



SOLID WASTE ASSOCIATION OF NORTH AMERICA

## Legislative Task Force

CALIFORNIA CHAPTERS

## 2020 OFFICERS

<b>Chair</b>	Eric Zetz, <i>Merced County Association of Governments</i>
<b>Vice Chair</b>	Doug Kobold, <i>California Product Stewardship Council</i>
<b>Treasurer</b>	Hans Kernkamp, <i>Riverside County</i>
<b>Secretary</b>	Chris Hanson, <i>Placer County</i>

## SWANA Legislative Task Force Meeting Minutes

October 29<sup>th</sup>, 2020

12:30 p.m. – 2:30 p.m.

Via Zoom

### 1. Administrative Items

- a. Roll Call, Introductions – See roster. A quorum was present.
- b. Approval of September Minutes – Chris Hanson presented the September minutes. A motion was made, seconded, and passed to approve the September minutes.
- c. Approval of September Treasurer’s Report – Hans Kernkamp presented the September treasurer’s report, reporting a beginning balance of \$57,087.62 and revenues of \$4,360.45 from SWANA dues surcharges, interest, and agency contributions. Expenses posted totaled \$4,887.11 for SYASL monthly services, resulting in an ending balance of \$56,560.96, which matches the bank statement. A motion was made, seconded, and passed to approve the September Treasurer’s Report.
- d. Annual Meeting – Update – Lisa shared that she drafted a meeting agenda for officer’s review. The group discussed potential guest speakers such as a vendor for SB 1383 reporting, advocacy groups, CARB with update on AB 617 program, and the Statewide Recycling Commission. Eric asked members to email him with suggestions and contact information and he will reach out to them.
- e. 2021 Work Plan – Lisa reported that she revised the draft work plan based on comments received to date.

2. **Legislative Update/Capitol Update** – Priscilla reported that there was a much reduced bill load this year, so fewer bills signed into law; this may be the case next year as well. She noted there will be an appetite for environmental and recycling related bills. The Legislature is now on fall recess and the session will technically begin on December 7 with the Legislature convening on January 4. She noted that 2021 will see several changes such as the Senate Budget Committee will have a new chair, as will several other committees, and all 80 Assembly seats and half of the 40 Senate seats are up for election next week. Priscilla shared that an informational hearing is planned for next week in the Assembly Natural Resources Committee regarding plastics in CA; SYASL staff will take notes. Below is a summary of bills that made it to the Governor’s desk.

- a. AB 793 (Ting) Solid Waste: Minimum Recycled Content
  - I. Support
  - II. Signed into law
- b. AB 995 (C. Garcia) Hazardous Waste
  - I. Concerns
  - II. [Vetoed](#) – did not fit Governor’s goals to restructure and resolve financial issues.
- c. AB 2287 (Eggman) Solid waste: plastic product certification
  - I. Support
  - II. Signed into law

LEGISLATIVE ADVOCATE

Priscilla Quiroz

Shaw Yoder Antwih Schmelzer & Lange • 1415 L Street, Suite 1000, Sacramento, CA 95814 • (916) 446-4656 • Fax (916) 446-4318

- d. AB 3163 (Salas) Energy: biomethane: procurement
  - I. Support
  - II. Signed into law
- e. SB 68 (Galgiani) Hazardous waste: treated wood waste
  - I. Support
  - II. [Vetoed](#)
  - III. Larry shared that the Governor vetoed SB 68 and the resulting impacts on industry. Now, anyone that generates TWW will have to dispose of it as hazardous waste, starting January 1, 2021. There is no immediate fix other than the possibility of emergency regulations to reinstate the regulation, or possibly emergency legislation, or to add TWW to universal waste regs – all which will take some time. There will be a huge impact on facilities as well as Ag and Wine industry. Telephone poles are still acceptable under a specific exemption. Small amounts of TWW can go to PHHWCFs. Priscilla shared that she heard the Governor’s concern was mostly related to funding, and that he was not willing to approve something that added more requirements to DTSC. The bill author is termed out so cannot reintroduce. It is possible an industry group may introduce something; Priscilla will find out more and let the LTF know.

### 3. Regulatory Update

- a. SB 1383
  - I. Priscilla reported the regulatory process is in its final stages.
  - II. LTF efforts for next year – Priscilla met with the coalition group last week to discuss a potential bill for delay of implementation (maybe three years) and possibly other requests. They will be drafting an outline of requests that Priscilla will share. Priscilla noted that we need to continue communicating real world impacts to the Legislature and CalRecycle; discussion ensued. Priscilla recommended a subcommittee to participate in this effort. The committee members will be Mike Mohajer, Sharon Green, Brian Probolsky, and Chris Hanson.
- b. Statewide Commission on Recycling Markets and Curbside Recycling
  - I. Priscilla reported that the Commission plans to submit preliminary policy recommendations to the Legislature in January. The committees of the Commission are active and holding a lot of meetings. We can expect a lot of spot bills in the beginning of the session.
  - II. The LTF submitted a letter with recommended policy proposals on October 6 (attached).
- c. SB 212
  - I. Doug Kobold reported that he has not seen the regulation submitted to OAL yet, but that we can expect they will do so this month to allow time for approval this year. The regulation would then be effective on January 1, 2021 with full implementation in 2022.
  - II. Sharon Green shared information about federal pharmaceutical efforts related to recycled water quality and the effects of flushing medications. EPA and FDA are involved and are pushing for a “home disposal” option where all unused pharms to go in the trash in pouches that would be sold by private companies.
  - III. Constance shared her involvement with SWANA National’s pharmaceutical policy and its focus on health issues.
- d. DTSC Solar Panel regulations
  - I. Doug Kobold reported that the Solar Panel regulations were approved by the Office of Administrative Law (OAL) on September 28, 2020 and that they would be in effect on January 1, 2021. There are still issues with the regulations regarding SQG load limits, how that affects



solar installers, noticing requirements of entities hauling these panels, definitions for “solar cell”, “solar panel or module”, and “solar system”. We should wait and see what problems develop once the program begins to evaluate if cleanup legislation is needed.

Meeting adjourned at 2:06 p.m.

