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Additional Legislation

New 2009 Legislation

This section provides information on new legislation that has been introduced which may be of interest to SWANA and bills that the Legislative Task Force has taken positions.

Western Regional Symposium

The 38th Annual SWANA Western Regional Symposium is being hosted by the Southern California Founding Chapter, April 6-9, 2009 at the Palm Springs Hilton Resort. Please see this section for further details.

Resources

Please see this section for SB 1016 implementation resources.

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.

New 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 reviewing over 70 bills for positions. Please see below for bills that have been identified as high priority and bills where the LTF has taken a position.

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: Watch (we are expecting amendments to address initial LTF concerns with the bill)

Status: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

AB 478 (Chesbro) Greenhouse gas emissions: solid waste

This bill would require the state board to consult with the California Integrated Waste Management Board in developing the regulations to include rules for the reduction of greenhouse gas emissions from solid waste reduction and recycling.

LTF Position: Pending Review

Status: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

AB 479 (Chesbro) Solid waste: diversion

This bill would increase the mandatory diversion rate from 50 percent to 60 percent by January 1, 2015 and 75 percent by January 1, 2020. The bill would also require local governments to adopt a mandatory commercial recycling ordinance within their jurisdictions. The bill would increase the State waste disposal tipping fee from its current rate of \$1.40 to \$3.90 per ton with the additional revenue available for expenditure by the California Waste Management Board, upon appropriation by the Legislature, for apportionment to jurisdictions, as specified.

LTF Position: **Opposed**

Status: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

SB 25 (Padilla) Solid Waste: diversion

This bill would require the California Integrated Waste Management Board, by July 1, _____, to develop a strategic and comprehensive plan to achieve, on or before January 1, _____, a diversion rate of 75% of solid waste statewide from landfill disposal or transformation. The bill would also require the board to adopt policies, programs, and incentives to ensure that on or before December 21, _____, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, _____, and annually thereafter, 75% of all solid waste generated is source reduced, recycled, or composted.

LTF Position: **Oppose**

Status: Set in Senate Environmental Quality Committee- April 20th at 1:30 p.m.

Additional High Priority Legislation

AB 222 (Adams) Energy: biofuels

The current bill language will be amended shortly to reflect the proposal below.

- Removes from statute a scientifically inaccurate definition of gasification.
- Adds to statute and defines the term "Biorefinery" and enables them to be permitted under the same provisions as are required for other manufacturing facilities, while at the same time, requiring them to meet or exceed all state and local standards for air pollution and water quality control.
- Revises the definition of the term "transformation" to mean the incineration of solid waste with or without the recovery of energy. "Transformation" does not include:
 - a. Composting,
 - b. Biomass conversion, or
 - c. Solid waste conversion at a biorefinery.
- Requires that, to the maximum extent feasible, solid waste feedstock has been pre-processed to remove all recyclable materials prior to the conversion process.
- Clarifies that green power and advanced biofuels, when produced from carbon-based wastes, will qualify as renewable energy for purposes of the state's RPS, and will not count as disposal for the purposes of complying with State law. This additional clarity will provide stability to the private sector, and allow companies to invest in the development of advanced technologies with confidence.

LTF Position: Pending Review

Status: Introduced

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: Introduced

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: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

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 compact fluorescent lamps, unless the compact fluorescent lamps meet certain specifications, and the manufacturer or distributor of the compact fluorescent lamps has implemented a recycling program or has agreed to pay an unspecified amount for every lamp for which funding is received into a compact fluorescent lamp recycling fund.

LTF Position: Pending Review

Status: Introduced

AB 1343 (Huffman) Solid waste: architectural paint

This bill would create the architectural paint recovery program and would require architectural paint manufacturers, on and after January 1, 2010, to develop and implement strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and manage the end-of-life of postconsumer paint through collecting, transporting, and processing postconsumer paint. The manufacturers would be allowed to establish a cost recovery system to collect a fee from the consumer on all architectural paint sold in this state sufficient to recover the costs of the end-of-life management of postconsumer paint in an environmentally sound fashion.

LTF Position: Support

Status: Introduced

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: Set in Senate Business, Professions, and Economic Development Committee- 04/13/09 at 2 p.m.

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: Set in Senate Environmental Quality Committee- April 27th at 1:30 p.m.

