



REGULAR MEETING
Thursday, July 14, 2011, 2:00 P.M.
OC Waste & Recycling
 Osborne Building, 300 N. Flower Street
 Room 467

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

Glenn Acosta
Chair (5th Dist.)

Bryan M. Starr
Vice Chair (1st Dist.)

1st District
 Margie Rice*
 Xuan-Nhi Van Ho

2nd District
 Cheryl Brothers*
 James Wahner
 Daniel Worthington

3rd District
 Bill Everest
 Donald R. Froelich
 John Beauman*

4th District
 Art Brown*
 Anthony J. Florentine
 Vacant

5th District
 Joe Soto
 Cynthia Conners*

League at Large
 Don Bankhead*

*City Managers'
 Representative*
 Doug Chotkevys*

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

* Appointed by Orange
 County Division, League
 of California Cities

AGENDA

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

Pledge of Allegiance

Roll Call The Clerk of the Commission will call roll.

Chair's Report Chair Glenn Acosta

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

Agenda Items

Agenda Item 1: Minutes of Waste Management Commission/Local Task Force, May 12, 2011
 Summary: Review and approve minutes of May 12, 2011 WMC/LTF meeting.
Recommended Action: Review and approve minutes.

Agenda Item 2: AB 939 Report
 Summary: Staff will present a written report on AB 939 programs, projects and issues.
Recommended Action: Receive and file report.

Agenda Item 3: Legislative and Regulatory Report
 Summary: Staff will present a written report summarizing legislative and regulatory activities that could impact operations of OC Waste & Recycling.
Recommended Action: Receive and file report.

Commissioner Comments

Public Comment

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



WASTE MANAGEMENT COMMISSION/LOCAL TASK FORCE

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

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

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

NEXT MEETING: Thursday, September 8, 2011, 2:00 P.M.



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force, May 14, 2011

Commissioners Roll (√ Indicates Present)

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

Also Present

Phil Anthony	SWAOC	Chip Monaco	OC Waste & Recycling
Jane Caswell	OC Waste & Recycling	Holly Pham	OC Waste & Recycling
Julie Chay	OC Waste & Recycling	Isabel Rios	OC Waste & Recycling
Jim Fitzpatrick	Costa Mesa Sanitary District	Ken Robbins	Midway City Sanitary District
Mike Fuhr	Discovery Science Center	Jason Rush	Ware Disposal WDCO
Sue Gordon	Rainbow Disposal	Alan Yuki	OC Waste & Recycling
Christine Knapp	OC Waste & Recycling		

Call to Order

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

Pledge of Allegiance

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

Roll Call

Roll call was conducted by the Commission Clerk.

Chair's Report

Chairman Acosta reported that CalRecycle Deputy Director Howard Levenson and Cara Morgan, Local Assistance & Market Development Branch Chief were unable to attend today's meeting as planned. They were asked to speak on the upcoming commercial recycling regulations. Their visit had to be cancelled due to the Governor's moratorium on all non-essential travel. Dr. Levenson sent his apologies.

Chairman Acosta suggested that Assemblyman Wesley Chesbro or a member of his staff be invited to address a future meeting of the Commission. The Assemblyman is a former member of the California Integrated Waste Management Board and a frequent sponsor of legislation addressing solid waste diversion. It was agreed to contact Assemblyman Chesbro to invite him to address the Commission.

Director's Report

Director Mike Giancola congratulated Commissioners Wahner and Worthington for their reappointments to the Commission.

Director Giancola noted that he and Deputy Director Chip Monaco toured the Tierra Verde Industries recycling facilities at the Great Park in Irvine last month. They have a number of products that utilize materials diverted from the landfills.

OC Waste & Recycling staff participated in several Earth Day events and are working on next week's Green Vendor Fair. Commissioners are welcome to attend. An Earth Week Spring Cleaning promotional campaign offering free battery disposal buckets to Household Hazardous Waste Collection Center visitors resulted in a traffic increase of about a forty percent at the centers during the promotion.

Remodeling at OCWR headquarters is underway to create a new multi-purpose room. It is expected to be complete by the July Waste Management Commission meeting. The room is on the fourth floor.

Agenda Item 1: Minutes of the January 13, 2011, Waste Management Commission Meeting

The minutes were approved as submitted.

Agenda Item 2: OC Waste & Recycling Second Quarter Financial Report, Fiscal Year 2010/2011

Manager of Budget Services, Alan Yuki, presented the report and answered questions from Commissioners.

