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### **2009-10 Legislation**

This section provides information on legislation that has been reviewed and the Legislative Task Force has taken positions.

### **Resources**

Please see this section for resources related to the implementation of SB 1016.

### **Regulatory Information**

This section provides updates on various regulatory agencies.

## **Legislative Task Force Business**

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

## **2009 Legislation**

The year has been filled with difficult decisions for State policy makers. They have not once, but twice, had to deal with decreasing revenues and make adjustments to the State Budget, a feat difficult to achieve once a year, let alone twice. The Governor, at every step, insisted that abolishing the California Integrated Waste Management Board was a necessary part of the negotiations. His wishes were achieved when the Legislature passed [SB 63 \(Strickland\)](#) as part of the budget deal in July. The duties and responsibilities of the CIWMB will now be housed under the Resources Agency as the Department of Resources Recycling and Recovery and as of right now there are no transition plans. We will be sure to provide more information as it becomes available. On September 11<sup>th</sup>, The California State Legislature completed the first year of the two year session, sending over 700 bills to the Governor for action. All of these bills were at the threat of being vetoed if the Legislature did not work out a deal on water by the Governor's signing deadline of October 11th. The "Big 5" worked for days (prior to the deadline) on a water proposal, however was unable to meet to the Governor's demands to develop a deal acceptable to all parties. Nevertheless, due to their efforts, the Governor decided to act on the legislation in time for the October 11<sup>th</sup> deadline. Of the 715 bills sent to his desk, the Governor signed 456 and vetoed 259. The LTF is currently tracking close to 80 bills, of which 23 were sent to the Governor. The LTF has positions on 7 of those and the final actions are found below. Please see below for a complete list of bills that have been identified by the LTF and have taken a position. A complete list of bills being tracked by the LTF can be viewed on our website.

### **To the Governor**

#### **AB 64 (Krekorian) Energy: renewable energy resources: generation and transmission**

This bill would make conforming changes to terms used in the Renewable Energy Resources Program statutes that would be made by SB 14 of the 2009-10 Regular Session.

**LTF Position: Oppose**

**Status: Vetoed by Governor**

#### **AB 274 (Portantino) Solid waste: landfills: closure plans**

This bill, on and after January 1, 2012, would authorize an operator of a solid waste disposal facility that is required to meet financial assurance requirements and is in operation on July 1, 2011, to elect to participate in the State Solid Waste Postclosure and Corrective Action Trust Fund created by this bill.

**LTF Position: Oppose Unless Amended**

**Status: Signed by Governor, Chapter 318, Statutes of 2009**

#### **AB 473 (Blumenfield) Solid waste: multifamily dwellings**

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on and after July 1, 2010, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

**LTF Position: Support**

**Status: Vetoed by Governor**

**[AB 1173 \(Huffman\) Recycling: compact fluorescent lamps](#)**

This bill, on and after January 1, 2011, would prohibit the sale or offering for sale in this state of luminaires and lighting fixtures that are intended for general lighting purposes and contain preheat ballasts for operation of preheat linear fluorescent lamps.

**LTF Position: Oppose**

**Status: [Vetoed by Governor](#)**

**[AB 1085 \(Mendoza\) State Air Resources Board: regulations](#)**

This bill would require the state board to make available to the public each technical, theoretical, and empirical study, report, or similar document, if any, on which the agency relies, related to, but not limited to, air emissions, public health impacts, and economic impacts, before the comment period for any regulation proposed for adoption by the state board.

**LTF Position: Support**

**Status: Signed by Governor, Chapter 384, Statutes of 2009**

**[SB 14 \(Simitian\) Utilities: renewable energy resources](#)**

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

**LTF Position: Oppose**

**Status: [Vetoed by Governor](#)**

**[SB 63 \(Strickland\) Waste Management](#)**

This bill would abolish the California Integrated Waste Management Board and transfer its duties and responsibilities to the Department of Resources Recycling and Recovery, which would be created by the bill in the Natural Resources Agency, under the direction of an executive officer known as the Director of Resources Recycling and Recovery.

