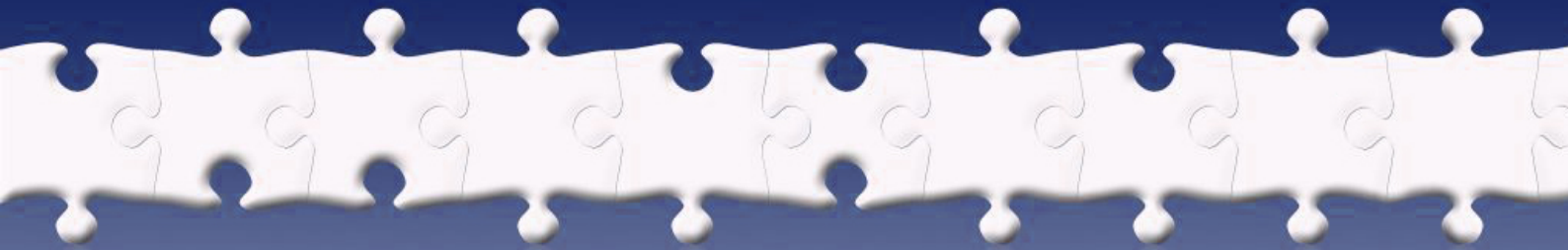


# 2019 LEGISLATIVE AND REGULATORY PLATFORM



## MISSION STATEMENT:

*To represent local government interests and the three California Chapters' membership in developing and advocating environmentally and technically sound, economical solid waste policy at the most appropriate government level.*



LEGISLATIVE TASK FORCE  
California Chapters

# 2018 Legislative Session

# YEAR IN REVIEW

## *Message from Chair*

Over the last 28 years, the SWANA Legislative Task Force (LTF) has been representing the interests of local governments and publicly-owned solid waste facilities during the legislative and regulatory development processes. The LTF continues to advocate for environmentally sound, economical, and technically feasible solid waste policies. Today, we also advocate for the State to step up and provide financial assistance to help build the vast new infrastructure needed to fulfill the recently-enacted organics recycling mandates.

Lawmakers in Sacramento must recognize it takes time and resources to build new waste management and recycling infrastructure in California. Challenges still exist with siting, permitting, and financing new facilities. As an example, SB 1383 (Chapter 395 of 2016 Statutes) sets ambitious near-term diversion goals for organic waste, with significant penalties for noncompliance. These goals will be extremely difficult to meet by the bill's deadlines and will require several billion dollars of capital investment. In 2018, the LTF engaged in SB 1383 implementation in several ways: (1) we actively participated in CalRecycle's rule development process for this bill, (2) we supported legislation that would account for a jurisdiction's good faith efforts in trying to meet these new recycling mandates, and (3) we shared our perspective directly with Legislators, the Governor's office, CalRecycle and other key stakeholders.

Policymakers must also recognize the urgent need to develop markets for the recyclable materials recovered from the waste stream. In 2018, the biggest market for California's recyclables virtually vanished overnight. China imposed the "National Sword Policy," banning many types of recyclable materials from entering the country. While China is now allowing the importation of some types of contaminant-free recyclables, all recyclables importation will be banned by 2020. Creating new markets for these recyclable materials will be critical in order for California to sustain recycling programs. This will be a high priority issue for the SWANA LTF in 2019.

As every year passes, the need for a strong, collective voice in Sacramento on solid waste management and recycling issues only grows. I am proud to say that the SWANA LTF has provided that representation in 2018 and will continue these efforts in 2019.

With warmest regards,

Glenn Acosta  
2018 Chair

# 2018 Legislative Session

# YEAR IN REVIEW

After the end of each year, the Solid Waste Association of North America (SWANA) California Chapters Legislative Task Force (LTF) reviews the results of the current legislative session and defines the advocacy priorities for the coming year. This Legislative and Regulatory Platform summarizes those priorities and serves as a policy guide for the LTF when it considers taking positions on proposed legislation draft regulations, performing advocacy, and conducting outreach.

The Platform is organized as follows:

- Introduction
- 2018 Key Outcomes
- 2019 Outlook
- 2019 Priorities
- Advocacy Topics

## **About the LTF**

SWANA is the world's largest association of solid waste professionals (over 8,000 members). SWANA's California chapters represent more than 900 members. The LTF is responsible for representing the three California Chapters on legislative and regulatory issues by being a proactive advocate of environmentally and economically sound solid waste legislation and regulations.

## **2018 Legislative Task Force Work Summary**

The LTF contracts with Shaw/Yoder/Antwih (SYA) for legislative and regulatory advocacy services. Together, annual activities include an annual spring planning meeting, annual visit to the State Capitol, monthly conference calls to monitor, review and take action on bills and regulations of interest, and a year-end meeting to review the past legislative session and define the advocacy priorities for the coming year. SYA staff and LTF members actively attend legislative and regulatory hearings and provide comment. A year-end report that describes in detail the key issues that SYA worked on in 2018 for the SWANA LTF was prepared by SYA and is attached (Exhibit A). LTF comment letters, work plans, white papers and other information can be found on the LTF website. The priority legislation on which the SWANA LTF took positions and/or commented in 2018 is summarized in the Key Outcomes section of this report.

# 2018 Legislative Session

# YEAR IN REVIEW

## **Spring Legislative Review Meeting and Capitol Visit**

At the March 2018 legislative review meeting, the LTF reviewed introduced legislation and took positions on several bills. LTF officers also met separately with eleven legislators and/or their staff. Key messages shared included the LTF's concerns with recent legislation/regulation such as SB 1383 that requires more recycling but didn't include funding for infrastructure, as well as a shortage of markets, short compliance timelines, and no provisions for good faith effort. Most were sympathetic to these concerns; some suggested the LTF work to identify what reasonably can be done within the compliance deadlines and the good faith efforts that have been done to date. The officers agreed the visit was effective overall. The LTF was also pleased to learn that Assembly Member Eggman and other legislators were leading efforts to ask for \$100 million from the Greenhouse Gas Reduction Fund for recycling, organic waste management and food recovery although, unfortunately, despite their efforts, only \$25 million was appropriated by the Legislature.

## **Western Regional Symposium**

Each year, the LTF reserves a time slot at the SWANA Western Regional Symposium for a discussion of timely legislative or regulatory issues. In 2018, the LTF coordinated a panel discussion on SB 1383 Regulation Development. The panelists included Frank Caponi (LA County Sanitation Districts), Hank Brady (CalRecycle) and Kelly Astor (ASTOR & KINGSLAND, LLP representing waste haulers), and the discussion was moderated by Glenn Acosta (LTF Chair, Sanitation Districts of Los Angeles County). The LTF will provide further updates on this issue as California continues to take the lead on this critical topic.

## **Annual Year-End Planning Meeting**

At the November 2018 year-end planning meeting, the 2019 priorities identified included, among other things, organics management and funding for organics infrastructure, National Sword impacts, Lithium Ion batteries, solar panels, and development of SB 212 and SB 1383 regulations. These topics are discussed in detail under the 2019 Priorities section below.

# 2018 Legislative Session

# KEY OUTCOMES

## Key Legislation

Below is a summary bills and regulations on which the LTF took positions.

