to the department an annual report describing the activities carried out pursuant to the plan during the previous calendar year.

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Solid Waste & Diversion		
Bill	Status	Overview
AB 323	No longer active	The use of solid waste for beneficial reuse at landfills, including alternative daily cover, currently constitutes diversion through recycling and is not considered disposal. This bill would require CalRecycle to adopt regulations to provide as of January 2020 that the use of green material as alternative daily cover or alternative intermediate cover does not constitute diversion through recycling and would be considered disposal. The bill would require CalRecycle to conduct an analysis of the use of residual fines from MRFs and materials left over from the composting process for use as alternative daily cover and adopt regulations by July 2015 based on the findings and then adopt regulations by January 2017 to require large commercial generators of yard waste to arrange for separate collection and recycling for those materials. The bill would also require CalRecycle to adopt regulations by January 1, 2017, to require large-quantity commercial organics generators, to arrange for separate organics collection and recycling services.
AB 1398	Signed by Governor	California requires a business that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of 5 or more units, to arrange for recycling services and requires jurisdictions to offer a commercial solid waste recycling program. Commercial solid waste includes all types of solid wastes generated by stores, offices and other commercial sources, and excludes residential and industrial waste. This bill instead would define commercial solid waste to include all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of 5 or more units, thereby imposing a state-mandated local program by imposing new requirements upon local jurisdictions.

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Processing Facility Bills		
Bill	Status	Overview
SB 804	Vetoed by Governor	<p>The Energy Commission is required to conduct an assessment at least every two years to the Legislature of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The existing program requires the PUC to implement annual targets for procurement of eligible renewable energy resources, which includes a renewable electrical generation facility, applicable to all retail sellers of electricity. This bill would require the Energy Commission to include an analysis of the opportunities for utilizing waste conversion technologies to help the State meet environmental goals and evaluate the anticipated greenhouse gas emission reductions from using those facilities. This bill would allow a conversion technology facility to be sited with a procedure for finding of conformance that is set forth in the countywide integrated waste management plan. This bill would make a statement of legislative intent regarding development of waste conversion technology facilities. This bill would revise these definitions in the Integrated Waste Management Act:</p> <p>"Biomass" will include the renewable portion of residual solid waste "Biomass conversion" would now include conversion technology "Transformation" would only include the incineration of solid waste and exclude conversion technology.</p>
AB 1126	Signed by Governor	<p>This bill would define the terms "Engineered municipal solid waste conversion", or "EMSW conversion" and "Engineered municipal solid waste facility", or "EMSW facility," and would make conforming changes to existing definitions with regard to those operations and facilities. The bill would additionally exclude EMSW conversion from the definition of transformation, and would allow a transformation facility that meets specified requirements relating to EMSW conversion to elect to be considered an EMSW facility for purposes of the act.</p>

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Financial Incentives		
Bill	Status	Overview
AB 1021	No longer active	This bill would expand projects eligible for the sales and use tax exclusion to include projects that process or utilize recycled feedstock, as defined, that is intended to be reused in the production of another product or soil amendment, but would not include a project that processes or utilizes recycled feedstock in a manner that constitutes disposal.
AB 1022	No longer active	This bill would provide market-based incentives to in-state recyclers and manufacturers to reuse and recycle CRT glass in products.
AB 1023	No longer active	This bill would direct funding from the AB 32 Cap-and-Trade proceeds to provide incentives for waste reduction, recycling, composting, and recycled-content manufacturing projects

Grants and Loans		
Bill	Status	Overview
AB 513	Signed by Governor	This bill will establish the Rubberized Asphalt Concrete Market Development Act and will require CalRecycle to award grants to cities, counties, and other local government agencies for the funding of public works projects that utilize rubberized asphalt concrete. The bill will require the grants to pay \$2 for every 12 pounds of crumb rubber used in a public works or disability access project. The bill will specify selection procedures if the grant requests exceed the money allocated. The act will be inoperative on June 30, 2019.