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New 2009 Legislation

This section provides information on legislation that has been reviewed and the Legislative Task Force has taken positions.

Resources

Please see this section for resources related to the implementation of SB 1016.

Regulatory Information

This section provides updates on various regulatory agencies.

Legislative Task Force Business

LTF Meeting Agendas and Minutes are available on the LTF website (www.swanacal-leg.org). Click [here](#) to view.

2009 Legislation

The California State Legislature began the 2009-2010 Legislative Session on December 1st and introduced more than 2500 bills. The LTF is currently tracking over 70 bills relating to solid waste issues. Please see below for bills that have been identified by the LTF and have taken a position. A complete list of bills being tracked by the LTF can be viewed on our website.

Highest Priority-

AB 283 (Chesbro) Solid waste: extended producer responsibility program

This bill would create the California Product Stewardship Act of 2010 and would require the board to administer the program. The bill would require the board to adopt regulations by July 1, 2011, in order to implement the program to provide environmentally sound product stewardship protocols that encourage producers to research alternatives during the product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product.

LTF Position: Support if Amended

Status: 2 year bill – Held in Assembly Appropriations

AB 479 (Chesbro) Solid waste: diversion

This bill would require the board, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled and composted.

LTF Position: **Opposed**

Status: Passed Senate Environmental Quality, referred to Senate Appropriations

SB 25 (Padilla) Solid Waste: diversion

This bill would require a jurisdiction, for each subsequent revision of the element, to divert 60% of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste. The bill would provide that the state's waste reduction target is to divert 75% of solid waste, on and after January 1, 2020, through source reduction, recycling, and composting activities.

LTF Position: **Oppose**

Status: 2 year bill – was not heard in Assembly policy committee

Additional High Priority Legislation

AB 64 (Krekorian) Energy: renewable energy resources: generation and transmission

This bill would recast the RPS program, to be operative on January 1, 2011, and which the commission would enforce with respect to a retail seller once that retail seller procures 20% of its retail sales from eligible renewable energy resources. Upon the recast RPS program becoming operative, the bill would require that a retail seller and a local publicly owned electric utility: (1) procure at least 23% of the electricity delivered to its retail customers from eligible renewable energy resources by December 31, 2014, (2) procure at least 27% of the electricity delivered to its retail customers from eligible renewable energy resources by December 31, 2017, and (3) procure at least 33% of the electricity delivered to its retail customers from eligible renewable energy resources by December 31, 2020.

LTF Position: Oppose

Status: Passed Senate Energy, Utilities, and Communications Committee, referred back to Senate Rules

AB 222 (Adams) Energy: biofuels

This bill would redefine "in-state renewable electricity generation facility" to include a facility that uses conversion at a biorefinery. The bill would define "biorefinery" to mean a facility that uses a noncombustion thermal, chemical, biological, or mechanical conservation process, or a combination of those processes, to produce electricity or a renewable fuel from carbonaceous materials.

LTF Position: Support

Status: Passed Senate Energy, Utilities and Communications, referred to Senate Environmental Quality Committee

AB 274 (Portantino) Solid waste: landfills: closure plans

This bill would prohibit the owner or operator of a closed solid waste landfill that is subject to a closure or a postclosure maintenance plan from selling or offering for sale any portion of a closed waste management unit unless the intended purchaser provides evidence, to the satisfaction of the board, of his or her ability to meet the financial assurance requirements of the act.

LTF Position: Watch

Status: Passed Senate Environmental Quality, referred to Senate Appropriations

AB 473 (Blumenfield) Solid waste: multifamily dwellings

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

LTF Position: Support

Status: Senate Third Reading

AB 1173 (Huffman) Recycling: compact fluorescent lamps

This bill would prohibit the distribution of moneys from energy efficiency investment funds or any other funds generated from usage-based charges on electricity distribution that are provided by California's retail sellers of electricity to any entity for the purchase and distribution of compact fluorescent lamps, unless the compact fluorescent lamps meet certain specifications, and the manufacturer of the compact fluorescent lamps has either, individually or collectively, implemented a residential fluorescent lamp recycling program or the manufacturer or distributor has agreed to pay an amount , as specified, for each residential fluorescent lamp, as defined, sold in this state for which funding is received into the Fluorescent Lamp Recycling Fund.

LTF Position: Watch

Status: Passed Senate Environmental Quality, referred to Senate Appropriations

AB 1343 (Huffman) Solid waste: architectural paint

This bill would create an architectural paint recovery program that would be enforced by the board. On or before January 1, 2011, a manufacturer or designated stewardship organization would be required to submit to the board an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

LTF Position: Support

Status: Passed Senate Environmental Quality, referred to Senate Appropriations

SB 26 (Simitian) Home-generated pharmaceutical waste

This bill would require the California State Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.

