



November 10, 2011

Waste Management Commission Meeting

will be held at

Discovery Science Center

2500 N. Main Street, Santa Ana

Parking Instructions

**Please tell the parking attendant that you are attending the
Waste Management Commission meeting.**

You will not be charged for parking.





**Waste
Management
Commission
Local Task Force
Orange County, CA**

Chair (5th Dist.)
Glenn Acosta

Vice-Chair (2nd Dist.)
Cheryl Brothers*

1st District
Margie Rice*
Xuan-Nhi Van Ho
Vacant

2nd District
James Wahner
Daniel Worthington

3rd District
Donald R. Froelich
John Beauman
Vacant*

4th District
Art Brown*
Anthony J. Florentine
Chad P. Wanke

5th District
Joe Soto
Cynthia Connors*

League at Large
Don Bankhead*

**City Managers'
Representative**
Doug Chotkevys*

**Director, OC Waste &
Recycling**
Michael B. Giancola

* Appointed by Orange
County Division, League
of California Cities

REGULAR MEETING

Thursday, November 10, 2011, 2:00 P.M.

OC Waste & Recycling

Discovery Science Center, 2500 N. Main Street, Santa Ana

AGENDA

If you wish to speak on an item contained in the agenda, please complete a Public Comment Form identifying the item(s) and submit it to the Commission Clerk. If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the close of the meeting. Speaker forms are available at the sign-in table at the back of the room.

The Orange County Waste Management Commission consists of 17 voting members. Nine voting members present constitute a quorum. In the absence of a quorum the meeting will be convened and adjourned. No actions may be taken by the Commission.

Pledge of Allegiance

Roll Call The Clerk of the Commission will call roll.

Chair's Report Chair Glenn Acosta

Director's Report Michael B. Giancola, Director, OC Waste & Recycling

Action Item Recap Commission Clerk will recap any action items

Agenda Items

Agenda Item 1: Minutes of Waste Management Commission/Local Task Force, September 8, 2011
Summary: Review and approve minutes of September 8, 2011 WMC/LTF meeting.
Recommended Action: Review and approve minutes.

Agenda Item 2: OC Waste & Recycling First Quarter Financial Report Fiscal Year 2011/2012
Summary: Staff will provide the OC Waste & Recycling First Quarter Financial Report, Fiscal Year 2011/2012.
Recommended Action: Receive and file report.

Agenda Item 3: AB 939 Report
Summary: Staff will present a written report on AB 939 programs, projects and issues.
Recommended Action: Receive and file report.

Agenda Item 4: Legislative and Regulatory Report
Summary: Staff will present a written report summarizing legislative and regulatory activities that could impact operations of OC Waste & Recycling.
Recommended Action: Receive and file report.



WASTE MANAGEMENT COMMISSION/LOCAL TASK FORCE

THURSDAY, NOVEMBER 10, 2011

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Agenda Item 5: Tour of Eco-Challenge Exhibit

Summary: Discovery Science Center staff will introduce the exhibit and provide a tour.

Commissioner Comments

Public Comment

At this time members of the public may address the Commission regarding any items within the subject matter jurisdiction of the Commission provided that NO action may be taken on off-agenda items unless authorized by law. When addressing the Commission, please state your name for the record prior to providing your comments. Please address the Commission as a whole through the Chair.

Comments shall be limited to three (3) minutes per person and up to twenty (20) minutes for all comments, at the discretion of the Chair and the approval of the Commission.

Copies of Waste Management Commission Agenda packets may be obtained from OC Waste & Recycling by any of the following methods:

- 1) By accessing the OC Waste & Recycling website at www.oilandfills.com and viewing the Waste Management Commission page.
- 2) By sending a written request to OC Waste & Recycling, 300 N. Flower, Suite 400, Santa Ana, CA 92703-5000;
- 3) By telephoning the OC Waste & Recycling Public Information Office at (714) 834-4176;
- 4) By sending an e-mail request to the OC Waste & Recycling Public Information Office at info@ocwr.ocgov.com.

NEXT MEETING: Thursday, January 12, 2012, 2:00 P.M.



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force, September 8, 2011

Commissioners Roll (√ Indicates Present)

| <u>1st District</u> | <u>2nd District</u> | <u>3rd District</u> | <u>4th District</u> | <u>5th District</u> |
|--|--------------------------------|---|--------------------------------|--------------------------------|
| Vacant | √ Cheryl Brothers | Vacant | √ Anthony Florentine | √ Glenn Acosta |
| √ Xuan-Nhi Ho | √ Daniel Worthington | √ Donald Froelich | Art Brown | √ Joe Soto |
| √ Margie Rice | √ James Wahner | √ John Beauman | Vacant | √ Cynthia Conners |
| √ Doug Chotkevys - <i>League of Cities, City Manager</i> | | √ Don Bankhead - <i>League of Cities, At Large Representative</i> | | |
| √ Mike Giancola, Director, <i>OC Waste & Recycling</i> | | | | |

Also Present

| | | | |
|------------------|----------------------|---------------|----------------------|
| Marlene Brajdic | OC Waste & Recycling | Chip Monaco | OC Waste & Recycling |
| Jane Caswell | OC Waste & Recycling | Isaac Novella | OC Waste & Recycling |
| Julie Chay | OC Waste & Recycling | Holly Pham | OC Waste & Recycling |
| Stephen Galowitz | Broadrock Renewables | Don Ries | OC Waste & Recycling |
| Christine Knapp | OC Waste & Recycling | Isabel Rios | OC Waste & Recycling |
| Luz Lopez | OC Waste & Recycling | David Tieu | OC Waste & Recycling |
| Stu Luce | “Guest” | Ken Robbins | MESD |
| Ziad Mazboudi | San Juan Capistrano | Alan Yuki | OC Waste & Recycling |

Call to Order

Chairman Glenn Acosta called the meeting to order at 2:00 p.m.

Pledge of Allegiance

The recitation of the Pledge of Allegiance was led by Commissioner Rice.

Roll Call

Roll call was conducted by the Commission Clerk.

Chair’s Report

Chairman Acosta asked the group for a moment of silence to honor those who lost their lives on 9/11.

The Chair also addressed the lack of a quorum at the July Commission meeting, following which he asked staff to clarify the proper way to handle a lack of a quorum. Staff reported that a paragraph regarding the handling of the lack of a quorum will be added to the top of each agenda. Staff also made note that the number constituting a quorum of the Waste Management Commission (9) is stated in the by-laws. Staff also reported that, in researching the subject, it was found that the Director of OC Waste & Recycling is the only nonvoting member of the Commission.

Director’s Report

Director Giancola congratulated Commissioner Froelich on his reappointed to the Commission by Board Chairman and 3rd District Supervisor Bill Campbell.

Director Giancola thanked the Commissioners who attended the grand opening of the Eco-Challenge Exhibit at the Discovery Science Center: Chairman Acosta and Commissioners Brothers, Conners, Froehlich, Ho and Rice. He noted that the project is drawing large crowds, and that a presentation was part of the day's activities.

Director Giancola noted that he has asked the Commission Clerk to provide a recap of any action items that come about in each meeting of the Commission. In future meetings the recap will follow the Director's Report. The Commission Clerk provided a recap of action items.

Director Giancola announced that the next Waste Management Commission Meeting would be at the Discovery Science Center, providing an opportunity for all Commissioners to view the Eco-Challenge Exhibit.

Agenda Item 1: Minutes of the May 12, 2011, Waste Management Commission Meeting

The minutes were approved as submitted.

Agenda Item 2: Minutes of the July 14, 2011, Waste Management Commission Meeting

The minutes were approved as submitted.

Agenda Item 3: Election of new Waste Management Commission Vice-Chair

Following the resignation of Commissioner Bryan Starr, an election was held to replace the Vice Chair of the Commission. Commissioner Brothers was nominated and elected by acclamation.

Agenda Item 4: Broadrock Renewables Presentation

Program Development and Support Services Manager, Marlene Brajdic, introduced Broadrock Renewables' Stephen Galowitz, who provided a presentation on the landfill gas-to-energy facility expansion, which is currently under construction at the Olinda Alpha Landfill.

The report was received and filed.

Agenda Item 5: OC Waste & Recycling Fourth Quarter Financial Report, FY 2010-2011

Budget Services Manager Alan Yuki provided the financial report and fielded questions.

The report was received and filed.

Agenda Item 6: AB 939 Report

Environmental and Recycling Programs Manager, Isabel Rios presented the report.

The report was received and filed.

Agenda Item 7: Legislative and Regulatory Report

Staff member David Tieu presented the report and was available for questions.

The report was received and filed.

Commissioner Comments

Public Comments

There were no public comments.

Meeting was adjourned at 2:50 p.m.



Agenda Item 2 – *OC Waste & Recycling First Quarter Financial Report FY 2011/2012 – Alan Yuki, Manager, Budget/Finance*

This report presents the financial status of OC Waste & Recycling for the first quarter of FY 2011/12 (July – September, 2011). Included in the report is financial information related to tonnage, expenditures, revenues, cash, and fund balance/reserves.