BILL	SUMMARY	LTF POSITION	OUTCOME
<b>AB 1933 (Maienschein)</b>	This bill includes activities that expand and improve waste diversion and recycling, including the recovery of food for human consumption and food waste prevention, as eligible uses for GGRF-funded in-state infrastructure projects.	Support	Signed into Law
<b>AB 1981 (Limón)</b>	The bill instructs CAL FIRE to consult with CalEPA when developing and implementing policies to aid in organic waste diversion by encouraging the use of compost.	Support	Signed into Law
<b>AB 2115 (Santiago)</b>	This bill requires the driver of a vehicle on a public street or highway approaching or overtaking a stopped waste service vehicle to make a lane change into an available lane adjacent to the waste service vehicle and pass at a safe distance.	Support	Signed into Law
<b>AB 2411 (McCarty)</b>	This bill directs CalRecycle to develop and implement a plan to maximize the use of compost in slope during post-fire debris removal services; CalRecycle to coordinate with Caltrans to increase the use of compost along roadways.	Support	Signed into Law
<b>AB 2447 (Reyes)</b>	This bill would have established additional CEQA requirements for projects that are located within ½ mile of a disadvantaged community. In his veto message, Governor Brown noted that the requirements outlined in this bill are too prescriptive.	Oppose	Vetoed
<b>AB 2921 (Low)</b>	This bill would have enacted the Expanded Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize expanded polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form the Expanded Polystyrene Food Service Packaging Recycling Organization.	Oppose Unless Amended	Held in Assembly Natural Resources Committee
<b>AB 3178 (Rubio)</b>	This bill aimed to ensure that California accounts for changes in markets when determining local governments' "good faith effort" to meet the requirements of the Integrated Waste Management Act of 1989. In his veto message, Governor Brown stated that, in his view, "[c]urrent statute and regulations already require the Department to consider market conditions when reviewing a local jurisdiction's compliance with recycling laws. As such, this bill is not necessary."	Support	Vetoed

# 2018 Legislative Session

## KEY OUTCOMES

BILL	SUMMARY	LTF POSITION	OUTCOME
<b>AB 3187 (Grayson)</b>	This bill aims to expand the ability of gas corporations to be able to recover pipeline interconnection costs. This bill requires the CPUC to open a proceeding to consider options to promote the in-state production and distribution of biomethane and related rate recovery by no later than July 1, 2019.	Support	Signed into Law
<b>SB 168 (Wieckowski)</b>	This bill would have required, commencing January 1, 2020, a beverage container that is a PET plastic container to be constructed with a minimum of 20% postconsumer recycled plastic.	Support	Died on Assembly Floor
<b>SB 212 (Jackson, Ting, and Gray)</b>	This bill establishes comprehensive statewide take-back systems for home-generated sharps waste and pharmaceutical medications.	Support	Signed into Law
<b>SB 452 (Glazer)</b>	This bill would have made a variety of changes to the “Bottle Bill” program. In his veto message, Governor Brown said that SB 452 (Glazer) is inconsistent with his Administration's principles for reforming and modernizing this program and that any legislation to update these statutes should balance three different components: fiscal sustainability, improved collection, and incentives for innovative recycling.	Neutral	Vetoed
<b>SB 1335 (Allen)</b>	This bill prohibits a state food service facility from dispensing prepared food using food service packaging unless the packaging is on a specified list created and maintained by CalRecycle and has been determined to be reusable, recyclable, or compostable.	Support	Signed into Law
<b>SB 1440 (Hueso)</b>	This bill aims to ensure that California can create sufficient levels of in-state production and distribution facilities for biomethane. The bill would accomplish this goal by requiring the the CPUC, in consultation with the California Air Resources Board (CARB) to consider the appropriateness of adopting specific procurement targets or goals for biomethane procurement to make sure that each gas corporation is procuring its proportionate share.	Support in Concept	Signed into Law

# 2018 Legislative Session

# KEY OUTCOMES

## Other Legislation

In addition to the priority bills described above, below are highlights of additional bills the SWANA LTF monitored in 2018. No formal position was taken on these bills.

BILL	SUMMARY	OUTCOME
<b>AB 1884 (Calderon)</b>	This bill requires full-service restaurants to only provide plastic straws upon customer request. The goal of this legislation is to reduce plastic pollution and prevent plastic straws from harming wildlife and negatively impacting California's oceans and waterways while also encouraging individuals to change their behavior toward single-use plastic items.	Signed into Law
<b>AB 1975 (Chu)</b>	This bill would have required CalRecycle, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District and the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would have required the taskforce, by January 1, 2020, to identify sources of odor emissions in the region represented by the taskforce representatives and provide updates on inspections and enforcement actions conducted by each enforcement agency represented on the taskforce.	Held in Assembly Appropriations Committee
<b>SB 100 (de León)</b>	This bill increases the California Renewables Portfolio Standard recruitment from 50% by 2030 to 60% by 2030 and establishes a policy of planning to meet all of the state's retail electricity supply with a mix of RPS-eligible and zero-carbon resources by December 31, 2045, for a total of 100% clean energy.	Signed into Law



# 2018 Legislative Session

## KEY OUTCOMES

### Key Regulatory Activities

Below is a summary of proposed regulations on which the LTF provided input and formal comments.

REGULATION	SUMMARY	LTF POSITION / COMMENTS	STATUS
<b>AB 901 Reporting Regulations</b>	AB 901 was signed by Governor Brown in 2015. The purpose was to change how disposal and recycling data is reported to CalRecycle. Waste, recycling, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost will be required to submit specified information directly to CalRecycle.	Initial concerns, but many improvements were made regarding timeframes, alternative methods of reporting, and civil penalties, among others.	CalRecycle staff is currently reviewing feedback on the 8 <sup>th</sup> draft of the regulatory text, released in October 2018. The first round of reporting is anticipated to begin in early 2019.
<b>SB 1383 Organics Recycling Regulations</b>	SB 1383 codified ARB's Short-Lived Climate Pollutants Reduction Strategy to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, 75% by 2025, and not less than 20% of edible food to be recovered for human consumption by 2025. Requirements on local jurisdictions, haulers, and generators.	Concerns about inconsistent definitions, cost and timeline feasibility, and other issues. Some helpful changes have been made but concerns remain.	In May, CalRecycle hosted the final informal public workshop. CalRecycle expects to release draft regulatory text in late 2018 or early 2019.
<b>Composting Air Quality Permitting and Regulatory Issues</b>	In response to concerns about permitting to reach the goals of SB 1383, CalRecycle, CARB, and CAPCOA hosted a workshop to discuss these issues.	Support of co-location compost facilities at landfills and expansion of EPS, requested clarification re: best available control technology.	No additional workshops have been announced, but the LTF will continue to have related conversations with these agencies.
<b>CalSAFER/DTSC Mgmt of Lead-Acid Batteries</b>	Under DTSC, CalSAFER released a draft 2018-2020 Priority Product Work Plan, proposing to add Lead-Acid Batteries.	The LTF highlighted the need to include lithium ion batteries as well.	The Final 2018-2020 Work Plan has been released. LI batteries were not included.
<b>Ocean Litter Prevention Strategy</b>	The Ocean Protection Council released a Revised Draft California Ocean Litter Prevention Strategy, focused on addressing marine debris.	Supported many aspects of the Strategy, particularly the focus on EPR.	The Final Strategy was released and adopted in April 2018



# 2019 Legislative Session

# OUTLOOK

## 2019 Policy Drivers

### November 2018 Elections / Changes in Administration

The 2018 General Election brought record voter turnout. As expected, former Lieutenant Governor and Mayor of San Francisco Gavin Newsom was elected to serve as the next Governor of California. The new gubernatorial administration is likely to continue many of the initiatives Governor Brown promoted, while establishing new priorities and appointing new executive decision makers.

After losing the 2/3 supermajority in both houses last year due to the #MeToo movement and a recall election after the passage of the "gas tax," Democrats have now regained a 2/3 supermajority in both statehouses. Hypothetically, this means Democrats can pass tax increases and fees, place bonds or constitutional amendments on the ballot, enact laws immediately with an urgency clause, and override vetoes, without needing to get Republicans on board. However, many Democrats are aligned with the "New Democrats," a moderate voting bloc that demonstrates ideological diversity among Democrats.