The report was received and filed.

Agenda Item 3: AB 939 Report

Environmental Recycling Programs Manager, Isabel Rios, presented a written report on the AB 939 programs and projects. She then introduced Discovery Science Center's Mike Fuhr, who gave a presentation on the educational exhibit they are building in partnership with OCWR.

The report was received and filed.

Agenda Item 4: Legislative and Regulatory Report

Deputy Director Chip Monaco reported on current legislative efforts and regulatory activities. He noted that the packets include copies of three position letters the County sent to the state and that cities are welcome to consider the legislation as well.

Commissioner Beauman asked if any staff attended the City Managers Association to communicate the legislative information to them. Mr. Monaco replied that we work with the CEO Office of Legislative Affairs. He suggested that the connection to the association through Mr. Chotkevys would be an appropriate channel.

The report was received and filed.

Commissioner Comments

Director Giancola noted that the annual report is in their packets and additional copies are at the back of the room.

Commissioner Connors thanked staff for being very helpful when she requested some information regarding the utilization of greenwaste for energy. While the project she had in mind wasn't going to work, she really appreciated staff's assistance.

Commissioner Bankhead inquired about the distribution of the annual report. Director Giancola responded that, in addition to the Commissioners, the Board of Supervisors, the city managers, and the bond holders receive copies of the report. Commissioner Bankhead mentioned that the city managers could be better informed about solid waste matters.

Public Comments

Jim Fitzpatrick from the Costa Mesa Sanitary District said he shares some of the Commissioners' interest in securing changes in some of the bills. He requested help with defining and embracing zero waste. He's also asking assistance in defining acceptable containers for take-out food. He invited anyone interested to a recycling meeting May 23, 10:30 a.m. He was invited to the recycling coordinators' meeting the following week at OC Waste & Recycling.

Meeting was adjourned at 2:45 p.m.



Agenda Item 2 – *AB 939 Report – Isabel Rios, Manager, Recycling and Environmental Programs*

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

DANA POINT HARBOR BOAT FLARE COLLECTION EVENT

In response to requests from the public, OC Waste & Recycling partnered with Dana Point Harbor to collect expired boat flares at a one day event held on June 11, 2011, at the Dana Point Harbor Boat Show and Green Expo. This public collection event was a great success, a total of 300 aeriels and 191 hand held flares were collected, processed, and properly disposed through OC Waste & Recycling's household hazardous waste contractor Clean Harbors.

ECO-CHALLENGE EXHIBIT AT THE DISCOVERY SCIENCE CENTER

On April 28, 2009, OC Waste & Recycling partnered with the Discovery Science Center to bring an environmentally themed, eco-friendly exhibition to Orange County. Eco-Challenge is an interactive exhibit area that combines OC Waste and Recycling's mission to protect the environment and promote recycling with Discovery Science Center's ability to merge learning with fun.

The goal of this new exhibit is to encourage adults and school-age children to develop environmentally conscious habits and to teach them to make their own Earth-friendly choices every day. The Eco-Challenge Exhibit grand opening is anticipated for September 1, 2011.

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

On May 16, 2011, OC Waste & Recycling closed the application period for the Nonprofit Organization Environmental Education and Outreach (NOEEO) competitive grant program for Fiscal Year 2011-12. The one-time competitive grant program is designed to target students to improve their environmental habits, such as recycling, reuse, and waste reduction throughout Orange County. OC Waste & Recycling received eight written grant applications.

On June 28, 2011, the Board of Supervisors approved OC Waste & Recycling's Fiscal Year 2011-12 budget. The approved budget authorizes the utilization of \$500,000 of AB 939 Surcharge funds to allow nonprofit organizations to support OC Waste & Recycling with the task of public education and outreach to school-age children.

On June 15, 2011, the NOEEO evaluation panel reviewed eight competitive grant proposals and selected the top four grant proposals to move on to the interview phase of the NOEEO competitive grant process. The NOEEO elevation panel conducted the one-on-one interviews on June 29, 2011.

The NOEEO competitive grant selection and negotiation process is still in progress. OC Waste & Recycling anticipates going before the Board of Supervisors to recommend the NOEEO competitive grant programs on August 23, 2011.

REDESIGN OF THE COUNTYWIDE DISPOSAL REPORTING SYSTEM

The Board of Supervisors approved selection of Paradigm Software, LLC for the redesign of the Disposal Reporting System (DRS) website on May 24, 2011. Staff held the kick-off meeting with Paradigm Software, LLC on June 20, 2011.