System Tonnage

Total OC Waste & Recycling system tonnage received during the first quarter of FY 11/12 was 861,247 tons, consisting of 693,833 in-county tonnage and 167,414 importation tonnage versus a budget of 3,200,000 tons. Landfill site first quarter tonnage was as follows:

Olinda Alpha Landfill

| | | |
|---------------------|---------|-------|
| In-county tonnage | 236,828 | (34%) |
| Importation tonnage | 152,413 | (91%) |

Frank R. Bowerman Landfill

| | | |
|---------------------|---------|-------|
| In-county tonnage | 381,027 | (55%) |
| Importation tonnage | 0 | (0%) |

Prima Deshecha Landfill

| | | |
|---------------------|--------|-------|
| In-county tonnage | 75,978 | (11%) |
| Importation tonnage | 15,001 | (9%) |

Of the 693,833 in-county tonnage received, 24,556 tons (4%) was from self haul sources.

Revenues

For the first quarter of FY 11/12, revenue recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) was \$16,267,792 or 17% versus the revenue budget of \$95,186,961. Primary sources of revenue received during the first quarter included:

- \$15,907,032 Sanitation fees (97.8% of the \$16,267,792 total)
- \$261,955 Other Revenues (1.6%)
- \$100,729 Interest Income (0.6%)

Expenditures

First Quarter FY 11/12 expenditures and encumbrances recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) totaled \$11,094,276 or an approximate 11% total versus the expenditure budget of \$101,222,267.

For the first quarter, OC Waste & Recycling's categories of the largest expenditures included:

- \$5,949,799 Salaries & Employee Benefits (54% of the \$11,094,276 total)
- \$671,182 Multi-Disciplinary/Engineering Support Services (6%)
- \$667,228 Landfill Gas System Maintenance (6%)
- \$624,210 Fuel & Fuel Pump Maintenance & Equipment (6%)
- \$510,720 County Cost Applies (5%)
- \$477,224 Heavy Equipment Maintenance & Related Expense (4%)
- \$327,811 Other Miscellaneous Expenditures (3%)
- \$272,013 Financial, Legal & Consulting Services & Related Expenses (2%)
- \$256,561 Facility/Building Costs (2%)

Cash Balance and Reserves

As of September 30, 2011, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$96,777,706 and a designated reserves balance of \$63,844,884.

Summary

Should you have any questions or would like additional information, please contact Alan Yuki, OC Waste & Recycling Budget/Finance & Purchasing Manager at (714) 834-4161.

Recommended Action: Receive and file report.

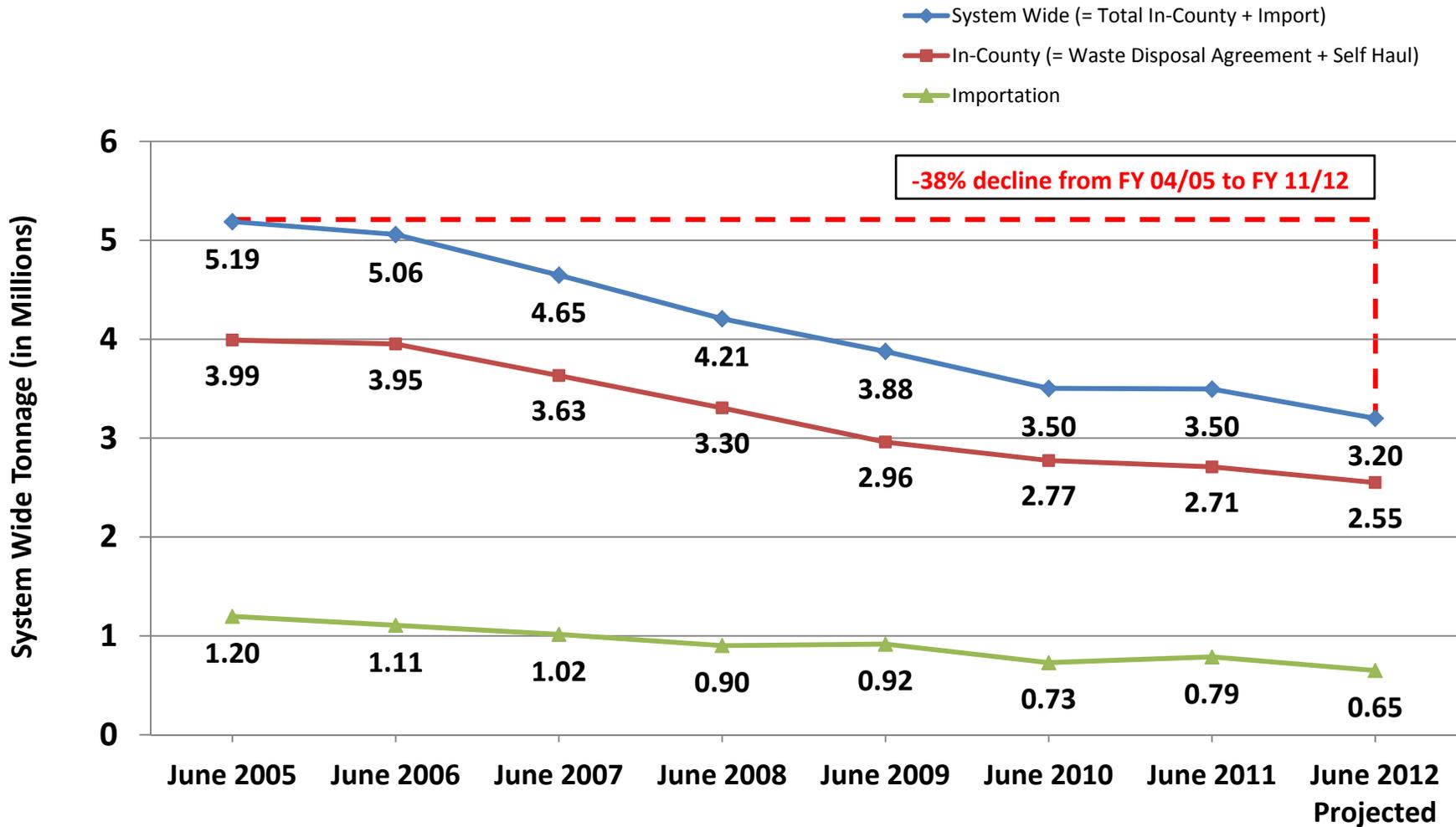
Agenda Item 2, Attachment 1

OC WASTE & RECYCLING
Budget Report Fiscal Year 2011/2012
Overview Fund 299 and Fund 285
First Quarter: July – September, 2011

| | FY 11/12 Adopted Budget | FY 11/12 Modified Budget | FY 11/12 1st Quarter Actuals | FY 11/12 YTD Actuals | FY 11/12 YTD Actuals (% of 11/12 Modified Budget) |
|--|-------------------------------|--------------------------------|------------------------------------|----------------------------|--|
| In-County Tons | 2,550,000 | 2,550,000 | 693,833 | 693,833 | 27% |
| Importation Tons | 650,000 | 650,000 | 167,414 | 167,414 | 26% |
| Total System Tons | 3,200,000 | 3,200,000 | 861,247 | 861,247 | 27% |
| <hr/> | | | | | |
| Enterprise/Operating (Fund 299) Expenditures | 101,222,267 | 101,222,267 | 11,094,276 | 11,094,276 | 11% |
| Enterprise/Operating (Fund 299) Revenues | 95,186,961 | 95,186,961 | 16,267,792 | 16,267,792 | 17% |
| <hr/> | | | | | |
| Importation (Fund 285) Expenditures | 16,796,000 | 16,796,000 | 100 | 100 | 0% |
| Importation (Fund 285) Revenues | 16,796,000 | 16,796,000 | 2,500,863 | 2,500,863 | 15% |

