

HF&H MARCH 2023 LEGISLATIVE UPDATE



TABLE OF CONTENTS

- DESCRIPTION OF 2023 BILLS 1**
 - Solid Waste, Recycling, and Sustainability 1
 - Water Resources, Rates, and Fees 14
 - Local Government Procedure Updates 20
 - Ballot Initiatives 20
 - Levine Act Clarification 20
- ADDITIONAL RESOURCES 22**
- TERMS AND COMMITTEE ABBREVIATIONS 22**



HF&H MARCH 2023 LEGISLATIVE UPDATE

DESCRIPTION OF 2023 BILLS

Solid Waste, Recycling, and Sustainability

Disposal and Transformation		
Bill	Description	Status
AB 1534 Irwin Methane emissions: municipal solid waste landfills: remote sensing data	This bill would require the State Air Resources Board, no later than June 30, 2026, to evaluate and, if feasible and to the extent data is available, revise regulations regarding methane emissions reductions to incorporate the use of methane remote sensing data at municipal solid waste landfills.	Introduced (2/17/23)
AB 1705 McKinnor Solid waste facilities: health protection zones	Existing law defines a “health protection zone” as the area within 3,200 feet of a residence, an education resource, a community resource center, a health care facility, live-in housing, or any business building open to the public. Existing law defines an “EMSW conversion facility” as a facility where municipal solid waste conversion that meets specific requirements takes place and defines “transformation” as incineration, pyrolysis, distillation, or biological conversion, excluding composting, gasification, EMSW conversion, or biomass conversion. This bill would prohibit a person from establishing or expanding a transformation facility or an EMSW conversion facility within an above-defined health protection zone.	Introduced (2/17/23)

