

**Attachments to the January 24, 2008, Minutes
for the Los Angeles County
Integrated Waste Management Task Force**

January 24, 2008

TO: Facility and Plan Review Subcommittee Members

FROM: Martin Aiyetiwa *MA*
Staff

**FINDING OF CONFORMANCE
SUNSHINE CANYON LANDFILL – COUNTY EXTENSION**

Browning Ferris Industries of California, Inc, is requesting the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force grant a Finding of Conformance for the Sunshine Canyon Landfill – County Extension. The request is in accordance with the requirements of the approved Los Angeles Countywide Siting Element, dated June 1997.

As requested by the Subcommittee on June 21, 2007 (minutes enclosed), the operator submitted a revised final phasing plan clearly delineating the phasing areas (see Attachment A-2). In addition, staff has been working with BFI on a plan to re-vegetate permanent and interim slopes (see Attachment H). All other attachments referred to in this report were previously mailed to the Subcommittee and members of the Task Force and therefore a hardcopy is not attached to this staff report (except via email).

I. Background

Sunshine Canyon Landfill – County Extension is located in Sylmar, in the unincorporated area of Los Angeles County. The Landfill is adjacent to the Sunshine Canyon City Landfill located in the City of Los Angeles. Attachment A-1 is a location map.

Presently, the facility is operating under replacement Conditional Use Permit 00-194-(5) (RCUP) approved by the Los Angeles County Board of Supervisors on February 6, 2007. The RCUP (Attachment B-2) became effective May 24, 2007, upon its acceptance by BFI. Accordingly, BFI is now proposing to develop the landfill in a manner consistent with the provisions of Condition 18 of the RCUP. In the event the City-side and County-side Landfills are jointly operated, the total capacity of the combined City/County Landfill would be approximately 90 million tons of solid waste, including the 16.9 million tons previously permitted in Exhibit A-1 of the RCUP and being nearly exhausted in the Sunshine Canyon Landfill – County Extension.

Prior to May 24, 2007, effective date, the facility was operating under Conditional Use Permit 86-312-(5), Exhibit "A" fill design, with an estimated disposal capacity of approximately 16.9 million tons of solid waste, within a footprint stated as 215 acres. Subsequent design studies determined that approximately 119.5 acres of the permitted footprint area is feasible for construction of lined disposal cells with an estimated disposal capacity of 15.9 million tons of solid waste. The CUP also included an alternative fill design which would encompass a combined City/County landfill, Exhibit "A" (Alternate).

The operator is proposing to utilize a portion of the "bridge area" [which is the area outside of Exhibit "A" fill design but within Exhibit "A" (Alternate) fill design] through the development of Phases V, VI and VII to Exhibit "A" fill design. The proposed phases will add approximately 42 acres to the lined areas, bringing the total landfill area to 161.5 acres and a total disposal capacity estimated at 25.4 million tons (a net increase of 9.5 million tons above the current permitted capacity). The complete 161.5 acre footprint (including Phases V, VI and VII) is estimated have a net remaining disposal capacity of about 11.2 million tons as of October 19, 2006. Attachment A-2 is a site plan showing the phases of operation [Landfill Phasing Plan].

II. Request Before the Task Force

- Pursuant to Section 10.1 of the Los Angeles County Countywide Siting Element dated June 1997, BFI requests the Task Force consider issuance of a Finding of Conformance (FOC) for Sunshine Canyon Landfill (County Extension)
- The proposed FOC will include the addition of Phases V, VI and VII, which comprise a portion of the "bridge area" of Sunshine Canyon Landfill County Extension listed as potential Class III landfill expansion in the Countywide Siting Element.

III. Item History

- On August 15, 1991, the Task Force issued a FOC with the Los Angeles County Solid Waste Management Plan for the facility operation in the unincorporated County area.
- On April 17, 2003, the Task Force issued a FOC with the Los Angeles County Countywide Siting Element for the portion of Sunshine Canyon Landfill (Unit 2) in the City of Los Angeles.

IV. Options for the Task Force

The Task Force may decide to:

1. Grant the FOC as submitted by staff;
2. Grant the FOC as submitted by staff, but with changes/modifications;
3. Request additional information and/or analysis, and instruct staff to bring the item back for consideration at a later date; or
4. Deny the FOC and state reasons for the denial.

V. Staff's Conclusion and Recommendation

Staff finds that the proposal is consistent with the goals and policies of the Countywide Siting Element and its Siting Criteria. Staff recommends the Task Force to adopt Option 1: Grant the FOC for the Sunshine Canyon Landfill (County Extension).

VI. Project Summary and Findings

Name: Sunshine Canyon Landfill (County Extension)

Facility Type: Class III Landfill (Municipal Solid Waste)

Location: 14747 San Fernando Road, Sylmar 91342

Setting: The Sunshine Canyon Landfill County Extension is within the portion of the existing Sunshine Canyon Landfill that lies within unincorporated area of Los Angeles County.

Operational Status: Permitted, Active

Waste Type: Non-hazardous municipal solid wastes

Permitted Acreage: 215 acres [161.5 acres usable, including the proposed addition of approximately 42 acres. Approximately 5 acres of the proposed 42 acres of additional lined area lie within the existing permitted limits of CUP Exhibit "A" and approximately 37 acres are located outside of those limits but within the limits of CUP Exhibit "A" (Alternate)]

Currently Permitted Limits of Fill: Exhibit "A-1" of RCUP 00-194-(5) with 16.9 million tons

Proposed Limits of Fill:	Exhibits A-1 of the RCUP plus a limited portion of the “bridge area” totaling 25.4 million tons
Remaining Capacity:	11.2 million tons or 16 million cubic yards (as of 10/19/06)
Currently Permitted Design Capacity:	15.9 million tons
Proposed Additional Design Capacity:	9.5 million tons (above the current permitted design capacity)
Currently Permitted Daily Capacity:	6,600 tons per day maximum (weekly limit 36,000 tons) for solid waste (Previous CUP does not specify a limit on intake for inert debris/beneficial use materials)
Proposed Daily Capacity:	6,600 tons per day maximum (weekly limit 36,000 tons) for solid waste and 3,600 tons per week for inert debris/beneficial use materials.
Permitted Hours:	6:00 am to 6:00 pm Monday – Friday 7:00 am to 2:00 pm Saturday
Proposed Hours:	No change in permitted hours of operation
Operator:	Browning Ferris Industries of California, Inc.
Owner:	Browning Ferris Industries of California, Inc., a subsidiary of Allied Waste Services, Inc.
LEA:	County of Los Angeles, Department of Public Health Solid Waste Management Program
Project Schedule:	August 2007--Begin construction of Phase V-A December 2007--Complete construction of Phase V-A January 2008--Begin operation in Phase V–A and Begin construction of Phase V-B

VII. Staff Analysis

Staff has reviewed the proposal and offers the following:

1. Compliance with the California Environmental Quality Act

In 1993, the County of Los Angeles approved an Environmental Impact Report (State Clearing House Number 8907210) that allowed Landfill operations to begin in the County portion of the site. Based on this approval, the County issued CUP No. 86-312-(5) authorizing development of the Sunshine County Landfill – County Extension with fill design limits described by CUP Exhibit “A” with an estimated capacity of 16.9 million tons of solid waste. The CUP also provided that the waste limits and capacity may be increased upon fulfillment of certain specified conditions and upon approval by the City of Los Angeles of a combined City/County landfill described by CUP Exhibit “A” (Alternate).