Respectfully:



Christina Hanson, Secretary

**Attachments:**

- Meeting Agenda
- Call Roster
- Treasurer’s Report
- Bill Matrix
- Letter to Statewide Recycling Commission





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<b>Secretary</b>	Chris Hanson, <i>Placer County</i>

## SWANA Legislative Task Force Meeting Agenda

*October 29<sup>th</sup>, 2020*  
*12:30 p.m. – 2:30 p.m.*  
Via Zoom

- 1. Administrative Items (10:00 – 10:30 a.m.)**
  - a. Roll Call, Introductions
  - b. Approval of September Minutes
  - c. Approval of September Treasurer's Report
  - d. Annual Meeting – Update
  - e. 2021 Work Plan
  
- 2. Legislative Update/Capitol Update (10:30 a.m. – 11:30 a.m.)**
  - a. AB 793 (Ting) Solid Waste: Minimum Recycled Content
    - I. Support
    - II. Signed into law
  
  - b. AB 995 (C. Garcia) Hazardous Waste
    - I. Concerns
    - II. [Vetoed](#)
  
  - c. AB 2287 (Eggman) Solid waste: plastic product certification
    - I. Support
    - II. Signed into law
  
  - d. AB 3163 (Salas) Energy: biomethane: procurement
    - I. Support
    - II. Signed into law
  
  - e. SB 68 (Galgiani) Hazardous waste: treated wood waste
    - I. Support
    - II. [Vetoed](#)
  
- 3. Regulatory Update (11:45- 12:00 p.m.)**
  - a. SB 1383
  - b. Statewide Commission on Recycling Markets and Curbside Recycling
  - c. SB 212

LEGISLATIVE ADVOCATE

Priscilla Quiroz

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**SWANA CALIFORNIA CHAPTERS LEGISLATIVE TASK FORCE MEMBERS**  
**Monthly Conference Call October 29, 2020**

<b>VOTING MEMBER/ CHAPTER</b>	<b>NAME</b>	<b>Present</b>	<b>ORGANIZATION</b>	<b>PHONE</b>	<b>EMAIL</b>
VM/Gold Rush	Doug Kobold (VC)	P	California Product Stewardship Council	916-706-3420	Doug@calpsc.org
VM/Gold Rush	Christina Hanson (S)	P	Placer County/Western Placer WMA	530-886-4965	CHanson@placer.ca.gov
VM/Gold Rush	Larry Sweetser	P	Sweetser and Associates/ESJPA	510-703-0898	sweetser@aol.com
VM/Gold Rush	Mark Bowers	P	Retired	408-730-7421	TrashTsar@gmail.com
VM/Gold Rush	Charles White	P	Manatt, Phelps, & Phillips, LLC	916-552-2365	cawhite@manatt.com
ALT/Gold Rush	Joe LaMariana	P*	South Bay Waste Management Authority	650-802-3505	jlamariana@rethinkwaste.org
ALT/Gold Rush	Guy Petraborg		Monterey Regional Waste Management District	510-453-5081	gpetraborg@mrwmd.org
VM/Founding	Hans Kernkamp (T)	P	Riverside County Department of Waste Resources	951-486-3232	hkernkam@RIVCO.ORG
VM/Founding	Brian Probolsky	P	Orange County Waste and Recycling	714-834-5513	Brian.Probolsky@ocwr.ocgov.com
VM/Founding	Mike Mohajer	P	Southern California Waste Mgmt. Forum	909-592-1147	mikemohajer@yahoo.com
VM/Founding	Lisa Wood	P	City of San Diego	858-573-1236	lfwood@sandiego.gov
VM/Founding	Sharon Green	P	LA County Sanitation Districts	562-699-7411	sgreen@lacsds.org
ALT/Founding	Constance Hornig	P	Law Offices	323-934-4601	hornig@mswesq.com
ALT Founding	Frank Caponi	P	LA County Sanitation Districts	562-699-7411	fcaponi@lacsds.org
VM/Sierra	Chuck Magee	P	Kern County	661-862-8915	chuckm@kerncounty.com
VM/Sierra	Curtis Larkin	P	Fresno County	559-600-4306	clarkin@fresnocountyca.gov
VM/Sierra	Eric Zetz (C)	P	Merced County Association of Governments	209-723-4481 x221	Eric.Zetz@mcrwma.org
VM/Sierra	Herb Cantu	P	City of Santa Maria	805-925-0951 x7212	hcantu@cityofsantamaria.org
VM/Sierra	Nicole Pena	P	Kings Waste & Recycling Authority	559-583-8829	nriley@kwrarecycles.net
ALT/Sierra	Brooks Stayer		San Luis Obispo IWMA	805-782-8530	bstayer@iwma.com
ALT/Sierra	Dawyne Balch	P	City of Clovis	559-696-8248	Dawayneb@ci.clovis.ca.us
<i>Lobbyist</i>	<i>Jason Schmelzer</i>		<i>Shaw Yoder Antwih Schmelzer &amp; Lange.</i>	<i>916-446-4656</i>	<i>Jason@SYASLpartners.com</i>
<i>Lobbyist</i>	<i>Priscilla Quiroz</i>	<i>P</i>	<i>Shaw Yoder Antwih Schmelzer &amp; Lange.</i>	<i>916-446-4656</i>	<i>Priscilla@SYASLpartners.com</i>

\*Joined or left call while meeting was in process.

**Chapter Presidents:**

*Gold Rush – Tracie Bills tbills@scsengineers.com*

*Founding – Diko Melkonian diko.melkonian@longbeach.gov*

*Sierra Chapter – Melissa St. John Melissa.St.John@aptim.com*

Quorum: Eight or more voting members, including at least one member from each chapter, must be present to constitute a quorum.

**VM= Voting Member**

**Ch = Chair**

**VC = Vice Chair**

**T = Treasurer**

**S = Secretary**

**SWANA LEGISLATIVE TASK FORCE**  
**September 2020 Treasurer's Report**  
**SUMMARY**

MONTHLY SUMMARY												
	JAN 2020	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>BEGINNING BALANCE</b> <sup>1</sup>	\$66,128.87	\$53,828.21	\$56,168.62	\$49,831.61	\$46,185.73	\$51,338.84	\$54,032.03	\$60,219.39	\$57,087.62	\$56,560.96	\$58,310.96	\$58,310.96
<b>REVENUES</b>	\$2,850.49	\$2,340.41	\$3,090.42	\$1,710.37	\$9,610.36	\$7,150.44	\$11,020.45	\$1,650.48	\$4,360.45	\$1,750.00	\$0.00	\$0.00
(from Revenues sheet, Line 7)												
<b>EXPENSES</b> <sup>2</sup>	\$15,151.15	\$0.00	\$9,427.43	\$5,356.25	\$4,457.25	\$4,457.25	\$4,833.09	\$4,782.25	\$4,887.11	\$0.00	\$0.00	\$0.00
(from Expenses sheet, Line 17)												
<b>ENDING BALANCE</b>	\$53,828.21	\$56,168.62	\$49,831.61	\$46,185.73	\$51,338.84	\$54,032.03	\$60,219.39	\$57,087.62	\$56,560.96	\$58,310.96	\$58,310.96	\$58,310.96
<b>MATCHES BANK STATEMENT?</b>	Yes											

YTD	BUDGETED	% BUDGET
<b>\$45,534</b>	<b>\$60,006</b>	<b>76%</b>

(Line 7)

<b>\$53,352</b>	<b>\$66,750</b>	<b>80%</b>
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(Line 16)

**NOTES:**

- 1- Bank balance of each listed month. Beginning balance for January reflective of Statement balance on December 31, 2019.
- 2- Expenses reflect checks and debits posted by bank in month shown.