Organic Waste		
Bill	Description	Status
AB 573 Garcia Solid waste: organic waste disposal reduction targets	This bill would revise the language of current legislative findings regarding organic waste disposal reduction targets to state that achieving organic waste disposal reduction targets requires significant investment to develop the <i>necessary</i> organics recycling capacity.	Introduced (2/8/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Organic Waste		
Bill	Description	Status
<p>AB 660 Irwin</p> <p>Food labeling: quality dates, safety dates, and sell-by dates</p>	<p>Existing law requires the Department of Food and Agriculture to publish information encouraging voluntary use of specified uniform terms on food product labels to communicate quality and safety dates, and to encourage development of alternatives to consumer-facing “sell-by” dates. “Sell-by” dates, as defined, are intended to communicate primarily to a distributor or retailer for purposes of stock rotation and are not a quality date or a safety date.</p> <p>This bill would require the Department of Food and Agriculture to, in consultation with the State Department of Public Health, before January 1, 2025, publish information to assist food manufacturers, processors, and retailers responsible for the labeling of food products to use specified terms on food product labels to communicate quality dates and safety dates, as provided. The bill would, on and after January 1, 2025, prohibit a person from selling or offering for sale in the state a food item i) that is not labeled in accordance with these terms, or ii) that is labeled with the phrase “sell by.” The bill includes provisions to address food items with specific “sell-by” labeling requirements under existing law, including: eggs, shellfish, and food items using reduced oxygen packaging.</p> <p>The bill would require the State Department of Public Health to make certain updates to its regulations involving the California Retail Food Code. By revising the standards that are enforced by local health agencies and by expanding the scope of existing crime, this bill would constitute a state-mandated local program.</p>	<p>Introduced (2/9/23)</p>
<p>SB 613 Seyarto</p> <p>Organic waste: reduction goals: local jurisdictions: low-population exemption</p>	<p>This bill would revise the Public Resources code to specify that a local jurisdiction is exempt from the requirements of Public Resources Code Division 30, Chapter 13.1 and its implementing regulations (SB 1383) if the local jurisdiction disposes of less than 5,000 tons of solid waste per year and has fewer than 7,500 people. The bill references the section of the SB 1383 regulations, as of January 1, 2023, regarding low population waivers and states that those jurisdictions may qualify for the exemption stated in the bill.</p>	<p>Introduced. (2/15/22)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Recyclable Materials and Waste Reduction		
Bill	Description	Status
AB 348 Ting Beverage containers: producer responsibility score	This bill would require CalRecycle to post on its website within 30 days, rather than 45 days, information regarding the amount of virgin and post-consumer recycled plastics used for plastic beverage containers in the state, as reported by manufacturers under the California Beverage Container Recycling and Litter Reduction Act.	Introduced (1/31/23)
AB 891 Irwin Beverage container recycling: nonpetroleum materials	This bill would provide that it is the policy goal of the state that the total number of plastic beverage containers filled with a beverage sold by a beverage manufacturer, as specified, contain, on average, no less than an unspecified percentage of nonpetroleum materials, by January 1, 2026, and no less than an unspecified percentage of nonpetroleum materials by January 1, 2030. The bill would define “nonpetroleum materials” for this purpose. The bill would authorize CalRecycle to identify incentives to encourage beverage manufacturers to use nonpetroleum materials in their beverage containers.	Introduced (2/14/23)
AB 1290 Rivas Product safety: plastic packaging: substances	This bill would prohibit, beginning January 1, 2026, a person from manufacturing, selling, offering for sale, or distributing in the state, (1) opaque or pigmented polyethylene terephthalate plastic bottles, and (2) plastic packaging that contains certain chemicals, pigments, or additives, as specified.	Introduced (2/26/23)
AB 1347 Ting Solid waste: paper waste: proofs of purchase	This bill would require a business, as defined, to provide a proof of purchase (“receipt”) to a consumer only at the consumer’s option and would prohibit a business from printing a paper proof of purchase if the consumer opts to not receive a proof of purchase, unless otherwise required by state or federal law. The bill would require the proof of purchase to be provided in electronic form or paper form, at the consumer’s option, if a consumer opts to receive a proof of purchase, with certain exceptions. The bill would also prohibit a paper proof of purchase provided to a consumer by a business from containing bisphenol A or bisphenol S, and from including items not essential to the transaction, including, but not limited to, coupons or advertisements. The bill would specify that the first and second violations of any of those provisions would result in a notice of violation and any subsequent violation would be punishable by a civil penalty of \$25 for each day the business is in violation, but not to exceed an annual total of \$300.	Introduced (2/16/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Recyclable Materials and Waste Reduction		
Bill	Description	Status
<p>AB 1489 Wood</p> <p>Solid waste: plastic food serviceware</p>	<p>This bill would revise the definition of “plastic” under the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54, 2022) to exclude naturally-occurring polymers made by living organisms, including, but not limited to, alginate, beeswax, chitin, polysaccharides, and polyhydroxy butyrate.</p>	<p>Introduced (2/17/23)</p>