Subsequently, the City of Los Angeles was the lead agency for preparation, review, and approval of the Subsequent Environmental Impact Report under CEQA for the establishment of the Sunshine Canyon City Landfill (Unit 2) and the proposed combined City/County Landfill. The final SEIR (SCH No. 92041053) was approved and certified by the Los Angeles City Council on December 8, 1999, and approved by the City Mayor on December 9, 1999.

Subsequently, an Addendum to the SEIR and a Statement of Overriding Consideration was prepared for the replacement Conditional Use Permit 00-194-(5) which was approved by the Los Angeles County Board of Supervisors on February 6, 2007. A Notice of Determination was filed with the County Clerk on February 8, 2007 and was posted for the public until March 12, 2007 (Attachment C).

2. General Plan Consistency and Land Use

A. The subject site is zoned A-2-2 (Heavy Industrial – Two-acre minimum lot sizes). Solid waste landfills require a Conditional Use Permit to operate in this zone. The Los Angeles County Board of Supervisors granted Conditional Use Permit 86-312-(5) for the facility on February 19, 1991 (Attachment B-1), and the replacement Conditional Use Permit 00-194-(5) which was approved on February 6, 2007 (Attachment B-2). The proposed project will be developed in accordance with the provisions of Condition 18 of the RCUP 00-194-(5).

B. A General Plan consistency determination was approved for the project by the Board of Supervisors on February 19, 1991 (Sub-Plan Amendment 86-312-(5) and Compound Plan Amendment 90-

2-(5). This determination is consistent with Section 50000.5 of the California Public Resources Code.

3. Solid Waste Facility Permit

The facility is currently operating under a newly revised Solid Waste Facilities Permit Number 19-AA-0853 issued on February 21, 2007, by the Los Angeles County Department of Public Health, acting as the Local Enforcement Agency for the County-side of Sunshine Canyon Landfill. The revised SWFP included the proposed Phases V, VI, and VII areas as additions to Exhibit "A-1" fill design of the RCUP. The CIWMB concurred in the issuance of the SWFP on February 13, 2007.

4. Waste Discharge Requirements (WDR)

On April 5, 2007, the facility was granted a revised WDR by the California Regional Water Quality Control Board, Los Angeles Region, for the proposed Phases V, VI, and VII. The WDR contain a "Reopener" which limits the development of Phases VI and VII and requires BFI to fulfill specified requirements within 2 years.

5. Consistency with Los Angeles County Countywide Siting Element/Countywide Integrated Waste Management Plan

The currently inactive Class III landfill located on the City-side of the site was identified as an existing landfill site in the former County Solid Waste Management Plan dated August 1985 (Table 6-1). A proposed expansion of the Landfill in both the City and County unincorporated portions of the property was identified in the 1997 Countywide Siting Element (Table 7-1 and pages 7-9, 7-26, and 7-27).

The CSE identified potential new landfills and potential expansions of existing landfill areas where the siting criteria may be applicable for the development of additional Class III landfill disposal capacity. Prior to development of any of these facilities, the facility proponent is required to demonstrate that the project is in conformance with the CSE. As a part of the determination of conformance with the CSE and its Siting Criteria, the project proponent must obtain a FOC from the Task Force.

A. Goals and Policies

Staff has reviewed materials provided by BFI and finds that the proposed Phases V, VI, and VII addition to Exhibit "A-1" fill design, is in accordance with the provisions of the RCUP and the recommended conditions for granting a Finding of Conformance to

the proposed project, is consistent with the goals and policies of the Siting Element/CoIWMP. Specifically:

- i) Promotion of policies to enhance in-County landfill disposal capacity including the expansion of the Sunshine Canyon Landfill located in the northern San Fernando Valley within the City of Los Angeles and the County unincorporated area.

The proposed project would provide additional in-County disposal capacity (approximately 9.5 million tons within the Phases V, VI, and VII areas—see Attachment A-2) to meet the disposal needs of jurisdictions in Los Angeles County.

- ii) Promotion of land use policies to discourage incompatible land uses between existing, expansion of existing, and new solid waste management facilities identified in the Siting Element and adjacent areas.

The facility will be developed in accordance with these required conditions of its land use approvals. BFI has dedicated surrounding properties of East Canyon (426 acres to the west) and Upper Bee Canyon (490 acres to the south) for parkland to the County and Santa Monica Mountains Conservancy as required in existing CUP 86-312-(5), Condition 15 (and Finding No. 22). The dedication of these properties was intended to ensure compatibility with surrounding land uses and serve as additional buffer around the landfill Facility.

Additionally, in amending the General Plan to permit the Sunshine Canyon City Landfill (Unit 2), the City required maintenance of a 100-acre open space buffer zone in the southern part of the landfill property, to provide additional visual and noise buffer for the residential community to the south and the recreational area to the west.

- iii) Promotion of policies that would foster the development of transformation and other waste disposal technologies as alternatives to land disposal.

See replacement CUP conditions 69 and 73, and Section VIII of this staff report, Recommended Conditions of Approval, Item 10.

- iv) Promotion of policies which would ensure that all new or expansions of existing solid waste disposal facilities conform to the siting criteria and obtain a revised FOC whenever a revised/modified solid waste facility permit is required.

See below Section VII-5-B: Evaluation of Siting Criteria and Attachment D.

- v) Implementation of salvage/diversion operations to recover those waste materials that can be feasibly and economically reused, recycled, or composted.

The facility's previous CUP and the Waste Plan Conformance Agreement approved by the Board of Supervisors on June 26, 1996 requires BFI to implement waste diversion measures and to maintain on-site waste diversion and recycling facilities. See Conditions 24 and 25 of the RCUP 00-194-(5) (Attachment B-2).

B. Evaluation of Siting Criteria

Staff has reviewed the information provided by the project proponent and finds that the proposal, in concert with the owner/operator's full compliance with the requirements of RCUP 00-194-(5), and its Implementation and Monitoring Program and Mitigation Monitoring and Reporting Summary, adequately satisfies the CSE's Siting Criteria. Attached is the Siting Criteria Checklist (Attachment D).

VIII. Recommended Conditions Of Approval

Staff recommends that an FOC be granted for the proposed project subject to the following conditions:

1. Permitted Operations/Activities—This FOC is limited to landfilling activities and other waste management operations for Phases V, VI, and VII addition to Exhibit "A-1" fill design, in accordance with the provisions of the RCUP 00-194-(5) approved by the Los Angeles County Board of Supervisors on February 6, 2007 (Attachment B-2).
2. Types of Waste Materials—The waste materials to be landfilled at the subject site shall be limited to non-hazardous solid waste and inert debris as defined in the RCUP 00-194-(5) approved by the Los Angeles County Board of Supervisors on February 6, 2007, and as specified in the WDR issued by the CRWQCB, Los Angeles Region. Incinerator ash, sludge, hazardous waste, liquid waste, designated

waste, radioactive material, and medical wastes as defined by State and Federal laws are prohibited.