SWANA LEGISLATIVE TASK FORCE  
September 2020 Treasurer's Report  
REVENUE

Line No.		REVENUES												YTD	BUDGET
		JAN 2020	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
1	DUES SURCHARGE <sup>1</sup>	\$1,350	\$2,340	\$3,090	\$1,710	\$1,860	\$900	\$1,020	\$1,650	\$1,860	\$0	\$0	\$0	\$15,780	\$18,000
2	WESTERN REGIONAL SYMPOSIUM	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,000
3	MOLO COURSE REVENUES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,000
4	INTEREST	\$0.49	\$0.41	\$0.42	\$0.37	\$0.36	\$0.44	\$0.45	\$0.48	\$0.45	\$0.00	\$0.00	\$0.00	\$3.87	\$6
5	AGENCY CONTRIBUTIONS													\$29,750	\$25,000
a	City of Stockton						\$1,000								
b	City of Clovis							\$750							
c	City of Colfax							\$750							
d	City of Fresno														
e	City of Los Angeles														
f	City of Manteca														
g	City of Berkeley					\$750									
h	City of Roseville														
	City of San Bernardino														
i	City of San Diego								\$2,500						
j	City of Santa Maria							\$1,500							
k	Kern County					\$1,500									
l	City of Sunnyvale										\$750				
m	City of Tulare					\$750									
n	Butte County														
o	Fresno County							\$1,500							
p	Humboldt WMA					\$1,750									
q	Kings County/KWRA					\$500									
r	LA County Sanitation Districts							\$2,500							
s	Merced County RWMA														
t	Monterey RWMD										\$1,000				
u	Orange County														
v	Placer County							\$2,000							
w	Riverside County						\$2,500								
x	Salinas Valley SWA						\$1,000								
y	San Joaquin County						\$1,000								
z	San Mateo County														
aa	City of Visalia														
bb	Ventura County														
cc	Sacramento County	\$1,500													
dd	Town of Loomis					\$500									
	South Bayside WMA					\$1,000		\$1,000							
	County of San Luis Obispo					\$1,000									
	City of Watsonville						\$750								
6	OTHER													\$0	
7	TOTALS	\$2,850	\$2,340	\$3,090	\$1,710	\$9,610	\$7,150	\$11,020	\$1,650	\$4,360	\$1,750	\$0	\$0	\$45,534	\$60,006
														% OF BUDGETED	76%

FOOTNOTES:

1 - \$30/member

Deposited

**SWANA LEGISLATIVE TASK FORCE  
September 2020 Treasurer's Report  
EXPENSES**

Line No.		Incurred												YTD	BUDGET
		JAN 2020	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
1	SYASL REGULATORY REVIEW	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$1,050.00	\$0.00	\$0.00	\$0.00	\$9,450	\$13,000
2	SYASL CONTRACT	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$3,407.25	\$0.00	\$0.00	\$0.00	\$30,665	\$41,000
3	SYASL ADMIN EXPENSES (FAXES)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$750
4	SYASL WEBSITE	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30	\$0
5	SYASL TELECONFERENCE/MEETINGS	\$314.76	\$167.17	\$0.00	\$0.00	\$0.00	\$375.84	\$0.00	\$429.86	\$0.00	\$0.00	\$0.00	\$0.00	\$1,288	\$3,000
6	NON-SYASL EXPENSES	\$191.74	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$192	\$6,000
7	NETTOP PUBLISHING (WEBSITE)	\$425.00	\$0.00	\$0.00	\$475.00	\$0.00	\$0.00	\$325.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,225	\$3,000
8	<b>TOTALS</b>	<b>\$5,404</b>	<b>\$4,639</b>	<b>\$4,457</b>	<b>\$4,932</b>	<b>\$4,457</b>	<b>\$4,833</b>	<b>\$4,782</b>	<b>\$4,887</b>	<b>\$4,457</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$42,850</b>	<b>\$66,750</b>
9														% INCURRED	64%
10															
11															
12		Posted to Account													
		JAN 2020	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD	BUDGET
13	SYASL Expenses	\$14,959.41	\$0.00	\$9,426.43	\$4,456.25	\$4,457.25	\$4,457.25	\$4,833.09	\$4,457.25	\$4,887.11	\$0.00	\$0.00	\$0.00	\$51,934	
14	Other Expense	\$191.74		\$1.00										\$193	
15	NETTOP PUBLISHING (WEBSITE)				\$900.00				\$325.00					\$1,225	
														\$0	
17	<b>TOTALS</b>	<b>\$15,151</b>	<b>\$0</b>	<b>\$9,427</b>	<b>\$5,356</b>	<b>\$4,457</b>	<b>\$4,457</b>	<b>\$4,833</b>	<b>\$4,782</b>	<b>\$4,887</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$53,352</b>	<b>\$66,750</b>
18														% SPENT	80%
19															
20															
21	MONTH SERVICES RENDERED	JAN 2020	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		
22	SYASL INVOICE NO.	17327	17598	17695	17785	17880	17967	18055	18145	18273					
23	CHECK NO./WEB DRAFT NO.	1010	1011	8002	998004	8005	8006	8007	8009						
24	AMOUNT	\$4,787.01	\$4,639.42	\$4,456.25	\$4,457.25	\$4,457.25	\$4,833.09	\$4,457.25	\$4,887.11	\$4,457.25					
25	DATE CHECK POSTED	3/6/20	3/6/20	4/6/20	5/18/20	6/8/20	7/13/20	8/11/20	9/21/20						

QUARTERLY LOBBYING PAYMENTS (BY POSTED DATES)			
1ST QUARTER	2ND QUARTER	3RD QUARTER	4TH QUARTER
\$24,385.84	\$13,370.75	\$14,177.45	\$0.00