<p>AB 1526 Committee on Natural Resources</p> <p>Solid waste: plastic pollution: architectural paint</p>	<p>This bill would amend certain components of the Plastic Pollution Prevention and Packaging Producer Responsibility Act, including the act’s definitions and a Producer Responsibility Organization’s (PRO) producer fee schedule.</p> <p>This bill would eliminate the exemption from the state’s Architectural Paint Recovery Program of aerosol spray paint and would provide that “architectural paint” includes aerosol coating products. The bill would require, on or before July 1, 2026, a manufacturer or stewardship organization to submit an architectural paint stewardship plan or amendment to an approved plan to CalRecycle. The bill would specify that aerosol coating products shall not be regulated under the program until the implementation date of a plan approved by CalRecycle or January 1, 2027, whichever occurs sooner, unless extended by CalRecycle. The bill would revise certain dates and requirements for annual reporting under the program, and would authorize CalRecycle, in coordination with DTSC, to adopt regulations.</p>	<p>Introduced (2/17/23)</p>
<p>SB 303 Allen</p> <p>Solid waste: Plastic Pollution Prevention and Packaging Producer Responsibility Act</p>	<p>This bill would state the Legislature’s intent to enact future legislation relating to the Plastic Pollution Prevention and Packaging Producer Responsibility Act.</p>	<p>Introduced (2/2/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Recyclable Materials and Waste Reduction		
Bill	Description	Status
SB 353 Dodd Beverage containers: recycling	This bill expands the definition of beverage under the California Beverage Container Recycling and Litter Reduction Act to include 100% fruit juice in containers of 46 ounces or larger, which were previously excluded from the program. The bill also revises the calculation of processing payments distributed to recycling centers by CalRecycle. Existing law requires CalRecycle to calculate the processing payment annually and authorizes quarterly adjustments, both based on the prior 12-month scrap value. This bill would authorize CalRecycle to adjust the processing payment quarterly, based on the applicable preceding 3-month average scrap value instead of the prior 12-month scrap value.	Introduced (2/8/23)
SB 378 Gonzalez State parks: state beaches: expanded polystyrene food container and cooler ban	This bill would make it an infraction punishable by a fine of up to \$25 for a person to bring an expanded polystyrene food container or cooler on a state beach or in a unit of a state park system, and for improper disposal of the same products. The bill would provide that a person who violates this provision for the first time shall be subject to a warning by an officer of the state parks. The bill would require the Department of Parks and Recreation to, among other things, develop and post signs at strategic locations to provide notice of the expanded polystyrene prohibition. The bill would require the expanded polystyrene prohibition to be enforced at a state beach or unit of the state park system only after appropriate signs have been posted.	Introduced (2/9/23)
SB 552 Newman Solid waste: single-use foodware accessory and single-use food packaging	Existing law prohibits a food facility from providing any single-use foodware accessory or standard condiment to a consumer, unless requested by the consumer. This bill would state the intent of the Legislature to enact future legislation that would prohibit a restaurant from providing a dine-in customer with any single-use foodware accessory or single-use food packaging.	Introduced (2/15/2023)
SB 665 Allen Plastic waste: single-use plastics alternatives: working group	This bill would require the California Environmental Protection Agency, by January 1, 2025, to establish a working group of specified state agencies to establish a framework for evaluating novel material types as they are developed to inform state policy decisions, as provided. The bill would require the working group to, among other things, develop recommendations related to novel material types, including the appropriate marketing of the material, the handling of the material at the end of its useful life, and how the material needs to be treated in relation to existing state policies, rules, and regulations.	Introduced (2/16/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Recyclable Materials and Waste Reduction		
Bill	Description	Status
<p>SB 777 Allen</p> <p>Solid waste: reusable grocery bags and recycled paper bags</p>	<p>Existing law prohibits certain stores from providing a single-use carryout bag to a customer and prohibits those stores from selling or distributing a reusable grocery bag or a recycled paper bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. Existing law requires a store to retain those collected moneys to be used only for costs associated with complying with those provisions, actual costs of providing recycled paper bags or reusable grocery bags, and costs associated with a store’s educational materials or campaigns encouraging the use of reusable grocery bags.</p> <p>This bill would expand the list of acceptable uses of collected monies to include costs associated with providing consumers with an opportunity for returning reusable grocery bags to the store for recycling and any other costs associated with ensuring that collected bags are recycled. The bill would require stores to submit a quarterly report to CalRecycle with specified information related to the total costs associated with complying with the act and the balance of remaining funds. The bill would authorize CalRecycle to conduct related audits.</p>	<p>Introduced (2/17/23)</p>