LTF Position: Support

Status: 2 year bill – Held in Senate Appropriations Committee

SB 44 (Denham) State government: integrated waste management board: abolishment

This bill would abolish the California Integrated Waste Management Board and transfer its duties, responsibilities, powers, jurisdiction, liabilities, and functions to the Department of Conservation.

LTF Position: Watch

Status: DEAD – Failed passage from policy committee

SB 390 (Kehoe) Solid waste: recycling market development

This bill would prohibit the board from funding a loan under the program until it determines that the applicant has obtained all significantly, as determined by the board, applicable federal, state, and local permits and would extend the program and the continuous appropriation to July 1, 2021, and the repeal date to January 1, 2022, thereby making an appropriation.

LTF Position: Support

Status: 2 year bill – Held in Senate Appropriations

SB 730 (Wiggins) Solid waste: grants and loans: eligibility

This bill would provide that a public entity of the state is ineligible for any grants, loans, or loan guarantees from, or any other financial incentive administered by, the board, if the entity disposes or causes the disposal of solid waste at a facility within the state that does not meet standards that are as stringent as the state standards or at a facility located outside the state.

LTF Position: Watch

Status: Referred to Assembly Natural Resources

Additional Legislation

AB 68 (Brownley) Solid Waste: single-use carryout bags

This bill would, on and after July 1, 2011, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund.

LTF Position: Watch

Status: 2 year bill – Held in Assembly Appropriations

AB 87 (Davis) Single-use carryout bags: environmental effects: mitigation

This bill would prohibit, on and after July 1, 2010, a store, as defined, from providing a single-use carryout bag, including a green carryout bag, to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag

Pollution Fund in the State Treasury and, by January 31, 2011, would require a store that collects the single-use carryout bag fees to remit the fees, less a specified amount to be used as required, to the State Board of Equalization for deposit in that fund, and do so on a quarterly basis thereafter. This bill would instead require the manufacturer of a single-use carryout bag to develop educational materials to encourage the reducing, reusing, and recycling of single-use bags and make those materials available to stores required to comply with the program.

LTF Position: Watch

Status: 2 year bill – Held in Assembly Appropriations

[AB 1085 \(Mendoza\) State Air Resources Board: regulations](#)

This bill would require the State Air Resources Board to make available to the public all methodologies, inputs, assumptions, and any other information used in the development of a proposed regulation, or that is the rationale behind any proposed regulation, before the comment period for any regulation proposed for adoption by the state board.

LTF Position: Support

Status: Set in Senate Appropriations – July 13th at 11 a.m.

[AB 1141 \(Calderon\) Carryout bags](#)

The bill would revise the legislative findings and declarations of statewide interest and concern of the California Integrated Waste Management Act of 1989, and related prohibition upon local action, to refer to single use carryout bags, rather than plastic carryout bags, and additionally would prohibit a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that prohibits the use, import, sale, or distribution of a single use carryout bag. The bill would require the board to establish a 50% single use carryout bag waste reduction goal by 2014, using 2010 as an initial baseline, to reduce empty single use carryout bags going to landfill or becoming litter. The bill would require the board and others to work to increase the availability of plastic bag recycling and collection programs in areas throughout the state.

LTF Position: Watch

Status: 2 year bill – Held in Assembly Natural Resources

[Resources](#)

[SB 1016 Information](#)

The California Integrated Waste Management Board has a site dedicated to assisting jurisdictions with SB 1016 implementation. Check [here](#) often for new updates.

[Regulatory Information](#)

[California Air Resources Board](#)

On June 25th, The California Air Resources Board adopted [regulations](#) aimed at capturing methane from landfills throughout the state to help reach AB 32 requirements.

[California Integrated Waste Management Board](#)

The California Integrated Waste Management Board is currently facing an uncertain future. The Governor has once again insisted that the CIWMB (along with other boards and commissions) be abolished in order to reduce government waste and spending. The Budget Conference Committee came up with an alternate plan after policy committees heard proposals and reported back their solutions. The proposal currently in front of the California State Legislature can be viewed below.

[California Integrated Waste Management Board \(CIWMB\)](#)

Governor's Proposal: Abolishes the CIWMB and divides its duties between DOC and the DTSC.

General Fund Savings: None. Consolidating recycling and waste management efforts could save roughly \$2 million special fund (not general fund) per fiscal year.