OC Waste & Recycling plans to incorporate users' feedback early in the review process to ensure the new design meets their needs. Jurisdictional tonnage data is required to be submitted to the State in compliance with the Integrated Waste Management Act of 1989 (AB 939).

Recommended Action: Receive and file report.

 COUNTY OF ORANGE
DanaPointHarbor
Memorandum

Brad Gross, Director
24650 Dana Point Harbor Drive
Dana Point, CA 92629

Telephone: (949) 923-2236
Fax: (949) 923-3792

June 23, 2011

To: Mike Giancola, Director, OC Waste & Recycling
From: Brad Gross, Director, OC Dana Point Harbor
Subject: OC Waste & Recycling – Participation in the Dana Point Harbor Boat Show

Thank you very much for your leadership in participating in the Dana Point Harbor Boat Show and Green Expo from June 9th to June 12th. More importantly, I appreciate your use of OC Waste & Recycling's contract with Clean Harbors to provide Orange County boaters with a convenient disposal option for outdated boat flares. Some of the flares brought for disposal were decades old, reflecting the need for a permanent way to safely dispose of these items. Proper disposal of such items is an important part of our already extensive recycling effort which is critical to our Dana Point Harbor Water Quality Improvement Program.

The one-day collection event was well organized and staged to make the flare disposal run smoothly. This is a credit to your staff's expertise and knowledge. Their close coordination with OC Dana Point Harbor staff and the regulators from the Health Care Agency resulted in a safe and professional operation.

Collaboration between your department and the Health Care Agency went even further in your shared booth at the Green Expo. Visitors received valuable information and materials about hazardous waste disposal, including used oil.

I look forward to future collaboration with your department, and to the possibility of a permanent solution to the age-old flare disposal problem.

Please give your staff kudos for their fine work on this project: Patti Henshaw, Julie Chay, Kristen Nino, Joe Betancourt and Holly Pham.

cc: Alisa Drakodaidis, Deputy CEO, OC Infrastructure
Lisa Smith, Deputy Director, OC Dana Point Harbor
Chip Monaco, Deputy Director, OC Waste & Recycling
Paul Lawrence, Operations Manager, OC Dana Point Harbor



Agenda Item 3 – *Legislative and Regulatory Report – David Tieu, P.E., Government & Community Relations*

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

California Legislature

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

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

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

Attachments:

- Attachment A - Detailed Legislative Report
- Attachment B - Legislative Locations Update
- Attachment C - Position Letter for AB 1178: Solid Waste – Place of Origin

Regulatory Activities

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

Attachments:

- Attachment D – Regulations Summary

Recommended Action: Receive and file report.

**Waste Management Commission
Thursday, July 14, 2011**

**Agenda Item 3 - Attachment A
Bill Status as of June 23, 2011**

COUNTY OF ORANGE BOARD APPROVED POSITIONS

Position Legend

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

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

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

Introduced: 2/7/2011

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

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

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

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

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

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

Introduced: 2/10/2011

Last Amend: 5/5/2011

Status: 6/8/2011-Referred to Com. on E.Q.

Location: 6/8/2011-S. E.Q.

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

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

divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. This bill would require the department, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, or composted. This bill contains other related provisions and other existing laws.

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

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

Position: Oppose-BOS

Introduced: 2/18/2011

Last Amend: 6/22/2011

Status: 6/22/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

Location: 6/22/2011-S. E.Q.

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

Summary: Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities. This bill would prohibit a city or county , including by an ordinance enacted by initiative by the voters of a city or county , from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin, except as specified with regard to requiring a privately owned or operated solid waste facility to accept certain waste, allowing a privately owned solid waste facility to abrogate certain agreements, or preventing a city or county from exercising local land use authority.

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

SB 771 (Kehoe) Alt. Energy and Advanced Trans. Financing **Position: Support w/Amendments-BOS**

Introduced: 2/18/2011

Last Amend: 6/20/2011

Status: 6/20/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

Location: 6/20/2011-A. NAT. RES.

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

Summary: Existing law requires the California Alternative Energy and Advanced Transportation Financing Authority to establish a renewable energy program to provide financial assistance to public power entities, independent generators, utilities, or businesses manufacturing components or systems to generate new and renewable energy sources, develop clean and efficient distributed generation, and demonstrate the economic feasibility of new technologies. Existing law defines "renewable energy" to include specified energy generation technologies. This bill would expand the definition of "renewable energy" to include energy generation based on landfill gas turbines, digester gas turbines, microturbines, natural gas engines, landfill gas engines, and digester gas engines . This bill contains other related provisions and other existing laws.

