



SWANA LTF News
Newsletter of the Legislative Task Force
California Chapters of SWANA
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William Merry, LTF Chairperson

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2009-10 Legislation

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

Regulatory Information

This section provides updates on various regulatory agencies.

Legislative Task Force Business

Please see this section to view the 2011 LTF Workplan. LTF Meeting Agendas and Minutes are available on the LTF website (www.swanacal-leg.org).

[2010 Legislation](#)

On August 31st, the California State Legislature completed the second year of a two year session, sending 772 bills to the Governor for his action by September 30th. Of those 772 bills, the SWANA Legislative Task Force had taken positions on 6 bills. In 2010 the Governor signed 726 bills and vetoed 298 bills. In addition to the final days of the legislative session, the Legislature was also trying to vote on various budget proposals for the 2010-11 fiscal year. Both the State Senate and State Assembly voted on the Governor's May Revise and the Democratic Proposals and both were voted down. The budget debate did however provide both houses and both sides to express their concerns and priorities for the ultimate deal to be reached. Of the bills sent to the Governor's desk, the LTF currently has positions on 6 of those bills. The list below includes bills that the LTF has taken a position during the second year, and the current status. A complete list of bills being tracked by the LTF can be viewed on our website.

[AB 283 \(Chesbro\) Solid waste: producer responsibility](#)

Recent amendments have removed this bill from our list

[AB 478 \(Chesbro\) Greenhouse gas emissions](#)

This bill would require the California Integrated Waste Management Board in consultation with the State Air Resources Board and the State Water Resources Control Board, to adopt rules and regulations relating to recycling and solid waste management to reduce greenhouse gas emissions, and would subject violators of these rules and regulations to civil and criminal penalties.

LTF Position: Oppose

Status: Failed to pass legislative deadlines, Senate 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. The bill would prohibit the board from imposing any enforceable requirements against a local agency or a solid waste enterprise or that includes aspects of solid waste handling that are of local concern to implement this 75% diversion level.

LTF Position: Oppose

Status: Failed to pass legislative deadlines, Senate Appropriations

[AB 737 \(Chesbro\) Solid waste: diversion](#)

This bill would require the department, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, or composted. The bill would prohibit the department from imposing any enforceable requirements against a local agency or a solid waste enterprise or that includes aspects of solid waste handling that are of local concern to implement this 75% diversion level.

LTF Position: Oppose

Status: VETOED

[AB 1343 \(Huffman\) Solid waste: architectural paint: recovery program](#)

This bill would create an architectural paint recovery program that would be enforced by the department. On or before April 1, 2012, a manufacturer or designated stewardship organization would be required to submit to the department 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. The plan would be required to contain specified elements of an architectural paint stewardship program, including, but not limited to, an architectural paint stewardship assessment, approved by the department, on each container of architectural paint sold in this state.

LTF Position: Support

Status: Signed by the Governor

[AB 1858 \(Blumenfield\) Bloodborne disease prevention: sterile syringes and needles](#)

This bill would permit the State Department of Public Health to authorize certain entities, that meet prescribed conditions, to provide hypodermic needle and syringe exchange services in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infection spread through the sharing of used hypodermic needles and syringes.

LTF Position: Support if Amended

Status: VETOED

[AB 1998 \(Brownley\) Recycling: plastic and paper carry out bags](#)

AB 1998 prohibits retailers from providing single-use plastic bags to customers. The bill authorizes retailers to provide reusable bags that meet specified standards to customers. The bill requires retailers charge customers for any recycled paper bags the retailer provides. The bill generally preempts local regulation in this area.

LTF Position: Support if Amended

Status: Failed to pass legislative deadlines, Senate Third Reading

[AB 2139 \(Chesbro\) Solid waste: product stewardship](#)

This bill would create the California Product Stewardship Act and would require the department, by January 1, 2012, in consultation with specified state agencies, to submit a report to the Legislature recommending that one or more consumer products be included as a covered product for purposes of the act. The bill would require, a producer of a covered product, one year after the effective date of a statute designating a product as a covered product, or the product stewardship organization created by one or more producers of that covered product to act as an agent on their behalf, to submit a product stewardship plan to the department, which would be required to include specified elements, including performance goals, a collection rate, and product goals. The department would be required to review and either approve or disapprove deem the product stewardship plan submitted to the department as complete or incomplete, within 45 days after receiving the plan.