SWANA 2019-20 Legislation as of Tuesday, October 27, 2020

Bill ID/Topic	Location	Summary	Position
<p><a href="#">AB 793 Ting D</a></p> <p>Recycling: plastic beverage containers: minimum recycled content.</p>	<p>ASSEMBLY CHAPTERED 9/24/2020 - Approved by the Governor.</p> <p>Chaptered by Secretary of State - Chapter 115, Statutes of 2020.</p>	<p>(1) The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum refund value. Under the act, the Department of Resources Recycling and Recovery is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer. This bill, on and after January 1, 2022, would require the total number of plastic beverage containers filled with a beverage sold by a beverage manufacturer, as specified, to contain, on average, specified amounts of postconsumer recycled plastic content per year pursuant to a tiered plan that would require the total number of plastic beverage containers to contain, on average, no less than 50% postconsumer recycled plastic content per year on and after January 1, 2030, except as specified. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b></p>	<p>Support</p>
<p><a href="#">AB 995 Garcia, Cristina D</a></p> <p>Hazardous waste.</p>	<p>ASSEMBLY VETOED 9/29/2020 - Vetoed by Governor.</p>	<p>(1) Existing law provides that the Department of Toxic Substances Control regulates the handling and management of hazardous substances, materials, and waste. Existing law requires the department to, among other things, issue hazardous waste facilities permits to facilities handling hazardous waste and to enforce the requirements of the hazardous waste control laws. This bill would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year. The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions and certain financial assurance decisions. The bill would establish an office of ombudsperson in the board to receive complaints and suggestions, to evaluate complaints received, to report findings and make recommendations to the Director of Toxic Substances Control and the board, and to render assistance. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b></p>	<p>Concerns</p>
<p><a href="#">AB 1080 Gonzalez D</a></p> <p>Solid waste: packaging and products.</p>	<p>ASSEMBLY DEAD 8/31/2020 - Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. DESK on 8/30/2020)</p>	<p>(1) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste, including, among other solid waste, single-use plastic straws. This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, as defined, and priority single-use products, as defined, made partially or entirely of plastic, to be administered by the department. As part of that regulatory scheme, the bill would require producers, as defined, (A) to source reduce, to the maximum extent feasible, single-use packaging and priority single-use products, and (B) to ensure that all single-use packaging and priority single-use products that are manufactured on or after January 1, 2032, and that are offered for sale, sold, distributed, or imported in or into the state are recyclable or</p>	<p>Watch</p>

		<p>compostable. The bill would require the department to achieve and maintain, by January 1, 2032, a statewide 75% reduction of the waste generated from single-use packaging and priority single-use products offered for sale, sold, distributed, or imported in or into the state through source reduction, recycling, or composting. The bill would require the department, by January 1, 2025, to adopt regulations to implement the act and, before adopting the regulations, to conduct extensive outreach, as prescribed, and to identify and evaluate specified provisions for potential inclusion in the regulations. The bill would require the department to establish a Circular Economy and Waste Pollution Reduction Panel for the purpose of identifying barriers and solutions to creating a circular economy consistent with the act. The regulatory scheme would include, among other requirements, registration, reporting, and recordkeeping requirements. The bill would require reports and data provided to the department pursuant to the act to be accurate and attested to under penalty of perjury, thereby imposing a state-mandated local program by expanding the crime of perjury. The bill would prohibit a retailer or wholesaler, as defined, from offering for sale or selling single-use packaging, products packaged in single-use packaging, or priority single-use products if the producer of the single-use packaging or priority single-use product is listed as noncompliant for that packaging or product category on the department’s internet website on a list that the bill would require the department to post, as specified. The bill would prohibit certain online marketplaces, upon notification from the department, from allowing on the online marketplaces the offering for sale, sale, or distribution into the state of single-use packaging, a product packaged in single-use packaging, or a priority single-use product if the product or packaging is identified as noncompliant with the act in the notice provided by the department. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b></p>	
<p><a href="#">AB 1509</a> <a href="#">Mullin D</a></p> <p>Solid waste: lithium-ion batteries.</p>	<p>SENATE DEAD 8/18/2020 - Failed Deadline pursuant to Rule 61(b)(13). (Last location was E.Q. on 6/6/2019)</p>	<p>Existing law, the Rechargeable Battery Recycling Act of 2006, requires every retailer, as defined, to have in place a system for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal. Existing law requires the system for the acceptance and collection of used rechargeable batteries to include, at a minimum, specified elements, including, among others, the take-back of a used rechargeable battery of the type or brand that the retailer sold or previously sold at no cost to the consumer. Existing law defines “rechargeable battery” for purposes of these provisions to mean a small, nonvehicular, rechargeable nickel-cadmium, nickel metal hydride, lithium-ion, or sealed lead-acid battery, or a battery pack containing these types of batteries. This bill would establish the Lithium-Ion Battery Recycling Program in the Department of Resources Recycling and Recovery. The bill would require a covered entity, as defined, on or before March 1, 2021, to provide a list of covered products that it sells or offers for sale in the state to the department and the total number of each covered product it sold in the state during the prior year, and to update those lists annually. The bill would define “covered product” to mean a lithium-ion battery sold separately or sold with a product, or a product containing a lithium-ion battery or battery pack that is not designed to be removed from the product by a consumer. The bill would require a covered entity to annually achieve specified collection and recycling rates for covered products, as provided. The bill would require a covered entity to establish a stewardship program for covered batteries independently or as part of a group of covered entities through membership in a stewardship organization. The bill would authorize a covered entity to achieve</p>	<p>Support</p>

		the recycling rates for covered battery-embedded products through any of specified mechanisms, including through a take-back program in which the retailer offers consumers covered battery-embedded product take-back services through collection receptacles or a mail-back program. The bill would require a covered entity to pay the department an administrative fee, set by the department at an amount that, when paid by every covered entity, is adequate to cover the department's, and any other state agency's, full costs of administering and enforcing this program. The bill would require the department to deposit those administrative fees in the Lithium-Ion Battery Recycling Cost of Implementation Account, which would be established by the bill, and would authorize the expenditure of those funds, upon appropriation by the Legislature, for certain purposes. The bill would require the department, on or before January 1, 2022, to adopt regulations to implement the program. This bill contains other related provisions. <b>Last Amended on 5/1/2019</b>	
<a href="#">AB 1672 Bloom D</a> Solid waste: premoistened nonwoven disposable wipes.	SENATE DEAD 8/21/2020 - Failed Deadline pursuant to Rule 61(b)(15). (Last location was S. APPR. SUSPENSE FILE on 8/20/2020)	The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. This bill would require, except as provided, certain premoistened nonwoven disposable wipes manufactured on or after January 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol, as specified. The bill would prohibit a covered entity, as defined, from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes, as provided. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions. This bill contains other related provisions. <b>Last Amended on 7/9/2020</b>	Support
<a href="#">AB 2104 Garcia, Cristina D</a> Lead-Acid Battery Recycling Act of 2016.	ASSEMBLY CHAPTERED 9/29/2020 - Approved by the Governor. Chaptered by Secretary of State - Chapter 276, Statutes of 2020.	The Lead-Acid Battery Recycling Act of 2016 prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, and authorizes a person to dispose of a lead-acid battery only at certain locations. The act imposes a manufacturer battery fee on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California. This bill would exclude from the definition of "lead-acid battery recycling facility" a facility that incidentally processes lead-acid batteries. The bill would authorize moneys in the fund to be available upon appropriation by the Legislature for the repayment of loans made for additional specified activities for which direct expenditure from the fund is authorized under existing law, as provided. The bill would require that moneys be expended for the repayment of those loans only after additional specified activities related to the former Exide Technologies lead-acid battery recycling facility in the City of Vernon, for which expenditure from the fund is authorized under existing law, have been fully funded in a given fiscal year. The bill would revise to apply retroactively to September 26, 2016, the authorization to expend moneys in the fund for those activities related to the former Exide Technologies lead-acid battery recycling facility in the City of Vernon. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b>	