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

BILLS OF INTEREST

[AB 508 \(Swanson\)](#) Displaced Employees

Position: **Watch**

Introduced: 2/15/2011

Status: 6/22/2011-Action From L. & I.R.: Do pass. To APPR.

Location: 6/22/2011-S. APPR.

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

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

[AB 644 \(Blumenfield\)](#) Renewable Energy Facility: Siting.

Position: **Watch**

Introduced: 2/16/2011

Last Amend: 6/14/2011

Status: 6/21/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 6/14/2011-S. E. U., & C.

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

Summary: Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify the siting of a thermal powerplant with a generation capacity of 50 megawatts or more. Under existing law, a powerplant not under the jurisdiction of the commission is regulated by local jurisdictions through their land use authority. This bill would require the commission, in consultation with the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, and the Department of Conservation, to establish criteria for identifying land with a high potential for use as a site of a renewable energy generation facility with a generation capacity of less than 50 megawatts in 3 specific types of parcels and to prepare a list identifying lands meeting the criteria. The bill would require the commission, the Department of Resources Recycling and Recovery, the Department of Toxic Substances Control, and the Department of Conservation, to make best efforts to work with the United States Environmental Protection Agency under that agency's RE-Powering America's Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites initiative.

[AB 1189 \(Miller\)](#) Recycling: Batteries

Position: **Watch**

Introduced: 2/18/2011

Last Amend: 4/11/2011

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

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

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

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

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

SBX1 2 (Simitian) Utilities: Renewable Energy Resources.

Position: Watch

Introduced: 2/1/2011

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

Location: 4/12/2011-S. CHAPTERED

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

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

Governor's Message: To the Members of the California State Senate: I am signing Senate Bill 2 (First Extraordinary Session) which will extend the current 20% renewables portfolio standard target in 2010 to a 33% renewables portfolio standard by December 31, 2020. This bill will bring many important benefits to California, including stimulating investment in green technologies in the state, creating tens of thousands of new jobs, improving local air quality, promoting energy independence, and reducing greenhouse gas emissions. It will ensure that California maintains its long-standing leadership in renewables and clean energy. While reaching a 33% renewables portfolio standard will be an important milestone, it is really just a

starting point - a floor, not a ceiling. Our state has enormous renewable resource potential. I would like to see us pursue even more far-reaching targets. With the amount of renewable resources coming on-line, and prices dropping, I think 40%, at reasonable cost, is well within our grasp in the near future. The bill contains some provisions that will create implementation difficulties or inefficiencies, particularly for regulatory agencies charged with the bills implementation. These provisions should be amended quickly. Therefore, while I am signing this bill today, I ask the Legislature to immediately begin work on additional legislation to correct these problems. Sincerely, Edmund G. Brown Jr.

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

SB 589 (Lowenthal) Household Mercury-Containing Lamps.

Position: Watch

Introduced: 2/17/2011

Last Amend: 6/21/2011

Status: 6/21/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.

Location: 6/21/2011-A. E.S. & T.M.

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

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

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

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

Position: Watch

Introduced: 2/18/2011

Last Amend: 4/13/2011

Status: 6/14/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 14). Re-referred to Com. on APPR.

Location: 6/14/2011-A. APPR.

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

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

OC Waste & Recycling Notes: [This bill would allow the Prima Deshecha Landfill to continue accepting treated wood waste for disposal.](#)

SB 854 (Blakeslee) Renewable Energy Resources.