3. Waste Quantities—The materials received at the facility shall be subject to the following:
 - a. Maximum daily tonnage of solid waste disposed at the site shall be limited to 6,600 tons on any given day, six working days per week, with a maximum weekly capacity of 36,000 tons of non-hazardous solid waste as defined in the RCUP.
 - b. The amount of materials received for beneficial use shall not exceed 3,600 tons per week, based upon six working days per week.
4. Hours of Operation—The hours of operation for solid waste disposal at the site shall be 6 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 2 p.m. on Saturday. The Landfill shall be closed to the public on Sundays.
5. Limits of Fill—Total disposal quantity, excavations, horizontal boundaries, and minimum and maximum elevations (contours), shall be limited to those established in Exhibit “A-1” fill design and its additional Phases V, VI, and VII developed in accordance with the provisions of RCUP 00-194-(5) approved by the Los Angeles County Board of Supervisors on February 6, 2007. The maximum vertical height of the Landfill at build-out shall not exceed a final fill elevation (at its top deck areas) of 1900 feet above mean sea level.
6. Term—This FOC shall terminate upon the facility reaching the disposal capacity, boundary limits, and/or maximum fill elevation for Phases V, VI, and VII addition to Exhibit “A” fill design, in accordance with the provisions of the RCUP 00-194-(5) approved by the Los Angeles County Board of Supervisors on February 6, 2007. This FOC will terminate if there is any Significant Change in operation of the facility or if the operation of the facility is prohibited by any regulatory agency, judicial court, or the County of Los Angeles. A new FOC is required prior to the facility operating as a combined City/County Landfill.

This FOC is subject to reconsideration concurrent with the SWFP five-year review process, or at an earlier date as may be determined by the Task Force. No less than 90 days before the five-year anniversary of the FOC the owner/operator shall submit a request for review of its FOC to the Task Force. The request shall indicate any changes in the operation that may necessitate a revision in the provisions/conditions of this FOC.

7. Regulatory Compliance—The owner/operator must comply with all requirements of the Federal, State, County, and local regulatory agencies.
8. Waste Load-Checking—The owner/operator shall implement a Waste Load Checking Program as approved by the County LEA, and submit a copy of the approved program to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California, 91802-1460.
9. Litter Control—The owner/operator shall implement the Litter Control and Tarping Program as stipulated in Attachment E.
10. Conversion Technologies—The owner/operator shall actively work with the Task Force in promoting conversion technologies as alternatives to landfilling and incineration. This shall include, but not be limited to, (a) supporting and promoting legislation and regulations which would provide economic incentives for the development of conversion technologies, and (b) supporting and promoting legislation and regulations which would remove conversion technologies from the definition of transformation and give them full diversion credit towards the State waste reduction mandates.
11. Seismic Monitoring—The facility owner shall implement and comply with the following seismic monitoring requirements:
 - a. Complete installation of an accelerometer onsite to measure earthquake/seismic ground motions within 60 days of approval of this FOC. A set of as-built plans signed and sealed by a California Registered Civil Engineer shall be provided to the Local Enforcement Agency and the County of Los Angeles Department of Public Works, Environmental Programs Division.
 - b. Following a major earthquake/seismic ground motion of magnitude 5.0 or greater, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, thoroughly survey the landfill for primary and secondary surface expressions of seismic activity (such as surface ruptures, landslides, change in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the County of Los Angeles Department of Public Works, Environmental Programs Division and the Local Enforcement Agency for review. The assessment report needs to describe and discuss all features, including damage to the site and infrastructure caused by the earthquake and measures that will be taken to mitigate the impact.

12. Waste Characterizations—On a semi-annual basis, the owner/operator shall conduct waste characterizations of the incoming waste stream over a one-week period during the months of March and September. The results shall be submitted in the attached Monitoring and Reporting Form (Attachment F) with the reports due April 30 and October 31 of each year (see Condition 13 below).

13. Reports—The owner/operator shall submit monthly reports on a quarterly basis within 30 days of the end of the quarter to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California 91802-1460. The report shall contain the following information for each month of the reporting period:

- a. Type and quantity of waste (weight) received at the facility for processing, recycling, and disposal
- b. Waste source and quantity identified by weight and/or volume for each jurisdiction of origin, including each city within the County of Los Angeles, unincorporated area of the County, and any jurisdiction outside the County of Los Angeles, if any
- c. Quantity of recovered recyclable materials, including tires and green waste, if any, by weight and/or volume, and final destination of recovered materials
- d. Quantity of household hazardous waste and electronic waste, if any, recovered from the waste stream, and final destination of recorded materials
- e. The frequency of the report shall be as specified in the Los Angeles County Solid Waste Information Management System
- f. Remaining landfill disposal capacity by weight (tons) and volume (cubic yards)
- g. The information shall be provided in the format approved by the Task Force through the Los Angeles County Solid Waste Information Management System, and/or as may be updated by the Task Force (Attachment G)

Failure to comply with these reporting requirements shall be considered as a cause for revocation of this FOC.

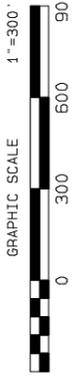
14. Change in Ownership—In the event of any change in operator or control of ownership of the facility by BFI and/or Allied Waste, the applicant must:
- a. Notify the Task Force, in writing, of such change within ten calendar days; and
 - b. Notify the succeeding owner and operator by letter, a copy of which shall be filed with the Task Force, of the existence of this FOC.
15. Mitigation Measures—The owner/operator must obtain and fully comply with all the permits and approvals (including but not limited to drainage, grading, stormwater, building, and industrial waste), as well as comply with all other mitigation measures, which are listed in Attachment D to comply with the Siting Criteria. Documentation substantiating that the owner/operator has obtained all necessary permits and approvals, as well as compliance with all other mitigation measures, which are required prior to operating the County-Extension Landfill, shall be submitted to the County of Los Angeles Department of Public Works at least 30 days prior to commencement of disposal operations in Phases V, VI, and VII addition to Exhibit “A-1” fill design, in accordance with the RCUP 00-194-(5).
16. Subsurface Gas Migration—The owner/operator must protect all on-site buildings and enclosed structures within 1,000 feet of the disposal area against intrusion of migrating landfill gas in accordance with the requirements of Chapter 15 of the City of Los Angeles Building Code and Section 110 of the Los Angeles County Building Code, as applicable.