New legislators will bring new perspectives and priorities to the State Capitol, and we will be paying close attention to new committee assignments, which significantly impact our advocacy efforts. Developing relationships with new electeds and their staff will be a primary goal for the LTF next year.

### Policies to Increase Recycling and Composting of Solid Waste

Many significant solid waste bills have been enacted since 2011 that have had a significant impact on the solid waste industry and local governments. Some of the more notable include:

- AB 341 (2011) - This legislation, among other things, established the State's policy goal that 75% of solid waste generated be source reduced, recycled, or composted by 2020, imposed mandatory commercial recycling (MCR) on businesses and multi-family dwellings, and required jurisdictions to implement MCR programs and include those programs in their annual reports to CalRecycle.
- AB 901 (2015) - This law requires recycling, disposal, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost to

# 2019 Legislative Session

# OUTLOOK

submit information directly to CalRecycle on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. Civil penalties may be imposed for failure to comply.

- AB 1594 (2014) - This statute provides that effective 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 AB 939 (1989).
- AB 1826 (2014) - This statute requires certain businesses and multi-family dwellings to recycle organic waste (phased in over 4 years beginning in 2016) and jurisdictions to implement organic waste recycling programs. Under this Statute, "organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.
- SB 1383 (2016) – This statute required the ARB to develop and implement a strategy to reduce short-lived climate pollutants (SLCP), including methane from landfills. The SLCP Reduction Strategy was approved by the ARB in March 2017. This statute requires CalRecycle to adopt regulations to achieve a 50 percent reduction in the level of statewide organic waste disposal from the 2014 level by 2020, a 75 percent reduction by 2025, and not less than 20 percent recovery of edible food "currently" disposed by 2025. CalRecycle may impose penalties (up to \$10,000/day) on a jurisdiction for noncompliance with CalRecycle's adopted regulations.

## **Climate Change and Renewable Energy**

Likewise, much of solid waste management and legislation in California is driven by state policies related to climate change and renewable energy. Some of the more significant bills and policies enacted in recent years include:

- SB 32 (2015) – Extended cap-and-trade program to 2030
- SB 350 (2015) – Extended Renewable Portfolio Standard to 50% by 2030
- SB 1383 (2016) – Sets goals to reduce Short-Lived Climate Pollutants, including 40% reduction below 2013 levels in methane emissions by 2030
- Short-Lived Climate Pollutant Strategy (2017) – ARB strategy to reduce livestock and landfill methane emissions via organic waste diversion
- SB 100 (2018) – Sets goal for renewable energy and zero-carbon resources to supply 100% of retail sales of electricity by 2045

# OUTLOOK

## Market Changes

### China National Sword Policy

In 2017, China announced that 24 categories of materials including recovered mixed paper, recycled plastics, textiles and other materials, would be banned from import into the country later in the year. In January 2018, China confirmed strict contamination standards of 0.5% for plastic, ferrous metals, and other materials, that took effect March 1, 2018. The changes have resulted in significant challenges for statewide recycling industry and local governments as each year, California exports approximately one-third of its recyclable material – most of that to China. In July 2018 China declared its intent to ban all recyclable scrap imports entirely by 2020.

In 2018, proposed legislation AB 3178 would have made finding related to the impacts from the policy and required CalRecycle to consider jurisdictions' good faith efforts to recycle. While the bill passed, it was vetoed by the Governor whose veto message stated that CalRecycle already has the authority to do that.

The crucial need for local markets, resources to support necessary diversion infrastructure, new technologies to recover energy, fuels and chemicals, and support for producer responsibility will dominate the LTF's 2019 efforts.

# 2019 Legislative Session

# PRIORITIES

## 2019 Anticipated Regulatory & Legislative Priorities

This section describes the legislation, regulation or other issues that the LTF will likely focus on, prioritize, and actively engage on. Once new bills are introduced in the 2019 session, additional priorities may be identified.

### **Organics Diversion and Infrastructure Development**

The cost to develop the necessary statewide infrastructure and programs to support SB 1383 is substantial. CalRecycle estimates infrastructure costs alone at \$3 billion. Each year, the LTF urges the Legislature to allocate additional funding to CalRecycle. In 2018, the funding was not increased, and actually reduced from the originally proposed \$40 million to only \$25 million. The LTF will continue to advocate in support of more GGRF dollars and other incentives for CalRecycle to support waste diversion and recycling infrastructure and other funding opportunities.

### **China National Sword Policy**

China's National Sword policy that implemented strict contamination standards on recycled waste has significantly impacted the marketability of most recovered plastics and mixed paper. In addition, China announced it would also ban imports of post-industrial plastic by the end of 2018. While some commodity prices have dropped significantly, others have virtually no market value and increasingly have to be landfilled. The LTF will continue to discuss this issue with CalRecycle and legislators to address the significant challenges this ban presents. The LTF will continue to support expanded markets and technologies for the beneficial recycling, use, and recovery of solid wastes.

### **Lithium Ion Batteries**

Lithium batteries are found in many portable electronic devices including laptops, smart phones, even pacemakers and vaping pens. While they are generally safe, they have been known to short circuit and catch fire or explode. When improperly disposed, this can pose a public health and safety risk. When fires occur at solid waste facilities, the damage can be costly, dangerous, and result in insurance liability issues. The LTF will work to promote recyclability and product stewardship solutions.

# PRIORITIES

## **Rulemaking on Photovoltaic Modules (Solar Panels) Universal Waste Regulations**

In 2018, the LTF joined with a coalition of concerned parties to urge the Department of Toxic Substances Control (DTSC) to move quickly to adopt regulations to designate end-of-life photovoltaic modules as universal hazardous waste. Without this designation, the items must be managed as hazardous waste, which is very expensive. This will become a significant issue in the coming years as more of these products enter the waste stream. The LTF will continue to engage with DTSC to ensure that these important regulations are completed promptly.

### **SB 212 Regulations**

On September 30, 2018, Governor Brown signed SB 212, which requires a statewide take back program for pharmaceuticals and sharps products from households. The bill requires manufacturers to create, fund, and operate a stewardship program that provides for the take-back of covered drugs and mail back of home-generated sharps waste from households. CalRecycle is required to adopt implementing regulations by January 1, 2021. The LTF will monitor and engage in the SB 212 regulatory process.

### **SB 1383 Regulations**

In May 2018, CalRecycle hosted the final informal public workshop to discuss regulatory concepts for SB 1383 implementation. Concepts included expanding organic collection to all generators, expanded definition of organic waste, mandatory local enforcement program, mandatory procurement of compost products, prescriptive standards for collection and outreach programs, hauler requirements, landfill and MRF performance standards, verification of new technologies for the use and recovery of solid wastes, and enforcement on agencies for noncompliance. CalRecycle is expected to begin the formal rulemaking process late 2018 or early 2019. The LTF will continue to review, discuss, and weigh in on this regulatory process which significantly impacts local jurisdictions, their businesses and residents, and solid waste industry across the State.

# 2019 Legislative Session

# PRIORITIES

## 2019 Additional Focus Areas

The LTF will actively monitor and engage on the following, as appropriate.

### **AB 901 Regulations**

The eighth draft of the proposed regulatory text was released on October 31, 2018 for a 15-day formal comment period that closed on November 15, 2018. According to CalRecycle's, the first round of reporting is scheduled to begin in early 2019. As mentioned, the regulation significantly expands the reporting requirements for recycling, disposal, and compost facilities, as well as exporters, brokers, and transporters, which will be burdensome and costly to industry and local governments.

