

Waste
Management
Commission
Local Task Force
Orange County, CA

Chair (4<sup>th</sup> Dist.) Chad Wanke

Vice-Chair (4<sup>nd</sup> Dist.) Brett Murdock\*

Ist District Margie Rice\* Xuan-Nhi Van Ho Vacant

2nd District
Joe Carchio\*
James Wahner
Daniel Worthington

3rd District
Rebecca Gomez\*
John Beauman
Donald R. Froelich

**4th District** Anthony J. Florentine

5th District
Cynthia Conners\*
Glenn Acosta
Joe Soto

League at Large Vacant\*

City Managers'
Representative
Doug Chotkevys\*

Director, OC Waste & Recycling
Michael B. Giancola

\*Appointed by Association of California Cities-Orange County

# REGULAR MEETING

Thursday, March 14, 2013, 2:00 P.M. OC Waste & Recycling
300 N. Flower Street, Ste. 400, Santa Ana Multi-Purpose Room (Room 467)

# **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 18 members. Nine members present constitute a quorum. In the absence of a quorum the meeting will be convened and adjourned, and 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 Chad Wanke

**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, December 13, 2012

Summary: Review and approve minutes of December 13, 2012

WMC/LTF meeting.

**Recommended Action: Review and approve minutes.** 

Agenda Item 2: OC Waste & Recycling Second Quarter Financial Report

**Fiscal Year 2012/2013** 

Summary: Staff will provide the OC Waste & Recycling Second

Quarter Financial Report for Fiscal Year 2012/2013. **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.

Page 1 of 2



# WASTE MANAGEMENT COMMISSION/LOCAL TASK FORCE THURSDAY, March 14, 2013 Page 2

### **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 <a href="www.oclandfills.com">www.oclandfills.com</a> 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 Commission Clerk at (714) 834-4059;
- 4) By sending an e-mail request to Commission Clerk at julie.chay@ocwr.ocgov.com.

**NEXT MEETING: Thursday, June 13, 2013** 



# Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force, December 14, 2012

# **Commissioners Roll** (\sqrt{Indicates Present)

1st District		2 <sup>nd</sup> District		3 <sup>rd</sup> District		4th District		5th District
Vacant	$\sqrt{}$	Joe Carchio		Rebecca Gomez		Anthony Florentine		Glenn Acosta
 Xuan-Nhi Ho	$\sqrt{}$	Daniel Worthington		Donald Froelich	$\sqrt{}$	Brett Murdock		Joe Soto
 Margie Rice		James Wahner		John Beauman	$\sqrt{}$	Chad Wanke		Cynthia Conners
 Doug Chotkevys -	Lea	gue of Cities, City Mar	$iag\epsilon$	or Don Bankh	nead -	- League of Cities, At I	Large	Representative
 Mike Giancola, D	irect	or, OC Waste & Recycl	ling					

### Also Present:

Phil Anthony	Solid Waste Assn. of OC	M. Morris	Waste Management
Jane Caswell	OC Waste & Recycling	Jesus Perez	OC Waste & Recycling
Julie Chay	OC Waste & Recycling	Isabel Rios	OC Waste & Recycling
Jim Fitzpatrick	Costa Mesa Sanitary District	Ken Robbins	Midway City Sanitary District
Oscar Garza	OC Waste & Recycling	Dean Ruffridge	CR&R
Sue Gordon	Rainbow Environmental Services	Jason Rush	Ware Disposal
Christine Knapp	OC Waste & Recycling	Dylan Wright	OC Waste & Recycling
Chip Monaco	OC Waste & Recycling	Alan Yuki	OC Waste & Recycling

### Call to Order

Vice Chair Chad Wanke called the meeting to order at 2:05 p.m.

# Pledge of Allegiance

The Pledge of Allegiance was led by Vice Chair Wanke.

# **Roll Call**

Roll call was conducted by the Commission Clerk.

# **Director's Report**

OC Waste & Recycling Director, Mike Giancola, welcomed new Commissioners: Councilmember Rebecca Gomez from Tustin and Councilmember Joe Carchio from Huntington Beach. He noted that the newly revised Bylaws call for the election of new officers at the last meeting of the year (this being the last meeting), to take office at the first meeting of the following year. He recognized Commissioner Cheryl Brothers for her year of service as 2012 Chair of the Commission; and Vice Chair Wanke for his year of service as Vice Chair.

Mr. Giancola thanked the Commissioners who attended the ribbon-cutting event for Broadrock Renewables' new landfill gas energy project at the Olinda Alpha Landfill. He called attention to the *Real Orange* news segment on KOCE that featured the ribbon cutting. The Commission viewed a video of the coverage.

Mr. Giancola also mentioned the recent household hazardous waste collection event, which took place on Saturday, November 17, 2012, in partnership with the Costa Mesa Sanitary District. The successful event brought in 304 participants and 36,574 pounds of household hazardous waste.

# **Action Item Recap**

Commission Clerk, Julie Chay, noted that staff had completed the two action items that were requested at the September meeting:

- 1. Information packets regarding nonprofit educational outreach programs were mailed to all Commissioners.
- 2. Discussions have commenced with OCTA regarding a promotional partnership related to the EcoChallenge exhibit. More meetings are planned to develop the partnership.

# Agenda Item 1: Minutes of the September 13, 2012 Waste Management Commission Meeting

The minutes were approved as written.

# Agenda Item 2: OC Waste & Recycling FY 12/13 First Quarter Financial Report Manager of Budget Services, Alan Yuki, presented the Report.

The report was received and filed.