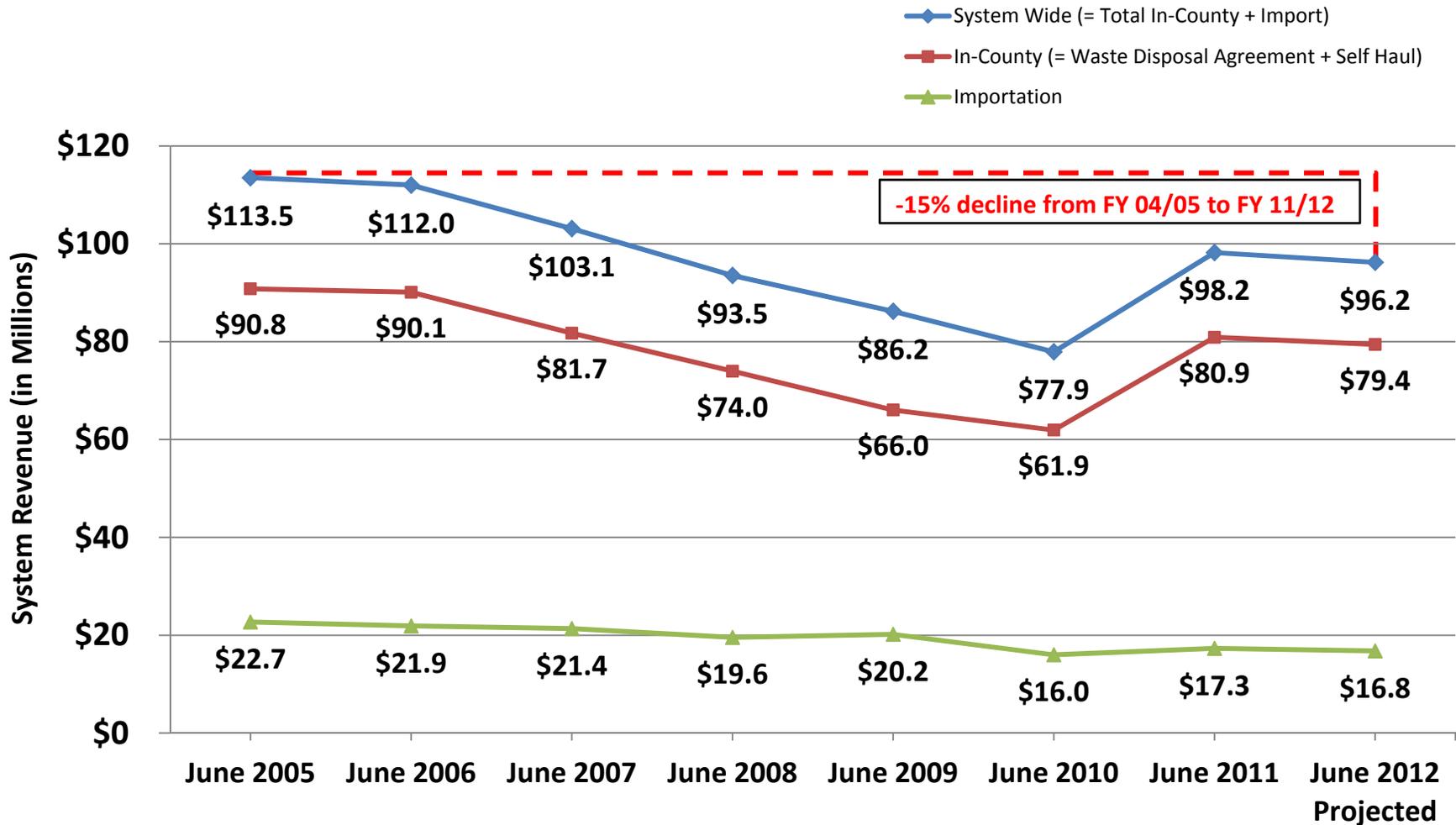
Agenda Item 2, Attachment 2

OC WASTE & RECYCLING System Wide Tonnage Trends FY 2004/2005 – 2011/2012



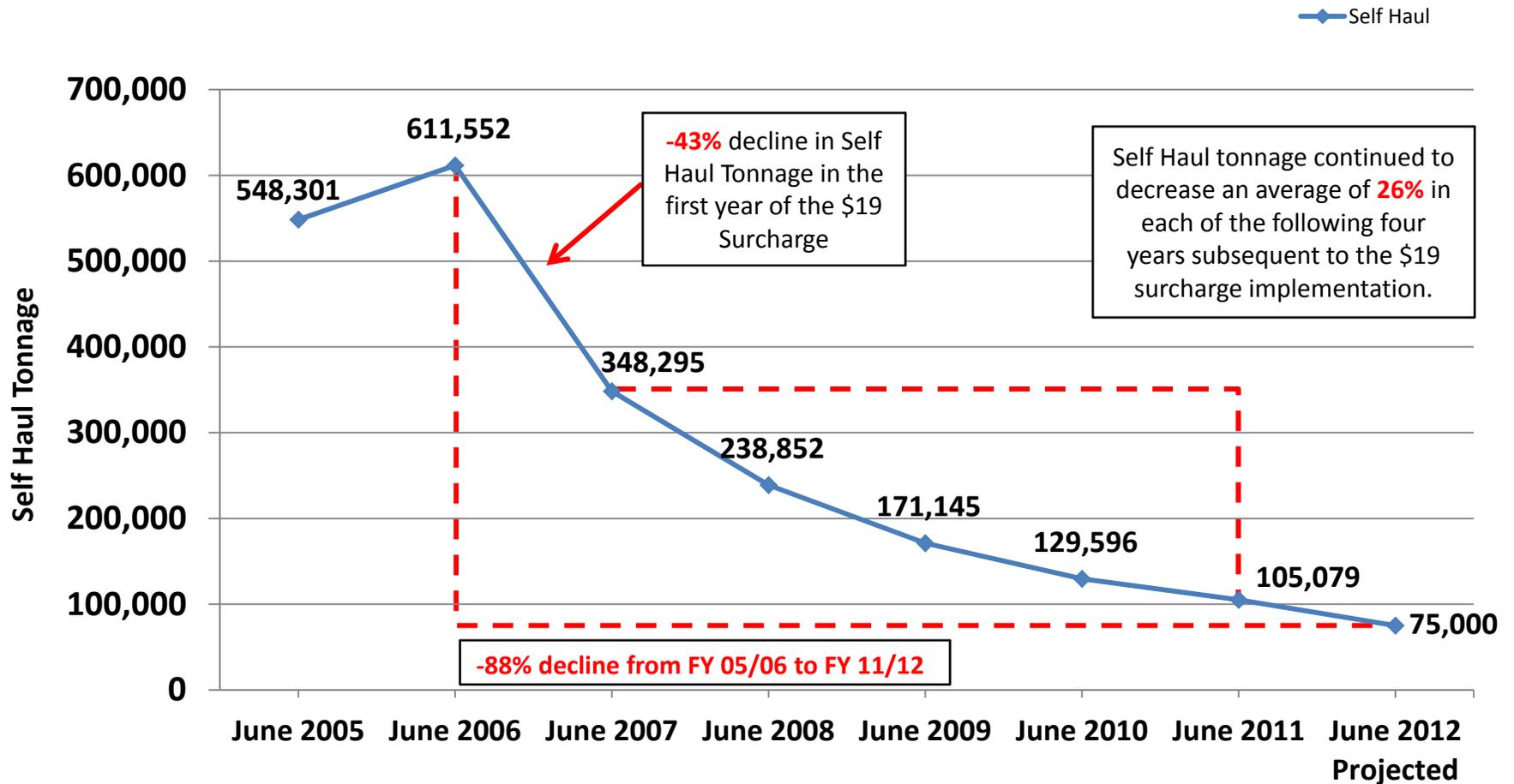
Agenda Item 2, Attachment 3

OC WASTE & RECYCLING System Wide Revenue Trends (Exclude \$19 Surcharge) FY 2004/2005 – 2011/2012