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
<p>AB 2 Ward</p> <p>Recycling: solar photovoltaic modules</p>	<p>This bill would state the intent of the Legislature to enact future legislation that would create a convenient, safe, and environmentally-sound system for the end-of-life management of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials.</p>	<p>Introduced (12/5/22)</p>
<p>AB 234 Bauer-Kahan</p> <p>Microparticles</p>	<p>Existing law, the Microbeads Nuisance Prevention Law, prohibits a person from selling or offering for promotional purposes in the state any personal care products containing plastic microbeads that are used to exfoliate or cleanse in a rinse-off product, including, but not limited to, toothpaste.</p> <p>This bill would express the intent of the Legislature to enact subsequent legislation that would prohibit the sale in this state of rinse-off cosmetics, detergents, waxes, and polishes that contain intentionally added synthetic polymer microparticles, including products identified in the synthetic polymer microparticle Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) restrictions adopted by the European Union (EU).</p>	<p>Introduced (1/12/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
AB 495 Hoover Battery recycling: records retention	The Rechargeable Battery Recycling Act of 2006 requires each July 1, the Department of Toxic Substances Control (DTSC) to survey battery handling or battery recycling facilities, or both, and to post on its internet website the estimated amount, by weight, of each type of rechargeable battery returned for recycling in California during the previous calendar year under the act. Existing law makes the act inoperative on September 30, 2026, and repeals the act on January 1, 2027. This bill would require the DTSC to continue to post that information on its internet website on and after October 1, 2026.	Introduced (2/7/23)
AB 863 Aguiar-Curry Carpet recycling: carpet stewardship organizations: fines: succession: procedure	Existing law establishes a carpet stewardship program to increase the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products. This bill would make a carpet stewardship organization that violates a provision of the carpet stewardship law three (3) times ineligible to act as an agent on behalf of manufacturers to design, submit, and administer a carpet stewardship plan and would apply, in that event, the successorship process. The bill would also increase the maximum penalty amounts that CalRecycle may impose for non-compliance to \$10,000 per day (rather than \$5,000), or, if the violation is intentional, knowing, or negligent, up to \$50,000 per day (rather than \$10,000).	Introduced (2/14/23)
AB 1238 Ward Hazardous waste: solar panels	This bill would require the Department of Toxic Substances Control to develop alternate management standards for recycling photovoltaic modules that would, to the extent possible, reduce the regulatory burden on managing certain resources used for recycling the modules while not compromising worker safety or environmental protection.	Introduced (2/16/23)
SB 38 Laird Battery storage facilities: safety systems	This bill would state the intent of the Legislature to enact future legislation to address the need for better safety systems at battery storage facilities.	Introduced (12/5/22)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
<p>SB 244 Eggman</p> <p>Right to Repair Act</p>	<p>Under existing law, every manufacturer making an express warranty with respect to an electronic or appliance product, as defined, including televisions, radios, audio or video recording equipment, major home appliances, antennas, and rotators, with a wholesale price to the retailer of not less than \$50 nor more than \$99.99 is required to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 3 years after the date a product model or type was manufactured, regardless of whether the 3-year period exceeds the warranty period for the product. Existing law also requires every manufacturer making an express warranty with respect to an electronic or appliance product, as described above, with a wholesale price to the retailer of \$100 or more, to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 7 years after the date a product model or type was manufactured, regardless of whether the 7-year period exceeds the warranty period for the product.</p> <p>This bill would enact the Right to Repair Act. The bill would require, regardless of whether any express warranty is made, the manufacturer of an above-described electronic or appliance product, in the above-described circumstances, and in those same circumstances but sold to others outside of direct retail sales, to make available, on fair and reasonable terms, to product owners, service and repair facilities, and service dealers, the means, as described, to effect the diagnosis, maintenance, or repair of the product, as provided. The bill would also require a service and repair facility or service dealer that is not an authorized facility or dealer of a manufacturer to provide a written notice containing specified information related to warranties to any customer seeking repair of an electronic or appliance product before the repair facility or service dealer repairs the product. The bill would also authorize a city, a county, a city and county, or the state to bring an action in superior court to impose civil penalties on a person or entity for violating the Right to Repair Act, as provided.</p>	<p>Introduced (1/25/23)</p>
<p>SB 271 Dodd</p> <p>Powered wheelchairs: right to repair</p>	<p>This bill would require an original manufacturer of a powered wheelchair to provide documentation, parts, embedded software, firmware, and tools used to inspect, diagnose, maintain, and repair the wheelchair to an owner or an independent repair provider for the purposes of providing service on the equipment in the state, on fair and reasonable terms and costs. The bill includes similar provisions regarding electronic security locks for powered wheelchairs, as specified.</p>	<p>Introduced (1/31/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
SB 560 Laird Solid waste: extended producer responsibility	This bill would express the intent of the Legislature to enact subsequent legislation to authorize CalRecycle to establish a framework for the application of extended producer responsibility to the end-of-life management of covered gas cylinders, which include propane gas cylinders under 20 pounds, helium cylinders, isobutane cylinders, and butane cylinders.	Introduced. (2/15/23)
SB 568 Newman Electronic waste: export	Existing law, the Electronic Waste Recycling Act of 2003, requires a person who exports covered electronic waste or electronic devices intended for recycling or disposal, to a foreign country, or to another state for ultimate export to a foreign country, to notify CalRecycle and provide specified demonstrations concerning the waste or device to be exported. This bill would add to the requirements for export of covered electronic waste or a covered electronic device a demonstration that capacity does not exist in California to otherwise safely and responsibly recycle the waste or device.	Introduced (2/15/23)
SB 615 Allen Electric vehicle traction batteries	The bill would require all electric vehicle traction batteries sold with motor vehicles in the state to be recovered and reused, repurposed, remanufactured, or recycled at the end of their useful life in a motor vehicle or any other application. The bill would also require a vehicle manufacturer, dealer, automobile dismantler, automotive repair dealer, and nonvehicle secondary user to be responsible for ensuring the responsible end-of-life management of an electric vehicle traction battery once it is removed from a vehicle or other application. The bill would include a statement of legislative findings and declarations and a statement of policy regarding end-of-life management of electric vehicle traction batteries.	Introduced (2/15/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
<p>SB 707 Newman</p> <p>Responsible Textile Recovery Act of 2023</p>	<p>This bill would enact the Responsible Textile Recovery Act of 2023, which would require producers, as defined, either individually or through the creation of one or more stewardship organizations, to establish a stewardship program for the collection and recycling of any apparel, textile, or textile article that is unsuitable for reuse by a consumer in its current state or condition. The bill would exempt textiles and carpet made from synthetic fibers from the carpet stewardship program.</p> <p><u>The bill would require a Program Operator to:</u></p> <ul style="list-style-type: none"> • Submit a complete stewardship plan to CalRecycle for review and approval and review the plan at least every 5 years after approval. • Submit an annual report to CalRecycle. • Pay fees to CalRecycle, not to exceed CalRecycle’s actual and reasonable regulatory costs to implement and enforce the provisions of the act (to be deposited in the Textile Stewardship Recovery Fund in the State Treasury for CalRecycle expenditure, upon appropriation) <p><u>This bill would require CalRecycle to:</u></p> <ul style="list-style-type: none"> • Post on its internet website a list of producers in compliance with the program • Adopt regulations governing the program <p><u>The bill would authorize CalRecycle to:</u></p> <ul style="list-style-type: none"> • Beginning January 1, 2032, adopt regulations establishing minimum recycling efficiency. • Impose administrative civil penalties for a violation of the program’s requirements, not to exceed \$10,000 per day, or not to exceed \$50,000 per day for an intentional, knowing, or reckless violation, as specified (to be deposited in the Textile Stewardship Recovery Penalty Account for expenditure upon appropriation) 	<p>Introduced (2/16/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Product Stewardship and Extended Producer Responsibility		
Bill	Description	Status
SB 854 Smallwood-Cuevas and Portantino Carpet recycling: carpet stewardship	This bill would require a carpet stewardship organization, as part of its carpet stewardship plan, from the assessments received for carpets sold for use in California, to expend at least 95% on activities to carry out the carpet stewardship plan within California, and at least 10% for grants to apprenticeship programs for training apprentice and journey-level carpet installers in proper carpet recycling practices.	Introduced (2/17/23)
Perfluoroalkyl and polyfluoroalkyl substances (PFAS).	Note: For bills related to perfluoroalkyl and polyfluoroalkyl substances (PFAS), refer to the water section below.	