### **CalRecycle Packaging Reform Concepts**

CalRecycle held a final informal public workshop to discuss legislative and regulatory concepts pertaining to packaging reform on October 10th, 2017. CalRecycle staff continues to develop policy recommendations. The LTF will continue to monitor CalRecycle and the Legislature's packaging reform efforts.

### **Future of E-waste, Expansion of Covered Electronic Wastes**

CalRecycle formally adopted recommendations to include additional electronic items in the Covered Electronic Waste Program at its May 2018 public meeting. This concept will include electronic devices that may or may not be regulated as hazardous universal waste. Moving forward, CalRecycle will continue to engage stakeholders on these recommendations. This effort will require legislative changes to the current program. The LTF will watch and support CalRecycle efforts to add more products to the E-waste program.

### **Perfluorooctanoic acids (PFOAs)**

PFOAs and similar compounds are used for non-stick coatings on paper plates and bowls, pizza boxes and similar products, which often are disposed of in landfills and can potentially be a source of PFOAs released to the environment. Research indicates the potential for health impacts related to presence of PFOAs in the environment, including as a contaminant in groundwater. The LTF will support efforts to reduce use of PFOA and PFOS compounds in consumer products and other applications.

# 1

# Laws and Regulations

## Goal

Ensure, through active participation in the development and review process, that proposed laws and regulations protect health, safety and the environment, and are economically and technically feasible.

## Policy Principles

- Promote SWANA LTF position papers on specific high priority issues such as the 75% Recycling Goal, organic waste diversion and funding, and SWANA National positions and technical policies.
- Promote development of domestic markets for recycled materials including organics; recycled content requirements for specific product types.
- Promote Extended Producer Responsibility (EPR), product stewardship, and waste prevention, and incentivize waste prevention, beneficial reuse and material recovery.
- Promote policies that protect worker safety and facilities in the solid waste industry.
- Promote opportunities for meaningful stakeholder input in the development of plans, policies and regulations, and promote practical approaches to development and implementation of new programs and requirements.
- Encourage the development of cost-effective organics management programs and infrastructure that best fits each jurisdiction's demographics, availability of facilities and waste characteristics.
- Promote a science-based approach that balances costs with environmental benefits, using tools such as life cycle analysis.
- Encourage energy recovery from municipal solid waste (MSW) by supporting legislation to eliminate legislative and regulatory barriers and create incentives and a tier for emerging technologies.



## 2019 Advocacy Activities

1. Participate in the SB 1383 rulemaking process, and urge CalRecycle to use a “good faith effort” approach to determine if a jurisdiction has made reasonable and justifiable efforts to comply. Additionally, emphasize that achieving organic waste reduction goals for 2020 and 2025 is a shared responsibility between the waste sector, State government, local agencies, business community and the public. Inform Legislature and local officials of the compliance challenges and costs, both to comply and for noncompliance.
2. Urge California Air Resources Board (CARB) and the Legislature to provide funding and resources for SB 1383 implementation.
3. Monitor AB 901 implementation to assure that it balances development of robust data with the administrative burden on haulers, facilities and jurisdictions.
4. Work with SYA to identify solutions to Lithium Ion Battery issues, such as EPR, E-waste program inclusion, and/or “Right to Repair” legislation to improve product design.
5. Watch and support CalRecycle efforts to add more products to the E-waste program.
6. Continue to identify solutions for the management of solar panels, such as improvement in labeling to reduce need to test. Assess the scope and cost of problem and discuss these details with solar manufacturers. Watch DTSC efforts and urge DTSC to seek authority from EPA to regulate the items, or a nearer-term solution for household panels.
7. Track and comment as appropriate on implementation of new greenhouse gas reduction programs and requirements as well as air quality monitoring and reduction programs pursuant to AB 617 (2017).
8. Track and comment, as necessary, on Air Resources Board and regional air control/management districts regulatory activities that impact solid waste facilities permitting and operation.
9. Continue to follow and comment on the efforts by the California Air Pollution Control Officers Association (CAPCOA), CARB, and CalRecycle to address air quality permitting and regulatory issues for expanding existing and siting new composting facilities in California.
10. Participate in legislative efforts to reform beverage container funding, such as adjustments to CRV and recycling-related payments.
11. Participate in legislative efforts to address CalRecycle and other related funding proposals, and support allocation of GGRF funding for organics infrastructure during the Legislative budget process.
12. Advocate for policies that promote and recognize the benefits of producing low-carbon renewable energy from solid waste, particularly from organic waste, to the Legislature and administrative agencies. Monitor and weigh in, as appropriate, regarding energy policies related to biogas, landfill gas, and biomass, and regarding emerging technologies.

13. Advocate transparency and consistency in CalRecycle review of each jurisdiction's Integrated Waste Management Plan and Annual Reports and that the review of "best efforts" be reasonable and realistic.
14. Promote EPR and product stewardship solutions that shift the financial burden of managing hazardous and difficult to manage products from local government to the producers of those products.
15. Promote protection of public health and worker safety at facilities by prioritizing end-of-life solutions (e.g. EPR) for products such as lithium batteries, single-use propane cylinders and other products, that cause fires and explosions during recycling and disposal activities. Increase awareness of these issues through communication with Legislature (e.g. Lobby Day), regulators, and local government.
16. Engage with CalRecycle and other stakeholders to address challenges associated with market uncertainties and downturns for recyclable materials, such as China's restrictions on importation of paper and plastics. Increase awareness of these issues through communication with Legislature (e.g. Lobby Day), regulators, and local government.
17. Track and comment on Department of Toxic Substances Control regulations regarding management of used solar panels, as appropriate.
18. Track and comment, as necessary, on State Water Resources Control Board regulatory activities that pertain to solid waste and composting facilities (e.g. waste discharge requirements & general permits). Specifically monitor the SWRCB consideration of a proposed Order to amend the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities.

# 2

# Local Authority and Government Entities

## Goal

Promote local government control of solid waste policy and operations.

## Policy Principles

- Promote streamlining of redundant and overlapping regulations and oppose underground regulations.
- Encourage the use of certification programs to ensure effective staffing of all aspects of solid waste management, cost-effectiveness, and protection of public health and the environment.
- Support legislation that provides opportunities for local government stakeholder participation in regulatory and policy matters proposed for adoption by state and regional agencies.
- Oppose state regulations and legislation that undermine or preempt local authority or discretion.
- Support State funding for mandated activities and regulations.
- Encourage regulatory frameworks that provide the regulated community with independent due process in State agency enforcement proceedings.
- Encourage development of a local and state regulatory framework that encourages development of emerging technology facilities that recover energy, fuels and chemicals from municipal solid waste.

# 2

# Local Authority and Government Entities

## 2019 Advocacy Activities

- Promote local government discretion in legislation and program selection and seek amendments to legislation and regulations that impede local government discretion.
- Apply these policy principles to comments in rulemaking activities, including but not limited to the rulemaking for SB 1383 (2016) and the SB 212 (2018).
- Coordinate advocacy efforts with other local government groups, particularly for issues impacting local authority, governance and discretion.
- Include CSAC, League and RCRC in LTF activities, such as the in-person meetings.

# 3

# Outreach and Awareness

## Goal

Increase awareness in the Legislature and the Administration, SWANA chapters, and other groups that the SWANA California Chapters represent the majority of the publicly-owned and operated solid waste management facilities in the state, and educate them about the LTF's activities, concerns and interests. Promote the LTF and chapters as authorities on solid waste issues.

## Policy Principles

- Maintain an active advocacy presence in the Legislature and at state agencies that oversee the management, recycling, and disposal of municipal solid waste, household hazardous waste, and pertinent special wastes, through involvement in the legislative and regulatory processes.
- Support SWANA International in advocacy and policy areas that apply to California, such as product stewardship policy, disposal bans, "Pushing the Envelope" documents, and applied research on emerging technologies.
- Develop relationships and participate in coalitions with other interest groups and organizations with common positions on solid waste issues.

