

HF&H Consultants Legislative Update – October 2016

Organics		
Bill	Status	Overview
AB 1103	2-year bill from 2014/15 Session Signed by Governor 8/29/2016	<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> <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>
AB 2579	2-year bill	<p>Existing law establishes the Department of Resources Recycling and Recovery to administer the California Integrated Waste Management Act of 1989, and authorizes the department to hold hearings and conduct investigations in any part of the state necessary to carry out its powers and duties.</p> <p>This bill would require the next regularly scheduled waste characterization study conducted by the department to include information relating to food service packaging waste management.</p>
SB 970	Signed by Governor 9/14/2016	<p>Existing law requires certain moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund to be used by the Department of Resources Recycling and Recovery for a grant program to provide financial assistance to reduce greenhouse gas emissions by promoting in-state development of infrastructure to process organic and other recyclable materials into new, value-added products.</p> <p>This bill would require the department, in awarding a grant for organics composting or anaerobic digestion under the program, to consider, among other things, the amount of greenhouse gas emissions reductions that may result from the project and the amount of organic material that may be diverted from landfills as a result of the project. This bill would also permit the department, to the degree that funds are available, to provide larger grant awards for large-scale regional integrated projects that provide cost-effective organic waste diversion and maximize environmental benefits.</p>

HF&H Consultants Legislative Update – October 2016

Beverage Container Recycling and Litter Reduction Act		
Bill	Status	Overview
AB 1005	Signed by Governor 9/22/2016	<p>Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state by the distributor to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. Moneys in the fund are continuously appropriated to the department for certain payments, including market development payments. Existing law authorizes the department, until that authorization is repealed on January 1, 2017, to (1) annually expend up to \$10,000,000 from the fund to make market development payments to an entity certified by the department as a recycling center, processor, or dropoff or collection program for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and made usable for the manufacture of a plastic product, or to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product, and to (2) expend additional amounts to make market development payments, calculated as provided.</p> <p>This bill would postpone that repeal until January 1, 2018. By extending the term of a continuous appropriation, this bill would make an appropriation.</p>

Greenhouse Gas		
Bill	Status	Overview
SB 32	Signed by Governor 9/8/2016	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board (ARB) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The ARB is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to 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 ARB to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030.</p>

HF&H Consultants Legislative Update – October 2016

Greenhouse Gas		
Bill	Status	Overview
SB 1383	Signed by Governor 9/19/2016	<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 approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.</p> <p>This bill requires the state board to:</p> <ul style="list-style-type: none"> • Approve and begin implementing, no later than January 1, 2018, a comprehensive strategy to reduce emissions of short-lived climate pollutants below 2013 levels by 2030. • Adopt regulations that achieve a statewide organics disposal reduction of 50% of the 2014 level by 2020, and 75% of the 2014 level by 2025. Organic disposal regulations: <ul style="list-style-type: none"> ○ Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations. ○ May include incentives or additional requirements In the event that significant progress is not made to establish organics recycling infrastructure by July 2020. ○ May authorize local jurisdictions to impose penalties on generators for noncompliance ○ Shall include requirements intended to meet the goal that not less than 20% of edible food that is currently disposed of is recovered for human consumption by 2025. ○ Shall not establish a numeric organic waste disposal limit for individual landfills. ○ May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025. ○ May include penalties to be imposed by the department for noncompliance. • Adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40% below the dairy sector’s and livestock sector’s 2013 levels by 2030.

HF&H Consultants Legislative Update – October 2016

Hard to Handle Waste (E-Waste, U-Waste, HHW)		
Bill	Status	Overview
AB 1419	Signed by Governor 9/22/2016	<p>Existing law prohibits the management of hazardous waste, except in accordance with the hazardous waste laws. Existing law requires the Department of Toxic Substances Control to regulate the management and disposal of hazardous waste. Under existing regulations, the department classifies a waste as hazardous waste if the waste exceeds certain total threshold limitation concentrations, which are established by the department for various substances, including barium. A violation of the hazardous waste laws is a crime.</p> <p>This bill, except as specified, would provide that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceed the total threshold limit concentration only for barium is not a waste and is not subject to regulation by the department if that panel glass meets certain requirements. The bill would provide that used, broken CRT panel glass and processed CRT panel glass that is recycled is not subject to the department’s regulations on the export of materials. The bill would prohibit the use of that CRT panel glass except in specified end uses. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.</p>
SB 423	Signed by Governor 9/28/2016	<p>Existing law requires the Department of Resources Recycling and Recovery, in consultation with the Department of Toxic Substances Control, to develop and implement a public information program to provide uniform and consistent information on the proper disposal of hazardous substances found in and around homes. Existing law provides for regulation of the disposition of hazardous waste by the Department of Toxic Substances Control.</p> <p>This bill would require the Department of Toxic Substances Control to convene a Retail Waste Working Group, as prescribed, to consider and make findings and recommendations relating to requirements for the management of surplus household consumer products, waste reduction opportunities for those products, and waste management requirements, as specified. The bill would require the working group to report these findings and recommendations to the Legislature by June 1, 2017.</p>