# Agenda Item 3: AB 939 Report

Manager of Recycling and Environmental Programs, Isabel Rios, updated the Commission on community outreach, noting that the Board of Supervisors will consider OCWR's proposal to implement a marketing plan through an agreement with the Discovery Science Center (DSC). The proposal is expected to be considered by the Board in January 2013. It includes a partnership with the Los Angeles Angels of Anaheim to promote the Eco Challenge exhibits at DSC. OC Waste & Recycling continues collaboration with DSC and OCTA to further develop a partnership that promotes multi-cultural outreach.

The report was received and filed.

# **Agenda Item 4: Legislative and Regulatory Report**

Legislation & Regulations Manager, Jesus Perez, presented the Legislative and Regulatory Report.

The report was received and filed.

# **Commissioner Comments**

None

### **Public Comments**

Jim Fitzpatrick, Costa Mesa Sanitary District, reported that his district was utilizing AB 939 Surcharge grant funds for their education program and composting efforts. They utilized some of the grant funds to create composting display at the OC Fair. He also thanked OC Waste & Recycling staff for their cooperation and assistance in working on education and outreach programs such as the recent household hazardous waste collection event.

Meeting was adjourned at 2:45 p.m.



# Agenda Item 2 – OC Waste & Recycling Second Quarter Financial Report FY 2012/2013 – Alan Yuki, Manager, Budget/Finance

This report presents the financial status of OC Waste & Recycling for the second quarter of FY 2012/13 (October – December, 2012). 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 second quarter of FY 12/13 was 854,974 tons, consisting of 656,107 in-county tonnage and 198,867 importation tonnage versus a budget of 3,200,000 tons. Landfill site second quarter tonnage was as follows:

# Olinda Alpha Landfill

In-county tonnage 225,828 (34%) Importation tonnage 174,946 (88%)

# Frank R. Bowerman Landfill

In-county tonnage 349,309 (54%) Importation tonnage 19,175 (10%)

# Prima Deshecha Landfill

In-county tonnage 80,970 (12%) Importation tonnage 4,746 (2%)

Of the 656,107 in-county tonnage received, 21,003 tons (4%) was from self haul sources.

# Revenues

For the second quarter of FY 12/13, revenue recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) was \$22,414,829 or 22% versus the modified revenue budget of \$101,559,688. Primary sources of revenue received during the second quarter included:

- \$21,010,006 Sanitation fees (94% of the \$22,414,829 total)
- \$451,195 Operating Transfers In (2%)
- \$313,247 Interest Income (2%)

# **Expenditures**

Second Quarter FY 12/13 expenditures and encumbrances recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) and Capital Projects (Fund 273) totaled \$15,294,583 or an approximate 9% total versus the modified expenditure budget of \$172,866,407.

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

- \$6,202,576 Salaries & Employee Benefits (41% of the \$15,294,583 total)
- \$1,442,240 Heavy & Light Equipment Maintenance/Related Expense (10%)
- \$1,202,427 Hazardous Waste Services Clean Harbors (8%)
- \$951,988 Excise Taxes (7%)
- \$937,402 Fuel and Fuel Pump Maintenance & Equipment (7%)
- \$812,236 Acquisition of Heavy Equipment (6%)
- \$808,540 Landfill Gas System Maintenance (6%)

# **Cash Balance and Reserves**

As of December 31, 2012, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$81,714,452, and Capital Projects Fund 273 had a cash balance of \$32,515,742. Available reserves balance also as of December 31, 2012 was \$64,924,176.

# **Summary**

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

**Recommended Action:** Receive and file report.

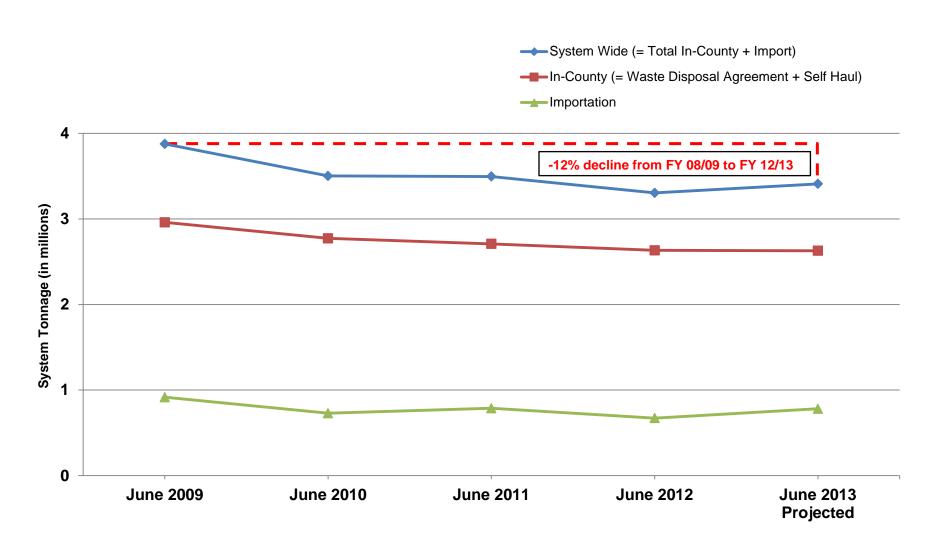
# Agenda Item 2, Attachment 1

# OC WASTE & RECYCLING Budget Report Fiscal Year 2012/2013 Fund 299, Fund 273 and Fund 285 Overview Second Quarter: October - December, 2012