Recommendation: Reject proposal and move forward with the Committees' proposed alternative. Under this proposal, the programs that deal with recycling functions appear to be destined for DOC, with the programs related to waste oversight moving to DTSC. The Governor estimates approximately \$2 million in special fund savings from board salary, staff, and travel expenses by eliminating the CIWMB board structure.

Discussion: While consolidating all waste-related programs would improve efficiency and provide special fund savings, this proposal is significantly flawed. Moreover, this proposal would provide no general fund savings, and minimal special fund savings. Possibly the most significant flaw with this proposal is that it would eliminate the public participation and accountability afforded by a board structure. The DOC and DTSC are both departments; they do not have mandated public participation processes that are inherent with the board structure. While both departments do have established public input and information gathering processes, the ultimate decisions are made by a single department head who reports to the Administration.

This proposal also shifts solid waste management issues to two separate Agencies, as DTSC is within CalEPA while DOC is in the Natural Resources Agency. The public, as well as a majority of stakeholders affected by this proposal, would face cross-agency challenges.

Proposed Alternative: Abolish the CIWMB structure and move the functions of DTSC, DOR, and the related functions of the RHB from DPH into a smaller, more efficient board structure.

Establish a new 5 member, full time board with policy development, oversight and appellate functions over solid waste, hazardous waste, low-level radioactive waste, and the Bottle Bill. (The Senate has proposed the Pollution Prevention and Recycling Board.)

Consolidate like functions, such as permitting, pollution prevention, recycling, and remediation into new divisions under the new board. Eliminate duplicative activities in support areas, including administrative and technical support, public affairs, and legislation.

Establish qualifications for the board members to reflect the expanded responsibilities:

- Elected or appointed official of a nonprofit organization with emphasis on the protection of public health and the environment.
- Elected member of a city council or county board of supervisors or a city mayor.
- Experience in health and environmental effects relating to solid and hazardous waste, chemicals, and other hazards.
- Experience private sector in the solid waste management industry, including experience in pollution prevention, waste reduction, and recycling.
- Experience in the evaluation and development of environmentally sustainable processes and products.

Decrease the board members pay by the commensurate amount as rank and file state employees in this budget crisis. (The current structure authorizes pay increases, but insulates board members from related decreases.)

Eliminate the advisor positions associated with the CIWMB.

Eliminate duplicative high level executive positions and related staff.

Require the new board to establish a new organization and management structure to realize savings from consolidation, including a reduction of 50% in the number of executive and upper level management positions.

Consolidate the numerous field offices held by all involved entities, while ensuring continuation of the stringent enforcement actions provided by these entities.

General Fund Savings: Minimal. The elimination of the CIWMB board structure (6 members, 6 advisors, and 7 support staff) and related staff is a reduction of 17 staff and approximately \$1.7 million (Special Fund). A reduction in the number of executive and upper management level positions at CIWMB, DTSC, Bottle Bill, and Radiological Health by 50% should yield a savings of approximately \$8 million (Special Funds). The 5 member board (no advisors) with support staff would be funded with special funds at a cost of approximately \$900,000.

This is a net savings of \$8.8 million. This does not include projected long-term savings realized through reduction of positions through the consolidation of support functions and similar programmatic functions. Those savings will be realized as the reorganization is implemented.

Discussion: The CIWMB's core responsibilities are implementing the Act including: enforcing the mandate on local jurisdictions to achieve and maintain a 50% diversion of their solid waste going to landfills; providing technical assistance to local jurisdictions to help them achieve the mandate; permitting and overseeing, in partnership with local enforcement agencies, solid waste facilities, including landfills that manage solid waste, and provide for the safe disposal of the waste that can not be diverted; developing markets, in partnership with generators, businesses, service providers and end-users, for waste materials; and, overseeing the state's Buy Recycled and State Agency Recycling Campaign that assists state agencies with their mandate of reducing their waste by 50% and purchasing recycled products. Also, pursuant to dozens of legislative mandates over the last twenty years, programs that deal with a multitude of waste streams, not all directly related to solid waste including, but not limited to, waste tires, used oil, electronic waste, household hazardous waste, universal waste, and pharmaceutical waste.

The DTSC provides oversight of the management of hazardous waste in California including programs to: regulate hazardous waste management activities; oversee and perform cleanup activities at sites contaminated with hazardous substances; encourage pollution prevention and the development of environmentally protective technologies; provide regulatory assistance and public education; and, implement the new "Green Chemistry" program.