SB 390 (Kehoe) Solid waste: recycling market development

This bill would delete the inoperative and repeal dates of the Recycling Market Development Revolving Loan Program, thereby indefinitely continuing the program and the continuous appropriation.

LTF Position: Support

Status: Set in Senate Environmental Quality Committee- April 20th at 1:30 p.m.

SB 624 (Romero) Solid waste: garbage and refuse disposal districts: governing board membership

Existing law authorizes the formation of garbage and refuse disposal districts under certain conditions, including that if the district includes 2 or more cities that the legislative body of each city within the district appoint one member to the governing board to represent each incorporated city. This bill would remove the requirement that the city represented in this provision be incorporated.

LTF Position: Pending Review

Status: Introduced

[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: Pending Review

Status: Introduced

[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: Pending Review

Status: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

[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: Pending Review

Status: Set in Assembly Natural Resources Committee- April 13th at 1:30 p.m.

[AB 838 \(Swanson\) Occupational safety and health](#)

This bill would require the Occupational Safety and Health Standards Board, by July 1, 2011, to adopt a standard for controlling the risk of occurrence of heat illness where employees work indoors.

LTF Position: Watch

Status: Set in Assembly Labor and Employment Committee- April 22nd at 1:30 p.m.

[AB 903 \(Chesbro\) Solid waste: state agency recycling: electronic waste](#)

This bill would require that the annual state agency report submitted to the CIWMB to include the calculations of annual disposal reduction of electronic waste, and changes in electronic waste generated or disposed of due to specified factors. The bill would also require the report to include the extent to which a state agency intends to utilize programs or facilities established by a local agency for the handling, diversion, and disposal of electronic waste.

LTF Position: Watch

Status: Introduced

[AB 907 \(Chesbro\) California Oil Recycling Enhancement Act: rerefined oil](#)

This bill would authorize the California Integrated Waste Management Board to develop a program to provide incentives to manufacturers of rerefined oil, as the bill would define that term, to develop additional capacity for the rerefining of used oil.

LTF Position: Watch

Status: Introduced

[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: Introduced

[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: Pending Review

Status: Introduced

[AB 1280 \(Adams\) Electronic waste: recycling](#)

This bill would expand the list of appliances that are not defined as a "covered electronic device" to include a freezer, induction cooktop or range, beverage maker, and food steamer for the purposes of e-waste recycling.

LTF Position: Watch

Status: Introduced

[AB 1350 \(Blakeslee\) Energy: sustainable biofuel resource: voluntary certification](#)

This bill would require the Energy Commission, in collaboration with specified entities, to establish a voluntary certification program to establish environmental performance standards for a biofuel qualifying as a California Sustainable Biofuel Resource.

LTF Position: Watch

Status: Introduced

[SB 22 \(Simitian\) Hazardous materials: toxic substances](#)

This bill would authorize the Office of Environmental Health Hazard Assessment to recommend procedures for expediting the review and identification of hazard traits, including pending and proposed actions by other states, the federal government, and other nations to limit hazardous materials in products.

LTF Position: Pending Review

Status: Introduced

SB 55 (Corbett) Recycling: California redemption value containers

This bill would revise the term beverage to include vegetable, nut, grain, or soy drinks that contain any percentage of juice, and would delete the requirement that a vegetable drink subject to the act be sold in a container of 16 ounces or less. The bill would delete the exclusion from the term beverage, for a product that is not sold in the above-specified types of containers. The bill would additionally exclude from the definition a beverage in a flexible foil, plastic pouch, or aseptic container delivering 7 or less fluid ounces. The bill would also make conforming changes to other definitions, for purposes of the act.

LTF Position: Pending Review

Status: Set in Senate Environmental Quality Committee- April 20th at 1:30 p.m.

SB 228 (DeSaulnier) Plastic bags: compostable or marine degradable plastic bags

This bill would require a manufacturer of a marine degradable or compostable plastic bag meeting those standards to ensure that the marine degradable or compostable plastic bag is readily and easily identifiable from other plastic bags. The bill would specify that "readily and easily identifiable" shall mean a uniform color of green with the label "compostable" and carrying the certification label of the Biodegradable Products Institute.