**LTF Position: No position taken**

**Status: Signed by Governor, Chapter 21, Statutes of 2009**

**[SB 402 \(Wolk\) Recycling: California redemption value](#)**

This bill would, as of July 1, 2010, revise the term beverage to include vegetable, fruit, nut, grain, or soy drinks or juices or noncarbonated drinks that contain any percentage of those drinks or juices, and would delete the requirement that a vegetable, drink, subject to the act, be sold in a container of 16 ounces or less. The bill would delete the exclusion from the term beverage, for a product that is not sold in the above-specified types of containers. The bill would additionally exclude from the definition a beverage in a flexible foil, plastic pouch, or aseptic container delivering 7 or less fluid ounces.

**LTF Position: Oppose**

**Status: [Vetoed by Governor](#)**

**[Two Year Bills](#)**

**[AB 222 \(Adams\) Energy: biofuels](#)**

This bill would redefine "in-state renewable electricity generation facility" to include a facility that uses conversion at a biorefinery. The bill would define "biorefinery" to mean a facility that uses a noncombustion thermal, chemical, biological, or mechanical conservation process, or a combination of those processes, to produce electricity or a renewable fuel from carbonaceous materials.

**LTF Position: Support**

**Status: Passed Senate Energy, Utilities and Communications, referred to Senate Environmental Quality Committee**

### **AB 283 (Chesbro) Solid waste: extended producer responsibility program**

This bill would create the California Product Stewardship Act of 2010 and would require the board to administer the program. The bill would require the board to adopt regulations by July 1, 2011, in order to implement the program to provide environmentally sound product stewardship protocols that encourage producers to research alternatives during the product design and packaging phases to foster cradle-to-cradle producer responsibility and reduce the end-of-life environmental impacts of the product.

**LTF Position:** Support if Amended

**Status:** 2 year bill – Held in Assembly Appropriations

### **AB 479 (Chesbro) Solid waste: diversion**

This bill would require the board, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled and composted.

**LTF Position:** Opposed

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

### **AB 737 (Chesbro) Solid waste: diversion**

This bill would require the board, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, or composted. The bill would prohibit the board from imposing any enforceable requirements against a local agency or a solid waste enterprise or that includes aspects of solid waste handling that are of local concern to implement this 75% diversion level.

**LTF Position:** Opposed

**Status:** 2 year bill – was not heard in Senate Appropriations

### **AB 1329 (Brownley) Waste Management**

This bill would delay the operative date of the changes made by Chapter 21 of the Statutes of 2009 (SB 63) to January 1, 2011.

**LTF Position:** Pending review

**Status:** 2 year bill – was never heard in committee

### **AB 1343 (Huffman) Solid waste: architectural paint**

This bill would create an architectural paint recovery program that would be enforced by the board. On or before January 1, 2011, a manufacturer or designated stewardship organization would be required to submit to the board an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of postconsumer paint, promote the reuse of postconsumer architectural paint, and manage the end-of-life of postconsumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

**LTF Position:** Support

**Status:** 2 year bill – held in Senate Appropriations

### **SB 25 (Padilla) Solid Waste: diversion**

This bill would require a jurisdiction, for each subsequent revision of the element, to divert 60% of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste. The bill would provide that the state's waste reduction target is to divert 75% of solid waste, on and after January 1, 2020, through source reduction, recycling, and composting activities.

**LTF Position:** Oppose

**Status:** 2 year bill – was not heard in Assembly policy committee

### **SB 26 (Simitian) Home-generated pharmaceutical waste**

This bill would require the California State Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.

**LTF Position:** Support

**Status:** 2 year bill – Held in Senate Appropriations Committee

### **SB 44 (Denham) State government: integrated waste management board: abolishment**

This bill would abolish the California Integrated Waste Management Board and transfer its duties, responsibilities, powers, jurisdiction, liabilities, and functions to the Department of Conservation.