## 2019 Advocacy Activities

1. National Sword Awareness: Continue to interpret the impacts to CA markets, advocate for actions that would help develop alternative markets, and communicate with legislators and regulators.
2. Compile additional information on the impacts on local governments as well as what can be done in response to the National Sword impacts, emphasizing the need for local markets. Develop a connection to the packaging materials and urge CalRecycle to require manufacturers to reduce packaging materials.
3. Develop further understanding of, and compile additional information on and potential solutions related to, organics management, infrastructure, and SB 1383 compliance. Consider development of materials to share with local elected officials that communicate key messages such as the costs to comply, as well as for noncompliance, and the need for funding. Seek opportunities to lobby CARB for funding and resources.

# 3

# Outreach and Awareness

4. Develop further understanding of, and compile additional data on the problems (e.g. number of fires) and potential solutions related to, Lithium Ion batteries. Talk to manufacturers about the problems and brainstorm solutions, such as “Right to Repair” legislation, targeting products where the battery is not removable.
5. Work to develop further understanding of, and communicate the problems related to, management of solar panels and advocate for potential solutions.
6. Watch and participate in proposed legislation related to the expansion of CalRecycle’s E-waste program.
7. Watch for opportunities to support legislation to keep PFOAs out of products.
8. Create Lobby Day Fact Sheet to communicate the LTF’s priority issues and potential solutions to legislators.
9. Consider development of short videos to provide additional awareness of key issues.
10. Improve and enhance the convenience and effectiveness of the LTF website to better serve and inform SWANA members of LTF activities. Ensure mobile compatibility of the website.
11. Develop relationships with key members of the Legislature and their staff, and with the appropriate staff in the Governor’s office and at CalRecycle, the Department of Toxic Substances Control, Air Resources Board, State Water Resources Control Board, and other agencies as appropriate.
12. Meet regularly with representatives of organizations, such as CSAC, League, RCRC, and other interest groups, to develop opportunities for collaboration.
13. In addition to submitting comment or position letters, develop new or updated White Papers, position papers, or fact sheets, as needed, to educate legislators, regulators and other stakeholders about SWANA’s perspective on key new or emerging policy issues.
14. Enhance education and awareness of key legislation and regulations to SWANA membership through communications such as fact sheets, targeted communications such as the annual legislative platform, discussions at Chapters, and presentations at the Western Regional Symposium.

# 2019 SWANA LTF

## Nominated Officers

Eric Zetz, City of Clovis, Chair  
Doug Kobold, California Product Stewardship Council, Vice Chair  
Brian Probolsky, Orange County Waste and Recycling, Treasurer  
Christina Hanson, Placer County/WPWMA, Secretary

## LTF Membership

### GOLD RUSH CHAPTER:

Doug Kobold, California Product Stewardship Council  
Christina Hanson, Placer County  
Larry Sweetser, Sweetser & Associates, Inc.  
Mark Bowers, City of Sunnyvale  
Charles White, Manatt, Phelps, & Phillips, LLC  
Joe LaMariana, South Bayside Waste Management Authority (Alternate)  
Jeff Lindenthal, Monterey Regional Waste Management District (Alternate)

### SIERRA CHAPTER:

Eric Zetz, City of Clovis  
Curtis Larkin, Fresno County  
Herb Cantu, City of Santa Maria  
Greg Ollivier, Caglia Environmental  
Chuck Magee, Kern County  
Nicole Riley, Kings Waste and Recycling Authority (Alternate)  
Brooks Stayer, Merced County Regional Waste Authority (Alternate)

### FOUNDING CHAPTER:

Hans Kernkamp, Riverside County Dept. of Waste Resources  
Sharon Green, Sanitation Districts of Los Angeles County  
Mike Mohajer, P.E., Southern California Waste Management Forum  
Brian Probolsky, Orange County Waste & Recycling  
Lisa Wood, City of San Diego  
Frank Caponi, P.E., Sanitation Districts of Los Angeles County (Alternate)  
Constance Hornig, Esq., Law Offices (Alternate)





**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**November 16, 2018**

**To:** SWANA Legislative Task Force

**From:** Jason Schmelzer, Partner  
Melissa Immel, Legislative Advocate  
Shaw / Yoder / Antwih, Inc.

**Re: SWANA LTF 2018 End of Session Report**

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On behalf of all of the employees of Shaw / Yoder / Antwih, Inc. (SYA), we'd like to thank the SWANA Legislative Task Force (SWANA LTF) for once again entrusting our firm with the important task of providing legislative and regulatory advocacy services to the California chapters of SWANA.

This report highlights key legislation that SYA worked on in 2018 for the SWANA LTF, including two-year bills carried over from 2017. We also discuss significant state budget developments and major legislative actions taken by the legislature this year. Furthermore, we highlight other policy objectives we pursued on behalf of SWANA this year.

**Attachment 1** to this memo displays a summary of the **35 bills we actively lobbied or monitored**.

The following is a **brief summary of relevant major actions taken by the Legislature** this year:

### **2018-19 STATE BUDGET REPORT**

#### **2018-19 State Budget**

The Legislature approved and the Governor signed the Budget Act of 2018, which includes \$201.4 billion in total state funds, consisting of \$138.7 billion from the General Fund, \$58.5 billion from special funds, and \$4.2 billion from bond funds.

SYA monitored the budget process for SWANA, with a particular focus on conversations held in the Assembly Budget Subcommittee No. 3 on Resources and Transportation and the Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, Energy & Transportation. SYA provided regular updates to SWANA on these discussions.

#### **Greenhouse Gas Reduction Fund**

SYA advocated on behalf of SWANA in support of an increased allocation of GGRF dollars for CalRecycle to support waste diversion and recycling infrastructure, an effort which ultimately amounted to \$20 million this year.

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## **2018 REGULATORY REPORT**

### **Short-Lived Climate Pollutants**

SB 1383 (Lara, Chapter 395, Statutes of 2016) codified the ARB's Short-Lived Climate Pollutants Reduction Strategy, establishing methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants. Specifically, the bill established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. The bill also established a target of not less than 20% of currently disposed edible food to be recovered for human consumption by 2025.

In May, CalRecycle hosted the final informal public workshop to discuss regulatory concepts as SB 1383 implementation moves forward. These workshops provided opportunities to discuss definitions, collection and planning, edible food recovery, requirements for solid waste facilities, markets and procurement, and different aspects of reporting and enforcement. SYA attended this workshop on behalf of SWANA, taking notes and participating as necessary. SYA worked with SWANA members to draft and submit comments on behalf of the LTF regarding many of the regulatory concepts discussed.

SYA also helped facilitate a sit-down meeting with key CalRecycle staff to glean insight about the next draft of the regulatory language, as well as to convey SWANA's primary concerns and recommendations.

CalRecycle will begin the formal rulemaking process in the next couple of months. SYA will continue to review, discuss, and weigh in on this regulatory process on behalf of SWANA.

### **AB 901 Reporting Regulations**

AB 901 was signed by Governor Brown in 2015. The purpose was to change how disposal and recycling data is reported to CalRecycle. Waste, recycling, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost will be required to submit information directly to CalRecycle.

The seventh draft of the proposed regulatory text was released on October 1, 2018 for a 15-day formal comment period that closed on October 16, 2018. CalRecycle staff will next review the comments received during that 15-day comment period. According to their tentative schedule, the first round of reporting is scheduled to begin near the beginning of 2019.

SYA has and will continue to monitor the AB 901 regulatory process and relevant developments, discuss the impacts on SWANA with SWANA members, and provide comments and participate in regulatory hearings on behalf of SWANA.