Agenda Item 2, Attachment 4

OC WASTE & RECYCLING Self Haul Tonnage Trends FY 2004/2005 – 2011/2012

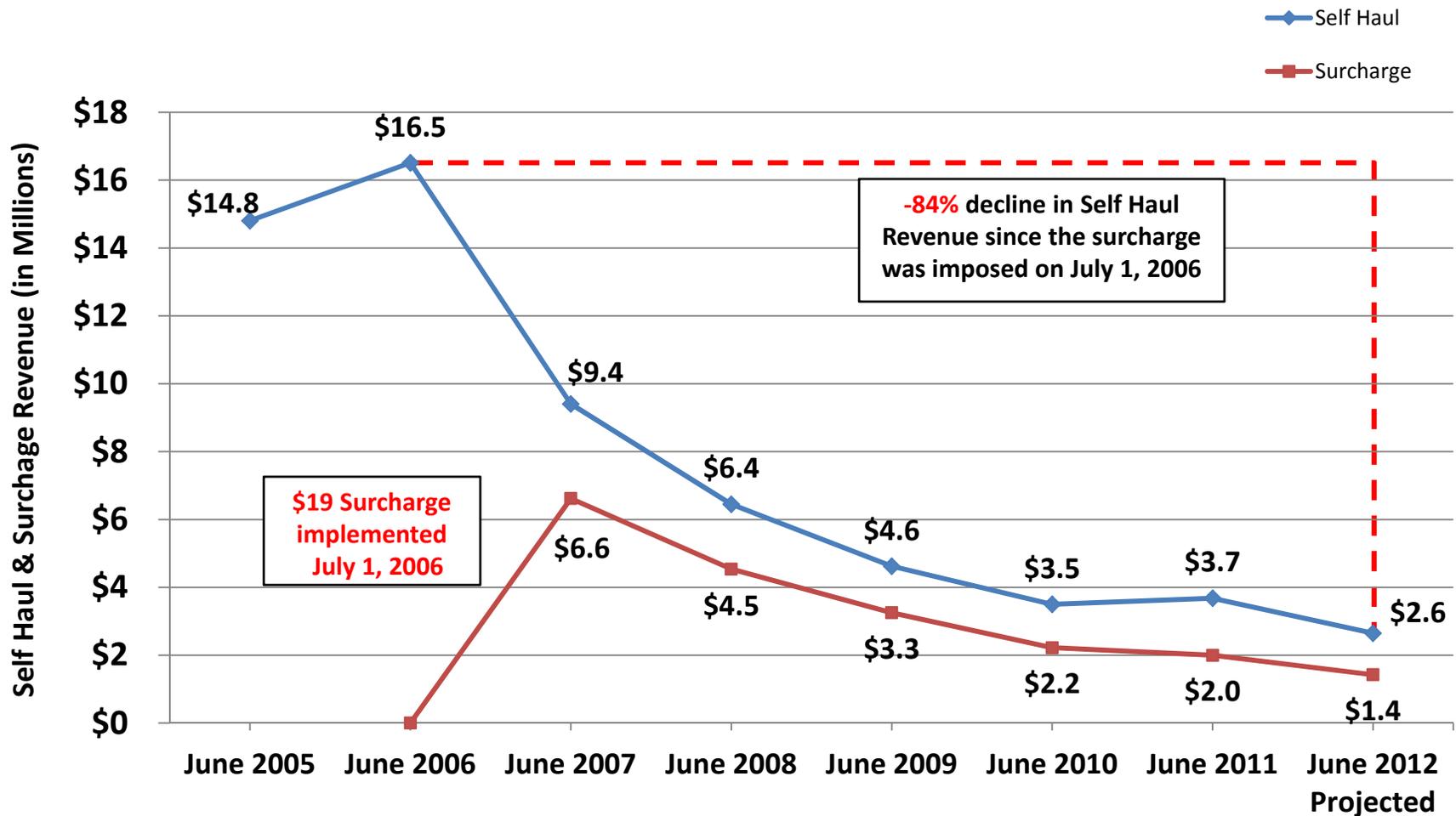


Agenda Item 2, Attachment 5

OC WASTE & RECYCLING

Self Haul and Surcharge Revenue Trends

FY 2004/2005 – 2011/2012



Agenda Item 2, Attachment 6

OC WASTE & RECYCLING
Budget Report Fiscal Year 2011/2012
Fund 299 Revenue
First Quarter: July – September, 2011

| | FY 11/12 Adopted Budget | FY 11/12 Modified Budget | FY 11/12 1st Quarter Actuals | FY 11/12 YTD Actuals | FY 11/12 YTD Actuals (% of 11/12 Modified Budget) |
|-------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------|--|
| Sanitation Fees | 80,850,000 | 80,850,000 | 15,907,032 | 15,907,032 | 20% |
| Operating Transfers In | 10,714,132 | 10,714,132 | - | - | 0% |
| Interest Income | 602,855 | 602,855 | 100,729 | 100,729 | 17% |
| Royalties | 1,618,374 | 1,618,374 | (1,925) | (1,925) | 0% |
| Other Revenues ⁽¹⁾ | 1,401,600 | 1,401,600 | 261,955 | 261,955 | 19% |
| Grand Total | 95,186,961 | 95,186,961 | 16,267,792 | 16,267,792 | 17% |

Note:

(1) Other Revenues includes: Other Licenses & Permits, Franchises, Forfeitures & Penalties, Rents & Concessions, State Other, Federal Disaster Relief, Other Governmental Agencies, Other Charges for Services, Other Non-Taxable Resale, Returned Checks, Capital Asset Sales Non-Taxable Resale and Miscellaneous Revenues (electricity reimbursements at FRB and Olinda Landfills).

Agenda Item 2, Attachment 7

**OC WASTE & RECYCLING
Budget Report Fiscal Year 2011/2012
Operating Expenditures by Category
First Quarter: July – September, 2011**

(Items are ranked by FY 11/12 Adopted Budget)

| Chart Category | Description | FY 11/12 Adopted Budget | FY 11/12 Modified Budget | FY 11/12 1st Quarter Actuals | FY 11/12 YTD Actuals |
|--|--|--------------------------------|---------------------------------|-------------------------------------|-----------------------------|
| S&EB | Salaries & Employee Benefits | 27,168,055 | 27,168,055 | 5,949,799 | 5,949,799 |
| CapProj | Capital Projects ⁽¹⁾ | 17,400,000 | 17,400,000 | 149,307 | 149,307 |
| S&S | Heavy Equipment Maintenance & Related Expenses | 9,318,100 | 9,168,100 | 477,224 | 477,224 |
| Other | Excise Taxes, Host Fees | 8,065,715 | 8,065,715 | 50 | 50 |
| S&S | County Cost Applies (Accounting, CWCAP, HR, TTC) | 6,474,625 | 6,474,625 | 510,720 | 510,720 |
| S&S | Hazardous Waste Services - Clean Harbors | 5,407,100 | 5,407,100 | 149,474 | 149,474 |
| S&S | Fuel & Fuel Pumps Maintenance & Equipment | 3,574,875 | 3,576,232 | 843,029 | 843,029 |
| S&S | Multi-Disciplinary / Engineering Support Services | 3,494,066 | 3,494,066 | 671,182 | 671,182 |
| S&S | Other Miscellaneous Expenditures ⁽²⁾ | 3,355,340 | 3,312,466 | 329,137 | 329,137 |
| S&S | Landfill Gas System Maintenance | 2,661,100 | 2,661,100 | 667,228 | 667,228 |
| S&S | Financial, Legal & Consulting Services & Related Expenses ⁽³⁾ | 2,642,854 | 2,642,854 | 272,013 | 272,013 |
| S&S | Habitat / Bio Mitigation & Landscaping | 2,311,500 | 2,311,250 | 28,374 | 28,374 |
| S&S | Facility/Building Costs | 1,388,500 | 1,538,500 | 256,561 | 256,561 |
| S&S | Recycling Programs | 1,344,000 | 1,344,000 | 31,373 | 31,373 |
| S&S | Access Roads | 1,341,800 | 1,331,868 | 31,548 | 31,548 |
| Equip | Light Duty Vehicles - Acquisitions & Maintenance ⁽¹⁾ | 1,074,070 | 1,073,204 | 123,838 | 123,838 |
| <p>Note(s):</p> <p>(1) Includes capitalizations of capital projects and fixed assets.</p> <p>(2) Includes the following expenditures: Liners, Covers, Drainage, Permits & Fees, Erosion Control, Fencing, Air & Water Sampling, Radios, Truck Scales, Energy and Office Supplies.</p> <p>(3) Includes GASB 49 (pollution remediation).</p> | | | | | |

(Continued on next page...)

Agenda Item 2, Attachment 7

OC WASTE & RECYCLING

Budget Report Fiscal Year 2011/2012

Operating Expenditures by Category

First Quarter: July – September, 2011

(Items are ranked by FY 11/12 Adopted Budget)

| Chart Category | Description | FY 11/12 Adopted Budget | FY 11/12 Modified Budget | FY 11/12 1st Quarter Actuals | FY 11/12 YTD Actuals |
|---------------------------|---|-------------------------|--------------------------|------------------------------|----------------------|
| S&S | Utilities | 724,200 | 724,200 | 168,413 | 168,413 |
| S&S | Computer Equipment, Software & Services/Maintenance | 639,250 | 626,070 | 142,046 | 142,046 |
| S&S | Groundwater System Maintenance | 560,200 | 560,200 | 52,480 | 52,480 |
| S&S | Employee - Training, Reimbursements, Memberships... | 549,117 | 557,072 | 38,961 | 38,961 |
| Equip | Other Equipment - Fixed Assets ⁽¹⁾ | 482,500 | 532,052 | 61,870 | 61,870 |
| S&S | Phone, Data Line & IT Services | 384,375 | 386,613 | 60,820 | 60,820 |
| S&S | Small Equipment & Tools | 307,900 | 308,900 | 46,088 | 46,088 |
| S&S | Site Maintenance & Security | 274,305 | 274,305 | 16,698 | 16,698 |
| Equip | Heavy Equipment ⁽¹⁾ | 197,000 | 197,000 | 173,590 | 173,590 |
| Other | Transfer to Support General Fund | 81,720 | 81,720 | - | - |
| Other | Capitalization of Fixed Assets & Depreciation Expense | - | 5,000 | 89,180 | 89,180 |
| Total Expenditures | | 101,222,267 | 101,222,267 | 11,094,276 | 11,094,276 |

Note(s):

(1) Includes capitalizations of capital projects and fixed assets.

(2) Includes the following expenditures: Liners, Covers, Drainage, Permits & Fees, Erosion Control, Fencing, Air & Water Sampling, Radios, Truck Scales, Energy and Office Supplies.

(3) Includes GASB 49 (pollution remediation).



Agenda Item 3 – *AB 939 Report – Isabel Rios, Manager, Recycling and Environmental Programs*

The purpose of the AB 939 Report is to provide regular updates to the Waste Management Commission on AB 939 programs, projects, and issues of interest.