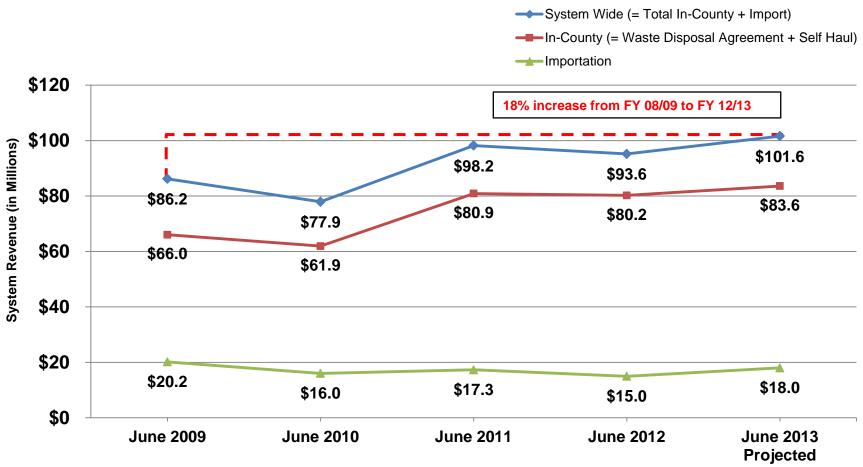
	FY 12/13	FY 12/13	FY 12/13	FY 12/13	FY 12/13
	Adopted Budget	Modified Budget	2nd Quarter Actuals	YTD Actuals	YTD Actuals (% of 12/13 Modified Budget)
In-County Tons	2,550,000	2,550,000	<u>656,107</u>	<u>1,336,098</u> _	52%
Importation Tons	650,000	650,000	198,867	395,036	61%
Total System Tons	3,200,000	3,200,000	<u>854,974</u>	<u>1,731,134</u>	54%
Enterprise/Operating (Fund 299) Expenditures	130,245,720	131,645,720	15,288,724	<u>56,464,378</u>	43%
Enterprise/Operating (Fund 299) Revenues	91,167,560	101,559,688	22,414,829	39,182,143	39%
Enterprise/Operating (Fund 273) Expenditures	40,207,767	41,220,687		1 015 600	2%
Enterprise/Operating (Fund 273) Revenues	40,207,767	40,207,767	32 <u>,</u> 579	1,015,690 28,979,545	72%
Importation (Fund 285) Expenditures	16,341,500	16,540,495	4,449,964	4,450,055	27%
Importation (Fund 285) Revenues	16,341,500	16,341,500	4,346,471	7,444,383	46%

# Agenda Item 2, Attachment 2

# OC WASTE & RECYCLING System Wide Tonnage FY 2008/2009 – 2012/2013



# OC WASTE & RECYCLING System Wide Revenue (Excluding \$19 Surcharge) FY 2008/2009 – 2012/2013

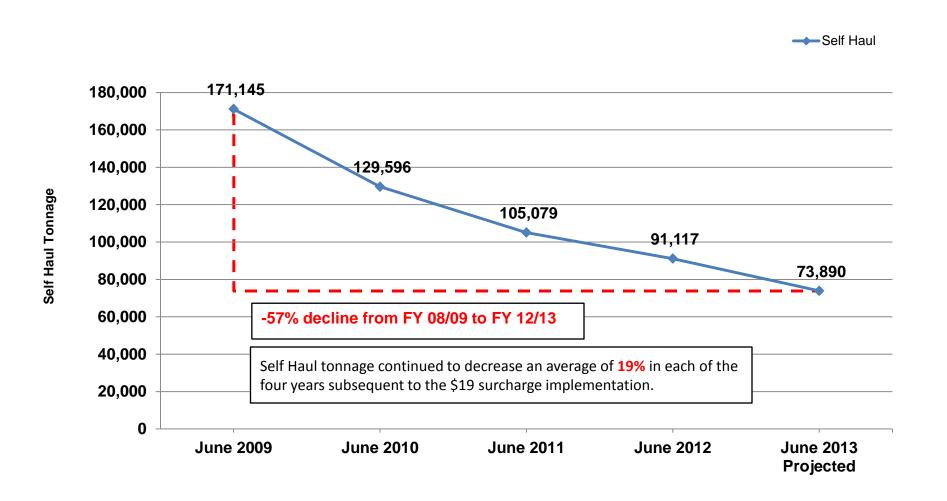


FY 09/10 last year of \$22.00 WDA contract rate.

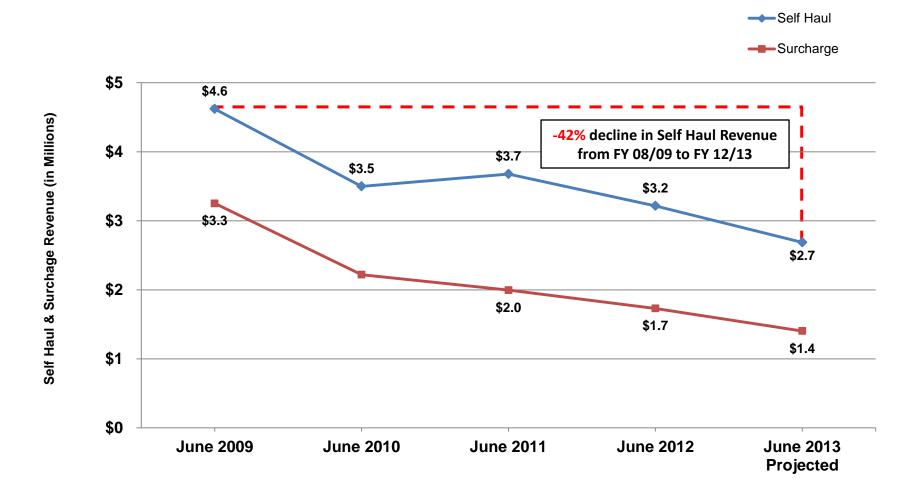
FY 10/11 1<sup>st</sup> year of new WDA contract rate (FY 10/11 = \$29.95/ton)