### **China Ban**

Since the start of this year, China's National Sword policy has significantly reduced export markets for most recovered plastics and mixed paper. Additionally, China announced it would ban imports of post-industrial plastic by the end of this year.

Recently, China released a proposal to expand its scrap import limitations beyond plastics and the other materials that are currently restricted. A new plan would ban every form of "solid waste" from import. The Ministry of Ecology and Environment on July 11 posted a draft document that lays out numerous regulations covering solid waste management. The proposal is in line with recent reports indicating the country will end scrap imports entirely by 2020.

CalRecycle is hosting workshops to discuss the challenges that these policies will pose for California. SYA is working on discussing this issue with CalRecycle and legislators to address the significant impacts these policies present. SYA will continue to discuss this issue with CalRecycle and keep SWANA members apprised of relevant updates.

### **Management of Lead-Acid Batteries and Alternative Battery Technologies**

Under DTSC, CalSAFER released a draft 2018-2020 Priority Product Work Plan, proposing to add Lead-Acid Batteries. While the LTF highlighted the need to include lithium ion batteries, when the Final 2018-2020 Priority Product Work Plan was released, lithium ion batteries were not included. SYA will continue to discuss the issue of how lithium ion batteries are managed with SWANA and key decisionmakers in the coming years.

### **Ocean Protection Council's (OPC) Ocean Litter Prevention Strategy**

Early this year, OPC released a Revised Draft of the California Ocean Litter Prevention Strategy, focused on addressing marine debris from source to sea. The LTF supported many aspects of the Ocean Litter Prevention Strategy, particularly the focus on EPR. The Final 2018 Ocean Litter Prevention Strategy was released and adopted in April 2018.

### **2019 PREVIEW**

The following is a brief preview of potential issues that could surface next year.

### **CalRecycle Packaging Reform Concepts**

CalRecycle held their last informal public workshop to discuss legislative and regulatory concepts pertaining to packaging reform, as part of the efforts to reach the statewide 75% by 2020 diversion goal, on October 10<sup>th</sup>, 2017. Since that workshop, CalRecycle staff has continued to develop their recommendations related to reducing packaging waste. In light of the changes to global import policies, they want to ensure that their packaging reform recommendations thoughtfully and adequately reflect the new realities of global recycling markets. They hope to present the draft recommendations to their Director at a monthly public meeting in the upcoming months for consideration. SYA will continue to actively monitor CalRecycle's packaging reform efforts.

### **SB 212 Regulatory Process**

On September 30, 2018, Governor Brown signed SB 212, a bill that establishes statewide takeback systems for pharmaceutical medications and home-generated sharps waste. The bill requires manufacturers of "covered products" to create and operate a stewardship program that provides for the takeback of covered drugs and home-generated sharps waste from households. CalRecycle is required to adopt implementing regulations no later than January 1, 2021. Program operators must submit their proposed programs within six months of CalRecycle adopting relevant implementing regulations. Of note, the sharps take-back system will allow containerized sharps under the program to be collected at local household hazardous waste facilities, and then program operators will be required to either pick them up or reimburse local governments for disposal costs. SYA will work with SWANA to engage in the regulatory process as this bill enters the implementation phase.

### **Composting Air Quality Permitting and Regulatory Issues**

In response to concerns about permitting to reach the goals of SB 1383, CalRecycle, CARB, and CAPCOA hosted a workshop to discuss these issues. The LTF expressed support for the ability to co-locate compost facilities at landfills, requested clarification regarding best available control technology, and

supported the expansion of EPS designations, among other issues. No additional workshops have been announced, but the LTF will continue to have related conversations with these agencies.

Key Legislation by Issue Area**AIR QUALITY****AB 1975 (Chu) Nuisance: odors - Watch**

This bill would have required CalRecycle, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District and the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would have required the taskforce, by January 1, 2020, to identify sources of odor emissions in the region represented by the taskforce representatives and provide updates on inspections and enforcement actions conducted by each enforcement agency represented on the taskforce.

**Status:** Held in Assembly Appropriations Committee

**BEVERAGE CONTAINER RECYCLING AND PACKAGING REFORM****AB 2493 (Bloom) Beverage container recycling: recycling centers and payments - Watch**

The California Beverage Container Recycling and Litter Reduction Act provides that a recycling center that consists of reverse vending machines or other unmanned automated equipment is “open for business,” for purposes of the requirement to be open 30 hours per week, if the equipment at the recycling center is properly functioning, accepting all types of empty beverage containers at the recycling location, and paying posted refund values no less than the minimums required by the act. This bill would provide that a recycling center that meets those requirements is not required to have an employee present during the hours of operation in order to be “open for business.”

**Status:** Signed into Law

**AB 2766 (Berman) California Beverage Container Recycling and Litter Reduction Act: market development payments – Watch**

Moneys in the California Beverage Container Recycling Fund are continuously appropriated to the Department of Resources Recycling and Recovery for certain payments, including, until January 1, 2018, market development payments. Former law authorized the department, until January 1, 2018, (1) to annually expend up to \$10,000,000 from the fund to make market development payments to an entity certified by the department as a recycling center, processor, or dropoff or collection program for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and made usable for the manufacture of a plastic product, or to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product, and (2) to expend additional amounts to make market development payments, calculated as provided. This bill would have authorized the department to again expend those amounts to make market development payments from January 1, 2018, until January 1, 2024.

**Status:** Held in Senate Appropriations Committee

**SB 168 (Wieckowski) Recycling: beverage containers – Support**

This bill would have required, commencing January 1, 2020, a beverage container that is a PET plastic container to be constructed with a minimum of 20% postconsumer recycled plastic. The bill would have required CalRecycle, by January 1, 2021, to establish minimum postconsumer recycled content standards for beverage containers that are constructed of plastic, material other than metal, glass, or plastic, or any combination of plastic and material other than metal, glass, or plastic. The bill would also have authorized CalRecycle to adjust the minimum content standards annually.

**Status:** Failed passage on the Assembly Floor

**SB 452 (Glazer) The California Beverage Container Recycling and Litter Reduction Act - Neutral**

This bill would have made a variety of changes to the “Bottle Bill” program. An earlier version of the bill would have required CalRecycle to withhold payments to local governments if a local government imposed any restrictions on supermarket sites. The bill was later amended to simply authorize CalRecycle to do so, which is consistent with current law.

In his veto message, Governor Brown said that SB 452 (Glazer) is inconsistent with his Administration's principles for reforming and modernizing this program and that any legislation to update these statutes should balance three different components: fiscal sustainability, improved collection, and incentives for innovative recycling.

**Status:** Vetoed

***CAP AND TRADE***

**AB 1933 (Maienschein) Greenhouse Gas Reduction Fund: recycling infrastructure projects – Support**

This bill determines activities that expand and improve waste diversion and recycling, including the recovery of food for human consumption and food waste prevention as an eligible use for in-state infrastructure projects or other projects that reduce emissions of greenhouse gases.

**Status:** Signed into Law

***COMPOST***

**AB 1981 (Limón) Organic waste: composting – Support**

The bill instructed CAL FIRE to develop and implement policies to aid in organic waste diversion by promoting the use of compost as an effective tool to stabilize slopes and reduce the erosion of soil exposed after a wildfire. SYA drafted, updated, and distributed support letters and testified in committee hearings in support of this bill on behalf of SWANA.

**Status:** Signed into Law

**AB 2411 (McCarty) Solid waste: use of compost: planning - Support**

SWANA supported this bill that aims to expand the end market for recycled organic waste by instructing CalRecycle to develop and implement a plan to maximize the use of compost in slope stabilization and establishing vegetation during post-fire debris removal services. The bill also requires CalRecycle to coordinate with CalTrans to increase the use of compost along roadways. SYA drafted, updated, and

distributed support letters and testified in committee hearings in support of this bill on behalf of SWANA.