Hazardous Waste and Illegal Dumping		
Bill	Description	Status
AB 347 Ting Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act: enforcement	The Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act requires a generator of hazardous waste to complete specified reviews, plans, and reports to be provided to the Department of Toxic Substances Control (DTSC) or the unified program agency. If found non-compliant, the generator is required to correct deficiencies within 60 days of notification from DTSC, with potential for an additional 60-day extension granted by DTSC. This bill would reduce the authorized compliance extension timeline to 30 days rather than 60 days.	Introduced (1/31/23)
AB 407 Chen Hazardous waste: used oil	Existing law authorizes DTSC to regulate the disposal of hazardous waste, including used oil, except for used oil that is not subject to regulation as either hazardous waste or used oil under federal law. This bill would delete the criterion that the used oil not be subject to regulation as used oil under federal law.	Introduced (2/2/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Hazardous Waste and Illegal Dumping		
Bill	Description	Status
AB 909 Hoover Solid Waste Disposal and Codisposal Site Cleanup Program	This bill would require CalRecycle, upon appropriation by the Legislature, to initiate a program to collect and properly manage illegally disposed hazardous waste and household hazardous waste, as defined, regardless of whether they were co-disposed with nonhazardous solid waste.	Introduced (2/14/23)
AB 1716 Com. on E.S. & T.M Hazardous wastes and materials: certified unified program agencies	This bill would revise a number of requirements under the hazardous waste control laws related to material classification, recordkeeping and reporting, penalties, uniform enforcement agencies, and risk management, among other provisions.	Introduced (2/17/23)
SB 367 Seyarto State and Federal Land Solid Waste Removal and Cleanup Pilot Program	This bill would require CalRecycle to establish a 5-year pilot program for the removal and cleanup of solid waste illegally dumped on state or federal land in specified counties, as described.	Introduced (2/8/23)
SB 642 Cortese Hazardous materials: enforcement: county counsel	This bill would expand certain authorizations for specified legal actions related to hazardous waste, business and area plans, storage tanks, and medical wastes to include county counsel, as specified.	Introduced (2/16/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Greenhouse Gas Emissions and Transportation		
Bill	Description	Status
AB 9 Muratsuchi SB 12 Stern, Allen, and Wiener California Global Warming Solutions Act of 2006: emissions limit	This bill would revise current statewide targets to require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.	Introduced (12/5/22)
AB 324 Pacheco Gas corporations: renewable gas procurement	Existing law requires the Public Utilities Commission to consider adopting specific biomethane procurement targets or goals for each gas corporation, and demonstrate the targets are a cost-effective means of reducing short-lived climate pollutants. This bill would require the commission to consider establishing procurement goals for renewable hydrogen, as defined, and consider requiring each gas corporation and core transport agent to annually procure a proportionate share of renewable hydrogen to meet those goals.	Introduced (1/30/23)
AB 627 Jackson Heavy-duty trucks: grant program: operating requirements	This bill would prohibit, on and after January 1, 2030, a person from operating a diesel-fueled heavy-duty truck on the city streets or county roads located in the Counties of Riverside or San Bernardino, as specified. This bill would require the California Pollution Control Financing Authority to establish a grant program for operators of diesel-fueled heavy-duty trucks for replacement or retrofitting of trucks.	Introduced (2/9/23)