IX. ATTACHMENTS

- A-1 Site Location Map
- A-2 Landfill Phasing Plan
- B-1 CUP No. 86-312-(5), Exhibit A and Exhibit A (Alternate)
- B-2 CUP No. 00-194-(5), Exhibit A-1 and Exhibit A-2
- C CEQA Notice of Determination
- D Siting Criteria Evaluation Checklist
- E Litter Control and Tarping program
- F Monitoring and Reporting Form (Waste Characterization)
- G SWIMS Form 13
- H Timeline for Re-Vegetation of Cut-and-Fill Slopes

Attachment A-2

Landfill Phasing Plan



Legend:

- Property Boundary
- Existing Topography As of 12/27/05
- Permitted Limits of Landfill per Exhibit "A" (Alternates) of CUP EIR-Sequence 2, Drawing Ba Feb 1991
- Proposed Limit of Waste
- Areas previously filled that will contribute to relieve waste
- Proposed new area for development in 2007
- Proposed new area for development later than 2007

Note:

All Grading and Landfill development will be consistent with CUP 00-194(S)

No.	Revision	Date	By
1	Revised Colors and Legend	4/21/07	RM
2	Add Developments Limits	7/28/07	RM

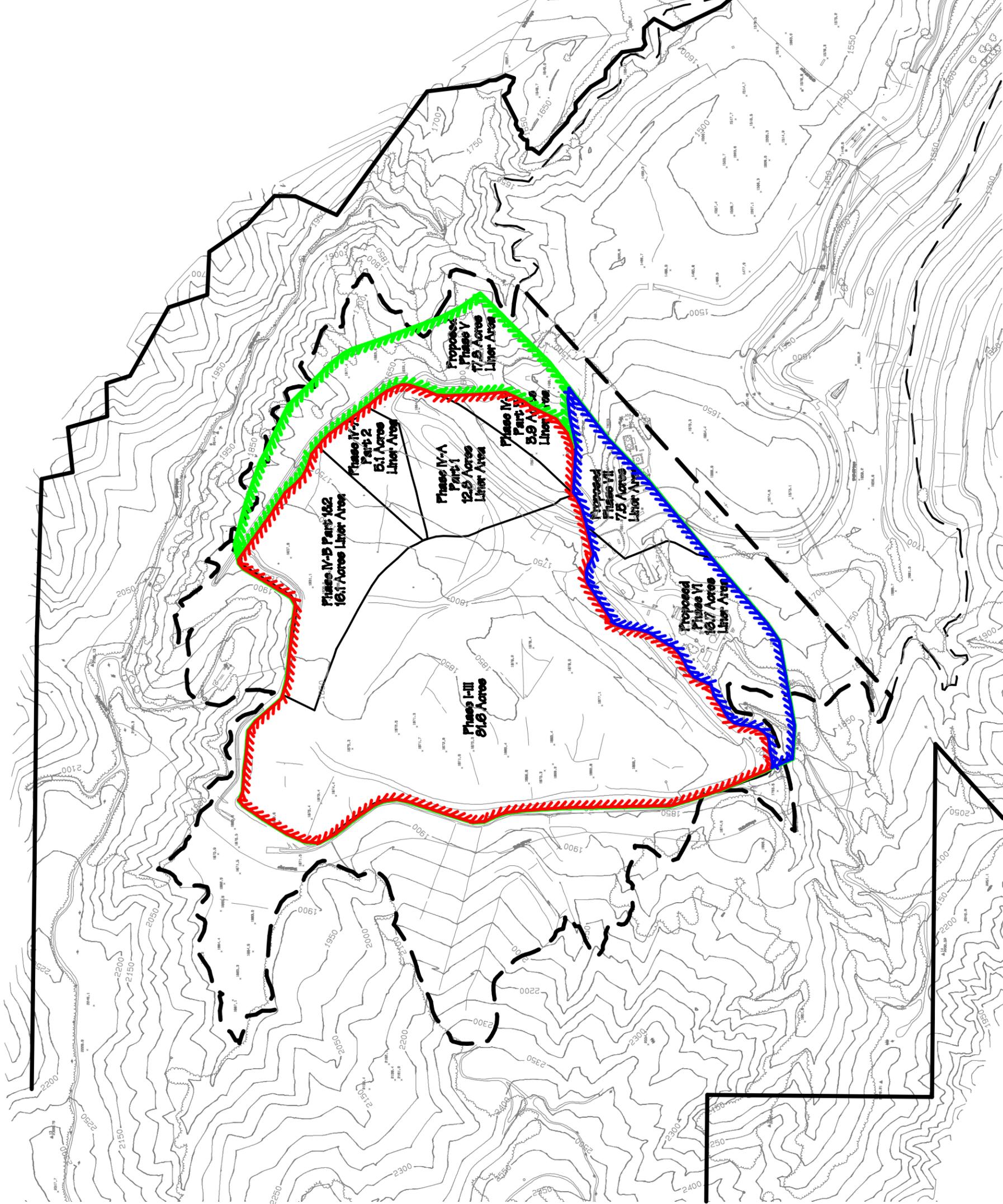
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Bureau of Land Management

Final of Conference Proposal
 Landfill Phasing Plan

Topography Grades as of 12/12/05



Attachment H

Timeline for Re-Vegetation Of Cut-and-Fill Slopes



January 16, 2008

Martin Aiyetiwa
Associate Civil Engineer
County of Los Angeles, Department of Public Works
900 South Fremont Ave, Annex 3rd Floor
Alhambra, CA 91803-1331

Subject: Sunshine Canyon Landfill, Vegetation Timeline

Mr. Aiyetiwa:

As discussed in our meeting last week, Sunshine Canyon Landfill (SCL) has updated its timeline for implementation of the Vegetation Plan previously submitted to you.

As you are aware, SCL has committed significant resources and retained both technical consultants (Ted St. John of The Chambers Group) and installation contractors to implement the vegetation work. The Vegetation Plan submitted for your approval in October 2008 will be a working document, to be amended as our experts document what is successful as our first phases are installed and monitored. Onsite installation will start the week of January 21 in accordance with the attached timeline.

Also as we discussed last week, SCL will be vegetating areas graded for the Phase V. Since construction has not been completed in the area, our vegetation expert has been unable to propose solutions at this time. When grading is complete in approximately 3 to 4 months, The Chambers Group will evaluate the soils and potential growing habitat and propose a specific vegetation project for that area. We will submit that information to you as soon as it is available.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Hauser", is written over the typed name.

Dave Hauser
General Manager

Cc: Linda Lee
Susan Jennings

Sunshine Canyon County Landfill
Coastal Sage Scrub Implementation Timeline

Updated 1/16/08

Task	Initial Projection	Current Projection	Comments
Development of Coastal Sage Revegetation Plan	9/30/07	9/30/07	Complete. Plan done by vegetation restoration specialist and submitted to agencies for approval in October 2007.
Finalize irrigation designs	11/15/07	1/4/08	Complete. Changed to spray irrigation for better seed growth and redesigned irrigation accordingly.
Select vegetation/installation contractor	n/a	12/10/07	Complete. Awarded project. Started contract negotiations.
Final Contract signatures, vegetation installation contractor.	12/31/07	1/11/08	Complete.
Apply soil amendments.	n/a	1/21-2/1/08	Changed to apply amendments first to avoid damaging seed with high limestone content.
Install irrigation and design features,	12/15/07	2/4-3/4/08	Timeline changed due to change to spray irrigation
Two pass application of seeds and surface treatments.	2/15/08	3/4/08-4/4/08	Changed to apply seeds prior to plants to avoid damaging container plants.
Plant container plants.	1/15/08	4/7/08-4/25/08	Number of container plants has been doubled to provide more immediate coverage.
Ongoing maintenance.	Ongoing	Ongoing.	Maintain irrigation and vegetation as directed by restoration specialist.

AMENDED IN ASSEMBLY JANUARY 7, 2008

INTRODUCED BY Assembly Member Smyth

FEBRUARY 23, 2007

An act to amend Sections 43020 and 43035 of, and to add Section 43020.2 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Smyth. Solid waste: biosolids.