LTF Position: Pending Review

Status: Introduced

SB 531 (DeSaulnier) Solid waste: single-use carryout bags

This bill would establish the Single-use Carryout Bag Responsibility Act and would require, on and after July 1, 2011, the suppliers, as defined, of plastic or paper single-use carryout bags to remit a Single-use Carryout Bag Responsibility Fee of \$0.001, to the State Board of Equalization, for each paper or plastic single-use carryout bag supplied directly to a store. The State Board of Equalization would be required to deposit the fee into the Single-use Carryout Bag Responsibility Fund that would be established in the State Treasury.

LTF Position: Pending Review

Status: Set in Senate Environmental Quality Committee- April 20th at 1:30 p.m.

Western Regional Symposium

The 38th annual SWANA Western Regional Solid Waste Symposium and Exposition is being held in Palm Springs at the Palm Springs Hilton Resort, **April 6th-9th**, 2009. Make your reservations today to combine professional development along with the beauty and excitement of Palm Springs. Reservation information along with schedules, key note speakers and activities can be found [here](#). Single day reservations are available, so act fast before your spot is lost!!!

Resources

SB 1016 Information

To view a presentation on SB 1016 (2007) by the California Integrated Waste Management Board click [here](#).

Regulatory Information

California Air Resources Board

To view the most recent CARB draft proposed regulation for Methane Emissions from Municipal Solid Waste Landfills, updated March 18, 2009 click [here](#).

California Integrated Waste Management Board

The California Integrated Waste Management Board now has a vacancy as Gary Petersen was not reappointed. We are not sure if there will be any appointment to this vacant position given the fiscal issues the state is experiencing. We will keep you updated on any new developments

in this area.

You can sign up for various distribution lists at the CIWMB to stay updated on activities including regulations and workshops [here](#).

Upcoming CIWMB Events

04/07/2009 Rancho Cucamonga, CA 91701	Local Compost-Use Specifications & Composting Workshop Sponsor: County of San Bernardino, CIWMB This workshop is a one-day event focused on promoting the Caltrans Compost-Use Specifications for adoption by local government. This is part of a series of workshops and is open to... [More]
04/09/2009 Sacramento, CA 95812	Northern Regional Waste Tire Enforcement Grantee Round Table Meeting Sponsor: CIWMB The waste tire round tables are offered to waste tire grantees twice yearly in four regions throughout the state. The round tables were developed to promote more efficient communic... [More]
04/13/2009 Sacramento, CA	Permitting and Compliance Committee Sponsor: CIWMB
04/14/2009 Sacramento, CA	Market Development and Sustainability Committee Sponsor: CIWMB
04/14/2009 Redding, CA	Developing an Effective Illegal Dumping Program in Tough Economic Times Sponsor: CIWMB This training class will present ideas and information to parties interested in developing an effective illegal dumping program or improving an existing program through lecture, pr... [More]
04/15/2009 Woodland, CA 95776	Agricultural Compost Specifications Workshop Sponsor: Yolo County, CIWMB This is a one day workshop. The goal is to improve and expand compost use in agriculture by providing reliable scientifically-derived information on suitable compost properties to ... [More]
04/21/2009 Sacramento, CA	Board Meeting Sponsor: CIWMB
04/21/2009 Sacramento, CA	Executive Director Delegated Actions: Local Government Planning/Goal Achievement Sponsor: CIWMB
04/21/2009 Sacramento, CA	Executive Director Delegated Action: Modified Permit Sponsor: CIWMB
04/23/2009 Sacramento, CA 95812	Enforcement Advisory Council Meeting 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]
04/23/2009 Sacramento, CA	Developing an Effective Illegal Dumping Program in Tough Economic Times Sponsor: CIWMB This training class will present ideas and information to parties interested in developing an effective illegal dumping program or improving an existing program through lecture, pr... [More]
04/27/2009 Sacramento, CA 95814	Interested Parties Meeting Sponsor: CIWMB Two parts to meeting. One part with public entities concerned with tire storage issues and regulations. Second part with public entities concerned with tire recycling market anal... [More]
04/27/2009 San Diego, CA	Local Compost-Use Specifications Workshop Sponsor: CIWMB, BioCycle This is a preconference workshop prior to the BioCycle conference focused on promoting the Caltrans Compost-Use Specifications for adoption by local government. It is part of a se... [More]
04/28/2009 Fresno, CA	Developing an Effective Illegal Dumping Program in Tough Economic Times Sponsor: CIWMB