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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**

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

## **2010 Legislation**

The last few months have been busy in the Legislature. Legislative committees are meeting daily to vote on over 2000 bills before the House of Origin deadline on June 5, 2010, the Appropriations committees took up their "Suspense files" and the Governor released his May Revise to the 2010-2011 State Budget. They also took actions in March to address fiscal issues during the Prop 58 session called in January. The Legislature was able to negotiate about \$1.8 billion in solutions that included a "gas tax swap." The Legislature is now once again in budget mode with the conference committees meeting several times daily. The purpose of their meetings is to negotiate resolutions in as many areas as possible. Both houses have already conducted budget subcommittee

hearings and have taken actions either against or in favor of the Governor's May Revise proposals. Any proposals that could not be resolved during that process were sent to the conference committee.

This year being the second of a two year session means that not only is the Legislature hearing bills that were introduced this year, but they are also hearing bills from last year that passed all of their legislative deadlines. We are still following a few bills that are still active from last year as well as bills introduced since January. The list below represents a list of bills that have been deemed high priority for the Legislative Task Force from both last year and this year. The Legislature has until September 11 to pass all bills to the Governor and the Governor has until October 11<sup>th</sup> to act on all bills that have made it to his desk. A complete list of bills being tracked by the LTF can be viewed on our website.

**[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: In Senate Environmental Quality Committee**

**[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: Currently in Senate Appropriations**

**[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: Set in Senate Health 6/9/2010 1:30 p.m.**

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

This bill would repeal those at-store recycling program requirements on January 1, 2011, and would instead, on and after January 1, 2012, prohibit certain types of stores, as defined, from providing a single-use carryout bag to a customer. The bill would, on and after July 1, 2013, prohibit convenience food stores, foodmarts, and certain specified stores from providing a single-use carryout bag to a customer. The bill would require a store, on and after July 1, 2013, to only provide reusable bags, as defined, or to make available for sale recycled paper bags at a reasonable cost, but not less than \$0.05. The bill would exempt the sale of certain specified bags from the above prohibition and restriction. The bill would, beginning January 1, 2013, require a reusable bag manufacturer to obtain a biennial certification from the Department of Resources Recycling and Recovery by submitting a certification fee and a certification that its reusable bag meets specified requirements. The bill would specify administrative civil penalties for a person who violates the above requirements. The bill would require the department to deposit the certification fees into the Reusable Bag Account, which would be established by the bill in the Integrated Waste Management Fund, and to deposit the penalties and fines collected into the Penalty Subaccount, which would be established by the bill in the account. The bill would provide that moneys in the account and the subaccount would be expended by the department, upon appropriation by the Legislature, to implement the above requirements.

**LTF Position: Watch**

**Status: Passed Assembly Floor, referred to Senate for committee assignment**

**[AB 2138 \(Chesbro\) Product management: single-use recyclable packaging containers](#)**

This bill would enact the Plastic Ocean Pollution Reduction, Recycling, and Composting Act and would prohibit a food provider, after July 1, 2011, but not after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag, as defined, unless the packaging or bag meets the criteria for either compostable packaging or recyclable packaging. The bill would prohibit a food provider, on and after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag to a consumer, unless the department determines the packaging or bag is recovered for composting or recovered for recycling at a rate of 25 percent or more.

**LTF Position: Concerns**

**Status: Held in Assembly Appropriations**

**[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 (previous version, no position taken on most recent version, 6/1/10)**

**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: 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 department would be required to, among other things, within 60 days after the department receives a plan, review and determine whether the plan is complete and notify the submitter of its determination.

**LTF Position: Support (previous version, still reviewing 5/28/10 amendments)**

**Status: Passed Assembly, in Senate waiting for committee assignment**

### **[SB 722 \(Simitian\) Utilities: renewable energy resources](#)**

This bill would revise the Renewable Energy Resources Program to state the intent of the Legislature to increase the amount of electricity generated from eligible renewable energy resources per year, so that amount equals at least 33% of total retail sales of electricity in California per year by December 31, 2020.

**LTF Position: Oppose Unless Amended**

**Status: Currently in Assembly Rules waiting for committee assignment**

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

Would, instead, 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: Passed Senate, in Assembly waiting for committee assignment**

### **[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 stewardship organization created by one or more producers of a 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: Passed Senate, in Assembly waiting for committee assignment**

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## **[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.

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## **[Regulatory Information](#)**

### **[Department of Resources Recycling and Recovery \(CalRecycle\)](#)**

On Jan. 1, 2010 California's recycling and waste diversion efforts were streamlined into the new Department of Resources Recycling and Recovery--CalRecycle.

CalRecycle manages programs created through two landmark initiatives--the Integrated Waste Management Act and the Beverage Container Recycling and Litter Reduction Act--that were formerly part of the California Integrated Waste Management Board (CIWMB) and the Department of Conservation. Now housed in the [Natural Resources Agency](#), CalRecycle merges the duties of the board with those of DOC's Division of

Recycling to best protect public health and the environment by effectively and efficiently managing California's waste disposal and recycling efforts.

CalRecycle is currently comprised of [two program divisions](#): Waste Management and Recycling. The Division of Waste Management continues to promote the goals of Zero Waste California in partnership with local government, industry and the public. The division manages the approximate 93 million tons of waste generated each year by reducing waste whenever possible, decreasing greenhouse gas emissions, promoting the management of all materials to their highest and best use, and regulating the handling, processing and disposal of solid waste. California now diverts more than half of its waste away from landfills.