The existing Porter-Cologne Water Quality Control Act generally requires the California regional water quality control boards to prescribe waste discharge requirements for individual waste discharges. The act requires the State Water Resources Control Board or a regional board, upon receipt of an application for waste discharge requirements for discharges of dewatered, treated, or chemically fixed sewage sludge and other biological solids, to prescribe general waste discharge requirements for those sludges and solids, as specified. The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board (board), establishes an integrated waste management program, including the regulation of solid waste disposal. Existing law requires the board to adopt minimum standards for solid waste facilities.

This bill would require those minimum standards to include standards for the land application of biosolids.

The bill would require the board to adopt, by July 1, ~~2009~~ 2010, regulations for the land application of biosolids, which would include standards for the land application of biosolids according to sound principles of land use, agriculture, conservation, resource management, public health, and protection of ground water.

~~The bill would provide that the application of those regulations are uniform throughout the state. The bill would prohibit a local governmental entity from adopting or enforcing any ordinance or regulation that would be inconsistent with, or would have the effect of prohibiting an activity permitted by, those regulations adopted by the board.~~

The bill would provide that state law and board regulations adopted thereof ~~relating to composting and disposal of~~ *regulating the land application of biosolids* is applicable and uniform throughout the state. *The bill would make a statement of legislative intent regarding the regulation of the land application of biosolids and the occupation of the field of regulation by the state with regard to the composting and disposal of biosolids.*

~~The bill would, notwithstanding any other provision of law, make any existing and future ordinance or regulations that are contrary to, inconsistent with, or have the effect of prohibiting an activity permitted by a regulation with regard to the composting and disposal of biosolids adopted by the board to be void and of no effect.~~

The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) In 1989, the Legislature enacted the California Integrated Waste Management Act (Division 30 (commencing with Section 40000) of the Public Resources Code). The act was enacted to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy, and other natural resources, to protect the environment, to improve regulation of existing solid waste landfills, to ensure that new solid waste landfills are environmentally sound, to improve permitting procedures for solid waste management facilities, and to specify the responsibilities of local governments to develop and implement integrated waste management programs.

(b) The California Integrated Waste Management Act requires the California Integrated Waste Management Board and local agencies to promote the following waste management practices in order of priority:

(1) Source reduction.

(2) Recycling and composting.

(3) Environmentally safe transformation and environmentally safe land disposal, at the discretion of the city or county.

(4) Maximizing the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that is required to be disposed of by transformation and land disposal. For wastes that cannot feasibly be reduced at their source, recycled, or composted, the local agency may use environmentally safe transformation or environmentally safe land disposal, or both of those practices.

(c) The California Integrated Waste Management Board (board) is the state agency that has primary jurisdiction over recycling of solid waste. The board imposes requirements with respect to solid waste management and defines sewage sludge as not being a hazardous waste. The board includes the recycling of biosolids as part of the overall program.

(d) The board regulates the composting and disposal of biosolids and no further regulations are necessary for these management options.

(e) In July 2004, the California State Water Resources Control Board adopted State Water Quality Order 2004-0012 general waste discharge requirements regulating the land application of biosolids as a soil amendment or fertilizer and developed an environmental impact report to support the statewide general order. The general order is a regulatory process used to streamline the discharge of biosolids for use as a soil amendment.

(f) In 2005, as reported by the Environmental Protection Agency (EPA) for Region IX, the state generated approximately 752,000 dry tons of biosolids, of which 78 percent was beneficially used and 30 percent of that amount was land applied.

(g) Based on that EPA Region IX data, approximately 75 percent of the biosolids generated in the state was beneficially managed outside of the county where it was generated, which included six counties exporting biosolids to Kern County, three counties exporting to Merced County, and two counties exporting to Sacramento County.

(h) The EPA has adopted rules under Part 503 (commencing with Section 503.1) of Subchapter O of Chapter 1 of Title 40 of the Code of Federal Regulations (503 rules) that result in the safe and beneficial use of biosolids when properly managed in accordance with ~~their~~ those rules.

(i) Since the promulgation of 503 rules in 1993, biosolids management practices in California have shifted from mostly disposal, including ocean disposal or landfilling, to mostly reuse, and biosolids reuse, through land application and other means, is both

regulated and encouraged by the 503 ~~regulations~~
rules .

(j) Several cities and counties have established a patchwork of ordinances and regulations that ban or severely restrict the use of biosolids for land application, creating a problem for local government agencies by limiting the number of environmentally sound options available for managing biosolids and restricting their ability to safely manage the biosolids that are generated.

(k) It is the policy of the State of California, in furtherance of its responsibility to protect the public health and safety, and to institute and maintain a regulatory program for biosolids management.

(l) The state desires to regulate the application of biosolids to agricultural land in a manner that is safe, environmentally beneficial, and sensitive to the needs of the communities involved.

SEC. 2. Section 43020 of the Public Resources Code is amended to read:

43020. (a) The Legislature declares that it is in the public interest to establish an effective process to manage biosolids that will protect public health and safety. This process is consistent with the responsibility of local government to ensure that adequate treatment and disposal capacity is available to manage the biosolids generated in California in a safe and environmentally beneficial manner.

(b) The board shall adopt and revise regulations that set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal, including standards for the land application of biosolids, in accordance with this division, and Section 117590 of, and Chapter 6.5 (commencing with Section 25100) of Division 20 of, the Health and Safety Code. The board shall not include any requirements that are already under the authority of the State Air Resources Board for the prevention of air pollution or of the state water board for the prevention of water pollution.

SEC. 3. Section 43020.2 is added to the Public Resources Code, to read:

43020.2. (a) For the purposes of this section, the following definitions shall apply:

(1) "Biosolids" means the solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. "Biosolids" include, but are not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes or solids that have been dried or stabilized. "Biosolids" do not include any of the following:

(A) Compost.

(B) Ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(2) "Land application" means the application of biosolids to land to either condition the soil or to fertilize crops or other vegetation grown in soil.

(b) (1) On or before July 1, ~~2009~~ 2010
, as part of the existing regulatory review process for regulations adopted pursuant to this article, the board shall adopt regulations for the land application of biosolids, consistent with the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.), the federal prohibition on ocean disposal, and the state policy to encourage reuse instead of disposal, ~~and~~ as well as taking into account the proven economic and environmental benefits of biosolids.

(2) The regulations adopted by the board pursuant to this section shall include standards for the land application of biosolids according to sound principles of land use, agriculture, conservation, resource management, public health, and protection of ground water.

(3) In adopting these regulations, the board shall consult with

the State Water Resources Control Board regarding standards for groundwater protection.

(c) This section does not authorize the board to adopt regulations that are less stringent than those adopted by the Environmental Protection Agency pursuant to Part 503 (commencing with Section 503.1) of Subchapter 0 of Chapter 1 of Title 40 of the Code of Federal Regulations.