LTF Position: Support

Status: Failed passage from Assembly Floor

[AB 2176 \(Blumenfield\) Hazardous waste: lighting products](#)

This bill would enact the California Lighting Toxics Reduction and Jobs Act and would define terms, including defining a “class 1 lamp” as a lamp containing mercury and a “class 2 lamp” as a lamp that produces less than a specified amount of light per watt. The bill would require the producer of a class 1 lamp, by September 30, 2011, to submit a product stewardship plan with regard to the collection of class 1 lamps to the department, either individually or jointly with other producers, or by entering into an agreement with a stewardship organization. The bill would require the plan to reasonably demonstrate how the program would contribute to the recycling of all class 1 lamps, including the program’s fair share of orphan lamps, on or before January 1, 2020. The department would be required to approve the plan pursuant to a specified procedure and the producer would be required to implement the approved plan by January 1, 2012. The bill would provide for the updating of the plan and would require the plan operator, by April 1, 2013, and on or before each April 1 annually thereafter, to prepare and submit to the department a report for the immediately preceding reporting period.

LTF Position: Support

Status: Failed to pass legislative deadlines, Held in Assembly Appropriations

[AB 2398 \(Perez\) Product stewardship: carpet](#)

The bill would require, by September 30, 2011, a manufacturer of carpets sold in this state, individually or through a carpet stewardship organization, to submit a carpet stewardship plan to the department, which would be required to include specified elements, including a funding mechanism that provides sufficient funding to carry out the plan, including administrative, operational, and capital costs of the plan, the payment of fees, and incentive payments. The bill would require the funding mechanism to establish and provide for, on and after January 1, 2013, a carpet stewardship assessment to be added to the purchase price of carpet sold in the state by a manufacturer to a California retailer or wholesaler or otherwise sold for use in the state and would require each retailer and wholesaler to add the assessment to the purchase price of all carpet sold in the state.

LTF Position: Support

Status: *Signed by the Governor*

[SB 390 \(Kehoe\) Solid waste: recycling market development](#)

This bill extends the sunset on California's Recycling Market Development Zone Program from July 1, 2011 to July 1, 2021, and makes related technical and clarifying changes.

LTF Position: Support

Status: *Signed by the Governor*

[SB 1029 \(Yee\) Hypodermic needles and syringes](#)

This bill would, for the period beginning January 1, 2011, and ending December 31, 2018, permit a physician or pharmacist, without a prescription or a permit, to furnish 30 or fewer hypodermic needles and syringes for human use to a person 18 years of age or older and would permit a person 18 years of age or older, without a prescription or license, to obtain 30 or fewer hypodermic needles and syringes solely for personal use from a physician or pharmacist. This bill would make conforming changes, including the elimination of the Disease Prevention Demonstration Project.

LTF Position: Support if Amended

Status: *VETOED*

[SB 1100 \(Corbett\) Product Stewardship: household batteries](#)

The bill would require, by September 30, 2011, a producer or the household battery stewardship organization created by one or more producers of a household battery to submit a household battery stewardship plan to the department, which would be required to include specified elements, including product goals and a collection rate for the household batteries subject to the plan, calculated in a specified manner. The bill would allow a registered hazardous waste transporter to elect to submit a household battery stewardship plan to the department on behalf of one or more producers and would require a hazardous waste transporter making that election to comply with the provisions of the bill applicable to a household battery stewardship organization. The department would be required to review a household battery stewardship plan submitted to the department and deem the plan either complete or incomplete within 45 days after receipt.

LTF Position: Support

Status: Failed to pass legislative deadlines, Re-referred to Assembly Rules

[Resources](#)

[SB 1016 Information](#)

The new Department of Resources Recycling and Recovery (CalRecycle) has a site dedicated to assisting jurisdictions with SB 1016 implementation. Check [here](#) often for new updates.

Regulatory Information

Department of Resources Recycling and Recovery (CalRecycle)

Best Management Practices

CalRecycle is still working on the best management practices (BMPs) for developing site-specific non-water quality corrective action plans. The financial assurance regulations that were adopted in 2009 require solid waste landfill owners or operators to provide financial assurance for corrective action based on the higher amount of either the water release corrective action or non-water release corrective action. The corrective action plan will require the operator to evaluate the impacts of several types of causal events that could exceed the design standard of the landfill, such as earthquakes, flooding, precipitation, and fires. The operator will need to hire a third party to assess the potential damage caused by each causal event and estimate the cost of repairing the damage back to the state minimum standards. CalRecycle prepared an initial draft BMP guidance document that would require operators to evaluate potential damages caused by events that we felt were not reasonably foreseeable. The Sanitation Districts have staff on the technical advisory group for this effort and are trying to make the causal events reasonably foreseeable and in line with the standards of practice in the engineering community or, in the case of fires, based on actual occurrences.