<p><a href="#">AB 2287</a> <a href="#">Eggman</a> D</p> <p>Solid waste.</p>	<p>ASSEMBLY CHAPTERED 9/29/2020 - Approved by the Governor. Chaptered by Secretary of State - Chapter 281, Statutes of 2020.</p>	<p>(1) Existing law prohibits a person from selling a plastic product in the state that is labeled with the term “compostable,” “home compostable,” or “marine degradable” unless, at the time of sale, the plastic product meets the applicable ASTM standard specification or the Vincotte OK Compost HOME certification, as provided. Existing law prohibits the sale of a plastic product that is labeled as “biodegradable,” “degradable,” or “decomposable,” and prohibits implying that a plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment, unless the plastic product meets one of several specified standards relating to environmental marketing claims. This bill would repeal the provision that conditionally prohibits the sale of a plastic product that is labeled “marine degradable.” The bill would authorize the Director of Resources Recycling and Recovery to issue guidelines for determining whether a plastic product is not compliant with these labeling requirements, and whether a plastic product is designed, pigmented, or advertised in a manner that is misleading to consumers. The bill would authorize the Department of Resources Recycling and Recovery to adopt the European Committee for Standardization’s standard specification for biodegradable mulch film plastic, or a standard that is equivalent to, or more stringent than, that standard, as specified. The bill would authorize the sale of commercial agricultural mulch film, as defined, labeled with the term “soil biodegradable” only if the department adopts the European Committee for Standardization’s standard specification, or an equivalent or more stringent standard, and the commercial agricultural mulch film is certified to meet both that standard and the ASTM standard specification for compostability. The bill would update the name of a specified certification for home compost, the name of the organization that developed that certification, and the names of two ASTM standard specifications, and would make other conforming changes. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/20/2020</b></p>	<p>Support</p>
<p><a href="#">AB 2920</a> <a href="#">Oberholte</a> R</p> <p>Hazardous waste: consolidated manifesting procedure.</p>	<p>ASSEMBLY CHAPTERED 9/28/2020 - Approved by the Governor. Chaptered by Secretary of State - Chapter 222, Statutes of 2020.</p>	<p>Existing law, as part of the hazardous waste control laws, imposes various manifest requirements for transporting hazardous waste, including, among others, requiring 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 be subject to transporter registration requirements. Existing law authorizes transporters and generators to use a consolidated manifesting procedure for certain kinds of waste if specified requirements are met. A violation of the hazardous waste control laws is a crime. This bill would authorize the consolidated manifesting procedure to be used additionally for retail hazardous waste, as defined, collected from a retailer engaged in business in the state. The bill would require, when using the consolidated manifesting procedure for retail hazardous waste, that incompatible materials transported in the same transport vehicle be managed pursuant to specified provisions that govern the transportation of hazardous waste. By expanding the application of the requirements governing the use of the consolidated manifesting procedure to additional kinds of waste and by imposing additional requirements for the management of retail hazardous waste, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. <b>Last Amended on 6/29/2020</b></p>	<p>Watch</p>
<p><a href="#">AB 3163</a> <a href="#">Salas</a> D</p>	<p>ASSEMBLY CHAPTERED 9/30/2020 - Approved</p>	<p>Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations. Existing law requires the commission, in consultation with the State Air Resources</p>	<p>Support</p>

<p>Energy: biomethane: procurement.</p>	<p>by the Governor. Chapered by Secretary of State - Chapter 358, Statutes of 2020.</p>	<p>Board, to consider adopting specific biomethane procurement targets or goals for each gas corporation so that each gas corporation procures a proportionate share, as determined by the commission, of biomethane annually, as specified. Existing law defines “biomethane” for that purpose as biogas that meets specified standards adopted by the commission for injection into a common carrier pipeline. This bill would instead define “biomethane” for that purpose as methane produced from an organic waste feedstock, rather than biogas, that meets those specified standards and is either produced from the anaerobic decomposition of organic material or produced from the noncombustion thermal conversion of specified materials. This bill contains other related provisions and other existing laws. <b>Last Amended on 5/5/2020</b></p>	
<p><a href="#">AB 3256</a> <a href="#">Garcia,</a> <a href="#">Eduardo</a> D</p> <p>Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.</p>	<p>ASSEMBLY DEAD 8/31/2020 - Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. RLS. on 6/3/2020)</p>	<p>The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide direct primary election, authorizes the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill contains other related provisions. <b>Last Amended on 6/4/2020</b></p>	<p>Support if Amended</p>
<p><a href="#">SB 45</a> <a href="#">Allen</a> D</p> <p>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.</p>	<p>ASSEMBLY DEAD 8/31/2020 - Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. DESK on 1/29/2020)</p>	<p>The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary direct election, authorizes the issuance of bonds in the amount of \$4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill contains other related provisions. <b>Last Amended on 1/23/2020</b></p>	<p>Support if Amended</p>