(d) (1) The provisions of this division , and the regulations ~~adopted pursuant to these provisions for composting and the disposal of biosolids, including, but not limited to, the land~~ *adopted pursuant to those provisions, regulating the land* application of biosolids and other biological solids, are applicable and uniform throughout the state and in all counties and ~~municipalities therein. No city, county or other political subdivision of the state, including a chartered city or county, shall adopt or enforce any ordinance or regulation that is inconsistent with, conflicts with, is contrary to, or would have the effect of prohibiting an activity permitted by those provisions and the regulations adopted by the board pursuant to those provisions, including this section.~~ *municipalities therein.*

(2) The Legislature finds and declares that the regulation of the land application of biosolids and other biological solids to land as ~~a soil amendment, composting, and disposal of biosolids is of~~ *a soil amendment and the management of biosolids is of* paramount state concern.

~~(e) Notwithstanding any other provision of law, including, but not limited to, Section 13274 of the Water Code, any existing or future ordinance or regulation that is contrary to, inconsistent with, or has the effect of prohibiting an activity permitted by, a regulation adopted by the board with regard to the composting and disposal of biosolids is void and of no effect.~~

(3) *The Legislature further finds and declares that the board has adopted regulations governing the composting and disposal of biosolids and therefore this field of regulation is occupied by the state with regard to these activities.*

SEC. 4. Section 43035 of the Public Resources Code is amended to read:

43035. (a) The board, in cooperation with the Office of Emergency Services, shall develop an integrated waste management disaster plan to provide for the handling, storage, processing, transportation, and diversion from disposal sites, or provide for disposal at a disposal site where absolutely necessary, of solid waste and biosolids, resulting from a state of emergency or a local emergency, as defined, respectively, in subdivisions (b) and (c) of Section 8558 of the Government Code.

(b) The board may adopt regulations, including emergency regulations, necessary to carry out the integrated waste management disaster plan.

Existing AB 939 Diversion Measurement Requirements Compared to Proposed Disposal Measurement Requirements under SB 1016

EXISTING SYSTEM	SB1016
<p><u>Intent</u> Current language in PRC Section 40001:</p> <ul style="list-style-type: none"> • Responsibility for solid waste management shared between local and state government. • Policy of state to assist local governments from duplicating effort and minimizing costs incurred. • Market development is critical to the successful and cost-effective implementation of a solid waste plan and to achieve 25 and 50 percent diversion. 	<p><u>Intent</u> Added language to PRC Section 40001:</p> <ul style="list-style-type: none"> • Support AB 32 requirements • Emphasize the increase environmental benefits through comprehensive array of diversion programs • Change the diversion rate reporting requirement to a jurisdictional equivalent disposal measurement requirement for accuracy and timeliness • Disposal will be measured using the CIWMB’s disposal reporting system • Expand the emphasis on the hierarchy in Section 40051.
<p><u>Hierarchy</u> Current language in PRC Section 40051:</p> <ul style="list-style-type: none"> • Promotes waste management practices in order of priority: source reduction, recycling and composting, environmentally safe transformation and disposal. 	<p><u>Hierarchy</u> No change to PRC Section 40051.</p>
<p><u>Definitions</u> Current language in PRC Sections 40100-40201:</p> <ul style="list-style-type: none"> • Defines terms such as solid waste disposal, diversion, recycling, rural city and county, composting, source reduction, transformation. 	<p><u>Definitions</u> Added to current definition, four new terms:</p> <ul style="list-style-type: none"> • Diversion program, • Jurisdiction, • Rural City, redefines rural city and rural regional agency to mean a city or regional agency that is located within a rural county as defined by Section 40184. • Rural County, redefines rural county as any county or multi-county regional agency from which no more than 200,000 tons of solid waste are disposed annually (Section 40184). • Uniform Electronic Transactions Act
<p><u>Measurement System</u> Current language in PRC Sections 41780-41786:</p> <ul style="list-style-type: none"> • Established a 25 percent diversion requirement by January 1, 1995 and 50 percent diversion on and after January 1, 2000 and set requirements to establish a jurisdiction waste generation (disposal + diversion) base year (Sections 41780, 41780.1, 41780.2 and 41781). 	<p><u>Measurement System</u> Amends and adds language to PRC Sections 41780-41786:</p> <ul style="list-style-type: none"> • Requires jurisdictions to continue implementing source reduction, recycling and composting activities according to the hierarchy of 40051. • Maintains the 50 percent diversion requirement, while transitions from a diversion measurement

EXISTING SYSTEM	SB1016
<ul style="list-style-type: none"> • Allows base year sludge diversion credit if requirements are met (Section 41781.1). • Restricts base year diversion credit for restricted waste such as: inert, scrap metal, agricultural wastes and white goods (Section 41781.2) • Allows disposal adjustment for treated medical waste and regional diversion facility residues (Section 41782) • Jurisdictions required use adjustment factors to estimate future year generation (Section 41781). • Ensures a city or county who are below 50% diversion, are not required to establish a transformation facility to achieve that 50% requirement and no penalties can be assessed. (Section 41784) 	<p>system to a disposal measurement system equivalent.</p> <ul style="list-style-type: none"> • After 1/1/07, the Board will evaluate jurisdiction compliance with the diversion requirements by using per capita disposal rate as an indicator of program implementation. • Defines per capita disposal (Section 41780). • Allows Board to use any increase as an indicator that program implementation efforts must be more closely examined when increases in per capita disposal indicates that a jurisdiction has allowed disposal amounts to increase faster than the jurisdiction has grown.
<p><u>Transformation and Biomass</u></p> <ul style="list-style-type: none"> • Current language in PRC Sections 41783-41783.1: • Jurisdictions may claim either transformation or biomass conversion as diversion starting in 2000. The jurisdiction may only claim biomass conversion credit, or transformation credit of up to 10% of waste generation. 	<p><u>Transformation and Biomass</u></p> <p>Amends PRC Sections 41783-41783.1:</p> <ul style="list-style-type: none"> • Jurisdictions may subtract transformation conversion tonnage up to 20 percent of disposal tons. (equivalent to a 10 % diversion credit) • No change to the Biomass conversion credit as it is implemented outside of the disposal reporting system..
	<ul style="list-style-type: none"> •
<p><u>Jurisdiction Reporting and Board Review</u></p> <p>Current language:</p> <ul style="list-style-type: none"> • Requires jurisdictions to submit plans in the mid 1990's and allows early submittal and implementation (Sections 41791, 41791.5, 41792 and 41794). • Provides schedule and procedures for CIWMB review of restricted waste diversion claims in 1990 base years (Sections 41801.5 and 41811.5) • Jurisdiction submits annual progress report. Annual progress reports are delayed by over 18 months for the reporting year because of the delay in receiving local and BOE adjustment factors to estimate the diversion rates. (Section 41821) 	<p><u>Jurisdiction Reporting and Board Review</u></p> <p>Amends language to:</p> <ul style="list-style-type: none"> • Provides new reporting schedule and jurisdiction reporting requirements (Sections 41821, 41825). • Jurisdictions that were found in compliance during the 2005-06 biennial review would have to submit a report on their program implementation every four years starting September 1, 2014. (Section 41821) • Jurisdictions that were on compliance as of 2007 or placed on compliance during the 2005-06 biennial review would have to submit a report on their program implementation every two years starting September 1, 2012. Note that the gap in time between biennial reviews from 2008 to the next review in 2012 would allow time for jurisdictions to begin shifting to a disposal based measurement system, to evaluate

EXISTING SYSTEM	SB1016
	<p>their program implementation in relationship to their per capita disposal.</p> <ul style="list-style-type: none"> • Uses per capita disposal as an indicator of program implementation efforts. The Board would evaluate how a jurisdiction is addressing significant increases in per capita disposal through their program implementation efforts. • Incorporates demonstration of good faith effort into the biennial review determination.
<p><u>State Agencies and large facilities</u></p> <ul style="list-style-type: none"> • Requires state agencies and large facilities to divert 25 percent of all solid waste by January 1, 2002 and 50 percent through source reduction, recycling and composting activities. • Allows for adjustment factors and time extensions. 	<p><u>State Agencies and large facilities</u></p> <ul style="list-style-type: none"> • Creates a parallel disposal measurement process for state agencies and large facilities (Section 42921 and 42926). • Adds language for community colleges to impose fees as necessary to assist in the costs associated with implementing a state agency integrated waste management plan.