The DOR oversees the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill) to achieve an 80 percent recycling rate for glass, aluminum and plastic beverage containers sold in California. To achieve this rate, the DOR ensures that: the California Redemption Value (CRV) is paid by beverage distributors for each beverage sold in California; consumers are refunded CRV for recycled beverage containers; recycling centers are conveniently located; grants are made to encourage recycling and development of markets for recycled materials;

strong oversight and enforcement programs are in place so that the integrity of the Beverage Container Recycling Fund remains stable and free of fraud; and, public outreach and private partnerships are promoted.

The DPH includes the Radiologic Health Branch (RHB) within the Food, Drug, and Radiation Safety Division. The RHB enforces the laws and regulations designed to protect the public, radiation workers, and the environment. RHB is responsible for providing public health functions associated with administering a radiation control program. This includes licensing of radioactive materials, registration of X-ray-producing machines, certification of medical and industrial X-ray and radioactive material users, inspection of facilities using radiation, investigation of radiation incidents, and surveillance of radioactive contamination in the environment.

Upcoming CIWMB Events

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| 07/08/2009
Sacramento, CA
95812 | <u>CCDEH Solid Waste Policy Committee Meeting</u>
Sponsor: CIWMB
California Conference of Directors of Environmental Health (CCDEH) is a statewide association comprised of the Environmental Health Directors from 62 jurisdictions, including both ... [More] |
| 07/08/2009
Sacramento, CA
95812 | <u>State Agency Workshop for Annual Reporting</u>
Sponsor: CIWMB/Local Assistance & Market Development Division
This workshop will provide an overview of the revised format and content of the State Organization and Agency Recycling Database (SOARD) System for the purposes of submitting the e... [More] |
| 07/09/2009
Sacramento, CA | <u>Financial Assurances Phase II Rulemaking Workshop</u>
Sponsor: CIWMB |
| 07/09/2009
Visalia, CA
Cancelled | <u>Tier I Eight Hour Health and Safety Field Refresher Training</u>
Sponsor: CIWMB
This class will review health and safety issues for employees performing field activities in potentially hazardous environments. Training will highlight health and safety practices... [More] |
| 07/13/2009
Sacramento, CA | <u>Permitting and Compliance Committee</u>
Sponsor: CIWMB |
| 07/14/2009
Sacramento, CA | <u>Strategic Policy Development Committee</u>
Sponsor: CIWMB |
| 07/14/2009
Sacramento, CA
95812 | <u>Enforcement Advisory Council Meeting</u>
Sponsor: CIWMB
The Enforcement Advisory Council (EAC) consists of 12 members and serves this Board as an advisory committee representing the various regions of the state and the disciplines engag... [More] |
| 07/15/2009
Sacramento, CA | <u>Market Development and Sustainability Committee</u>
Sponsor: CIWMB |
| 07/15/2009
Riverside, CA | <u>Tier I Eight Hour Health and Safety Field Refresher Training</u>
Sponsor: CIWMB
This class will review health and safety issues for employees performing field activities in potentially hazardous environments. Training will highlight health and safety practices... [More] |
| 07/20/2009
Sacramento, CA
95814 | <u>Mandatory Commercial Recycling Workshop</u>
Sponsor: CIWMB
This is an informal workshop to discuss the development and implementation of the Mandatory Commercial Recycling Measure as required by the AB 32 |

	Scoping Plan.
07/21/2009 Sacramento, CA	<u>Board Meeting</u> Sponsor: CIWMB
07/21/2009 Sacramento, CA	<u>Executive Director Delegated Actions: Local Government Planning/Goal Achievement</u> Sponsor: CIWMB
07/21/2009 Sacramento, CA	<u>Executive Director Delegated Action: Modified Permit</u> Sponsor: CIWMB
07/21/2009-07/23/2009 Davis, CA	<u>Management of Animal Carcasses</u> Sponsor: University of Maine Cooperative Extension Three days of plenary, breakout, and poster sessions to discuss, learn ,and share information with researchers, policy makers, and regulators on carcass disposal technology, planni... [More]
07/22/2009 Sacramento, CA	<u>Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction</u> Sponsor: CIWMB Public stakeholder meeting to report on the progress of the Life Cycle Assessment and Economic Analysis of Organic Waste Management and Greenhouse Gas Reduction Options project.
07/28/2009 Sacramento, CA 95812	<u>Stakeholder Workshop: Alternative Daily Cover, Food Waste Composting, and Anaerobic Digestion</u> Sponsor: CIWMB Stakeholders are invited to provide input on draft papers concerning issues related to the regulations for alternative daily cover and food waste composting as well as potential op... [More]