Proactive Monitoring Program

In 2009, CalRecycle adopted regulations that require landfill operators in postclosure to participate in a proactive monitoring program (PMP) in order to qualify for a reduction in the amount of financial assurance (FA) they have to provide to the state. The operator needs to submit a PMP plan to CalRecycle for approval in which it details the aspects of the landfill the operator will monitor over time, including leachate quality and quantity, landfill gas generation and migration, groundwater quality, and final cover settlement, integrity and maintenance. The operator would monitor these parameters during postclosure and submit a report to CalRecycle every five years containing trends and an overall assessment of the condition of the landfill. In June 2010, CalRecycle released the [guidance document](#) on what the PMP plan should include.

Proposed Financial Assurance Fee for Active and Non-Active Landfills

CalRecycle has decided to postpone their initial proposal regarding this topic until an unknown time. We will be sure to keep you updated when and if this proposal is once again brought forward for comments. Below is a list of questions submitted to CalRecycle by the LTF after hearing of the proposal.

- What is the target amount of funds that CalRecycle is seeking with this fee including staff costs?
- What is the range of staff review costs per landfill?
- Please explain how the fee will be calculated?
- How many closed and active landfills are under consideration for this fee?
- Are only landfills operating after January 1, 1988 being considered for the proposed fee?
- Will closed sites be assessed a different rate than active landfills?
- Why is an annual fee being considered when many landfills financial assurances are not even reviewed until the five year review?
- Is the fee be assessed on a permitted capacity basis or per ton of incoming wastes?

These are just a sampling of the questions presented to CalRecycle for review regarding this proposal. We will provide more information as it becomes available.

Upcoming CalRecycle Events

CalRecycle wants to assure all stakeholders that transparency and stakeholder involvement remains a high priority for the new department. In keeping with a history of providing stakeholders with information about programs, activities, and decisions, CalRecycle hosts monthly “workshops” to discuss upcoming decisions. You can view a [calendar of events](#) for the next few months by visiting the CalRecycle website.

Legislative Task Force Business

In November 2010, the LTF met and discussed the priorities and workplan for 2011. Below is the plan as it was determined by the task force. The final workplan will be posted to the LTF website once it has been approved by the Chapters.

Please note: the following workplan is subject to change until finalized by the Chapters.

SWANA CALIFORNIA CHAPTERS LEGISLATIVE TASK FORCE (LTF) 2011 WORK PLAN

At its annual workshop in November 2010 the Legislative Task Force identified the following issues as top priorities for the 2011 Work Plan:

- “Raising the Bar” Increased Diversion / Reduced Disposal
- Local Government Budget
- Decline in materials market
- Mandatory Commercial Recycling
- Extended Producer Responsibility/Product Stewardship
- Proposition 26 Implementation Issues
- Greenhouse Gas / Global Warming / AB 32 Implementation at the ARB
- Carbon footprint
- Potential State Fee Increases and Proposed Uses Thereof
- Conversion Technologies
- Illegal Dumping
- ADC Diversion Credits / Usage and Enforcement
- Closure and Post Closure / Corrective Action
- Changes to the Bottle Bill
- Communication / relationship with regulatory agencies.

The 2011 Work Plan encompasses four major areas of effort and will guide the activities of the LTF and its Legislative Advocates during the 2011 calendar year.

Mission Statement:

To represent local government interests and the three California Chapters’ membership in developing and advocating environmentally technically sound, economical, and sustainable solid waste public policy at the most appropriate governmental level.

I. REGULATION / POLICY DEVELOPMENT

Goal: Ensure reasonable regulations (new or revised), through active participation in the development and review process, that assure economic feasibility and appropriate protection of health, safety and the environment.

Objective: Proactively participate in regulatory developments involving solid waste issues; review and provide comments to appropriate regulatory agencies; leverage with partner associations, local agencies, and industry in support of the LTF position on appropriate regulations.