<p><a href="#">SB 54</a> <a href="#">Allen D</a></p> <p>Solid waste: packaging and products.</p>	<p>ASSEMBLY DEAD 9/1/2020 - Read third time. Refused passage. (Ayes 37. Noes 18.) Died on call pursuant to Article IV, Section 10(c) of the Constitution.</p>	<p>(1) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste, including, among other solid waste, single-use plastic straws. This bill would enact the California Circular Economy and Plastic Pollution Reduction Act, which would impose a comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, as defined, and priority single-use products, as defined, made partially or entirely of plastic, to be administered by the department. As part of that regulatory scheme, the bill would require producers, as defined, (A) to source reduce, to the maximum extent feasible, single-use packaging and priority single-use products, and (B) to ensure that all single-use packaging and priority single-use products that are manufactured on or after January 1, 2032, and that are offered for sale, sold, distributed, or imported in or into the state are recyclable or compostable. The bill would require the department to achieve and maintain, by January 1, 2032, a statewide 75% reduction of the waste generated from single-use packaging and priority single-use products offered for sale, sold, distributed, or imported in or into the state through source reduction, recycling, or composting. The bill would require the department, by January 1, 2025, to adopt regulations to implement the act and, before adopting the regulations, to conduct extensive outreach, as prescribed, and to identify and evaluate specified provisions for potential inclusion in the regulations. The bill would require the department to establish a Circular Economy and Waste Pollution Reduction Panel for the purpose of identifying barriers and solutions to creating a circular economy consistent with the act. The regulatory scheme would include, among other requirements, registration, reporting, and recordkeeping requirements. The bill would require reports and data provided to the department pursuant to the act to be accurate and attested to under penalty of perjury, thereby imposing a state-mandated local program by expanding the crime of perjury. The bill would prohibit a retailer or wholesaler, as defined, from offering for sale or selling single-use packaging, products packaged in single-use packaging, or priority single-use products if the producer of the single-use packaging or priority single-use product is listed as noncompliant for that packaging or product category on the department's internet website on a list that the bill would require the department to post, as specified. The bill would prohibit certain online marketplaces, upon notification from the department, from allowing on the online marketplaces the offering for sale, sale, or distribution into the state of single-use packaging, a product packaged in single-use packaging, or a priority single-use product if the product or packaging is identified as noncompliant with the act in the notice provided by the department. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b></p>	<p>Watch</p>
<p><a href="#">SB 68</a> <a href="#">Galgiani D</a></p> <p>Hazardous waste: treated wood waste.</p>	<p>SENATE VETOED 9/29/2020 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.</p>	<p>Existing law, as part of the hazardous waste control laws, requires treated wood waste 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 specified requirements. Existing law requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information that contains a specified message, including a certain internet website address at which more information can be found, at or near the point of display or customer selection of treated wood and treated wood-like products, as provided. Existing law requires the wood preserving industry, as defined, to, jointly and in consultation with the Department of Toxic Substances Control, make information available to generators of treated wood</p>	<p>Support</p>

		<p>waste that describes how to best handle, dispose of, and otherwise manage treated wood waste. Existing law repeals these requirements on January 1, 2021. A violation of the hazardous waste control laws is a crime. This bill would extend the operation of those provisions, as recast by this bill, indefinitely. By extending a crime, the bill would impose a state-mandated local program. The bill would authorize the message to be posted at the point of sale, in addition to at the point of display or customer selection. The bill would update in the message the internet website address at which more information can be found and would require the message to include an additional specified statement relating to the internet website at which the list of approved landfills that accept treated wood waste can be found. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/25/2020</b></p>	
<p><a href="#">SB 667</a> <a href="#">Hueso D</a></p> <p>Greenhouse gases: recycling and organic waste reduction: needs assessment.</p>	<p>ASSEMBLY DEAD 8/31/2020 - Failed Deadline pursuant to Rule 61(b)(18). (Last location was A. INACTIVE FILE on 8/26/2020)</p>	<p>Existing law requires the State Air Resources Board, no later than January 1, 2018, to approve and begin implementing a comprehensive short-lived climate pollutant strategy to, among other things, achieve a reduction in the statewide emissions of methane by 40% below 2013 levels by 2030. As part of that methane emissions reduction goal, existing law establishes a target to reduce organic waste in landfills by 75% below 2014 levels by 2025. The California Integrated Waste Management Act of 1989 declares 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 annually thereafter. This bill would require the Department of Resources Recycling and Recovery to develop, on or before January 1, 2023, and would authorize the department to amend, a 5-year needs assessment to support innovation and technological and infrastructure development, in order to meet the above-mentioned organic waste reduction and recycling targets, as provided. <b>Last Amended on 8/24/2020</b></p>	Support
<p><a href="#">SB 1044</a> <a href="#">Allen D</a></p> <p>Firefighting equipment and foam: PFAS chemicals.</p>	<p>SENATE CHAPTERED 9/29/2020 - Approved by the Governor. Chaptered by Secretary of State. Chapter 308, Statutes of 2020.</p>	<p>Existing law authorizes the State Fire Marshal to make such changes as may be necessary to standardize all existing fire protective equipment throughout the state and requires the State Fire Marshal to notify industrial establishments and property owners having equipment for fire protective purposes of the changes necessary to bring their equipment into conformity with standard requirements. This bill, commencing January 1, 2022, would require any person, as defined, including a manufacturer, as defined, that sells firefighter personal protective equipment to any person to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill would require the seller and the purchaser to retain a copy of the written notice on file for at least 3 years and to furnish the notice and associated sales documentation to the Attorney General, a city attorney, a county counsel, or a district attorney within 60 days upon request, as provided. The bill would authorize the Attorney General, a city attorney, a county counsel, or a district attorney to request from a manufacturer, and the bill would require the manufacturer to provide, a certificate of compliance that certifies that the manufacturer is in compliance with these provisions. The bill would provide that a violation of these requirements is punishable by a specified civil penalty upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. This bill contains other related provisions. <b>Last Amended on 8/24/2020</b></p>	

<p><a href="#">SB 1156</a> <a href="#">Archuleta D</a></p> <p>Lithium-ion batteries: illegal disposal: fire prevention.</p>	<p>SENATE DEAD 8/31/2020 - Failed Deadline pursuant to Rule 61(b)(18). (Last location was S. INACTIVE FILE on 9/1/2020)</p>	<p>The Rechargeable Battery Recycling Act of 2006 requires every retailer, as defined, to have in place a system for the acceptance and collection of used rechargeable batteries, defined to include lithium-ion batteries, for reuse, recycling, or proper disposal. The act requires the system for the acceptance and collection of used rechargeable batteries to include, at a minimum, specified elements, including, among others, the take-back of a used rechargeable battery at no cost to the consumer. This bill would prohibit a person from knowingly disposing of a lithium-ion battery in a container or receptacle that is intended for the collection of solid waste or recyclable materials, unless the container or receptacle is designated for the collection of batteries for recycling, as provided. This bill contains other related provisions and other existing laws. <b>Last Amended on 8/24/2020</b></p>	<p>Support</p>
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**Legislative Task Force**  
*CALIFORNIA CHAPTERS*

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October 6, 2020

Heidi Sanborn, Chair  
Statewide Commission on Recycling Markets and Curbside Recycling  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025

**RE. THE STATEWIDE COMMISSION ON RECYCLING MARKETS AND CURBSIDE RECYCLING- POLICY PROPOSALS**

Dear Chair Sanborn:

The Legislative Task Force (LTF) of the California Chapters of the Solid Waste Association of North America (SWANA) is pleased to provide the following policy proposals to the Statewide Commission on Recycling Markets and Curbside Recycling (Commission) for its consideration.