Miscellaneous		
Bill	Description	Status
AB 592 Wilson Vehicles: waste hauling	This bill would authorize the County of Contra Costa and any other county to create a program to regulate nonfranchised waste hauling operations within the county.	Introduced (2/9/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees

Water Resources, Rates, and Fees		
Bill	Description	Status
AB 366 Caballero The California Water Plan: long-term supply targets	This bill would make legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.	Introduced (2/8/23)
AB 516 Ramos Mitigation Fee Act: fees for improvements: timeline for expenditure	Existing law, the Mitigation Fee Act, requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed. The Mitigation Fee Act also imposes additional requirements for fees imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements, including that the fees be deposited in a separate capital facilities account or fund. This bill would require that fees paid as a condition of receiving a conditional use permit or other development permit must be deposited into an escrow account. A local agency receiving these fees would be required to expend the fees within a reasonable time of the deposit. The bill would require any fees not expended within this period to be returned to the qualified applicant that originally deposited the fees.	Introduced (2/7/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees		
Bill	Description	Status
<p>AB 604 Lee</p> <p>Mobilehome parks: water utility charges</p>	<p>Existing law, the Mobilehome Residency Law, governs the term and conditions of mobilehome park tenancies. Existing law, if the management of a mobilehome park elects to separately bill water utility service to homeowners, limits charges and fees on homeowners in connection with those services to specified types of charges and fees. Under existing law, a mobilehome park that provides water service only to its tenants from water supplies and facilities that it owns, not otherwise dedicated to public service, is not a water corporation. However, a mobilehome park is subject to the jurisdiction of the Public Utilities Commission (PUC). The PUC may determine the merits of a water rates complaint filed by the tenants of the mobilehome park that represent 10% or more of the park’s service connections.</p> <p>This bill would prohibit the commission from making an order for the payment of reimbursement upon the ground of unjustness or unreasonableness if the rate in question complies with limitations on charges and fees in connection with water utility service under the Mobilehome Residency Law. The bill would provide that a person or other entity that maintains a mobilehome park or a multiple unit residential complex, and provides water service through a submeter service system, is exempt from regulation as a public utility if management of the mobilehome park complies with those limitations on charges and fees.</p>	<p>Introduced (2/9/23)</p>
<p>AB 676 Bennett</p> <p>Water: general state policy</p>	<p>Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.</p> <p>This bill would instead declare that the use of water for health and safety purposes is the highest use of water.</p>	<p>Introduced (2/13/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees		
Bill	Description	Status
<p>AB 1337 Wicks</p> <p>State Water Resources Control Board: water shortage enforcement</p>	<p>This bill would authorize the State Water Resources Control Board (Board) to adopt regulations for various water conservation purposes including, but not limited to: preventing the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and implementing these regulations through orders curtailing the diversion or use of water under any claim of right. The bill would require the Board to provide notice and an opportunity to be heard before issuing an order. The bill would provide that a person or entity may be civilly liable for a violation of any regulation or order issued by the Board in an amount not to exceed \$1,000 for each day in which the violation has occurred and \$2,500 for each acre-foot of water diverted or used in violation of the applicable requirement.</p>	<p>Introduced (2/16/23)</p>
<p>AB 1567 Garcia, Carrillo, Connolly, Friedman, Papan</p> <p>Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023</p>	<p>Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters.</p> <p>This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023. If approved by the voters, this bill would authorize the issuance of bonds in the amount of \$15,105,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.</p> <p>This bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.</p> <p>SB 867 is a related bill.</p>	<p>Introduced (2/17/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees		
Bill	Description	Status
AB 1572 Friedman Potable water: nonfunctional turf	This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. Owners of covered properties would be required to certify their compliance with any provisions mandated by the State Water Resources Control Board (Board). Any urban water supplier, city, or county would be authorized to enforce these provisions. Beginning July 1, 2028, the Board and the Department of Water Resources would conduct annual compliance audits of the state’s hydrologic regions so that each region was audited once every five years.	Introduced (2/17/23)
AB 1573 Friedman Water conservation: landscape plants: nonfunctional turf	Existing law, the Water Conservation in Landscaping Act, requires the Director of Water Resources to convene a working group comprised of representatives from the landscape nursery industry, the agricultural community, the landscape retail industry, environmental organizations, urban water agencies, and other professionals to examine the current state of consumer information available and accessible regarding water use associated with landscape plants and to explore and identify options for improving the availability, accessibility, and quality of consumer information regarding water use associated with landscape plants, as specified. This bill would delete that requirement. Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. Existing law sets forth the definitions for those provisions. This bill would additionally define “nonfunctional turf” for purposes of those provisions to mean turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events, as specified.	Introduced (2/17/23)
AB 1628 McKinnor Microfiber Filtration	This bill would require, on and after January 1, 2029, all new washing machines sold for residential, commercial, and state use in California contain a microfiber filtration system with an unspecified filtration rate or an unspecified mesh size. The bill would also include legislative findings and declarations.	Introduced (2/17/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees		
Bill	Description	Status
<p>AB 1648 Bains</p> <p>Water: Colorado River conservation</p>	<p>Under existing law, any person, public agency, or agency of the United States undertaking a water conservation effort that results in reduced use of water from the Colorado River within the Imperial Irrigation District, has not forfeited, diminished, or impaired the right to use the conserved water, except as provided between the parties and the United States.</p> <p>This bill would state that it is the intent of the Legislature to enact subsequent legislation that would prohibit the City and County of Los Angeles from achieving federally-mandated conservation of Colorado River water supplies by increasing water imports from other regions, including the San Joaquin Valley.</p>	<p>Introduced (2/17/23)</p>
<p>SB 651 Grove</p> <p>Water storage and recharge: California Environmental Quality Act: Sacramento-San Joaquin Delta Reform Act of 2009: exemptions</p>	<p>Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, provides that it is the policy of the state to, among other things, reduce reliance on the Sacramento-San Joaquin Delta in meeting California’s future water supply needs</p> <p>This bill would make it the policy of this state that, the State Water Resources Control Board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife.</p> <p>This bill would exempt from the California Environment Quality Act (CEQA) permits that are necessary to carry out implementation of directives addressing drought impacts, to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. The bill would exempt the actions and permits from the requirement to prepare a written certification of consistency with detailed findings as to whether the covered action or permit is consistent with the Delta Plan and to submit that certification to the council. The bill would also exempt from CEQA a recharge project under the Department of Water Resources’ Sustainable Groundwater Management Grant Program and flood-managed aquifer recharge projects, occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, as specified. The bill would require state and local agencies to maintain on their internet websites a list of all activities or approvals to which these exemptions apply.</p>	<p>Introduced (2/16/23)</p>