AB 341

On October 6, 2011, Governor Brown signed Assembly Bill 341 into law; which calls for a statewide diversion rate of 75 percent by 2020. According to CalRecycle, in 2010 the statewide diversion rate was 65 percent. The jurisdictional mandate of 50 percent will remain the same. This measure requires every commercial business, institution and apartment building that generates four cubic yards of solid waste per week or more, to implement a recycling program(s).

ECO-CHALLENGE EXHIBIT AT THE DISCOVERY SCIENCE CENTER

The Eco-Challenge Exhibit at the Discovery Science Center opened on September 1, 2011, and has received positive comments from both children and adult visitors. In continuing with our public/private partnership, the Discovery Science Center will be celebrating “County Employee Month,” and making the exhibit available to County Employees and their families during the month of January 2012.

NONPROFIT ORGANIZATION ENVIRONMENTAL EDUCATION AND OUTREACH COMPETITIVE GRANT FOR FISCAL YEAR 2011-12

On October 25, 2011, the Orange County Board of Supervisors approved the Nonprofit Organization Environmental Education and Outreach program and awarded a total of \$500,000 to three nonprofit organizations. The nonprofit organizations’ grant programs are designed to target school-aged students to improve their environmental habits in recycling, reusing, and reducing waste throughout Orange County:

- The Discovery Science Center’s “Eco Challenge” educational program was awarded \$250,000 to educate community members, sixth grade students, and teachers. The student program includes in-school assemblies, field trips to the County-sponsored Eco-Challenge Exhibit, and teacher professional development program designed to increase the understanding and delivery of the County’s recycling message to students through the inclusion of relevant activities throughout the teacher’s curriculum. This program will also be exposed to the public through interactive presentations on recycling activities that will be presented on the public stage at the Discovery Science Center for all general guests, families, and community members.
- The Inside the Outdoors’ “Project Zero Waste OC” educational program was awarded \$172,471 to provide school-based environmental education and waste reduction programs

that educate kindergarten through high school students and teachers to implement waste prevention and waste reduction practices. Students will participate in Inside the Outdoors field trips, in-classroom school assemblies with an emphasis on in-depth environmental education. Students will also learn how to conduct classroom waste audits based on CalRecycle Closing the Loop. Through goal setting and data collection, the Project Zero Waste OC program will demonstrate the nexus of the student activities and the impact on landfills.

- Pretend City Children’s Museum “The Pretend City Goes Green” educational program was awarded \$77,529 to educate children from preschool through fifth grade and provide field trip scholarships for low-income families throughout Orange County. Students will participate in the new “Recycle City” field trip that focuses on recycling concepts and learning about the environmental cost of disposal. The educational program will also feature a “Green” family in-home exhibit, modeling the best practices for small children and their families to use at home.

The funding was approved for one-year with an option to renew for one additional year. Funding for the second year is based upon the successful completion of all project milestones and contingent upon the Board of Supervisors’ approval of OC Waste & Recycling’s Fiscal Year 2012-13 budget. AB 939 Surcharge revenues are the sole funding source for the Nonprofit Organization Environmental Education and Outreach Program.

REDESIGN OF THE COUNTYWIDE DISPOSAL REPORTING SYSTEM

The redesign of the Disposal Reporting System (DRS) website will advance the functions and features required to accurately report disposal data to the public and regulators. The DRS reporting requirements are set forth by CalRecycle and are mandated by the state to be provided in a timely manner.

On October 18, 2011, OC Waste & Recycling met with stakeholders regarding the status of the project and OC Waste & Recycling’s ongoing efforts to redesign the countywide landfill DRS website. When testing modules become available, sessions will be held to give users training in the use of the new system features.

Recommended Action: Receive and file report.



Agenda Item 4 – *Legislative and Regulatory Report – David Tieu, P.E., Government & Community Relations*

This report provides the Waste Management Commission regular updates on the California Legislature as it pertains to solid waste management and OC Waste & Recycling's participation in regulatory activities.

California Legislature

The Detailed Legislative Report includes a comprehensive status report of bills. The report is divided into the following sections:

- Bills with County of Orange Board-Approved Positions
- Bills of Interest
- Additional Waste-Related Bills

The Legislative Locations Update table recaps the status of the bills and provides an overall view of legislation OC Waste & Recycling is tracking.

Attachments:

- Attachment A - Legislative Locations Update
- Attachment B - Detailed Legislative Report

Regulatory Activities

The Regulations Summary Report includes a comprehensive status of proposed regulations monitored by OC Waste & Recycling.

Attachments:

- Attachment C – Regulations Summary

Recommended Action: Receive and file report.

Waste Management Commission

November 10, 2011

Agenda Item 4 - Attachment A

Legislative Locations Update

| Bill # | Author | Description | Location | Last Amended | County Position |
|---------|-------------|--|-------------|--------------|------------------------|
| AB 262 | Harkey | California Regional Water Quality Control Boards: Boundaries | Dead 2 YEAR | 5/10/2011 | Support |
| AB 298 | Brownley | Recycling: Reusable Bags | Dead 2 YEAR | 4/14/2011 | Watch |
| AB 341 | Chesbro | Solid Waste: Diversion | CHAPTERED | 9/2/2011 | Opposed Unless Amended |
| AB 508 | Swanson | Labor Code: Displaced SW Handling and Recycling Service Employees | Dead 2 YEAR | 2/15/2011 | Watch |
| AB 525 | Gordon | Tire Recycling and Paint Product Stewardship | CHAPTERED | 9/1/2011 | Watch |
| AB 644 | Blumenfield | Renewable Energy: Siting | Dead 2 YEAR | 6/14/2011 | Watch |
| AB 712 | Williams | Recycling: Beverage Containers | CHAPTERED | 7/11/2011 | Watch |
| AB 818 | Blumenfield | Solid Waste: Multifamily Dwellings | CHAPTERED | 7/1/2011 | Watch |
| AB 960 | Lowenthal | Recycling: Electronic Waste | Dead 2 YEAR | 5/27/2011 | Watch |
| AB 1149 | Gordon | Beverage Containers: Recycling and Litter Reduction Funds | CHAPTERED | 9/1/2011 | Watch |
| AB 1178 | Ma | Solid Waste: Place of Origin | Dead 2 YEAR | 8/24/2011 | Oppose |
| AB 1189 | Miller | Product Stewardship: Batteries | Dead 2 YEAR | 4/11/2011 | Watch |
| SBX1 2 | Simitian | Utilities: Renewable Energy Resources | CHAPTERED | 4/12/2011 | Watch |
| SB 456 | Huff | Household Hazardous Waste: Transportation | CHAPTERED | 8/26/2011 | Watch |
| SB 567 | DeSaulnier | Recycling: Plastic Products | CHAPTERED | 9/1/2011 | Watch |
| SB 568 | Lowenthal | Recycling: Polystyrene Food Containers | Dead 2 YEAR | 7/12/2011 | Watch |
| SB 589 | Lowenthal | Household Mercury-Containing Lamps | Dead 2 YEAR | 6/21/2011 | Watch |
| SB 771 | Kehoe | CA. Alternative Energy & Advanced Transportation Financing Authority | CHAPTERED | 9/2/2011 | Support |
| SB 833 | Vargas | Solid Waste: Facilities Permit: San Diego | VETOED | 4/25/2011 | Watch |
| SB 841 | Wolk | Solid Waste: Enterprise: Contracts | CHAPTERED | 6/22/2011 | Watch |
| SB 854 | Blakeslee | Utilities: Renewable Energy Resources | Dead 2 YEAR | 5/10/2011 | Watch |
| SB 909 | La Malfa | Treated Wood Waste: Disposal | CHAPTERED | 4/13/2011 | Watch |

RED = VETOED/DEAD

GREEN = SIGNED

**Waste Management Commission
Thursday, November 10, 2011**

**Agenda Item 4 - Attachment B
Bill Status as of October 17, 2011**

COUNTY OF ORANGE BOARD APPROVED POSITIONS

Position Legend

| | |
|----------------|--|
| Support | OC Waste & Recycling supports the bill, and has requested official BOS support. |
| Oppose | OC Waste & Recycling opposes the bill, and has requested official BOS opposition. |
| Watch | OC Waste & Recycling has no position on the bill, but will continue to monitor it because of possible implications for the Department. |
| BOS | These initials following any position mean that the Board of Supervisors has officially taken the indicated position. |

Notes with specific information about the effect of the legislation on OC Waste & Recycling follow each bill summary in blue type.

AB 262 (Harkey) Regional Water Quality Control Boards: Boundaries Position: Support-BOS

Introduced: 2/7/2011

Status: 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 2/18/2011)

Location: 5/10/2011 - A. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Under the Porter-Cologne Water Quality Control Act, the 9 California regional water quality control boards are among the principal state agencies that carry out responsibilities relating to water quality. The act prescribes the boundaries of each regional board. This bill would revise the description of the boundaries of the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board.

OC Waste & Recycling Notes: See Attachment C from the May 12, 2011, packet for official position letter from the Board of Supervisors.