DIVISION 30. WASTE MANAGEMENT

PART 1. INTEGRATED WASTE MANAGEMENT

Chapter 1. General Provisions

ARTICLE 1. FINDINGS AND DECLARATIONS

40001. (a) The Legislature declares that the responsibility for solid waste management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated within the state and shall oversee the design and implementation of local integrated waste management plans.

(b) The Legislature further declares that it is the policy of the state to assist local governments in minimizing duplication of effort, and in minimizing the costs incurred, in implementing this division through the development of regional cooperative efforts and other mechanisms which comply with this division.

(c) The Legislature further declares that market development is the key to successful and cost-effective implementation of the 25-percent and 50-percent diversion and solid waste disposal reduction requirements of Section 41780, and that the state must take a leadership role, pursuant to Chapter 1 (commencing with Section 42000) of Part 3, in encouraging the expansion of markets for recycled products by working cooperatively with the public, private, and nonprofit sectors.

(d) The Legislature further declares that all solid waste should be properly managed in order to minimize the generation of waste, maximize the diversion of solid waste away from disposal facilities, and manage all solid waste to its highest and best use, in accordance with the waste management hierarchy in section 40051 and in support of the California Global Warming Solutions Act of 2006.

(e) The Legislature further declares that increasing the environmental benefits of diversion and decreasing the environmental impacts of solid waste disposal can be achieved through the implementation of a comprehensive array of diversion programs.

(f) The Legislature further declares that the way in which diversion progress is measured needs to change to ensure increased accuracy, timeliness, and emphasis on implementing diversion programs.

(g) The Legislature further declares that jurisdiction disposal shall be measured using the board's disposal reporting system pursuant to section 41821.5.

(h) The Legislature further declares its intent that jurisdictions continue to meet the existing requirements while allowing the board to evaluate compliance with those requirements using per capita disposal as an indicator. This will allow for simplified measurement of jurisdiction disposal while making allowance for growth.

Chapter 2. Definitions

40127. "Diversion program" means a program in the jurisdiction's source reduction and recycling element, that has the purpose of diverting solid waste from landfill disposal or transformation, through source reduction, recycling, and composting activities.

40144. "Jurisdiction" means a city, county, city and county, or board approved regional agency.

40183. (a) "Rural city" or "rural regional agency" means a city or regional agency that is located within a rural county as defined by section 40184, either of the following:

—(1) A city that has a geographic area of less than three square miles, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.

~~—(2) A city that has a population density of less than 1,500 people per square mile, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.~~

(b) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787 prior to December 31, 2007 ~~September 1, 1994~~.

40184. (a) "Rural county" means any county or multi-county regional agency from which no more than 200,000 tons of solid waste are disposed annually.
~~that has a population of 200,000 or less and is located in a rural area.~~

~~—(b) For the purposes of this section, Section 40183, and subdivision (d) of Section 40973, "rural area" means those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance's Primary Metropolitan Statistical Areas.~~

~~—(c) (b) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787 prior to December 31, 2007 ~~September 1, 1994~~.~~

40205. "Uniform Electronic Transactions Act" means Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code.

Chapter 6. Planning Requirements

ARTICLE 1. WASTE DIVERSION

41780. (a) Each city or county source reduction and recycling element shall include an implementation schedule that shows both of the following:

(1) For the initial element, the city or county shall divert 25 percent of all solid waste from landfill disposal or transformation by January 1, 1995, through source reduction, recycling, and composting activities.

(2) Except as provided in Sections 41783, 41784, and 41785, for the first and each subsequent revision of the element, the city or county shall divert 50 percent of all solid waste through source reduction, recycling, and composting activities.

(3) On and after January 1, 2007, each jurisdiction shall continue to meet the requirements of subdivision (a)(2) of this section through source reduction, recycling, and composting, and the board shall determine compliance with this requirement by comparing each jurisdiction's per capita disposal rate in subsequent years with the per capita disposal rate that would have been necessary for the jurisdiction to meet the requirement on that date. Increases in per capita disposal would indicate that a jurisdiction has allowed disposal amounts to increase faster than the jurisdiction has grown and the Board shall use any increase as an indicator that program implementation efforts must be more closely examined. The examination may indicate that a jurisdiction needs to expand existing programs or implement new programs.

A) Per capita disposal shall be defined as total annual disposal from a jurisdiction divided by total population in a jurisdiction.

B) For those jurisdictions that are predominated by commercial or industrial activities and by solid waste generation from those sources, per capita disposal may be alternatively defined by the board to reflect those differing conditions.

(4) Each jurisdiction shall implement the diversion programs set forth in its source reduction and recycling element and household hazardous waste element, including any amendments.

revisions, or updates to the element, and any programs set forth in any time extensions, alternative requirements, or compliance orders approved pursuant to this part.

(b) Nothing in this part prohibits a city or county from implementing source reduction, recycling, and composting activities designed to exceed these requirements.

41783. For any city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include not more than 10 percent through transformation, as defined in Section 40201, through December 31, 2006, and beginning January 1, 2007, the per capita disposal rate specified in subdivision (a)(3) of Section 41780 may not be reduced by more than 20 percent through transformation, if all of the following conditions are met:

(a) The transformation project is in compliance with Sections 21151.1 and 44150 of this code and Section 42315 of the Health and Safety Code.

(b) The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

(c) The ash or other residue generated from the transformation project is routinely tested at least once quarterly, or on a more frequent basis as determined by the agency responsible for regulating the testing and disposal of the ash or residue, and, notwithstanding Section 25143.5 of the Health and Safety Code, if hazardous wastes are present, the ash or residue is sent to a class 1 hazardous waste disposal facility.

(d) The board holds a public hearing in the city, county, or regional agency jurisdiction within which the transformation project is proposed, and, after the public hearing, the board makes both of the following findings, based upon substantial evidence on the record:

(1) The city, county, or regional agency is, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures.

(2) The transformation project will not adversely affect public health and safety or the environment.

(e) The transformation facility is permitted and operational on or before January 1, 1995.

(f) The city, county, or regional agency does not include biomass conversion, as authorized pursuant to Section 41783, in its source reduction and recycling element.

Chapter 7. Approval of Local Planning

ARTICLE 3. OTHER PROVISIONS

41820.6. (a) In addition to its authority under Section 41820, the board may, after a public hearing, grant a time extension from the ~~diversion~~ requirements of Section 41780 to a city if both of the following conditions exist:

(1) The city was incorporated pursuant to Division 3 (commencing with Section 56000) of Title 5 of the Government Code on or after January 1, 2001.