The SWANA is the world's largest association of solid waste management professionals (more than 10,000 members). SWANA's California chapters represent more than 1,100 of those members. The LTF represents the California Chapters on solid waste-related legislative and regulatory issues, including:

- **Collection and Processing:** collection, transfer, processing and/or pre-processing, and hauling solid waste (refuse, organics, recyclables);
- **Disposal:** disposing of refuse and residue from collection routes and non-disposal facilities;
- **Resource Recovery and Marketing:** sorting and marketing of recyclables and processing organics for compost or conversion to fuel or power;
- **Regulatory Compliance:** regulatory reporting and compliance.

For over 30 years, the LTF has represented local governments and publicly-owned solid waste facilities in the legislative and regulatory development processes. The LTF is a diverse group of solid waste industry professionals advocating for environmentally-sound and sustainable solid waste policies. The LTF also seeks funding support from the State of California in building and maintaining the infrastructure needed to fulfill waste management mandates and adapt to global conditions such as COVID-19 and China's "National Sword/Blue Sky" Policy of 2018.

LEGISLATIVE ADVOCATE

Priscilla Quiroz

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## **SWANA LTF RECOMMENDED POLICIES PROPOSALS**

### **Organic and Recycling Infrastructure Development/SB 1383 Compliance**

The COVID-19 pandemic has exacerbated the difficulties of local governments in complying with State waste management mandates, such as AB 939 (Sher, 1989), AB 341 (Chesbro, 2011), AB 1826 (Chesbro, 2014), and SB 1383 (Lara, 2016). The SB 1383 regulations set ambitious management goals for organic waste, incorporating significant penalties for noncompliance, in an era where COVID-19 has decimated revenue sources for local government. COVID-19 has increased the use of disposable products, and it has shifted organic waste from commercial to more-difficult-to-manage residential sources. Providing efficient collection is the first challenge. Processing waste materials is the second, even more challenging, obstacle course of siting, permitting, and financing several billion dollars' worth of new facilities. And last, perhaps the most important, there must be markets for the materials and new end-use products once they are processed. China's "National Sword Policy/Blue Sky" allows the importation of some types of contaminant-free recyclables, but it highlights need for local markets as we saw a significant drop in demand for separated recyclable materials in the export markets.

In the past, the LTF has been actively engaged in educating CalRecycle and State lawmakers regarding the urgent and the critical need for infrastructure to comply with the requirements of AB 939 (1989), AB 341 (2011), AB 1826 (2014), SB 1383 (2016) and other related state mandates. CalRecycle estimates 41 percent of the waste disposed annually in California is compostable organics (approximately 16 million tons), half of which is considered food waste. Californians will be required to reduce the amount of organic waste (compostable and non-compostable, e.g. textile, carpet, etc.) from landfill disposal by 75 percent by the year 2025 compared to 2014 disposal rates. This will require billions of dollars in new waste processing infrastructure.

CalRecycle estimates the cost to construct an anaerobic digester facility is upward of \$50 million and estimates the cost to construct a compost facility is upward of \$15 million. It has also been estimated that approximately 100 new facilities will be required, resulting in capital investment among processors of up to \$1 – \$3 billion. The current GGRF allocations to CalRecycle are significantly less than necessary to provide financial support and there are extremely limited other grant funding sources for the successful development of infrastructure to support the implementation of SB 1383. Additionally, on September 23, 2020, the Governor issued the Executive Order No. 90-20 stipulating that it shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks shall be zero-emission by 2035, which potentially could have a negative impact on markets for Renewable Natural Gas (RNG) generated at anaerobic digester facilities.

In consideration of the information provided above for Organic and Recycling Infrastructure, the LTF recommends the following:

- In light of COVID-19 and its economic impacts on public and private sectors, advocate for extending the SB 1383 legislative and regulatory deadlines until such time as State has recovered from the COVID-19 negative economic impacts.
- Advocate for increased GGRF allocations for the development of needed recycling/diversion infrastructure (new and expansion of existing facilities) for organic and other types of recyclable waste.



- Require CalRecycle and the California Air Resources Board (CARB) in concert with each county planning agency, to update existing facilities' land-use permitted daily capacity (if available, otherwise the most restrictive daily capacity) and disseminate information on capacity deficits and costs associated with organic waste diversion in light of COVID-19. Further, require CalRecycle and CARB to identify the capability of existing facilities to process the anticipated additional materials.
- Direct CalRecycle and CARB to inform the State Legislature and local officials of the compliance challenges and costs, both to comply and for noncompliance.
- Promote legislation that would recognize a jurisdiction's "good faith efforts" toward compliance with SB 1383's legislative and regulatory mandates (e.g. SB 1191, Dahle, introduced in 2019).
- Direct CalRecycle and CARB to identify alternative markets for RNG to encourage diversion to AD facilities, and incentives to encourage investments in such markets.
- Advocate for the development and use of Advanced Conversion Technologies such as gasification to recycle organic materials that cannot otherwise be diverted via aerobic composting and/or anaerobic digestion technologies.

### CRV/California Redemption Value

The California existing advance deposit system generates approximately \$1.3 billion collected by the state. Since an average of only 80% of containers are returned, CalRecycle uses some of the surplus fees to subsidize privately-owned and -operated redemption centers established in "convenience zones" located near beverage retailers. The CRV program has resulted in an average of 80% of qualified containers being recycled, but to remain fiscally stable, the program has required more than 60 legislative amendments since its enactment in 1985.

In the past few years, the state's supplemental formula has become outdated, China's recycling policy changes have crippled the global market, scrap value of beverage containers material has plummeted, and operating costs have steadily risen. The cumulative effect of these factors has resulted in a critical reduction in operating revenue for the privately-operated redemption centers and led to the closure of approximately half of the 2,500 CRV convenience zone centers statewide. The CRV program requires beverage retailers to provide deposit redemption services to customers or pay penalties. Some retailers have attempted to provide service but were unprepared for the volumes and complexity of the program, while other retailers have just chosen to pay the fines associated with non-compliance with the law. With convenience center closures, the surviving convenience centers have been overwhelmed with customers trying to redeem their deposits.