FY 11/12 2<sup>nd</sup> year of new WDA contract rate (FY 11/12 = \$30.39/ton)

# OC WASTE & RECYCLING Self Haul Tonnage FY 2008/2009 – 2012/2013



# OC WASTE & RECYCLING Self Haul and Surcharge Revenue FY 2008/2009 – 2012/2013



# Agenda Item 2, Attachment 6

# OC WASTE & RECYCLING Budget Report Fiscal Year 2012/2013 Fund 299 Revenue

**Second Quarter: October - December, 2012** 

	FY 12/13	FY 12/13	FY 12/13	FY 12/13	FY 12/13
	Adopted Budget	Modified Budget	2nd Quarter Actuals	YTD Actuals	YTD Actuals (% of 12/13 Modified Budget)
Sanitation Fees	81,793,500	81,793,500	21,010,006	<u>37,414,216</u>	46%
Operating Transfers In	6,266,000	<u>16,658,128</u>	<u>451,195</u>	451 <u>,</u> 195_	3%
Interest Income	242,000	242,000	313,247	400,521	166%
Royalties	1,470,100	1,470,100_	130,882	189,135	13%
Other Revenues (1)	1,395,960	1,395,960	509,498	727,076	52%
Grand Total	91,167,560	101,559,688	22,414,829	39,182,143	39%

### 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).

# OC WASTE & RECYCLING Budget Report Fiscal Year 2012/2013 Operating Expenditures by Category Second Quarter: October - December, 2012

(Items are ranked by FY 12/13 Adopted Budget)

(	r r 12/13 Adopted Budget)	FY 12/13	FY 12/13	FY 12/13	FY 12/13
Chart		Adopted	Modified	2nd Quarter	YTD
Category	Description	Budget	Budget	Actuals	Actuals
Fund 273	Capital Projects (Fund 273)	40,207,767	41,220,687	5,858	1 <u>,015,690</u>
Fund 299	Capital Projects Funding (Operating Transfer from Fund 299 to Fund 273)	<u>32,207,767</u>	<u>32,207,767</u>	( <u>6,917)</u>	2 <u>8,931,65</u> 0
S&EB	Salaries & Employee Benefits	<u> 26,149,146</u>	<u>26,092,351</u>	6,202,576	<u>12,373,704</u>
Capitalization	Capitalization of Fixed Assets & Depreciation Expense	10,000,000	10,000,000		(85,943)
<u>S&amp;S</u> _	Heavy & Light Equipment Maintenance & Related Expense	9 <u>,686,000</u>	<u>8,796,000</u>	1,442,240	<u>2,056,481</u>
S&S	Professional Services (1)	6,589,520	6,576,520	340,977	<u>551,756</u>
S&S	Hazardous Waste Services - Clean Harbors	5,939,000	7,326,700	1,202,427	1,722,076
S&S	Landfill Gas System Maintenance	5,756,000	6,556,000	808,540	1,662,699
S&S	County Cost Applies (Accounting, CWCAP, HR, TTC)	5,377,270	5,434,065	483,491	954,592
Other	Excise Taxes	<u>4,685,715</u>	4,685,715	951,988	951,988_
S&S	Habitat / Bio Mitigation & Landscaping	4,215,500	4,263,500	1,634	1,419,459
S&S	Fuel and Fuel Pumps Maintenance & Equipment	3,780,400	<u>3,793,70</u> 0	937,402	<u>1,491,118</u>
S&S	Facilities / Buildings Costs	3,231,500	3,259,600	418,424	630,677
S&S	Site Miscellaneous Services (2)	2,815,992	2,774,496	413,077	547,167
S&S	Small Equipment / Tools	2,800,288	2,791,272	640,647	919,793
Equip	Heavy Equipment Acquisition	2,100,000	2,100,000	812,236	<u>1,493,462</u>
S&S	Recycling Programs & Community Outreach	2,054,342	2,067,342	436,433	456,048
S&S	Other Miscellaneous Expenditures (3)	1,723,970	1,787,382	84,376	238,996
S&S	Groundwater System Maintenance	548,500	<u>548,500</u>	<u>119,173</u>	148,656
Equip	Light Duty Equipment Acquisition	547,000	547,000		
Loan	Transfer to Support General Fund	37,810	37,810	-	-
	Total Expenditures	170,453,487	172,866,407	15,294,583	57,480,068

### Note(s

- (1) Includes the following expenditures: Multi-Disciplinary / Engineering, Financial, Legal and Consulting.
- (2) Includes the following expenditures: Access Roads, Drainage, Erosion Control, Fencing, Gas & Water Sampling, Liner/Cover, Permits/Fees/Taxes & Assessments, Post Closure Maintenance, Truck Scales & Site Maintenance/Security.
- (3) Includes the following expenditures: Emergency, Employee Training/Reimbursements, Energy, Office Supplies, Radios and Other Miscellaneous.

