



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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2011-12 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). Click [here](#) to view.

[2011 Legislative Session](#)

The 2011 legislative session began with a new group of legislators and the same budget difficulties. The California State Legislature has been completely consumed with budget priorities and many bills still have not taken their final form. Due to the budget difficulties, many members were unable to introduce legislation until days before the deadline with over 2000 bills being introduced in the final two days. The LTF is in the process of reviewing close to 100 bills and we anticipate our list to grow, however the list below indicates bills that we have determined to be of interest to the solid waste industry at this time.

[AB 34 \(Williams\) Solid waste: compost market program](#)

This bill is currently a spot bill, however we believe this bill will become a proposal to create an objective standard for odor control at composting facilities.

LTF Position: Watch

Status: Referred to Assembly Natural Resources Committee

[AB 341 \(Chesbro\) 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.

LTF Position: Oppose

Status: Referred to Assembly Natural Resources Committee

[AB 1178 \(Ma\) Solid waste: place of origin](#)

The bill would prohibit a city, county, or local agency from otherwise restricting or limiting in any way the importation of solid waste into that city or county based on place of origin because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

LTF Position: Watch

Status: Referred to Assembly Natural Resources Committee

[SB 419 \(Simitian\) Solid waste: home generated sharps](#)

Existing law requires a pharmaceutical manufacturer selling or distributing medication that is intended to be self-injected at home to submit, on an annual basis, to the Department of Resources Recycling and Recovery a plan supporting the safe collection and proper disposal of specified waste devices. The manufacturer is required to post and maintain a copy of the plan on its Internet Web site. This bill would require the above plan to be submitted in an electronic format as prescribed by the department. The bill would require the manufacturer to post and maintain a copy of the plan in a readily accessible location on its Internet Web site.

LTF Position: Pending review

Status: Passed Senate Environmental Quality Committee, referred to Senate Appropriations

[SB 515 \(Corbett\) Product Stewardship: batteries](#)

The bill would require, by September 30, 2012, 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. 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.

LTF Position: Support

Status: Set for hearing in Senate Environmental Quality Committee on 4/4/11

[SB 567 \(DeSaulnier\) Recycling: plastic products](#)

Existing law prohibits a person from selling a plastic bag or a plastic food or beverage container that is labeled as "compostable" or "marine degradable" unless that plastic bag or container meets certain American Society for Testing and Materials (ASTM) standard specifications or a standard adopted by the Department of Resources Recycling and Recovery. Existing law prohibits the sale of a plastic bag or plastic food or beverage container that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. Existing law provides for the imposition of a civil penalty for a violation of these prohibitions. This bill would repeal those prohibitions and would instead prohibit the sale of a plastic product, as defined, labeled as "compostable" or "marine degradable" unless it meets those ASTM standard specifications or a standard adopted by the department, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. The bill would prohibit the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified.

LTF Position: Pending review

Status: *Set for hearing in Senate Environmental Quality Committee for 4/4/11*

[SB 589 \(Lowenthal\) Solid waste: tire recycling](#)

This bill is currently a spot bill, however there are efforts to create a product stewardship program for lamps.

LTF Position: Pending review

Status: Referred to Senate Environmental Quality Committee

[SB 833 \(Vargas\) Solid waste: facilities permit](#)

This bill would additionally prohibit an enforcement agency from issuing a solid waste facilities permit, on or after January 1, 2012, if that permit would allow the disposal of solid waste within 500 feet of a river that supplies any aquifer that provides drinking water for more than 50,000 persons, or within 1,000 feet of a site considered to be sacred and of spiritual importance to a federally recognized Indian tribe.

LTF Position: Oppose

Status: Referred to Senate Environmental Quality Committee

[SB 841 \(Wolk\) Solid waste: enterprise contracts](#)

This bill would prohibit the enforcement of an indemnity obligation that requires a solid waste enterprise to defend and hold harmless the local agency in connection with the local agency's imposition of fees, charges, levies, exactions, or assessments that are found by final judgment of a court to have been imposed in violation of Article XIII C or XIID of the California Constitution or that require a solid waste enterprise to refund certain fees.

LTF Position: Pending review of amendments

Status: Referred to Senate 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.

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.

State Water Resources Control Board

Industrial Storm Water Permit Regulations

On April 17, 1997, the State Water Board adopted the Industrial General Permit ([Water Quality Order 97-03-DWQ](#)) for regulation of storm water discharges associated with industrial activity. Water Quality Order 97-03-DWQ has expired but remains in effect until a new General Permit is adopted. Staff of the State Water Board initiated an effort to reissue the Industrial General Permit in 2003 that continued into 2005. Concerns raised at that time regarding the role of numeric effluent limitations in storm water permits halted this effort.

On June 19, 2006, a panel of storm water experts (Panel) submitted a report to the State Water Board titled: “The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities.” The Panel’s final report is posted on the State Water Board Web site at http://www.waterboards.ca.gov/water_issues/programs/stormwater/numeric.shtml.

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The State Water Board has considered the report's conclusions and recommendations in the preparation of this draft Industrial General Permit. In addition, staff has considered comments that were raised during 2003 and 2005 in preparing the draft Industrial General Permit. The draft Industrial General Permit is currently not in its complete form.

The draft Industrial General Permit and the existing Industrial General Permit are available to view or download on the Storm Water Web site: http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml

The State Water Board is interested in receiving comments regarding all aspects of the draft Industrial General Permit. Oral comments can be made during the public hearing. Comments on the draft Industrial General Permit may also be submitted in writing. Written comments must be received by **12:00 noon on Monday, April 29, 2011** (this date was extended due to tremendous opposition at recent SWRCB hearing).

In an effort to fight these new proposed regulations, the California Chapters of SWANA joined the Storm Water Coalition called WATER, Workable Approach To Environmental Regulation. You can view their website along with information on how to get involved [here](#). You can also view the WATER fact sheet on the proposed regulations [here](#). We look forward to your assistance.