Position: Watch

Introduced: 2/18/2011

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

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

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

Summary: The existing California renewables portfolio standard program requires the Public Utilities Commission (PUC) to implement annual procurement targets for the procurement of eligible renewable energy resources, as defined, for all retail sellers, as defined, to achieve the targets and goals of the program. The renewables portfolio standard program requires that a retail seller of electricity, including electrical corporations, community choice aggregators, and electric service providers, but not including local publicly owned electric utilities, purchase a specified minimum percentage of electricity generated by eligible renewable energy resources in any given year as a specified percentage of total kilowatt hours sold to retail end-use customers each calendar year (renewables portfolio standard). The renewables portfolio standard requires each retail seller to increase its total procurement of eligible renewable energy resources by at least an additional 1% of retail sales per year so that 20% of its retail sales are procured from eligible renewable energy resources no later than December 31, 2010. Under existing law the governing body of a local publicly owned electric utility is responsible for implementing and enforcing a renewables portfolio standard for the utility that recognizes the intent of the Legislature to encourage renewable resources, while taking into consideration the effect of the standard on rates, reliability, and financial resources and the goal of environmental improvement. This bill would require an obligated party to procure an amount of renewable energy credits (RECs), as defined, sufficient to demonstrate compliance with the party's renewables portfolio standard, as defined, procurement requirements. Obligated parties would be defined to include an electrical corporation, electric service provider, community choice aggregator, and local publicly owned electric utility. The bill would establish renewables portfolio standards for 6 different compliance intervals, to be calculated by multiplying the obligated party's total electricity sales to California retail end-use customers during the compliance interval by a specified percentage that increases by interval from 20% of sales in January 1, 2012, to 40% of sales by January 1, 2027. The bill would require that not less than 50% of the renewables portfolio standard procurement requirements be met with bundled RECs, as defined, would authorize firmed and shaped RECs, as defined, to be used to meet not more than 50% of the procurement requirements, and would authorize tradable RECs, as defined, to be used to meet not more than 25% of the procurement requirements. The bill would make the PUC responsible for supervising the implementation of the renewables portfolio

standard program by electrical corporations and overseeing certain aspects of the program by electric service providers and community choice aggregators. The bill would make its governing body responsible for implementation of the program by a local publicly owned electric utility. The bill would make numerous other revisions to the renewables portfolio standard program. This bill contains other related provisions and other existing laws.

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

ADDITIONAL WASTE-RELATED BILLS

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

Position: Watch

Introduced: 2/9/2011

Last Amend: 4/14/2011

Status: 5/12/2011-Referred to Com. on E.Q.

Location: 5/12/2011-S. E.Q.

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

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

[AB 525 \(Gordon\) Solid Waste: Tire Recycling](#)

Position: Watch

Introduced: 2/15/2011

Last Amend: 4/25/2011

Status: 6/20/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 20). Re-referred to Com. on APPR.

Location: 6/20/2011-S. APPR.

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

Summary: The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires, including grants to local entities involved in activities that result in reduced landfill disposal of used whole tires. The act requires the Department of Resources Recycling and Recovery to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs. This bill would require the department to provide outreach to local agencies regarding a program it may establish under existing law to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires in public works projects. The bill would prohibit the amount appropriated for this purpose

from the fund to not be less than an unspecified percent of the amount of the funds appropriated for market development and new technology activities for used tires and waste tires. This bill contains other related provisions.

AB 712 (Williams) Recycling: Beverage Containers.

Position: Watch

Introduced: 2/17/2011

Last Amend: 3/31/2011

Status: 6/20/2011-Do pass as amended.

Location: 5/19/2011-S. E.Q.

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

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

AB 794 (Wieckowski) Solid Waste: Hazardous Electronic Waste

Position: Watch

Introduced: 2/17/2011

Last Amend: 5/3/2011

Status: 6/20/2011-Do pass as amended, and re-refer to the Committee on Appropriations

Location: 6/20/2011-S. APPR.

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

Summary: Existing law establishes the Electronic Waste Recycling Act of 2003, which regulates the disposal and recycling of electronic waste. The act further makes it unlawful to sell, on and after July 1, 2004, a covered electronic device in this state to a consumer, as defined, unless the Department of Resources Recycling and Recovery (CalRecycle) or the Department of Toxic Substances Control determines that the manufacture of that device is in compliance with the act. The act further prohibits the sale of a covered electronic device, after January 1, 2005, that is not labeled, as specified. The act contains legislative findings and declarations that declare that one of the purposes of the act is to provide sufficient funding for the safe, cost-free, and convenient collection and recycling of 100% of the covered electronic waste discarded or offered for recycling in the state, to, among other things, eliminate electronic waste stockpiles and legacy devices by December 31, 2007. This bill would revise those findings and declarations to declare that one of the purposes of the act is to provide sufficient funding for the safe, cost-free, and convenient collection and recycling of 100% of the covered electronic waste initially discarded in the state, to, among other things, eliminate electronic waste stockpiles and legacy devices by December 31, 2007. This bill contains other related provisions and other existing laws.

AB 818 (Blumenfeld) Solid Waste: Multifamily Dwellings

Position: Watch

Introduced: 2/17/2011

Status: 6/2/2011-Referred to Com. on E.Q.