**LTF Position:** Watch

**Status:** DEAD – Failed passage from policy committee

### **SB 390 (Kehoe) Solid waste: recycling market development**

This bill would prohibit the board from funding a loan under the program until it determines that the applicant has obtained all significantly, as determined by the board, applicable federal, state, and local permits and would extend the program and the continuous appropriation to July 1, 2021, and the repeal date to January 1, 2022, thereby making an appropriation.

**LTF Position:** Support

**Status:** 2 year bill – Held in Senate Appropriations

### **Single-Use Bags**

#### **AB 68 (Brownley) Solid Waste: single-use carryout bags**

This bill would, on and after July 1, 2011, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund.

**LTF Position:** Watch

**Status:** 2 year bill – Held in Assembly Appropriations

#### **AB 87 (Davis) Single-use carryout bags: environmental effects: mitigation**

This bill would prohibit, on and after July 1, 2010, a store, as defined, from providing a single-use carryout bag, including a green carryout bag, to a customer unless the store charges a fee of not less than \$0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and, by January 31, 2011, would require a store that collects the single-use carryout bag fees to remit the fees, less a specified amount to be used as required, to the State Board of Equalization for deposit in that fund, and do so on a quarterly basis thereafter. This bill would instead require the manufacturer of a single-use carryout bag to develop educational materials to encourage the reducing, reusing, and recycling of single-use bags and make those materials available to stores required to comply with the program.

**LTF Position:** Watch

**Status:** 2 year bill – Held in Assembly Appropriations

#### **AB 1141 (Calderon) Carryout bags**

The bill would revise the legislative findings and declarations of statewide interest and concern of the California Integrated Waste Management Act of 1989, and related prohibition upon local action, to refer to single use carryout bags, rather than plastic carryout bags, and additionally would prohibit a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that prohibits the

use, import, sale, or distribution of a single use carryout bag. The bill would require the board to establish a 50% single use carryout bag waste reduction goal by 2014, using 2010 as an initial baseline, to reduce empty single use carryout bags going to landfill or becoming litter. The bill would require the board and others to work to increase the availability of plastic bag recycling and collection programs in areas throughout the state.

**LTF Position:** Watch

**Status:** 2 year bill – Held in Assembly Natural Resources

## **Resources**

### **SB 1016 Information**

The California Integrated Waste Management Board has a site dedicated to assisting jurisdictions with SB 1016 implementation. Check [here](#) often for new updates.

## **Regulatory Information**

### **Air Resources Board**

#### **Landfill Methane Control Measure**

As part of the AB 32 measures to reduce greenhouse gas emissions, the Air Resources Board is adopting regulations to require the installation of landfill gas collection and control systems at certain MSW landfills that received wastes after January 1, 1977. Landfill operators will also be required to conduct quarterly surface emission monitoring.

The ARB has released proposed modifications for a 15-day comment period. The proposed modifications include and exemption from the regulations for inert waste landfills, submittal of amended Design Plans within 90 days of any event that requires a change, and allowance for alternative walking patterns. Comments on the proposed modifications are due October 21, 2009. The regulations are expected to be adopted late 2009 or early 2010. <http://www.arb.ca.gov/cc/landfills/landfills.htm>

### **California Integrated Waste Management Board**

#### **Financial Assurances Phase II**

The proposed Phase II regulations 45-day comment period ended October 5, 2009. The regulations allow for landfills with a “Proactive Monitoring Program” to step down of landfill postclosure financial assurance in five year increments until the multiplier reaches the 15 year level. There is still no definitive framework of what constitutes a “Proactive Monitoring Program”. Postclosure financial assurances will be required until the landfill no longer poses a threat. Landfill

The proposed regulations also require non-water corrective action financial assurances based upon replacement of final cover or closure cost or a site-specific plan which ever is most expensive. The CIWMB will convene an expert panel to develop Best Management Practices on non-water corrective actions. The current proposal is that the plans must be prepared by a licensed civil engineer or engineering geologist that did not design and is not “affiliated” with an entity that owns, owned, operates, operated, constructed, or designed the landfill.