AB 341 (Chesbro) Solid Waste: Diversion. Position: Oppose Unless Amended-BOS

Introduced: 2/10/2011

Last Amend: 9/2/2011

Status: 10/6/2011 - Chaptered by the Secretary of State, Chapter Number 476, Statutes of 2011

Location: 10/6/2011 - A. CHAPTERED

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to

divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. The department is required to file an annual progress report with the Legislature by March 1 that includes specified information regarding the act. This bill would make a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and would require the department, by January 1, 2014, to provide a report to the Legislature that provides strategies to achieve that policy goal and also includes other specified information and recommendations. The bill would allow the department to provide the report required by the bill in conjunction with the annual progress report, if the combined report is submitted by January 1, 2014. The bill would repeal the report requirement on January 1, 2017. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [See Attachment D from the May 12, 2011, packet for official position letter from the Board of Supervisors.](#)

AB 1178 (Ma) Solid Waste: Place of Origin.

Position: Oppose-BOS

Introduced: 2/18/2011

Last Amend: 8/24/2011

Status: 8/31/2011 - Action From E.Q.: Do pass.

Location: 9/1/2011 - S. E.Q.

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | | 2nd House | | | | | | | |

Summary: The existing California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. This bill would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not prevent a city or county from exercising local land use authority.

OC Waste & Recycling Notes: [See Attachment C from the July 14, 2011, packet for official position letter from the Board of Supervisors.](#)

SB 771 (Kehoe) Alt. Energy and Advanced Trans. Financing

Position: Support-BOS

Introduced: 2/18/2011

Last Amend: 9/2/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 598, Statutes of 2011

Location: 10/8/2011 - S. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law requires the California Alternative Energy and Advanced Transportation Financing Authority to establish a renewable energy program to provide financial assistance to public power entities, independent generators, utilities, or businesses manufacturing components or systems to generate new and renewable energy sources, develop clean and efficient distributed generation, and demonstrate the economic

feasibility of new technologies. Existing law defines "renewable energy" to include ultralow-emission energy generation technologies. This bill would revise the definition of "renewable energy" and would additionally define "ultralow-emission energy" to include energy generation based on natural gas turbines, landfill gas turbines, digester gas turbines, microturbines, natural gas engines, landfill gas engines, digester gas engines, and fuel cells that the authority, in consultation with the State Air Resources Board, determines to meet specified requirements. The bill would make conforming changes. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [See Attachment E from the May 12, 2011, packet for official position letter from the Board of Supervisors.](#)

BILLS OF INTEREST

AB 508 (Swanson) Displaced Employees

Position: Watch

Introduced: 2/15/2011

Status: 8/26/2011 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 6/23/2011)

Location: 8/26/2011 - S. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Under this law, contractors or subcontractors who agree to retain employees must offer employment to those employees except for reasonable and substantiated cause. Additionally, the law provides that if a successor contractor or subcontractor determines that fewer employees are needed than under the prior contract, qualified employees must be retained by seniority within the job classification. Further, the existing contractor, when required by the awarding authority, must provide employment information relating to wage rates, benefits, dates of hire, and job classifications of employees under the existing service contract to the awarding authority or a successor contractor. This bill would add employees of solid waste handling and recycling contractors and subcontractors to those provisions. By requiring local agencies to give a bidding preference to such contractors and subcontractors, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 644 (Blumenfield) Renewable Energy Facility: Siting.

Position: Watch

Introduced: 2/16/2011

Last Amend: 6/14/2011

Status: 7/8/2011 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/14/2011)

Location: 7/8/2011 - S. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify the siting of a thermal powerplant with a generation capacity of 50 megawatts or more. Under existing law, a powerplant not under the jurisdiction of the commission is regulated by local jurisdictions through their land use authority. This bill would require the commission, in consultation with the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, and the Department of Conservation, to establish criteria for identifying land with a high potential for

use as a site of a renewable energy generation facility with a generation capacity of less than 50 megawatts in 3 specific types of parcels and to prepare a list identifying lands meeting the criteria. The bill would require the commission, the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, and the Department of Conservation, to make best efforts to work with the United States Environmental Protection Agency under that agency's Re-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites initiative.

AB 1189 (Miller) Recycling: Batteries

Position: Watch

Introduced: 2/18/2011

Last Amend: 4/11/2011

Status: 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/12/2011)

Location: 5/10/2011 - A. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires retailers of rechargeable batteries to have in place a system for the acceptance and collection of rechargeable batteries. This bill would require a producer of household batteries or consumer products incorporating a household battery, acting individually or through a household battery stewardship organization, to submit a plan to the department on January 1, 2012, for a used household battery stewardship transition project, containing specified elements, and to implement the plan by April 1, 2012, for an operation of not less than 12 months. A producer or battery stewardship organization would be required to submit a report to the department regarding the final results of the project by May 1, 2013. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This bill could have potentially provided consumers additional disposal options as well as reduce the County's cost in managing household batteries.](#)

SBX1 2 (Simitian) Utilities: Renewable Energy Resources.

Position: Watch

Introduced: 2/1/2011

Status: 4/12/2011 - Chaptered by the Secretary of State, Chapter Number 1, Statutes of 2011-12 First Extraordinary Session

Location: 4/12/2011 - S. CHAPTERED

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. Existing law requires the PUC to require the state's 3 largest electrical corporations, Pacific Gas and Electric Company, San Diego Gas and Electric, and Southern California Edison, to identify a separate electrical rate component to fund programs that enhance system reliability and provide in-state benefits. This rate component is a nonbypassable element of local distribution and collected on the basis of usage. Existing PUC resolutions refer to the nonbypassable rate component as a "public goods charge." The public goods charge moneys are collected to support cost-effective energy efficiency and conservation activities, public interest research and development not adequately provided by competitive and regulated markets, and renewable energy resources. This bill would require an applicant to inform the United States Department of Defense of a proposed project and that an application will be filed with the commission if the site and related facility specified in the application are proposed to be located within 1,000 feet of a military installation, or lie within special use airspace or beneath a low-level flight path,

as defined. This bill contains other related provisions and other existing laws.

Governor's Message: To the Members of the California State Senate: I am signing Senate Bill 2 (First Extraordinary Session) which will extend the current 20% renewables portfolio standard target in 2010 to a 33% renewables portfolio standard by December 31, 2020. This bill will bring many important benefits to California, including stimulating investment in green technologies in the state, creating tens of thousands of new jobs, improving local air quality, promoting energy independence, and reducing greenhouse gas emissions. It will ensure that California maintains its long-standing leadership in renewables and clean energy. While reaching a 33% renewables portfolio standard will be an important milestone, it is really just a starting point - a floor, not a ceiling. Our state has enormous renewable resource potential. I would like to see us pursue even more far-reaching targets. With the amount of renewable resources coming on-line, and prices dropping, I think 40%, at reasonable cost, is well within our grasp in the near future. The bill contains some provisions that will create implementation difficulties or inefficiencies, particularly for regulatory agencies charged with the bills implementation. These provisions should be amended quickly. Therefore, while I am signing this bill today, I ask the Legislature to immediately begin work on additional legislation to correct these problems. Sincerely, Edmund G. Brown Jr.

OC Waste & Recycling Notes: This law has the potential of increasing the utilization of landfill gas as a renewable energy resource as electricity providers will be mandated to a Renewable Portfolio Standard (RPS) of 33% by 2020. Previously, the RPS was 20% by 2010.

SB 589 (Lowenthal) Household Mercury-Containing Lamps.

Position: Watch

Introduced: 2/17/2011

Last Amend: 6/21/2011

Status: 7/8/2011 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.S. & T.M. on 6/21/2011)

Location: 7/8/2011 - A. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Existing law, the California Lighting Efficiency and Toxics Reduction Act, prohibits a person from manufacturing for sale or selling in the state specified general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. This bill would require a manufacturer of household mercury-containing lamps, on or before April 1, 2013, individually or through a stewardship organization, to prepare and submit to the Department of Resources Recycling and Recovery for approval a household mercury-containing lamp stewardship plan to establish a recovery program for the management of end-of-life household mercury-containing lamps. The bill would define terms, including defining the term stewardship fee as an amount added to the retail purchase price of a mercury-containing household lamp. The bill would require the plan to include the payment of a stewardship fee at the point of sale and would specify a procedure for the department's approval of the amount of the stewardship fee. This bill would constitute a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: This bill could have potentially provided consumers additional disposal options as well as reduce the County's cost in managing mercury-containing lamps.

SB 909 (La Malfa) Treated Wood Waste: Disposal.

Position: Watch

Introduced: 2/18/2011

Last Amend: 4/13/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 601, Statutes of 2011

Location: 10/8/2011 - S. CHAPTERED

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | | |

Summary: Existing law requires, among other things, treated wood waste, as defined, to be disposed of in either a class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets certain requirements. Existing law requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information at specified locations. Existing law requires that the posted message contain, among other things, sources for obtaining further information, such as an Internet Web site and a toll-free telephone number. Existing law makes these, and other requirements, inoperative on June 1, 2012, and repeals them on January 1, 2013. A violation of the state's hazardous waste control laws is a crime. This bill would specify the Internet Web site and the telephone number that are to be included in the posted message. The bill would extend the June 1, 2012, inoperative date and the January 1, 2013, repeal date to June 1, 2017, and January 1, 2018, respectively. The bill would delete other obsolete language. By extending a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This law will allow the Prima Deshecha Landfill to continue to statutorily accept treated wood waste for disposal.](#)

SB 854 (Blakeslee) Renewable Energy Resources.