Location: 6/2/2011-S. E.Q.

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

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

AB 900 (Swanson) Public School Campuses: Recycling and Composting Bins. Position: **Watch**

Introduced: 2/17/2011

Last Amend: 5/10/2011

Status: 6/8/2011-Referred to Com. on RLS.

Location: 6/8/2011-S. RLS.

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

Summary: Existing law requires the Department of Resources Recycling and Recovery to develop and implement a source reduction and recycling program for school districts that is designed to assist school districts in establishing and implementing source reduction and recycling programs and to complement and further prescribed educational goals and the integrated waste management issues addressed within the science curriculum framework developed by the State Board of Education. This bill would allow a school district to provide recycling and composting bins on the campus of each public elementary and secondary school. The bill would allow a school district to determine the number of bins to be located on a campus on the basis of the size of both the pupil population and the surface area of that campus. This bill contains other existing laws.

AB 960 (Lowenthal) Recycling: Electronic Waste

Position: **Watch**

Introduced: 2/18/2011

Last Amend: 5/27/2011

Status: 6/20/2011-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 2.) (June 20). Re-referred to Com. on APPR.

Location: 6/20/2011-S. APPR.

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

Summary: Existing law, the Electronic Waste Recycling Act of 2003, requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. These fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery (CalRecycle) is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments. CalRecycle is authorized to make these payments only if certain conditions are met. A violation of the act is a

crime. This bill would define the terms "electronic waste" and "electronic device" and would additionally require, as a condition of CalRecycle making those payments, that CalRecycle determine that the recycler has demonstrated to the Department of Toxic Substances Control that all electronic waste handled by the recycler making the claim has been managed in a specified manner, among other things . This bill contains other related provisions and other existing laws.

SB 456 (Huff) Household Hazardous Waste: Transportation.

Position: Watch

Introduced: 2/16/2011

Last Amend: 5/2/2011

Status: 5/19/2011-Referred to Com. on E.S. & T.M.

Location: 5/19/2011-A. E.S. & T.M.

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

Summary: Existing law, part of the hazardous waste control laws, authorizes a door-to-door household hazardous waste collection program to transport hazardous waste from individual residences to an authorized household hazardous waste collection facility. Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and exempts a door-to-door household hazardous waste collection program from having to complete a manifest if it is transporting household hazardous waste collected from individual residences for transportation to an authorized collection facility. A violation of the hazardous waste control laws is a crime. This bill would authorize a door-to-door household hazardous waste collection program to transport household hazardous waste to a hazardous waste facility, as defined. The bill would require the use of the consolidated manifesting procedure by a public agency or its contractor if it transports household hazardous waste to a hazardous waste facility, however, the bill would exclude a generator that is a household from the requirement of having an identification number. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 567 (DeSaulnier) Recycling: Plastic Products.

Position: Watch

Introduced: 2/17/2011

Last Amend: 4/11/2011

Status: 6/9/2011-Referred to Com. on NAT. RES.

Location: 6/9/2011-A. NAT. RES.

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

Summary: Existing law prohibits a person from selling a plastic bag or a plastic food or beverage container that is labeled as "compostable" or "marine degradable" unless that plastic bag or container meets certain American Society for Testing and Materials (ASTM) standard specifications or a standard adopted by the Department of Resources Recycling and Recovery. Existing law prohibits the sale of a plastic bag or plastic food or beverage container that is labeled as "biodegradable," "degradable," "decomposable," or as otherwise specified. Existing law provides for the imposition of a civil penalty for a violation of these prohibitions. This bill would repeal those prohibitions and would instead prohibit the sale of a plastic product, as defined, labeled as "compostable" or "marine degradable" unless it meets those ASTM standard specifications or a standard adopted by the department, or unless the plastic product is labeled with a qualified claim for which the department has adopted an existing standard, and the plastic product meets that standard. The bill would prohibit the sale of a plastic product that is labeled as "biodegradable," "degradable," "decomposable," or as

otherwise specified. The bill would provide for the imposition of a civil penalty for a violation of those prohibitions. This bill contains other related provisions.

SB 568 (Lowenthal) Recycling: Polystyrene Food Containers.

Position: Watch

Introduced: 2/17/2011

Last Amend: 6/15/2011

Status: 6/15/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

Location: 6/15/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on NAT. RES.

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

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

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

Position: Watch

Introduced: 2/18/2011

Last Amend: 4/25/2011

Status: 6/13/2011-Referred to Com. on NAT. RES.