The Division of Recycling manages California's [Beverage Container Recycling Program](#), which seeks to achieve and maintain high recycling rates for a variety of beverage container types. To accomplish this, the division certifies recycling operations and materials processors, maintains industry compliance with program regulations, and provides technical assistance and education for consumers, local government, businesses, and organizations engaged in recycling.

California Redemption Value (CRV) serves as an incentive for Californians to recycle the billions of aluminum, glass and plastic beverage containers sold in our state each year. CRV is 5 cents on containers less than 24 ounces, 10 cents on containers 24 ounces or larger. Consumers can redeem their empties at more than 2,000 recycling centers statewide. Since the program's inception in 1987, more than 200 billion beverage containers have been recycled--keeping them out of landfills and off the side of our roads.

CalRecycle also provides [grants and loans](#) to help California cities, counties, businesses, and organizations meet the State's waste reduction, reuse, and recycling goals. It also provides funds to clean up solid waste disposal sites; develops and promotes alternatives to the illegal disposal of used oil; develops technical standards and permit requirements for waste tire facilities; promotes reuse and recycling of electronic devices; encourages purchasing of environmentally preferable products; and promotes the development and use of new, more sustainable products and technologies that can benefit California's economy and environment.

In addition to the hundreds of program and policy experts at CalRecycle, Gov. Schwarzenegger has designated a leadership team to help the department continue California's tradition of advancing environmental stewardship. [Margo Reid Brown](#), former chair of the CIWMB, serves as CalRecycle chief deputy director. Jason Marshall is deputy director for recycling, and Mark Leary is deputy director for waste management. Tom Estes is the department's deputy director for administration; Alicia McGee is deputy director for communications and public affairs; Elliot Block is deputy director for legal affairs; and Lisa Macumber is deputy director for legislative affairs.

CalRecycle's staff and leadership are dedicated to the role they play in the stewardship of California's vast resources, and to helping California remain at the forefront of environmental awareness and progress.

### 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.

**06/08/2010**  
Bay Area, CA

#### [Eight Hour Tier One Health and Safety Refresher Training](#)

Sponsor: CalRecycle Health and Safety Program

The California Department of Resources Recycling and Recovery (CalRecycle) is offering six one-day training classes to local enforcement agencies (LEA) and CalRecycle staff who per... [\[More\]](#)

**06/09/2010**  
Sacramento, CA

#### [Eight Hour Tier One Health and Safety Refresher Training](#)

Sponsor: CalRecycle Health and Safety Program

The California Department of Resources Recycling and Recovery (CalRecycle) is offering six one-day training classes to local enforcement agencies (LEA) and CalRecycle staff who per... [\[More\]](#)

**06/10/2010**

#### [Eight Hour Tier One Health and Safety Refresher Training](#)

- Sacramento, CA Sponsor: CalRecycle Health and Safety Program  
The California Department of Resources Recycling and Recovery (CalRecycle) is offering six one-day training classes to local enforcement agencies (LEA) and CalRecycle staff who per... [\[More\]](#)
- 06/14/2010** [Waste Compliance and Mitigation Program Monthly Public Meeting](#)  
Sacramento, CA 95812 Sponsor: Waste Compliance and Mitigation Program  
As part of CalRecycle's commitment to maintain transparency in decision making and program development, public comment meetings are planned on a regular basis. These meetings will ... [\[More\]](#)
- 06/14/2010** [Anaerobic Digestion Program EIR Technical Advisory Group \(TAG\) Meeting](#)  
Sacramento, CA 95812 Sponsor: CalRecycle  
CalRecycle is preparing a Program Environmental Impact Report (EIR) to assess the environmental impact of siting new and expanding existing anaerobic digestion facilities in Califo... [\[More\]](#)
- Cancelled**
- 06/15/2010** [Long Term Landfill Care: Cost Estimating and Proactive Monitoring](#)  
Sacramento, CA 95812 Sponsor: Waste Compliance and Mitigation Program  
This two hour class provides instruction on provisions of the new long-term landfill care regulations, including: description of cost estimates and regulatory review requirements; ... [\[More\]](#)
- 06/16/2010** [Materials Management and Local Assistance Program Monthly Public Meeting](#)  
Sacramento, CA 95814 Sponsor: CalRecycle  
As part of CalRecycle's commitment to maintain transparency in decision making and program development, public comment workshops are planned on a regular basis. This workshop will ... [\[More\]](#)
- 06/16/2010** [AB32 Mandatory Commercial Recycling Measure Workshop](#)  
Sacramento, CA 95814 Sponsor: CalRecycle  
On Wednesday, June 16, 2010, as part of the Materials Management and Local Assistance monthly public meeting agenda, CalRecycle staff is seeking stakeholder input on the proposed A... [\[More\]](#)
- 06/22/2010** [Load-Checking Regional Workshops](#)  
Sacramento, CA Sponsor: LEA Training and Support Services Section  
This class provides information on the implementation of hazardous and prohibited waste load-checking programs at solid waste disposal facilities. It is open to local enforcement a... [\[More\]](#)
- 06/24/2010** [Load-Checking Regional Workshops](#)  
Sacramento, CA Sponsor: LEA Training and Support Services Section  
This class provides information on the implementation of hazardous and prohibited waste load-checking programs at solid waste disposal facilities. It is open to local enforcement a... [\[More\]](#)
- 06/30/2010** [Adopting A Commercial Recycling Ordinance "How to Get Started"](#)  
Sacramento, CA Sponsor: Institute for Local Government (ILG)  
This webinar will highlight options for consideration by local officials when adopting a commercial recycling ordinance and will cover lessons learned and highlight key strategies ... [\[More\]](#)

Additional upcoming CalRecycle, Materials Management and Local Assistance, workshops

You can view a [calendar of events](#) for the next few months by visiting the CalRecycle website.