Position: Watch

Introduced: 2/18/2011

Status: 5/10/2011 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/10/2011)

Location: 5/10/2011 - S. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | | |

Summary: The existing California renewables portfolio standard program requires the Public Utilities Commission (PUC) to implement annual procurement targets for the procurement of eligible renewable energy resources, as defined, for all retail sellers, as defined, to achieve the targets and goals of the program. The renewables portfolio standard program requires that a retail seller of electricity, including electrical corporations, community choice aggregators, and electric service providers, but not including local publicly owned electric utilities, purchase a specified minimum percentage of electricity generated by eligible renewable energy resources in any given year as a specified percentage of total kilowatt hours sold to retail end-use customers each calendar year (renewables portfolio standard). The renewables portfolio standard requires each retail seller to increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2010. Under existing law the governing body of a local publicly owned electric utility is responsible for implementing and enforcing a renewables portfolio standard for the utility that recognizes the intent of the Legislature to encourage renewable resources, while taking into consideration the effect of the standard on rates, reliability, and financial resources and the goal of environmental improvement. This bill would require an obligated party to procure an amount of renewable energy credits (RECs), as defined, sufficient to demonstrate compliance with the party's renewables portfolio standard, as defined, procurement requirements. Obligated parties would be defined to include an electrical corporation, electric service provider, community choice aggregator, and local publicly owned electric utility. The bill would establish renewables portfolio standards for 6 different compliance intervals, to be calculated

by multiplying the obligated party's total electricity sales to California retail end-use customers during the compliance interval by a specified percentage that increases by interval from 20% of sales in January 1, 2012, to 40% of sales by January 1, 2027. The bill would require that not less than 50% of the renewables portfolio standard procurement requirements be met with bundled RECs, as defined, would authorize firmed and shaped RECs, as defined, to be used to meet not more than 50% of the procurement requirements, and would authorize tradable RECs, as defined, to be used to meet not more than 25% of the procurement requirements. The bill would make the PUC responsible for supervising the implementation of the renewables portfolio standard program by electrical corporations and overseeing certain aspects of the program by electric service providers and community choice aggregators. The bill would make its governing body responsible for implementation of the program by a local publicly owned electric utility. The bill would make numerous other revisions to the renewables portfolio standard program. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This bill builds upon Governor Brown’s message for SBX1 2 of increasing the RPS to 40% by 2027.](#)

ADDITIONAL WASTE-RELATED BILLS

[AB 298 \(Brownley\) Recycling: Reusable Bags.](#)

Position: Watch

Introduced: 2/9/2011

Last Amend: 4/14/2011

Status: 7/8/2011 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/12/2011)

Location: 7/8/2011 - S. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law, part of the California Integrated Waste Management Act of 1989, as administered by the Department of Resources Recycling and Recovery, requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store and to make reusable bags available to customers. A violation of these requirements is subject to civil liability penalties imposed by a local agency or the state. These requirements are repealed on January 1, 2013. This bill would prohibit a manufacturer from selling or distributing a reusable bag, as defined, in this state if the bag is designed or intended to be sold or distributed to a store's customers, unless the guidelines for the cleaning and disinfection of the bag are printed on the bag or on a tag attached to the bag.

[AB 525 \(Gordon\) Tire Recycling and Paint Recovery Program](#)

Position: Watch

Introduced: 2/15/2011

Last Amend: 9/1/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 573, Statutes of 2011

Location: 10/8/2011 - A. CHAPTERED

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires,

including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs. This bill would require the department to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires. The bill would make the public works waste tire grant program inoperative on June 30, 2015, and would repeal the provision authorizing this program on January 1, 2016. The bill would also make conforming changes with regard to the department's 5-year plan. This bill contains other related provisions and other existing laws.

AB 712 (Williams) Recycling: Beverage Containers.

Position: Watch

Introduced: 2/17/2011

Last Amend: 7/11/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 576, Statutes of 2011.

Location: 10/8/2011 - A. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: The California Beverage Container Recycling and Litter Reduction Act requires a distributor to pay a redemption payment for each beverage container sold or offered for sale to the Department of Resources Recycling and Recovery. The act requires the Division of Recycling in the Department of Resources Recycling and Recovery, subject to the availability of funds, to expend specified moneys set aside in the California Beverage Container Recycling Fund, for specified purposes relating to the recycling of beverage containers. This bill would, notwithstanding the above expenditure requirement, prohibit the department, on and after July 1, 2012, from making any payments, grants, or loans, as provided, to a city, county, or city and county, if the city, county, or city and county has adopted or is enforcing a land-use restriction that prevents the siting or operation of a certified recycling center at a supermarket site, as defined, as may be required pursuant to a specified law.

OC Waste & Recycling Notes: [This bill potentially affects the cities of Newport Beach, Laguna Hills, Laguna Niguel, and Tustin.](#)

AB 818 (Blumenfield) Solid Waste: Multifamily Dwellings

Position: Watch

Introduced: 2/17/2011

Last Amend: 7/1/2011

Status: 9/7/2011 - Chaptered by the Secretary of State, Chapter Number 279, Statutes of 2011.

Location: 9/7/2011 - A. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the Department of Resources Recycling and Recovery. The act requires a local jurisdiction to adopt an ordinance requiring the provision of adequate areas for collecting and loading recyclable materials in development projects, including residential buildings having 5 or more living units. A local agency is prohibited from issuing a building permit to a development project, unless the project provides adequate areas for collecting and loading recyclable materials. This bill would enact the Renters' Right to Recycle Act, to require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, to arrange for recycling services that are appropriate and available for the multifamily dwelling, consistent with state or local laws or requirements applicable to the collection,

handling, or recycling of solid waste, except as provided. This bill contains other related provisions.

OC Waste & Recycling Notes: [This bill will not take affect with the passage of AB 341.](#)

AB 960 (Lowenthal, Bonnie) Recycling: Electronic Waste

Position: Watch

Introduced: 2/18/2011

Last Amend: 5/27/2011

Status: 8/26/2011 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/11/2011)

Location: 8/26/2011 - S. 2 YEAR

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law, the Electronic Waste Recycling Act of 2003, requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. These fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery (CalRecycle) is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments. CalRecycle is authorized to make these payments only if certain conditions are met. A violation of the act is a crime. This bill would define the terms "electronic waste" and "electronic device" and would additionally require, as a condition of CalRecycle making those payments, that CalRecycle determine that the recycler has demonstrated to the Department of Toxic Substances Control that all electronic waste handled by the recycler making the claim has been managed in a specified manner, among other things . This bill contains other related provisions and other existing laws.

AB 1149 (Gordon) Beverage Containers: Recycling Funds

Position: Watch

Introduced: 2/18/2011

Last Amend: 9/1/2011

Status: 10/6/2011 - Chaptered by the Secretary of State, Chapter Number 486, Statutes of 2011

Location: 10/6/2011 - A. CHAPTERED

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| 2Year Dead | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| | 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. After setting aside funds for the payment of refund values and administrative fees, and for a reserve for contingencies, the remaining moneys in the fund are continuously appropriated to the department for expenditure for designated programs, grants, and fee payments, including annually expending up to \$10,000,000 to make market development payments for empty plastic beverage containers, until January 1, 2012. The department is authorized to expend up to \$20,000,000 annually, until January 1, 2012, for recycling market development grants and up to \$20,000,000 annually, until January 1, 2012, for certain grants and programs, but is prohibited from expending those funds for the 2010 and 2011 calendar years. The department is also required to publish an evaluation of those grants by January 1, 2014. Existing law requires the department to determine the amount of the market development payment, but not more than a specified amount per ton. The department is required to establish a processing fee account for each material type and to deposit in the account, besides the processing fees paid for that material type, a specified amount of the remaining moneys in the fund. The bill would require the department, in setting the amount of the market

development payments for both certified entities and product manufacturers, to consider certain factors and would extend the authorization to annually expend up to \$10,000,000 to make these payments until January 1, 2017, thereby making an appropriation. This bill contains other related provisions.

SB 456 (Huff) Household Hazardous Waste: Transportation.