Location: 6/13/2011-A. NAT. RES.

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

Summary: The California Integrated Waste Management Act of 1989 regulates the management of solid waste. The bill would make a declaration of legislative findings regarding why a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. This bill contains other related provisions and other existing laws.

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

Position: Watch

Introduced: 2/18/2011

Last Amend: 6/22/2011

Status: 6/22/2011-Read second time and amended. Re-referred to Com. on NAT. RES.

Location: 6/22/2011-A. NAT. RES.

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

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

OC Waste & Recycling Notes: [This bill may affect those cities that impose franchise fees.](#)

Waste Management Commission

July 14, 2011

Agenda Item 3 - Attachment B

Legislative Locations Update

Bill #	Author	Description	Location	Last Amended	County Position
AB 262	Harkey	California Regional Water Quality Control Boards: Boundaries	Dead 2 YEAR	5/10/2011	Support
AB 298	Brownley	Recycling: Reusable Bags	S. E.Q.	4/14/2011	Watch
AB 341	Chesbro	Solid Waste: Diversion	S. E.Q.	5/5/2011	Opposed Unless Amended
AB 508	Swanson	Labor Code: Displaced SW Handling and Recycling Service Employees	S. APPR.	2/15/2011	Watch
AB 525	Gordon	Solid Waste: Tire Recycling	S. APPR	4/25/2011	Watch
AB 644	Blumenfield	Renewable Energy: Siting	S. E. U., & C.	6/14/2011	Watch
AB 712	Williams	Recycling: Beverage Containers	S. E.Q.	3/31/2011	Watch
AB 794	Wieckowski	Solid Waste: Hazardous E-Waste	S. APPR.	5/3/2011	Watch
AB 818	Blumenfield	Solid Waste: Multifamily Dwellings	S. E.Q.	6/2/2011	Watch
AB 900	Swanson	Public Schools: Recycling and Compost Bins	S. RLS.	5/10/2011	Watch
AB 960	Lowenthal	Recycling: Electronic Waste	S. APPR.	6/20/2011	Watch
AB 1178	Ma	Solid Waste: Place of Origin	S. E.Q.	6/22/2011	Oppose
AB 1189	Miller	Product Stewardship: Batteries	Dead 2 YEAR	4/11/2011	Watch
SBX1 2	Simitian	Utilities: Renewable Energy Resources	CHAPTERED	4/12/2011	Watch
SB 456	Huff	Household Hazardous Waste: Transportation	A. E.S. & T.M.	5/2/2011	Watch
SB 567	DeSaulnier	Recycling: Plastic Products	A. NAT. RES.	4/11/2011	Watch
SB 568	Lowenthal	Recycling: Polystyrene Food Containers	A. NAT. RES.	6/15/2011	Watch
SB 589	Lowenthal	Household Mercury-Containing Lamps	A. E.S. & T.M.	6/21/2011	Watch
SB 771	Kehoe	CA. Alternative Energy & Advanced Transportation Financing Authority	A. NAT. RES.	6/20/2011	Support with Amendments
SB 833	Vargas	Solid Waste: Facilities Permit: San Diego	A. NAT. RES.	4/25/2011	Watch
SB 841	Wolk	Solid Waste: Enterprise: Contracts	A. NAT. RES.	6/22/2011	Watch
SB 854	Blakeslee	Utilities: Renewable Energy Resources	Dead 2 YEAR	5/10/2011	Watch
SB 909	La Malfa	Treated Wood Waste: Disposal	A. APPR.	6/14/2011	Watch

RED = VETOED/DEAD
GREEN = SIGNED



BILL CAMPBELL

CHAIRMAN
ORANGE COUNTY BOARD OF SUPERVISORS
SUPERVISOR, THIRD DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION
333 W. SANTA ANA BLVD.
10 CIVIC CENTER PLAZA, SANTA ANA, CALIFORNIA 92701
PHONE (714) 834-3330 FAX (714) 834-2786
bill.campbell@ocgov.com

June 9, 2011

The Honorable Fiona Ma
California State Assembly
State Capitol, Room 3173
Sacramento, CA 95814

RE: OPPOSE – AB 1178 (Ma) Solid Waste: Place of Origin

Dear Assembly Member Ma:

On behalf of the County of Orange Board of Supervisors, I am writing to advise you of our opposition to your Assembly Bill 1178.