# OC WASTE & RECYCLING Budget Report Fiscal Year 2012/2013 Cash Balances

**Second Quarter: October - December, 2012** 

FUND	Description	Fund Restricted Y/N	FY 08/09	FY 09/10	FY 10/11	FY 11/12	Cash Balance as of 12/31/12
299	Enterprise / Operating	No	\$116.58M	\$80.54M	\$90.54M	\$98.48M	\$81.71M
272	Prima Deshecha Landfill And The La Pata Avenue Gap Closure	No					\$0.0M
273	Capital Project Fund	No				\$10.00M	\$32.52M
274	Corrective Action Escrow	Yes	\$5.74M	\$5.80M	\$6.05M	\$6.08M	\$6.10M
275	Environmental Reserve (Liabilities)	No	\$80.35M	\$81.47M	\$69.39M	\$62.24M	\$62.69M
276	Deferred Pmt Sec. Deposits	Yes	\$0.64M	\$0.66M	\$0.70M	\$0.75M	\$0.74M
277	Rate Stabilization	Yes	\$27.47M	\$27.73M	\$27.90M	\$28.05M	\$28.12M
278	San Joaquin Marsh Escrow	Yes	\$3.12M	\$3.12M	\$3.12M	\$3.12M	\$3.12M
279	Landfill Post-Closure Maintenance	No	\$110.38M	\$140.51M	\$136.94M	\$167.27M	\$96.82M
284	Bee Canyon Landfill Escrow (Closure)	Yes	\$28.17M	\$28.44M	\$28.62M	\$28.77M	\$28.84M
285	Bankruptcy Recovery Plan	No	\$0.54M	\$0.55M	\$0.30M	\$0.03M	\$2.60M
286	Brea-Olinda Landfill Escrow (Closure)	Yes	\$62.37M	\$37.92M	\$38.13M	\$38.34M	\$38.43M
287	Prima Deshecha Landfill Escrow (Closure)	Yes	\$19.84M	\$20.03M	\$20.16M	\$20.26M	\$20.31M
288	FRB Landfill Wetland Creation and Agua Chinon Wash Riparian Restoration and Enhancement Mitigation Sites	No					\$0.0M
	TOTAL		\$455.18M	\$426.78M	\$421.86M	\$463.40M	\$402.02M



# 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.

# COUNTYWIDE COMMUNITY OUTREACH PARTNERSHIP PROGRAMS

Successful partnerships are an essential part of any organizations' community involvement. The County's OC Waste & Recycling has taken a step forward with an uncommon approach for government – a marketing strategy based on partnerships and not simply buying advertising. On Tuesday, February 5, 2012 the Board of Supervisors approved an agreement with two iconic venues and organizations in Orange County, the Discovery Science Center and the Los Angeles Angels of Anaheim.

# **Discovery Science Center**

The agreement with the Discovery Science Center (DSC) provides "win-win" marketing approaches to promote a set of exhibits known as the EcoChallenge. OC Waste & Recycling is partnering with the DSC to reach nearly 500,000 Orange County residents with waste reduction and increased recycling messages with the EcoChallenge exhibits. Since increased attendance at the DSC mutually benefits both OC Waste & Recycling and DSC. DSC has committed to provide matching funds and in-kind services to leverage media, marketing, and professional services valued at no less than \$815,375 on an annual basis. For every one dollar OC Waste & Recycling spends on this contract, DSC will add an additional \$1.63 in matching funds.

# **Angels Baseball LP**

The agreement with the Los Angeles Angels of Anaheim provides an opportunity for County staff to speak with large numbers of Orange County residents at home games, informing them of the County's "free" four permanent Household Hazardous Waste locations and about the County's EcoChallenge exhibit located at the DSC in Santa Ana. Residents will learn how and where to properly dispose of their household hazardous waste such as paint, insecticide, prescription medicines and other materials, while handing out the "free child" admission coupon to the DSC. This partnership includes access to all students who participate in the Angels Baseball Kids Club activities, hosting several e-waste collection events at Angel Stadium, instadium tabling supplemented with a modest amount of traditional marketing elements. OC Waste & Recycling will also be hosting a poster contest where winners will be able to serve as an Honorary Bat Kid (one from each Supervisorial District) during a regular season Angels home game. Additionally, the Angels have committed to at least two player appearances to enhance attendance at its e-waste collection events or at the EcoChallenge exhibits at the Discovery Science Center.

These activities, combined with the existing in-school educational program and local community events, provide a strategic approach to utilize these restricted landfill revenues. All of these activities will be carefully measured to determine their effectiveness and evaluated as to whether or not they should be continued in the future. These successful partnerships are expanding OC Waste & Recycling's marketing approach to send positive environmental messages from the EcoChallenge into the Orange County community.

# REDESIGN OF THE COUNTYWIDE DISPOSAL REPORTING SYSTEM

The County collects tonnage origin information on behalf of its jurisdictions and provides this information to the state. Paradigm Software, LLC has been working to redesign the countywide Landfill Disposal Reporting System Web Site. The redesign of the Disposal Reporting System (DRS) Web site will enhance the functions and features required to accurately report disposal data to the public and regulators. The DRS reporting requirements are mandated by CalRecycle.

**Recommended Action:** Receive and file report.



# Agenda Item 4 – Legislative and Regulatory Report – Jesus Perez, Legislative & Regulatory Affairs Manager

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 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.