HF&H MARCH 2023 LEGISLATIVE UPDATE

Water Resources, Rates, and Fees		
Bill	Description	Status
SB 659 Ashby Groundwater recharge: minimum requirement	This bill would establish that it is the policy of the state to recharge groundwater by a minimum of 10 million acre-feet of water annually. The bill would require the department to promulgate regulations necessary to implement this policy.	Introduced (2/16/23)
PFAs		
AB 246 Papan Menstrual products: PFAS	This bill would state the intent of the Legislature to enact legislation to eliminate perfluoroalkyl and polyfluoroalkyl substances (PFAS) from menstrual products.	Introduced (1/17/23)
AB 1423 Schiavo Product safety: PFAS and PFAS products	Existing law, beginning January 1, 2025, prohibits the manufacture, sale, delivery, hold, or offer for sale in commerce of any cosmetic product that contains any intentionally added PFAS. This bill would express the intent of the Legislature to enact subsequent legislation that would require notification of PFAS in specified products.	Introduced (2/17/23)
AB 1660 Ta Cosmetic products: PFAS	Existing law prohibits, beginning January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added PFAs. This bill would authorize the State Air Resources Board (Board) to exempt an intentionally added PFAS from that prohibition if the Board determines that the intentionally added PFAS has characteristics that are beneficial for the environmental goals of the State of California and is not identified as persistent, bioaccumulative, and toxic to the environment.	Introduced (2/17/23)