AB 1178 would prohibit a city or county from restricting or limiting in any way the importation of solid waste based on the place of origin. It was introduced in response to Measure E, a 1984 Solano County initiative that attempted to limit the importation of solid waste in excess of 95,000 tons per year. Solano County has not enforced Measure E since the issuance of opinions from the California Legislative Counsel and the Solano County Counsel in 1992 asserting that the initiative was unconstitutional because it violated the commerce clause of the United States. Last year, a State Superior Court Judge ordered Solano County to enforce Measure E. This ruling has been appealed to the California Court of Appeal.

It should also be noted that the United States Supreme Court issued a ruling on a very similar issue in 1992. The Court, in *Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources*, ruled that a state's attempt to solve its solid waste problems by delegating to counties the ability to prohibit the importation of out-of-county garbage (and thus out-of-state garbage) violates the Commerce Clause of the United States Constitution.

Although AB 1178 would have the effect of nullifying Measure E, the recent amendments are unclear and in some instances contrary to other sections of the bill. For example, the legislative findings of AB 1178 (page 3, line 16) appear to contradict the public exemption amendment, stating that "restrictions or limits on the importation of solid waste based on the place of origin are not aspects of solid waste handling subject to local government determination because they unreasonably limit the disposal of solid waste." In addition, the provision (Page 3, line 26) stating, "a city or county may not otherwise restrict or limit in any way the importation of solid waste..." is too broad. Clarification is needed to assert that local governments retain the authority to impose restrictions, such as the number of truck trips allowed per day.

The County firmly believes that solid waste management is a local control issue and that AB 1178 is using the state legislative process to settle disputes at the local level. It is in the public interest for local citizens, businesses and elected officials to decide when or under what conditions they will accept waste materials that others do not want.

The Honorable Fiona Ma
June 9, 2011
Page 2

For these reasons, the Orange County Board of Supervisors would like to be on record as opposing AB 1178. If you have any questions, please contact Donna Grubaugh, Director, CEO/Legislative Affairs, at (714) 834-7218.

Sincerely,



BILL CAMPBELL
Chairman of the Board
Supervisor, Third District

cc: Members, Orange County State Legislative Delegation
Members, Orange County Board of Supervisors
Thomas G. Mauk, County Executive Officer

Waste Management Commission
July 14, 2011
Agenda Item 3 – Attachment D

Regulations Summary

SCAQMD Proposed Amended Rule 1133.1 Chipping and Grinding Activities and Proposed Rule 1133.3 Emission Reduction from Greenwaste Composting

- Synopsis: The purpose of Rule 1133.1 is to prevent inadvertent decomposition of green waste during chipping and grinding activities as well as stockpile operations (e.g. stockpiling of processed green material used as alternative daily cover). The purpose of Rule 1133.3 is to reduce fugitive emissions of volatile organic compounds (VOCs) and ammonia occurring during greenwaste composting operations.
- Rules are scheduled to be heard for adoption before the SCAQMD Board on July 8, 2011.

Air Resources Board/CalRecycle AB 32 Mandatory Commercial Recycling

- Synopsis: The California Air Resources Board Scoping Plan for the California Global Warming Solutions Act of 2006 (AB 32, Núñez, Chapter 488, Statutes of 2006) was adopted with a Mandatory Commercial Recycling Measure designed to achieve a reduction in greenhouse gas emissions of 5 million metric tons of carbon dioxide (CO₂) equivalents.
- Proposed regulation requires businesses that generate 4 cubic yards or more of trash per week to recycle solid waste they generate by subscribing to a recycling service, source separate their material and self-haul to a recycling facility, or have their material processed in a mixed waste processing facility.
- Requires each local jurisdiction to implement a commercial recycling program by July 1, 2012, that provides education, outreach, and monitoring of businesses subject to the Commercial Recycling Regulation.

CalRecycle Paint Stewardship and Recycling

- Synopsis: New regulations covering CalRecycle's responsibilities for implementing the paint stewardship law (Architectural Paint Recovery). This rulemaking concerns stewardship plan approval criteria, a process for CalRecycle to accept payment for its services related to oversight and enforcement, the establishment of penalty ranges that reflect a progressive enforcement approach, and criteria for acceptance of annual reports.
- Paint stewardship program will take effect July 1, 2012, or three months after CalRecycle approves a product stewardship plan.

SWRCB 2011 Draft NPDES Industrial General Stormwater Permit

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

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

- Public comment period ended on April 29th. SWRCB staff is currently reviewing stakeholder comments.