# **Regulatory Activities**

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

**Recommended Action:** Receive and file report.

### **Attachments:**

Attachment A – Legislative Locations Update

Attachment B – Bill Status Report

Attachment C – Regulations Summary

# Waste Management Commission March 14, 2013

# Agenda Item 4 - Attachment A

Legislative Locations Update

Bill #	Author	Description	Location	Last Amended	County Position
AB 158	Levine	Single Use Carryout Bags	NAT. RES	Introduced 1/22/13	Watch
AB 215	Chesbro	Rigid Plastic Packaging Containers	NAT. RES	Introduced 1/31/13	Watch
AB 221	Quirk- Silva	Recycled Concrete	NAT. RES	Introduced 2/4/13	Watch
AB 323	Chesbro	Organic Waste Diversion	PRINT	Introduced 2/12/2013	Watch
AB 403	Stone	Home Generated Sharps	PRINT	Introduced 2/15/2013	Watch
AB 488	Williams	Recyclilng-Household Batteries	PRINT	Introduced 2/19/13	Watch
AB 794	Gorell	Environmental Quality CEQA	PRINT	Introduced 2/21/13	Watch
AB 997	Chesbro	Composting- Anaerobic Digestion	PRINT	Introduced 2/22/2013	Watch
SB 43	Wolk	Shared Renewable Energy- Self- Generation Program	RLS	Introduced 12/11/12	OCWR Support
SB 245	Correa	Mattress Recycling	RLS	Introduced 2/12/13	Watch
SB 254	Hancok	Mattress Recycling	E.Q.	Introduced 2/13/13	Watch
SB 405	Padilla	Solid Waste- Single Use Carryout  Bags	PRINT	Introduced 2/20/13	Watch
SB 727	Jackson	Medical Waste- Pharmeceutical Product Stewardship Program	PRINT	Introduced 2/22/2013	Watch
SB 731	Steinberg	CEQA and Sustainable Communities Strategy	PRINT	Introduced 2/22/13	Watch
SB 754	Evans	CEQA	PRINT	Introduced 2/22/13	Watch
SB 804	Lara	Solid Waste- Energy	PRINT	Introduced 2/22/13	Watch

Updated: February 27, 2013

# Waste Management Commission Thursday, March 14, 2013

# Agenda Item 4 - Attachment B

# 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.

WMC These initials following any position mean that the Waste Management Commission has

expressed a position.

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

AB 158 (Levine D) Solid waste: single-use carryout bags.

Current Text: Introduced: 1/22/2013

**Introduced:** 1/22/2013

**Status:** 1/31/2013-Referred to Com. on NAT. RES.

**Location:** 1/31/2013-A. NAT. RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered	
Deud			House				House		Conc.				

**Summary:** Existing law, until January 1, 2020, requires an operator of a store, as defined, to establish an atstore recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. The bill would also require these stores, on and after January 1, 2020, to provide a plastic bag collection bin for their customers, for the purpose of collecting and recycling single-use plastic bags and reusable bags. This bill contains other related provisions and other existing laws.

# AB 215 (Chesbro D) Solid waste recycling.

Current Text: Introduced: 1/31/2013

**Introduced:** 1/31/2013

Status: 2/7/2013-Referred to Com. on NAT. RES.

**Location:** 2/7/2013-A. NAT. RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
2000	1st House			2nd House								

**Position: WATCH** 

**Summary:** The California Integrated Waste Management Act of 1989 requires rigid plastic packaging containers that are sold or offered for sale in this state to meet, on average, one of specified criteria and defines terms for purposes of those requirements. One of those criteria that a rigid plastic packaging container may meet to satisfy this requirement is that the container be source reduced. The act provides for the enforcement of these requirements by the Department of Resources Recycling and Recovery and provides that an entity making a false certification pursuant to those requirements is subject to a violation for fraud. This bill would revise the definitions of the various terms used in those requirements, including revising the definition of the term "source reduced" to impose new requirements, thereby imposing a state-mandated local program by changing the definition of a crime. This bill contains other related provisions and other existing laws.

AB 221 (Quirk-Silva D) Recycled concrete.

Current Text: Introduced: 2/4/2013

**Introduced:** 2/4/2013

Status: 2/15/2013-Referred to Com. on NAT. RES.

**Location:** 2/15/2013-A. NAT. RES.

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

**Summary:** Existing law authorizes the use of recycled concrete materials, if the user has been fully informed, as defined, that the concrete may contain recycled concrete material and prohibits recycled concrete from being offered, provided, or sold to the Department of Transportation or the Department of General Services for any use unless specifically requested and approved by that department. Existing law defines the term recycled concrete for these purposes as including mix designs or aggregate gradations that are in accordance with certain specifications. This bill would revise the definition of concrete for purposes of these provisions to additionally include, as one of those specifications, the California Green Building Standards Code.

AB 323 (Chesbro D) Solid waste: recycling: diversion: green materials. Position: WATCH

Current Text: Introduced: 2/12/2013

**Introduced:** 2/12/2013

**Status:** 2/13/2013-From printer. May be heard in committee March 15.

**Location:** 2/12/2013-A. PRINT



**Summary:** The existing California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions. Under the act, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, constitutes diversion through recycling and is not considered disposal. This bill would require the department to adopt regulations to provide that, no later than January 1, 2020, the use of green material as alternative daily cover or

alternative intermediate cover does not constitute diversion through recycling and would be considered disposal for purposes of the act. The bill would authorize the department to delay the effective date of this requirement, as specified. The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the diversion of solid waste. This bill contains other related provisions and other existing laws.

**AB 403** (Stone D) Solid waste: home-generated sharps.

Current Text: Introduced: 2/15/2013

**Introduced:** 2/15/2013

**Status:** 2/19/2013-From printer. May be heard in committee March 21.

**Location:** 2/15/2013-A. PRINT

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

**Summary:** 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. This bill would make technical, nonsubstantive changes to that provision.

AB 488 (Williams D) Recycling: household batteries.

Current Text: Introduced: 2/19/2013

**Introduced:** 2/19/2013

**Status:** 2/20/2013-From printer. May be heard in committee March 22.

**Location:** 2/19/2013-A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
		1st l	House			<b>2nd</b> 1	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. The bill would require a producer of single-use primary household batteries or a single-use primary household battery stewardship organization created by one or more producers to submit a single-use primary household battery stewardship plan to the department.