In consideration of the information provided above for CRV/California Redemption Value, the LTF recommends the following:

- Support efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments.
- Focus efforts on workforce education to assist Recycle Center operators in performing their functions, rather than Inspections that result in excessive and punitive fines.



- Tie expansion in the types of CRV containers, or the amount of the CRV, to improvements in the buy-back system and ensure that beverage distributors are being audited efficiently at the point of purchase.

### Single-Use Plastic and Packaging

China's National Sword/Blue Sky policy continues to have significant impacts on the market value of recyclable materials, with the added complication of protocols for worker safety at materials recovery facilities due to COVID-19.

Many materials are increasing in volume, but they have virtually no market value and must be landfilled. One of the best ways to address the massive volume of single-use plastics is to "source reduce" this material, or to generate less of it in the first place. A second important way to address plastic recycling challenges is to expand markets within California.

In consideration of the information provided above for Single-Use Plastic and Packaging, the LTF recommends the following:

- The Legislature, in concert with CaRecycle, product producers, local governments, waste industry/waste haulers, and other stakeholders develop and introduce legislative proposals similar to AB 1080 (Gonzalez) and SB 54 (Allen), which were introduced during the 2019-2020 Legislative Session. The authors of these bills have expressed a willingness to reintroduce updated version of the bills during the upcoming Legislation Session.
- Promote legislative efforts to implement Extended Producer Responsibility and/or reduce the amount of unrecyclable single-use packaging produced, while reducing the cost to recycle single-use products that must be produced (similar to AB 793, Chapter 115 of the 2020 State Statutes, Ting).

### Special Waste – Lithium Ion Batteries

Lithium Ion Batteries (LI Batteries) have the potential to catch fire and explode when crushed or penetrated, and thus pose a significant public health and safety risk, as well as proven significant risk infrastructure, especially to solid waste transportation and processing facilities in California and across the nation. AB 1509 (Mullin) was introduced during the 2019-2020 Legislative Session to create a solution to the threat of improper disposal of LI Batteries. SB 1156 (Archuleta) was also introduced during that legislative session and attempted to address this issue by prohibiting a person from knowingly disposing of a lithium-ion battery in a container or receptacle that is intended for the collection of solid waste or recyclable materials, unless the container or receptacle is designated for the collection of batteries for recycling. Unfortunately, neither bill was enacted.

In consideration of the information provided above for Special Waste – Lithium Ion Batteries, the LTF recommends the following:

- Direct CalRecycle and the California Department of Toxic Substances Control (DTSC) to work with industry to identify and implement solutions for the Lithium Ion Battery issues, such as promoting recyclability, EPR, E-waste program inclusion, and/or "Right to Repair" legislation to improve product design.



## Market Development

Solid waste policies are needed at the federal, state, and local level to 1) reduce the amount of waste generated by all sectors of society; 2) ensure, to the greatest extent possible, that waste materials generated can be reused, recycled, or composted; and 3) promote markets for the recyclable materials recovered and compost produced. With consideration for the 2017 China National Sword/Blue Sky policy, the need for local markets and “closed loop” products has been greatly increased. Additionally, increased organic waste processing will result in the generation of increasing amounts of compost material. Markets for compost are already challenging. The agricultural industry usually has very exacting specifications for soil amendments, and it has little use for composted organic waste created from municipal collected organic wastes that include food packaging waste materials. Markets for an increasingly abundant product must be promoted, for example with policies for use of these materials on State lands, and with local land use policies.

When there is no market for composted or recyclable materials, or RNG, local governments are unable to comply with waste diversion mandates. When infrastructure to process materials does not exist, often it is because there is no market for the resultant products, which leads to local governments not able to comply with waste diversion mandates.

In 2018, proposed legislation, AB 3178 (Rubio), would have required CalRecycle to consider the availability of markets and a jurisdiction’s good faith efforts to recycle. Although the bill passed the legislature, it was vetoed by the Governor whose veto message stated that CalRecycle already has the authority to do that.

In 2019, SB 667 (Hueso) was introduced to comprehensively address market issues associated with GHGs and solid waste. This bill would have required the development of a needs assessment to support innovation and technological and infrastructure development, to meet specified organic waste reduction and recycling targets. It also included provisions to support development of interstate recycling infrastructure and markets for recyclable materials. However, the bill did not make it through the legislative process.

There is a crucial need for local markets and resources to support necessary diversion infrastructure, new technologies to recover energy, fuels, chemicals, and electricity.

In consideration of the information provided above for Market Development, the LTF recommends the following:

- The Commission, in concert with CalRecycle and CARB, should develop legislative recommendations to promote markets and provide for the end-use of recycle products.
- The Commission and CalRecycle should promote the expansion of the existing market development zones and enhancement of the allocated state funding.

## Advanced Conversion Technologies

As the Commission is surely aware, the California Public Resources Code contains a number of provisions that make the application of what is commonly referred to as Advanced Conversion Technologies (ACT) very difficult. ACT, such as pyrolysis and other thermal processes, are considered to be forms of disposal (i.e., transformation) rather than “recycling”. In our view, this developed out of concerns that such technologies are “once through” processing, more akin to incineration rather than recycling. Yet, many other forms of recycling result in significantly less than 100% reuse or recycling. Thus, less than 100% recycling should not be viewed as a barrier – at least in the near term. The LTF



understands that this matter has been highly controversial and subject to much discussion and debate over the past many years. Unfortunately, in our view, the limitations on using such technologies is making, and will continue to make, it even more difficult to achieve the 75% recycling goals.

There has been considerable interest by some in recent years to expand “recycling” to include the use “advanced conversion technologies,” which include a wide array of state-of-the-art technologies capable of converting unrecyclable solid waste into useful products in an environmentally beneficial way as follows:

- Production of low carbon fuels, energy, and chemicals.
- Minimize criteria and toxic air emissions consistent with California law.
- Minimize disposal or release of any waste to land or water consistent with California law.
- Fossil derived waste only recovered for new non-fuel, non-energy feedstocks for new products (e.g. plastic to plastic).
- No use of fossil derived waste for fuels or energy, to encourage net zero GHG emissions.
- Encourage the development of ACT methods in California, rather than adjacent states.

In consideration of the information provided above for Advanced Conversion Technologies, the LTF recommends the following:

- The Commission should evaluate advanced conversion technologies to determine if they may be applied to manage post-recycled solid waste residuals to beneficially and sustainably recover useful materials for recycling, fuels, energy, and chemicals.

Thank you for consideration of the above recommendations. The LTF welcomes any questions you or any other member of the Commission may have.

Sincerely,



Eric Zetz, Chair



### Legislative Task Force

CALIFORNIA CHAPTERS

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