**Status:** Signed into Law

## **ENERGY**

### **AB 2345 (Reyes) Renewable energy: shared renewable energy tariffs – Watch**

This bill would have required the PUC to require each large electrical corporation to establish a tariff or tariffs that provide for bill credits for electricity generated by eligible renewable generating facilities and exported to the electrical grid to be credited to electrical accounts of nonresidential customers of the corporations. The bill would also have required the PUC to ensure that the credits reflect the full value of the electricity from the eligible renewable generating facilities and the credits are established using the same methodology that is used to determine credits under the standard contract or tariff for eligible customer-generators.

**Status:** Held in Senate Environmental Quality Committee

### **AB 3187 (Grayson) Biomethane: gas corporations: rates: interconnection – Support**

SWANA supported this bill that intends to expand the ability of gas corporations to be able to recover pipeline interconnection costs. Currently, the costs associated with connecting biomethane to common-carrier pipelines present an almost insurmountable hurdle to any attempt to increase biogas production, especially since these costs are not currently eligible for rate recovery. SYA drafted, updated, and distributed support letters and testified in committee hearings in support of this bill on behalf of SWANA.

**Status:** Signed into Law

### **SB 100 (de León) California Renewables Portfolio Standard Program: emissions of greenhouse gases – Watch**

The Legislature has found and declared that its intent in implementing the California Renewables Portfolio Standard Program is to attain, among other targets for sale of eligible renewable resources, the target of 50% of total retail sales of electricity by December 31, 2030. This bill would revise the above-described legislative findings and declarations to state that the goal of the program is to achieve that 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030.

**Status:** Signed into Law

### **SB 1440 (Hueso) Energy: biomethane: biomethane procurement – Support in Concept**

This bill aims to ensure that California can create sufficient levels of in-state production and distribution facilities for bio-methane. The bill would accomplish this goal by requiring the ARB to work with the CPUC to consider the appropriateness of adopting specific procurement targets or goals for biomethane procurement to make sure that each gas corporation is procuring its proportionate share.

**Status:** Signed into Law



## **ENVIRONMENTAL QUALITY**

### **AB 2379 (Bloom) Waste management: plastic microfiber – Watch**

This bill would have required that new clothing made from fabric that is composed of more than 50% synthetic material bear a conspicuous label that is visible to the consumer at the point of sale, in the form of a sticker, hang tag, or any other label type, with specified information, including a statement that the garment sheds plastic microfibers when washed. The bill would also have required new clothing with that material composition, if a care label is required pursuant to federal law, to include additional information on the care label, including that same statement.

**Status:** Held on Assembly Floor

### **AB 2447 (Reyes) California Environmental Quality Act: land use: environmental justice – Oppose**

This bill would have established additional CEQA requirements for projects that are located within ½ mile of a disadvantaged community. These new requirements include the lead agency providing CEQA notices by direct mail to all owners and occupants of property within a ½ mile of a DAC, in addition to calling at least one local evening scoping meeting. The bill was amended late in the session to exclude public water and energy suppliers because they are essential public services. However, waste management services did not receive an exclusion on the same grounds.

In his veto message, Governor Brown noted that it is his belief that since land use is quintessentially a local matter, the notice and meeting requirements outlined in this bill are too prescriptive.

**Status:** Vetoed

## **HAZARDOUS WASTE REGULATIONS**

### **AB 2094 (Kalra) Hazardous waste facilities: inspections – Watch**

This bill would have required the Department of Toxic Substances Control, on or before January 1, 2021, to adopt regulations establishing inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities, hazardous waste generators, and hazardous waste transporters, as specified. The bill would also have required the inspection frequency for a hazardous waste land disposal facility to be no less than 2 times per calendar year and for any other permitted hazardous waste treatment, storage, or disposal facility to be no less than once per calendar year.

**Status:** Held in Senate Appropriations Committee

### **AB 2474 (Quirk) Hazardous waste: identification: testing - Watch**

Current regulations provide that a waste exhibits the characteristic of toxicity if representative samples of the waste have any of specified properties, including, among others, that a concentration of the waste of less than 500 milligrams per liter in soft water results in a 50% mortality rate of specified fish species after 96 hours of exposure, pursuant to specified procedures. This bill would authorize the Department of Toxic Substances Control to the extent that funds are available for this purpose, to evaluate any of specified tests to determine whether the tests can be adapted to be appropriate for use in identifying substances as hazardous waste or extremely hazardous waste, consistent with the requirements of the hazardous waste control laws.

In his veto message Governor Brown stated that “the Department currently has the authority to establish alternative methods of testing a product's toxicity to aquatic life. Despite this, it has not exercised this option because such tests are too expensive.”

**Status:** Vetoed

**AB 2606 (Fong) Hazardous waste: facilities: permits: renewals – Watch**

This bill would have required the Department of Toxic Substances Control to process a hazardous waste facilities permit renewal application in an expedited manner, if the department determines that certain conditions are met, including that operations at the hazardous waste facility have not changed since the approval of the permit in effect at the time the renewal application is submitted. The bill would also have required the department to cease processing a hazardous waste facilities application in an expedited manner if the hazardous waste facility no longer meets one or more specified conditions.

**Status:** Held in Senate Appropriations Committee

**AB 2660 (Quirk) Hazardous waste: household consumer products – Watch**

Current law requires the Department of Toxic Substances Control to convene a Retail Waste Working Group, to consider and make findings and recommendations relating to requirements for the management of surplus household consumer products, waste reduction opportunities for those products, and waste management requirements. This bill would have imposed certain requirements on a retailer or supplier that transfers or ships a surplus household consumer product, as defined by the bill, to a reverse distributor. The bill would also have authorized a reverse distributor to evaluate a surplus household consumer product for reuse, donation, transfer for credit, and other specified purposes.

**Status:** Held in Senate Environmental Quality Committee

**AB 3138 (Muratsuchi) Hazardous materials: management: civil liability – Watch**

Current law requires a stationary source, with one or more processes that have certain substances present in more than a threshold quantity to prepare and submit a risk management plan, if the UPA makes a specified determination. Current law requires the owner or operator of a stationary source submitting a risk management plan to submit the plan to the UPA after the plan is certified as complete, and requires the UPA to review the plan. This bill, for violations of those provisions that occur on or after January 1, 2019, would increase the lesser maximum amount of civil or administrative liability imposed on a person or stationary source for a violation to \$5,000 for each day in which the violation occurs, and would have authorized the greater maximum civil or administrative liability to be imposed on a person or stationary source that knowingly violates those provisions regardless of whether the violation was committed after reasonable notice.

**Status:** Signed into Law

**MISCELLANEOUS**

**AB 2308 (Stone) Cigarettes: single use filters – Watch**

This bill would have stated findings and declarations of the Legislature regarding the health and safety hazards to residents of the state related to cigarettes utilizing single-use filters. The bill would also have prohibited a person or entity from selling, giving, or in any way furnishing to another person of any age

in this state a cigarette utilizing a single-use filter made of any material, including cellulose acetate, any other fibrous plastic material, or any organic or biodegradable material. The bill would then have prohibited that selling, giving, or furnishing, whether conducted directly or indirectly through an in-person transaction or by means of any public or private method of shipment or delivery to an address in this state.

**Status:** Held in Assembly Governmental Organization Committee

**AB 2676 (Gipson) Weighmasters: junk dealers and recyclers: licenses: additional application information and fee – Watch**

Current law, until January 1, 2019, requires a recycler or junk dealer who is an applicant for a new weighmaster license or a renewal of a weighmaster license to furnish specified additional information on the application, and requires a weighmaster who is a junk dealer or recycler to pay an additional annual fee of \$500 to the department for each location at which the weighmaster operates for the administration and enforcement of these expiring provisions. This bill would extend the operation of the requirements to furnish the additional application information and to pay the additional annual fee to January 1, 2024.