AB 794 (Gorell R) Environmental quality: California Environmental Quality

Act: exemption: use of landfill and organic waste. Position: WATCH

Current Text: Introduced: 2/21/2013

**Introduced:** 2/21/2013

Status: 2/22/2013-From printer. May be heard in committee March 24.

Location: 2/21/2013-A. PRINT

**Position: WATCH** 

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

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would exempt from the requirements of CEQA a project that takes landfill materials or organic waste and converts them into renewable green energy if the lead agency finds that the project will result in a net reduction in greenhouse gas emissions or support sustainable agriculture. The bill would exempt from the requirements of CEQA a project that uses biological processes to convert organic waste streams into nonchemical soil fertility products that support renewable and reusable cultivation and viability. Because a lead agency would be required to determine whether a project is exempt under those provisions, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 997 (Chesbro D) Composting: anaerobic digestion.

Current Text: Introduced: 2/22/2013

**Introduced:** 2/22/2013

**Status:** 2/25/2013-Read first time. **Location:** 2/22/2013-A. PRINT

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

Summary: The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the Department of Resources Recovery and Recycling that requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. The element is required to divert 50% of the solid waste subject to the element through source reduction, recycling, and composting activities. The act allows the source reduction and recycling element to include not more than 10% diversion through transformation, which is defined as excluding, among other things, composting. The act defines the term "composting" for the purposes of the act as the controlled or uncontrolled biological decomposition of organic wastes. The act also defines the term "solid waste facility," for purposes of the permitting requirements of the act, as a composting facility. This bill would define the term "anaerobic digestion," for purposes of the act, as a process using the bacterial breakdown of compostable organic material in a controlled environment that meets the parameters that may be established by the department, and would revise the definition of the term "composting" to include anaerobic digestion.

**SB 43** (Wolk D) Shared renewable energy self-generation program.

Current Text: Introduced: 12/11/2012

**Introduced:** 12/11/2012

Status: 1/10/2013-Referred to Com. on RLS.

**Location:** 1/10/2013-S. RLS.

**Position: SUPPORT** 

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

**Summary:** Under existing law, the Public Utilities Commission has regulatory jurisdiction over public utilities, including electrical corporations, as defined. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Under existing law, the local government renewable energy self-generation program authorizes a local government, as defined, to receive a bill credit, as defined, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to adopt a rate tariff for the benefitting account. This bill would state various` findings and declarations, and state the intent of the Legislature to enact legislation, relating to a shared renewable energy self-generation program.

**OC Waste & Recycling Notes:** This bill would require the Public Utilities Commission to identify barriers to distributed generation projects and to write new tariffs to resolve these barriers and promote distributed generation projects. Independent landfill gas power plant operators would be allowed to sell power directly to consumers.

**SB 245** (Correa D) Recycling: mattresses.

Current Text: Introduced: 2/12/2013

**Introduced:** 2/12/2013

**Status:** 2/21/2013-Referred to Com. on RLS.

**Location:** 2/21/2013-S. RLS.

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

**Summary:** Existing law requires a retailer of various specified products, such as rechargeable batteries and cell phones, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal. This bill would declare the intention of the Legislature to enact subsequent legislation to establish a program for the management of used mattresses, with specified components.

SB 254 (Hancock D) Solid waste: used mattresses: recycling and recovery. Position: WATCH

Current Text: Introduced: 2/13/2013

**Introduced:** 2/13/2013

Status: 2/21/2013-Referred to Com. on E.Q.

**Location:** 2/21/2013-S. E.Q.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
2 4 114		1st l	House			2nd	House					

**Summary:** Existing law requires a retailer of various specified products, such as rechargeable batteries and cell phones, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal. This bill would establish the Used Mattress Recovery and Recycling Act and

would define terms for purposes of the act. The bill would require a manufacturer of mattresses sold in this state, individually, collectively, or through a stewardship organization, to provide in an electronic format an interim plan to the Department of Resources Recycling and Recovery by April 1, 2014, that ensures that the manufacturer will be responsible for the collection and recycling of used mattresses generated by consumers. The bill would require a manufacturer to implement the interim plan by July 1, 2014, and to continue implementation until a mattress stewardship plan is approved, conditionally approved, or disapproved by the department. This bill contains other related provisions and other existing laws.

**SB 405** (Padilla D) Solid waste: single-use carryout bags.

Current Text: Introduced: 2/20/2013

**Introduced:** 2/20/2013

**Status:** 2/21/2013-From printer. May be acted upon on or after March 23.

**Location:** 2/20/2013-S. PRINT

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

**Summary:** Existing law, until January 1, 2020, requires an operator of a store, as defined, to establish an atstore recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. The bill would, on and after July 1, 2016, additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores. This bill contains other related provisions and other existing laws.

# **SB 727** (**Jackson D**) Medical waste: pharmaceutical product stewardship

program. Position: WATCH

Current Text: Introduced: 2/22/2013

**Introduced:** 2/22/2013

**Status:** 2/25/2013-Read first time. **Location:** 2/22/2013-S. PRINT



Summary: The existing Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, including pharmaceutical waste, as defined. Existing law requires, among other things, that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law. Under the law, an enforcement agency may bring an action to enjoin the violation or threatened violation of those provisions or issue a specified order to a person who is responsible for a violation or threatened violation. A violation of that order, and other provisions of law, is a crime. This bill would, effective January 1, 2015, prohibit a producer of a pharmaceutical that is a cover drug, as defined, from selling or distributing that pharmaceutical in the state unless it is included in a product stewardship plan that is approved by the department. This bill would require each producer to operate, individually or jointly with other producers, an approved product stewardship program or to enter into an agreement with a stewardship

organization, as defined, to operate that program on the producer's behalf. This bill would require a producer, group of producers, or stewardship organization, if applicable, to pay all associated costs with its product stewardship program, as specified, including the costs incurred by the state for administration and enforcement of the program. The bill would prohibit the producer from charging specified fees to recover the costs of its program. This bill contains other related provisions and other existing laws.