Action items

Monitor / Take appropriate action:

1. On the CalRecycle realignment, encourage CalRecycle to review existing programs and eliminate those that are non-essential, and curtail or delay those programs/regulations that are not directly related to the protection of public health, safety and the environment.
2. On any proposed changes to the Disposal Reporting System.
3. To promote enforcement of existing Alternative Daily Cover (ADC) regulations instead of regulations that restrict the use of ADC.
4. To actively promote and support life cycle analysis for any new and expanded regulations to increase waste diversion mandates/programs. Oppose proposals that fail to substantiate the need for the proposed requirements without a thorough lifecycle and economic analysis. To encourage the State to consider and promote global economic and environmental impacts and promote life cycle analysis of all regulations. To emphasize the current solid waste hierarchy per AB 939 in light of industry and market changes and realistically assess the availability of current and future markets for beneficial use of solid waste materials.
5. To update and modify Strategic Directive (SD) 6. To realistically assess the availability of current and future markets for beneficial use of solid waste materials.
6. To support the development of conversion technology regulations promoting the development of facilities. Oppose regulations that treat these facilities as disposal facilities. Promote realistic requirements for front end recovery of recyclable materials. Support economic and environmental comparisons that are fair and objective.
7. To support the requirement for a basic level of training of solid waste managers and inspectors. To promote joint training opportunities, and a certification program.
8. On SWRCB efforts to revise regulations on waste discharge requirements and storm water permits. To educate policy makers on feasibility and cost of proposed requirements.
9. On CARB and other GHG regulations including those stipulated by AB 32.
10. On changes to energy recovery requirements for MSW including Renewable Portfolio Standards and local air district requirements.
11. On regulations relating to solid waste management / e-waste / universal waste / medical waste / pharmaceuticals/Household Hazardous Waste.
12. On closure / post-closure and non-water quality corrective action regulations. Oppose corrective actions that are not “reasonably foreseeable.”
13. On proposals that incorporate Environmental Justice issues in regulations, using position papers developed by SWANA International as appropriate.
14. On regulations related to the Bottle Bill.

15. To oppose regulations that would weaken local government authority or cause undue financial responsibility on local governments.
16. On regulatory developments regarding Mandatory Commercial Recycling, specifically monitoring and enforcement.
17. On regulatory developments regarding SB1016 implementation and measurement of waste diversion programs.
18. On implementation of the “Green” Building Code.
19. Development of Green Chemistry Initiatives

II. LEGISLATION

Goal: Review, comment on and influence proposed legislation addressing solid waste issues and pursue/support legislation supportive of the LTF Mission Statement. Work with various organizations to reverse the “End of the Pipe” paradigm, i.e., work towards solutions that focus much more on solid waste prevention and beneficial reuse.

Objectives: Identify legislation of interest; provide comments to key legislators and staff on high priority bills; leverage with partner associations, local agencies and industry support of LTF positions on priority bills; develop alerts to all SWANA members and local agencies as appropriate; develop and submit LTF letters to Governor as appropriate.

Action Items:

Monitor / Take appropriate action:

1. To oppose legislation that would allow any State agency to promulgate regulations, guidelines, procedures, directions, or policies to ban materials from landfill disposal or transformation / conversion technology facilities unless they first:
 - a. Conduct scientific studies that show a danger to public health or environment, and
 - b. Develop a plan for realistic and cost-effective ways to remove the material from the waste stream. “Don’t Ban Without a Plan.”
2. On legislation to “Raise the Bar” on diversion / disposal. To support increases in waste reduction mandates only when based on lifecycle environmental benefits, identified cost, and infrastructure capabilities. Promote the strategies that place the responsibility less on local governments and more on the manufacturing and retail sectors.
3. On changes to the Bottle Bill.
4. To support product stewardship and increased manufacturer and retail responsibility especially with respect to materials that are difficult to recycle and / or hazardous waste and / or banned from landfills. “You Make It, You Take It.”
5. To oppose legislation that would increase state fees / surcharges unless appropriate.
6. On legislation relating to e-waste / universal waste / medical / pharmaceuticals / Household Hazardous Waste..
7. To support definitions that clearly describe what is meant by “organics,” and that promote integration of conversion technologies into the solid waste hierarchy.
8. To support diversion credit for conversion technologies, and the removal of obstacles to conversion technology development. To support incentives for bioreactors and conversion technologies.
9. To oppose legislation that would prohibit the use of ADC towards waste diversion reduction requirements.