**Status:** Signed into Law

**AB 3036 (Cooley) Solid waste: byproducts from the processing of food or beverages – Watch**

This bill prohibits counties, cities, districts, or other local government agencies from entering into an exclusive franchise agreement for the hauling of byproducts from the processing of food or beverages if they are to be used as animal feed.

**Status:** Signed into Law

**SB 71 (Wiener) Solid waste: disposal – Watch**

This bill would have required a court to award to a prevailing party reasonable attorney's fees, expert witness fees, and other costs incurred in a civil action brought to enforce a franchise, contract, license, permit, or other authorization for solid waste handling services in an amount the court deems appropriate, but would have prohibited the court from awarding those fees and costs under specified circumstances. The bill would also have required a plaintiff, in order for a court to award to a prevailing party those costs and fees, to first notify and request approval to proceed from the relevant local agency.

**Status:** Held in Assembly Appropriations Committee

***ORGANICS SOURCE REDUCTION***

**AB 2178 (Limón) Limited service charitable feeding operation – Watch**

This bill would exempt a limited service charitable feeding operation from the definition of food facility. The bill would define that operation as an operation for food service to a consumer solely for providing charity, that is conducted by a nonprofit charitable organization, as defined, and whose food service is limited to any of specified functions. The bill would specify that the operation would not include a temporary food facility or a nonprofit charitable temporary food facility.

**Status:** Signed into Law

## ***PHARMACEUTICAL WASTE***

### **AB 444 (Ting) Medical waste: home-generated medical waste – Watch**

The Medical Waste Management Act generally regulates the management and disposal of medical waste. This bill would have authorized the California Environmental Protection Agency to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste.

**Status:** Held in Senate Environmental Quality Committee

### **AB 2277 (Mathis) Solid waste facilities: home-generated pharmaceutical waste: incineration – Watch**

This bill would have vested the Department of Resources Recycling and Recovery with the primary responsibility for the disposal of home-generated pharmaceutical waste and, on or before January 1, 2020, would have required the Department of Resources Recycling and Recovery, in collaboration with the State Department of Public Health, the Department of Toxic Substances Control, and the California State Board of Pharmacy, to adopt regulations authorizing the incineration of home-generated pharmaceutical waste by solid waste facilities.

**Status:** Held in Assembly Environmental Safety and Toxic Materials Committee

### **SB 212 (Jackson) Solid waste pharmaceutical and sharps waste stewardship – Support**

SWANA supported this bill that establishes comprehensive statewide take-back systems for home-generated sharps waste and pharmaceutical medications. When these products are improperly disposed, they create safety hazards for park, hotel, solid waste, wastewater, and sanitation workers, in addition to the myriad of health and safety problems that they create for the public.

**Status:** Signed into Law

## ***PACKAGING REFORM***

### **AB 2921 (Low) Expanded Polystyrene Food Service Packaging Recovery and Recycling Act – Oppose Unless Amended**

This bill would have enacted the Expanded Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize expanded polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form or designate an organization consisting of PFP manufacturers and resin producers, to be known as the Expanded Polystyrene Food Service Packaging Recycling Organization. If the PFP manufacturers and resin producers form or designate a PFP Recycling Organization, the bill would have required each PFP manufacturer or resin producer that formed or designated the organization that sells expanded polystyrene food service packaging or polystyrene resin in this state to pay to the PFP Recycling Organization the expanded polystyrene food service packaging assessment fee established by the PFP Recycling Organization.

**Status:** Held in Assembly Natural Resources Committee

### **SB 1335 (Allen) Solid waste: food service packaging: state agencies, facilities, and property – Support**

This bill prohibits a state food service facility from dispensing prepared food using food service packaging unless the packaging is on a specified list maintained by CalRecycle and has been determined to be reusable, recyclable, or compostable.

**Status:** Signed into Law

## **RECYCLING**

### **AB 1884 (Calderon) Food facilities: single-use plastic straws – Watch**

This bill requires full-service restaurants to only provide plastic straws upon customer request. The goal of this legislation is to reduce plastic pollution and prevent plastic straws from harming wildlife and negatively impacting California's oceans and waterways while also encouraging individuals to change their behavior toward single-use plastic items.

**Status:** Signed into Law

### **AB 2097 (Acosta) Carpet recycling: annual reports – Watch**

This bill amends the current Carpet Stewardship Program to allow carpet manufacturers to submit their annual report to CalRecycle on September 1<sup>st</sup> instead of July 1<sup>st</sup>.

**Status:** Signed into Law

### **AB 2832 (Dahle) Recycling: lithium-ion vehicle batteries: advisory group**

This bill would require the Secretary for Environmental Protection, on or before April 1, 2019, to convene the Lithium-Ion Car Battery Recycling Advisory Group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion batteries sold with motor vehicles in the state, and would require the secretary to appoint members to the committee from specified departments, vocations, and organizations. The bill would require the advisory group to consult with specified entities and, on or before April 1, 2022, to submit policy recommendations to the Legislature aimed at ensuring that as close to 100% as possible of lithium-ion batteries in the state are reused or recycled at end-of-life in a safe and cost-effective manner.

**Status:** Signed into Law

### **AB 2908 (Berman) Tire recycling: California tire regulatory fee and waste tire program – Watch**

This bill would have temporarily extended the Rubberized Asphalt Concrete Market Development Act and then transitioned it to a Tire Recycling Incentive Program (TRIP). Under TRIP, eligible entities and local governments would be eligible to receive an incentive payment for tire-derived products manufactured from California-generated waste tire material. To fund this new program, CalRecycle would use surplus dollars in the California Tire Recycling Management Fund. Once the surplus is drawn down, CalRecycle would be authorized to establish the "California tire regulatory fee" (in an amount not to exceed \$1/tire) applicable to retail tire sellers.

In his veto message, Governor Brown said that while the incentive program that this bill would have created would limit CalRecycle's ability to respond to innovation in this area, he believes that the policy does have merit and directed CalRecycle to recommend an incentive program in this area as part of the State Budget.

**Status:** Vetoed

**AB 3178 (Rubio) Integrated waste management plans: source reduction and recycling element: diversion requirements – Support**

SWANA supported this bill that aimed to ensure that California accounts for changes in the end market of recycled goods when determining a local government’s “good faith effort” to meet the requirements of the Integrated Waste Management Act of 1989. The bill would have specifically stated that China’s recently introduced changes to its importing requirements are factored into the good faith effort determination.

In his veto message, Governor Brown stated that, in his opinion, “[c]urrent statute and regulations already require the Department to consider market conditions when reviewing a local jurisdiction’s compliance with recycling laws. As such, this bill is not necessary.” He also mentioned that while he vetoed the bill, he wants to “encourage the Legislature to work with the Department [CalRecycle] to focus on increasing California’s infrastructure and development of domestic markets.” SYA drafted, updated, and distributed support letters and testified in committee hearings in support of this bill on behalf of SWANA.

**Status:** Vetoed

***TRANSPORTATION***

**AB 2115 (Santiago) Vehicles: passing and overtaking: waste service vehicles – Support**

This bill would require, commencing January 1, 2020, and subject to exceptions, the driver of a vehicle on a public street or highway approaching or overtaking a stopped waste service vehicle, as defined, to make a lane change into an available lane adjacent to the waste service vehicle and pass at a safe distance without interfering with the safe operation of the waste service vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law. The bill would also require that if that maneuver would be unsafe or impractical, the driver slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

**Status:** Signed into Law