The proposed regulations are expected to be adopted by early 2010.

<http://www.ciwmb.ca.gov/Rulemaking/Postclosure/Phase2/default.htm>

#### **Landfill Gas Monitoring Program**

October 18, 2009 is the compliance date for approval and implementation of the applicable gas monitoring and control systems for landfill accepting more than 20 tone per day. Landfill accepting less that 20 tons per day must comply by September 21, 2010. The CIWMB has established a Plan Rejection Dispute Resolution

Process to allow an opportunity for reconsideration of a staff decision to reject, in whole or in part, a Landfill Gas Monitoring and Control Program Plan.

<http://www.ciwmb.ca.gov/LEACentral/LandfillGas/Monitoring/Plans/DisputeRes.htm>

#### Recycling and Waste Management Infrastructure Project

The CIWMB is developing a centralized Web based source of waste management and recycling facilities. Available data will include the waste types accepted and the permit and design capacity of the facilities. This project is intended as a policy and planning tool for assisting jurisdiction in evaluating future facility needs including regional approaches. The model also allows evaluation for redirecting materials from disposal to diversion including new fuel/energy facilities and elimination of ADC. The CIWMB contractor, RW Beck, is seeking additional input from jurisdiction and facilities.

<http://www.ciwmb.ca.gov/Infrastructure/Project/>

#### Mandatory Commercial Recycling Cost Study

As part of the ARB Scoping plan, the CIWMB has been gathering information on the costs of commercial recycling in anticipation of adopting regulations for mandatory commercial recycling. The CIWMB contractor, HF&H, is proposing to finish gathering data from jurisdictions at the end of October. CIWMB staff will be presenting draft regulatory language to the Strategic Policy Development Committee on this Mandatory Recycling Measure.

<http://www.ciwmb.ca.gov/climate/Recycling/default.htm>

#### Upcoming CIWMB Events

<b>10/19/2009-</b> <b>10/22/2009</b> Sacramento, CA	<b><u><a href="#">12th Annual LEA, Tire Enforcement, and CIWMB Training and Technical Course Series</a></u></b> Sponsor: CIWMB A solid waste conference for California Integrated Waste Management Board staff and local enforcement agencies (LEA) to provide more opportunity for interaction and information exc... <a href="#">[More]</a>
<b>10/29/2009-</b> <b>10/30/2009</b> Sacramento, CA 95814	<b><u><a href="#">RMDZ Zone Works Training Workshop</a></u></b> Sponsor: CIWMB The focus of this "Zone Works" is taking RMDZ technical assistance to the next level. The workshop will highlight various technical assistance tools and resources, including the Ca... <a href="#">[More]</a>
<b>11/02/2009-</b> <b>11/04/2009</b> Sacramento, CA 95814	<b><u><a href="#">Used Oil Recycling/Household Hazardous Waste 2009 Annual Training and Conference</a></u></b> Sponsor: CIWMB This year's theme is "Golden Opportunities: Building Bridges Between Federal, State, Corporate and Local Environmental Leadership." The conference offers training, education, inf... <a href="#">[More]</a>
<b>11/04/2009</b> Sacramento, CA 95812	<b><u><a href="#">CCDEH Solid Waste Policy Committee Meeting</a></u></b> Sponsor: CIWMB California Conference of Directors of Environmental Health (CCDEH) is a statewide association comprised of the Environmental Health Directors from 62 jurisdictions, including both ... <a href="#">[More]</a>
<b>11/09/2009</b> Sacramento, CA	<b><u><a href="#">Permitting and Compliance Committee</a></u></b> Sponsor: CIWMB
<b>11/10/2009</b> Sacramento, CA	<b><u><a href="#">Strategic Policy Development Committee</a></u></b> Sponsor: CIWMB