HF&H MARCH 2023 LEGISLATIVE UPDATE

Local Government Procedure Updates

Ballot Initiatives

Taxpayer Protection and Government Accountability Act: [Initiative #21-0042A1](#)

- This initiative for constitutional amendment would limit certain abilities of voters and state and local governments to raise revenues for governments services. Key features of the initiative, if adopted, are summarized below.
 - Every levy, charge or exaction of any kind is either a tax or an exempt charge. This applies to all taxes, fees, assessments, and property-related fees.
 - All taxes must have end dates. All state and local taxes or fees adopted after January 1, 2022 will end after December 2025 if they are not readopted in compliance with this measure.
 - All parcel taxes require a 2/3 voter approval.
 - Exempt fees must be adopted by a legislative body, not a staff or a commission.
 - All of the following actions are subject to new adoption requirements under this initiative: lengthening the duration of a fee, delaying or eliminating the expiration of a fee, expanding the application of a fee to a new territory or class of payor, or expanding the base to which a rate is applied.
 - Fees will not be allowed to exceed the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product. The actual cost is the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor.
 - This initiative is eligible for the November 5, 2024 general election ballot

Levine Act Clarification

- The passage of SB 1349 in 2022 amended the Levine Act. According to the bill, local elected officials are prohibited from taking part in a proceeding involving a contract, license, permit, or agreement for use if they received campaign contributions exceeding \$250 from a party or participant involved in the proceeding.
- The Fair Political Practices Commission (FPPC) adopted a formal opinion on December 2022 clarifying that local elected officials who received a campaign contribution exceeding \$250 in 2022 are not required to recuse themselves. However, this requirement would apply to contributions received in 2023.



HF&H MARCH 2023 LEGISLATIVE UPDATE

Federal Legislation

Federal Legislation		
Bill	Description	Status
HR 215 Valadao Working to Advance Tangible and Effective Reforms (WATER) for California Act	This bill would provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.	Introduced in House (1/09/23)
HR 651 Brownley COMPOST Act	This bill would require the designation of composting as a conservation practice and activity, and to provide grants and loan guarantees for composting facilities and programs, and for other purposes.	Introduced in House (1/31/23)
HR 652 Brownley Zero Food Waste Act	This bill would provide grants to reduce the amount of food waste, and for other purposes.	Introduced in House (1/31/23)
S 177 Booker Zero Food Waste Act	This bill directs the Environmental Protection Agency to establish a grant program to study and reduce food waste.	Introduced in Senate (1/31/23)
S 179 Booker Cultivating Organic Matter through the Promotion Of Sustainable Techniques (COMPOST) Act	This bill makes composting a conservation practice for purposes of Department of Agriculture (USDA) conservation programs and requires USDA to establish a competitive program and loan guarantees for projects that expand access to food waste composting.	Introduced in Senate (1/31/23)



HF&H MARCH 2022 LEGISLATIVE UPDATE

ADDITIONAL RESOURCES

- [Previous HF&H Legislative Updates](#)
- [Glossary of Legislative Terms](#)
- [California Legislation Tracking/Bill Search](#)
- [2023 Calendar of California Legislative Deadlines](#)
- [CalRecycle's Proposed Regulations/Rulemaking Page](#)
- [Federal Legislation Tracking/Bill Search](#)

TERMS AND COMMITTEE ABBREVIATIONS

Committee Abbreviations:

- Com on A. & A.R. – Committee on Accountability and Administrative Review
- Com. on APPR. – Committee on Appropriations
- Com. on B. & P. – Committee on Business and Professions
- Com. on E., U. & C. – Committee on Energy, Utilities, and Communications
- Com. on E.S. & T.M. – Committee on Environmental Safety and Toxic Materials
- Com. on E.Q. – Committee on Environmental Quality
- Com. on GOV & F – Committee on Governance and Finance
- Com. on HEALTH – Committee on Health
- Com. on JUD. – Committee on Judiciary
- Com. on NAT. RES. – Committee on Natural Resources

- Com. N.R. & W. – Committee on Natural Resources and Water
- Com. on PUB S. – Committee on Public Safety
- Com. on Rev. & Tax. – Committee on Revenue and Taxation
- Com. on RLS – Committee on Rules
- Com. on TRANS – Committee on Transportation
- Com. on U. & E. – Committee on Utilities and Energy

Other Terms/Abbreviations:

- CalRecycle: The Department of Resources Recycling and Recovery
- DGS: Department of General Services.
- DTSC: Department of Toxic Substances Control