10. To support legislation to discourage illegal dumping.
11. To oppose legislation that would weaken local government authority, especially with respect to the existing LEA system, or that would impose any additional financial responsibility on local governments unless consistent with the mission statement.
12. To support greater State efforts in market development for diverted materials. To encourage the State to consider global economic, human health and environmental impacts and promote life cycle analysis of all regulations. To emphasize the current solid waste hierarchy.
13. To support legislation to extend sunset date of the RMDZ program. To support the use of RMDZ funds to promote new and expanded markets, including conversion technologies.
14. To support legislation that would promote through economic, regulatory and/or other incentive processes the development of in-California manufacturing facilities using materials recovered through recycling activities.
15. To oppose legislation mandating that all waste must pass through MRFs.
16. On opportunities to improve the planning and operational constraints of hauler five year continuation rights.
17. On increased recycled content, considering quality and cost criteria.
18. On changes to what is required for siting element conformance.
19. To support the requirement for a basic level of training for solid waste managers and inspectors. To promote joint training opportunities, and a certification program.
20. To support market-based incentives to increase the use of rubberized asphalt.
21. To support legislation, as appropriate, to encourage the construction of “green buildings.”
22. On legislation to clarify the application of Propositions 26 and 218 to solid waste service fees.
23. To support tax credits and other incentives for energy recovery from MSW and for recycling equipment.
24. To support legislation that would make state agencies and schools subject to the provisions and mandates of AB 939, including removal of “subject to funding limitations,” purchase of recycled content products, and the imposition of fines for non compliance.
25. To oppose legislation that negatively/support legislation that positively impacts existing or new landfill gas-to-energy facilities.

III. OUTREACH AND AWARENESS

A. Goal: Increase awareness of legislative and regulatory issues within SWANA’s membership, and enhance the ability and effectiveness of the LTF to influence the legislature, regulatory agencies, and other associations in support of the LTF Mission Statement and adopted positions.

B. Objectives/Actions Items:

1. Enhance influence of SWANA with Legislature and regulatory agencies, and encourage them to consider the global impacts of their actions.
 - a. Establish and maintain contacts with key legislators, their staff, CAL-EPA, Natural Resources Agency, Department of Resources Recycling and Recovery, SWRCB Board members and staff, CARB Board members and staff, DTSC staff, DOC, Department of Public Health, and other relevant state agencies and departments and other officials. Furnish information as appropriate.
 - b. Encourage local members’ involvement with regional agencies when appropriate.
 - c. Prepare and disseminate profile of SWANA and LTF white papers as appropriate.

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2. Inform SWANA membership of legislative, regulatory, and judicial issues including AB32-related issues.
 - a. Send four newsletters to LTF members and interested parties.
 - b. Send e-mail bulletins to all interested California SWANA members to inform of important developments and seek support of SWANA membership on critical issues.
 - c. Provide updates at chapter meetings and the Western Regional Symposium to the general membership.
 - d. Encourage SWANA membership to keep local government and special district officials aware of issues of greatest importance to SWANA.
3. Maintain LTF website.
4. Promote awareness of the (MOLO program as well as raise awareness of other training opportunities provided by SWANA, including the Western Regional Symposium and SWANA International Trainings such as WASTECON and other trainings relating to transfer/collection/recycling activities.
5. Regarding waste reduction mandates, reach out to organizations such as the League of California Cities, CSAC, RCRC and local communities to promote our message, influence their decisions and reach common ground.
6. Maintain and strengthen coalition building with associations with compatible goals and objectives such as:
 - a. California State Association of Counties
 - b. League of California Cities
 - c. RCRC / Rural Counties' ESJPA
 - d. California Conference of Directors of Environmental Health
 - e. Local Enforcement Agencies
 - f. County Engineers Association of California
 - g. Private Haulers / Solid Waste Industry Group
 - h. Councils of Government
 - i. American Public Works Association
 - j. Environmental Organizations
 - k. Product Stewardship Organizations
 - l. Departments of Public Health
 - m. Board of Pharmacy
7. Enhance education and awareness of SWANA membership through presentation of a legislative and regulatory session at the Western Regional Symposium.
8. Support and promote policies developed by SWANA International, such as T-31 Product Stewardship Policy, T-32 Policy on Solid Waste Disposal Ban, the "Pushing the Envelope" document, Achieving Greater Waste Diversion white paper, Applied Research Documents and documents promoting biostabilization and bioenergy landfills ("bioreactors"). Monitor issues that emerge out of locality-specific situations. Use LTF to analyze potential statewide impacts and broadly disseminate information, and assist as necessary. Also, solicit input from all California members.
9. Post industry comment letters on website.