Position: Watch

Introduced: 2/16/2011

Last Amend: 8/26/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 602, Statutes of 2011

Location: 10/8/2011 - S. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: Existing law, part of the hazardous waste control laws, authorizes a door-to-door household hazardous waste collection program or household hazardous waste pickup service, as defined, to transport hazardous waste from individual residences to an authorized household hazardous waste collection facility. Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and exempts a door-to-door household hazardous waste collection program or pickup service from having to complete a manifest if it is transporting household hazardous waste collected from individual residences for transportation to an authorized collection facility. A violation of the hazardous waste control laws is a crime. This bill would require a registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service to comply with those manifesting requirements and to additionally comply with a specified consolidated manifesting procedure for transporting household hazardous waste and with other operating and reporting requirements. The bill would require a public agency to retain a copy of the manifest in a specified manner, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill would make these requirements inoperative on January 1, 2020. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This law will streamline the permitting requirements for cities to develop Door-to-Door Household Hazardous Waste Collection Programs.](#)

SB 567 (DeSaulnier) Recycling: Plastic Products.

Position: Watch

Introduced: 2/17/2011

Last Amend: 9/1/2011

Status: 10/8/2011 - Chaptered by the Secretary of State, Chapter Number 594, Statutes of 2011

Location: 10/8/2011 - S. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: 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," "home compostable," or "marine degradable" unless it meets those ASTM standard specifications, the OK Compost HOME certification, as specified, 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. The bill would provide for the imposition of a civil penalty for a violation of those prohibitions. This bill contains other related provisions.

SB 568 (Lowenthal) Recycling: Polystyrene Food Containers.

Position: Watch

Introduced: 2/17/2011

Last Amend: 7/12/2011

Status: 8/17/2011 - Set, first hearing. Referred to APPR. suspense file.

Location: 8/18/2011 - A. APPR. SUSPENSE FILE

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state to generally meet one of specified criteria. This bill would prohibit a food vendor, on and after January 1, 2016, from dispensing prepared food to a customer in a polystyrene foam food container and would define related terms. The bill would provide that a food vendor that is a school district is not required to comply with the bill's requirements until July 1, 2017, and would allow a food vendor that is a school district to dispense prepared food to a customer in a polystyrene foam food container after that date if the governing board of the school district elects to adopt a policy to implement a verifiable recycling program for polystyrene foam food containers, which would be renewable, as specified. The bill would also allow a food vendor to dispense prepared food to a customer in a polystyrene foam food container after January 1, 2016, in a city or county if the city or county elects to adopt an ordinance establishing a specified recycling program for polystyrene foam food containers, which would be operative, as specified.

SB 833 (Vargas) Solid Waste: Disposal Facilities: San Diego County.

Position: Watch

Introduced: 2/18/2011

Last Amend: 4/25/2011

Status: 10/9/2011 - Vetoed by the Governor

Location: 10/10/2011 - S. VETOED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: The California Integrated Waste Management Act of 1989 regulates the management of solid waste. Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and prohibits a person from disposing of solid waste, causing solid waste to be disposed of, arranging for the disposal of solid waste, transporting solid waste, or accepting solid waste for disposal, except at a permitted solid waste disposal facility. A violation of the provisions prohibiting the disposal of solid waste is a crime. This bill would prohibit a person from constructing or operating a solid waste landfill disposal facility located in the County of San Diego if that disposal facility is located within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river and is within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe and is listed in the California Native American Heritage

Commission Sacred Lands Inventory. The bill would require the enforcement agency to enforce a violation of this prohibition by the immediate issuance of a cease and desist order, thereby imposing a state-mandated local program by imposing a new duty upon local agencies.

Governor's Message: I am returning Senate Bill 833 without my signature. This bill would prohibit the construction of a particular waste disposal project in San Diego County. This project-which has been the subject of vigorous local debate for over 20 years-has been put to a vote of the people of San Diego twice and approved both times. The primary concerns about this project relate to its proximity both to a river and to a site sacred to federally recognized tribes. Protection of the river is the duty and responsibility of the San Diego Regional Water Quality Control Board, with a right of appeal to the State Water Board. Numerous other regulatory agencies also have responsibilities for protecting the river. In other words, there is already in place a fully sufficient process to make a thoughtful and informed environmental decision about this project.

I am deeply concerned about the objections raised with respect to the sacred site, but I don't believe it is appropriate for the Legislature to now intervene and overturn this hard fought local land-use decision. This dispute pains me given the unspeakable injustices the native peoples have endured and the profound importance of their spirituality and connection to the land. There's no question that more thought needs to be given to how we resolve this inherently difficult decision and to find ways for native peoples and their fellow Californians to coexist in an inexorably modernizing world. Sincerely, Edmund G. Brown Jr.

SB 841 (Wolk) Solid Waste: Enterprises: Contracts.

Position: Watch

Introduced: 2/18/2011

Last Amend: 6/22/2011

Status: 10/9/2011 - Chaptered by the Secretary of State, Chapter Number 713, Statutes of 2011

Location: 10/9/2011 - S. CHAPTERED

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| 2Year | Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| Dead | 1st House | | | 2nd House | | | Conc. | | | | | |

Summary: The existing California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. Existing law imposes specified restrictions on the enforceability of certain indemnity obligations related to source reduction and diversion contained in a provision, term, condition, or requirement in an ordinance, contract, franchise, license, permit, or other entitlement or right adopted, entered into, issued, or granted by a local agency. Existing law prohibits a solid waste enterprise, as defined, from being liable for the indemnity obligation under certain circumstances. This bill would impose certain restrictions on an indemnity obligation related to the failure of a local agency to obtain voter or property owner approval of a fee, levy, charge, assessment, or other exaction, if that indemnity obligation is assumed by, or imposed upon, a solid waste enterprise. The bill would prohibit an indemnity obligation from being enforced, to the extent of certain claims related to the liability of the local agency, or if it requires a solid waste enterprise to refund certain fees that are found by a final judgment of a court to have been imposed in violation of Article XIII C or Article XIII D of the California Constitution. This bill contains other related provisions.

OC Waste & Recycling Notes: [This law will affect those cities that impose solid waste franchise fees.](#)

Waste Management Commission
November 10, 2011
Agenda Item 4 – Attachment C

Regulations Summary

CalRecycle Mandatory Commercial Recycling

- Synopsis: Assembly Bill 341 (Chapter 12.8, Statutes of 2011) was signed into law on October 6, 2011, authorizing CalRecycle to implement mandatory commercial recycling that will help the state achieve a 75% diversion rate by 2020. Rulemaking on the mandatory commercial recycling will build upon previous work between CalRecycle and the Air Resources Board.
- Proposed regulation requires businesses that generate 4 cubic yards or more of trash per week and multifamily complexes consisting of 5 or more units to recycle solid waste they generate by subscribing to a recycling service, source separate their material and self-haul to a recycling facility, or have their material processed in a mixed waste processing facility.
- Requires each local jurisdiction to implement a commercial recycling program by July 1, 2012, that provides education, outreach, and monitoring of businesses subject to the regulation.
- With the passage of AB 341, CalRecycle has submitted a new regulatory package to the Office of Administrative Law. The 45-day public comment period will run from late November 2011 extending through January 2012. The finalized proposed regulation is tentatively scheduled for March 2012 for adoption.

CalRecycle Paint Stewardship and Recycling

- Synopsis: New regulations covering CalRecycle's responsibilities for implementing the paint stewardship law (Architectural Paint Recovery). This rulemaking concerns stewardship plan approval criteria, a process for CalRecycle to accept payment for its services related to oversight and enforcement, the establishment of penalty ranges that reflect a progressive enforcement approach, and criteria for acceptance of annual reports.
- Paint stewardship program will take effect July 1, 2012, or three months after CalRecycle approves a product stewardship plan.
- The 45-day public comment period was from July 22 to September 5, 2011, followed by a public hearing on September 8, 2011. Based on stakeholder comments, CalRecycle has made revisions to the regulation and is holding a 15-day comment period that will run from October 10 to October 25, 2011.

SWRCB 2011 Draft NPDES Industrial General Stormwater Permit

- Synopsis: The Industrial Storm Water General Permit Order 97-03 is a National Pollutant Discharge Elimination System (NPDES) permit that regulates stormwater discharges associated with 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable and best conventional pollutant control technology. The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. Through the

SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce storm water pollution are described. The 2011 Draft NPDES permit represents proposed changes to Permit Order 97-03.

- Public comment period ended on April 29th. Following the initial public comment period, on October 6, 2011, the Senate Select Committee on California Job Creation and Retention held a hearing on the draft permit. From the hearing, State Water Resources Board Executive Officer Thomas Howard committed to working with stakeholders in developing a permit that was less burdensome and less costly.
- Next draft of the permit is tentatively scheduled to be released in late November 2011.

DTSC Emergency Regulations on the Disposition Options for Cathode Ray Tubes (CRT)

- Synopsis: Current universal hazardous waste laws prohibit the disposal of CRT. However, domestic and global markets for CRT glass are weakening, affecting the recycling of CRT glass. As such, DTSC is considering alternative disposal options for CRT including disposal in landfills.
- On September 26, 2011, DTSC held a workshop to present concepts for the disposal of CRT glass in solid waste landfills.
- DTSC anticipates adopting regulation by the end of this calendar year.



Agenda Item 5 – *Discovery Science Center Eco-Challenge Exhibit Tour*

Discovery Science Center staff will introduce the exhibit and provide a tour.