**SB 731** (Steinberg D) Environment: California Environmental Quality Act and

sustainable communities strategy. Position: WATCH

Current Text: Introduced: 2/22/2013

**Introduced:** 2/22/2013

**Status:** 2/25/2013-Read first time. **Location:** 2/22/2013-S. PRINT

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

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would state the intent of the Legislature to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development, streamline the law for specified projects, and establish a threshold of significance for specified impacts. This bill contains other related provisions and other existing laws.

# SB 754 (Evans D) California Environmental Quality Act.

Current Text: Introduced: 2/22/2013

**Introduced:** 2/22/2013

**Status:** 2/25/2013-Read first time. **Location:** 2/22/2013-S. PRINT

2Year Dead	<b>Desk</b>	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
2000		1st l	House			2nd	House					

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA exempts from its provisions, among other things, certain types of projects proposed to be carried out or approved by public agencies. This bill would make various technical, nonsubstantive changes in those provisions governing exemptions from CEQA.

SB 804 (Lara D) Solid waste: energy.

Current Text: Introduced: 2/22/2013

**Introduced:** 2/22/2013

Agenda Item 4, Attachment B, March 14, 2013

**Position: WATCH** 

**Status:** 2/25/2013-Read first time. **Location:** 2/22/2013-S. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
2000		1st l	House			2nd	House					

**Summary:** Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to submit an annual report to the Legislature by March 31 of each year regarding awards made pursuant to the Public Interest Research, Development, and Demonstration Program. This bill would require the energy commission to include in the annual report that is due by March 31, 2015, an analysis of the opportunities for utilizing waste conversion technologies. This bill contains other related provisions and other existing laws.

**OC Waste & Recycling Notes:** The intent of this bill is to establish clear definitions for thermal, chemical, mechanical, and/ or biological conversion technologies.

# Waste Management Commission March 14, 2014 Agenda Item 4 – Attachment C

# **Regulations Summary**

# CalRecycle: California's New Goal: 75% Recycling Plan Recycling

- Synopsis: Pursuant to Assembly Bill 341 (Chapter 12.8, Statutes of 2011), the Legislature established a policy goal of the State that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020. CalRecycle has been charged with this responsibility and is required, by January 1, 2014, to provide a report to the Legislature strategies to achieve that goal.
- ➤ In May, CalRecycle released to the public for review and comment the State's plan to achieve the 75% recycling goal by 2020. The plan can be accessed at <a href="http://www.calrecycle.ca.gov/75Percent/">http://www.calrecycle.ca.gov/75Percent/</a>.

### **SWRCB 2012 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 2012 Draft NPDES permit represents proposed changes to Permit Order 97-03.
- Public comment period on the most recent draft was extended to October 22, 2012.
- ➤ More information can be found at: <a href="http://www.waterboards.ca.gov/water\_issues/programs/stormwater/2012npdes\_genprmt.shtml">http://www.waterboards.ca.gov/water\_issues/programs/stormwater/2012npdes\_genprmt.shtml</a>

# **CRT** management rules for the handling and treatment

➤ Workshop to be held on March 13, 2013 to explore the evolving marketplace for residual CRT glass and potential changes to the CEW recycling system rules.

# Santa Ana Regional Board Waste Discharge Requirements for Closed Landfills

- > Synopsis: Santa Ana Regional Board is proposing to issue general Waste Discharge Requirement (WDR) for closed landfills. New fees will also be assessed to closed landfills covered under the WDR.
- This permit will impose prescriptive requirements for the postclosure maintenance of closed landfills as it relates to managing groundwater monitoring and remediation systems.
- ➤ On February 16, 2012, the Santa Ana Regional Board held a workshop to present proposed concepts for the WDR. OC Waste & Recycling has submitted comments on the WDR and

- the Regional Board is currently reviewing stakeholder comments. The current draft is available at the following link.
- ➤ Draft Order #R8-2012-2014 can be found at: <a href="http://www.waterboards.ca.gov/santaana/board\_decisions/tentative\_orders/docs/tr8\_2012\_0014.pdf">http://www.waterboards.ca.gov/santaana/board\_decisions/tentative\_orders/docs/tr8\_2012\_0014.pdf</a>
- Agendas for the Board can be located at: <a href="http://www.waterboards.ca.gov/santaana/board\_info/agendas/2012\_agendas.shtml">http://www.waterboards.ca.gov/santaana/board\_info/agendas/2012\_agendas.shtml</a>

# **SCAQMD Proposed Amended Rule 1110.2 Biogas Engines**

- ➤ Synopsis: The South Coast Air Quality Management District (SCAQMD) Board of Directors approved a measure on September 7, 2012 to extend the compliance deadline from July 1, 2012 to January 1, 2016 for reduction of emissions from biogas-powered engines outlined in Rule 1110.2.
- ➤ This rule will affect the gas engines at Olinda Alpha and Prima Deshecha powerplants.
- See more at: http://www.aqmd.gov/news1/2012/bs090712.htm