Disposal Reporting		
Bill	Status	Overview
AB 1103	Signed by Governor 9/22/2016	<p>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. Existing law requires exporters, brokers, and transporters of recyclables or compost to submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred.</p> <p>This bill would additionally require a self-hauler to submit that information to the department and would require the department to develop regulations that define “self-hauler” to include specified persons and entities.</p>

HF&H Consultants Legislative Update – October 2016

Extended Producer Responsibility		
Bill	Status	Overview
AB 2039	Signed by Governor 9/26/2016	<p>Existing law prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. Existing law requires a dealer to accept, when offered at the point of transfer, a lead-acid battery from a consumer in exchange for the new lead-acid battery purchased by that consumer from the dealer. A violation of these provisions is a misdemeanor.</p> <p>This bill, the Lead-Acid Battery Recycling Act of 2016, would, as of January 1, 2017, revise these provisions to require a dealer to accept, at the point of transfer, specified types of used lead-acid batteries and would prohibit the dealer from charging any fee to accept these used lead-acid batteries. The bill, on and after April 1, 2017, would require a dealer to collect a refundable deposit for each new lead-acid battery of these types from a person who purchases the battery and who does not simultaneously provide a used lead-acid battery of the same size and type, and would require the dealer to refund the deposit to the person if, within 45 days of the sale of that lead-acid battery, the person presents a used lead-acid battery of the same type and size. The bill would require a dealer to post a specified notice or include specified information on the purchaser's receipt for one of these lead-acid batteries with regard to these provisions. The bill would allow the dealer to keep any lead-acid battery refundable deposit that is not properly claimed within 45 days after the date of sale of the new lead-acid battery.</p> <p>This bill, on and after April 1, 2017, until March 31, 2022, would require a California battery fee in the amount of \$1.00 to be imposed on a person, except as specified, for each replacement lead-acid battery purchased that is of one of the specified types. On and after April 1, 2022, the bill would increase the California battery fee to \$2.00.</p>

HF&H Consultants Legislative Update – October 2016

Local Government Agency Bidding Preference		
Bill	Status	Overview
AB 1669	Signed by Governor 9/30/2016	<p>Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain for a specified period certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Such a contractor or subcontractor is required to offer employment to those employees, except for reasonable and substantiated cause. Existing law requires a successor contractor or subcontractor that determines that fewer employees are needed than under the prior contract to retain qualified employees by seniority within the job classification.</p> <p>This bill would expand the application of these provisions to exclusive contracts for the collection and transportation of solid waste. The bill would require the information provided to a bona fide bidder to be made available in writing at least 30 days before bids for the service contract are due. The bill would establish certain provisions applicable only to service contracts for the collection and transportation of solid waste, including limits on the requirement to retain employees and specified requirements for notice and opportunity to cure in the context of civil action or termination. <u>The bill would not apply to contracts awarded before January 1, 2017, or to contracts for which the bid process has been completed before January 1, 2017.</u> By requiring local agencies to give a bidding preference under these provisions to those contractors and subcontractors for the collection and transportation of solid waste, this bill would impose a state-mandated local program.</p>

Water/Stormwater		
Bill	Status	Overview
AB 2594	Signed by Governor 9/23/2016	This bill would authorize a public entity that captures stormwater from urban areas, in accordance with a stormwater resource plan, before the water reaches a natural channel to use the captured water under certain circumstances.
AB 935	Signed by Governor 9/25/2016	Existing law establishes in the Natural Resources Agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require, upon appropriation by the Legislature, the department to provide funding for a certain project provided that certain conditions are met.

HF&H Consultants Legislative Update – October 2016

Water/Stormwater		
Bill	Status	Overview
AB 1775	Signed by Governor 9/14/2016	<p>This bill would enact the Open and Transparent Water Data Act. The act would require the department, in consultation with the California Water Quality Monitoring Council, the state board, and the Department of Fish and Wildlife, in accordance with a specified schedule, to create, operate, and maintain a statewide integrated water data platform that, among other things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges.</p> <p>The act would require the department, in consultation with the California Water Quality Monitoring Council, the state board, and the Department of Fish and Wildlife, to develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms and decision support tools related to water data and to submit to the Legislature a report on those protocols. The act would require a recipient of state funds through a grant or contract for research or a project relating to the improvement of water or ecological data to adhere to those protocols or be ineligible for state funding.</p> <p>The act would create the Water Data Administration Fund. The act would specify that moneys in the fund would be available, upon appropriation, to the department, the state board, or the Department of Fish and Wildlife for the collection, management, and improvement of water and ecological data for the purposes of the act.</p>