(2) The county within which the city is located did not include provisions in its franchises that ensured that the now incorporated area would comply with the ~~diversion~~ requirements of Section 41780.

(b) The board may authorize a city that meets the requirements of subdivision (a) to submit a source reduction and recycling element that includes an implementation schedule that shows that the city shall ~~divert 50 percent of its estimated generation amount of solid waste from landfill or transformation facilities~~ meet the requirements of Section 41780, within three years from the

date on which the source reduction and recycling element is due pursuant to subdivision (b) of Section 41791.5, through source reduction, recycling, and composting activities.

41821. (a) (1) ~~Each year~~ Following the board's approval of a city, county, or regional agency's source reduction and recycling element, household hazardous waste element, and nondisposal facility element, the city, county, or regional agency shall submit a report to the board summarizing its progress in reducing solid waste as required by Section 41780, in accordance with the schedule set forth in this section.

(2) If the board found a jurisdiction in compliance with Section 41780 for calendar year 2006, then on or before September 1, 2012, and on or before September 1 every four years thereafter, a jurisdiction shall submit a report that encompasses the previous four calendar years from January 1 to December 31, inclusive to the board.

~~(b)~~ (3) If the board did not find a jurisdiction in compliance with Section 41780 for calendar year 2006, then on or before September 1, 2010, and on or before September 1 every two years thereafter, a jurisdiction shall submit a report that encompasses the previous two calendar years from January 1 to December 31, inclusive, to the board

~~The annual report shall be due on or before August 1 of the year following board approval of the source reduction and recycling element, the household hazardous waste element, and the nondisposal facility element, and on or before August 1 in each subsequent year. The information in this report shall encompass the previous calendar year, January 1 to December 31, inclusive.~~

(b) Each jurisdiction's annual report to the board shall, at a minimum, include the following:

~~—(1) Calculations of annual disposal reduction.~~

~~—(2) Information on the changes in waste generated or disposed of due to increases or decreases in population, economics, or other factors in complying with subdivision (c) of Section 41780.1.~~

~~(3) (1) A summary of progress made in implementing the source reduction and recycling element and the household hazardous waste element. The city, county, or regional agency may also include information about existing and new programs it is implementing that are not part of the original or modified source reduction and recycling element adopted by the jurisdiction and approved by the board to achieve the diversion requirements of Section 41780.~~

(2) An update of the jurisdiction's source reduction and recycling element and household hazardous waste element to include any new or expanded programs the jurisdiction has implemented or plans to implement.

(3) An update of the jurisdiction's nondisposal facility element to reflect all new or expanded nondisposal facilities the jurisdiction is using or planning to use.

(4) A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government and quantitative data, where available.

~~—(5) If the jurisdiction has been granted a time extension by the board pursuant to Section 41820, the jurisdiction shall include a summary of progress made in meeting the source reduction and recycling element implementation schedule pursuant to paragraph (2) of subdivision (a) of Section 41780 and complying with the~~

~~jurisdiction's plan of correction, prior to the expiration of the time extension.~~

~~—(6) If the jurisdiction has been granted an alternative source reduction, recycling, and composting requirement pursuant to Section 41785, the jurisdiction shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.~~

~~—(7) Other information relevant to compliance with Section 41780.~~

(c) A jurisdiction may also include, in the report required by this section, all of the following:

~~—(1) Any factor that the jurisdiction believes would affect the accuracy of the estimated waste disposal reduction calculation provided in the report pursuant to paragraph (1) of subdivision (b) to accurately reflect the changes in the amount of solid waste that is actually disposed. The jurisdiction may include, but is not limited to including, all of the following factors:~~

(1) any information on disposal reported pursuant to section 41821.5 that the jurisdiction believes may be relevant to the board's determination of the jurisdiction's per capita disposal rate.

(2) any disposal characterization studies or other studies done that show the effectiveness of the programs being implemented.

(3) any factors that the jurisdiction believes would affect the accuracy of, or mitigate the amount of, solid waste disposed by the jurisdiction including, but is not limited to:

(A) Whether the jurisdiction hosts a solid waste facility or diversion facility.

(B) The effects of self-hauled waste and construction and demolition waste.

~~—(C) The original or subsequent base year calculation, the amount of orphan waste, and the waste disposal reduction adjustment methodology.~~

~~(2)-(4) Information regarding the programs the jurisdiction is undertaking to address specific disposal challenges respond to the factors specified in paragraph (1), and why it is not feasible to implement programs to respond to other factors that affect the amount of waste that is disposed.~~

~~—(3) An estimate that the jurisdiction believes reflects that jurisdiction's annual reduction or increase in the disposal of solid waste~~

(5) Other information describing the good faith efforts of the jurisdiction.

(d) The board shall use, but is not limited to the use of, the ~~annual~~ report in the determination of whether the jurisdiction's source reduction and recycling element needs to be revised or updated.

(e) (1) The board shall adopt procedures for requiring additional information in a jurisdiction's ~~annual~~ report. The procedures shall require the board to notify a jurisdiction of any additional required information no later than 120 days after the board receives the report from the jurisdiction.

(2) Paragraph (1) does not prohibit the board from making additional requests for information in a timely manner. A jurisdiction receiving a request for information shall respond in a

timely manner.

(f) The board shall adopt procedures for conferring with a jurisdiction regarding the implementation of a diversion program. ~~or changes to a jurisdiction's calculation of its annual disposal reduction.~~

(h)-(g) Notwithstanding the Uniform Electronic Transactions Act, the progress report shall be submitted electronically using the board's electronic reporting format system.

ARTICLE 4. REVIEW AND ENFORCEMENT

41825. ~~(a) At least once every two years, the board shall review each city, county, or regional agency source reduction and recycling element and household hazardous waste element.~~

(a) If the board found a jurisdiction in compliance with Section 41780 for calendar year 2006, then at least every four years commencing in 2012, the board shall review whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element and household hazardous waste element.

(b) If the board did not find a jurisdiction in compliance with Section 41780 for calendar year 2006, then at least once every two years commencing in 2010, the board shall review whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element and household hazardous waste element.

~~(b)~~ (c) If after a public hearing, which, to the extent possible, is held in the local or regional agency's jurisdiction, the board finds that the city, county, or regional agency has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board shall issue an order of compliance with a specific schedule for achieving compliance. The compliance order shall include those conditions that the board determines to be necessary for the local agency or regional agency to complete in order to implement its source reduction and recycling element or household hazardous waste element.

~~(g)~~ (d) (1) Prior to issuing a compliance order, ~~T~~the board shall confer with a jurisdiction regarding conditions relating to ~~a~~ the proposed order of compliance, with a first meeting occurring not less than 60 days before issuing a notice of intent to issue an order of compliance.

(2) The board shall issue a notice of intent to issue an order of compliance not less than 30 days before the board holds a hearing to issue the notice of compliance. The notice of intent shall specify all of the following:

(A) The proposed basis for issuing an order of compliance.

(B) Proposed actions that board staff recommends are necessary for the jurisdiction to complete in order to implement its source reduction and recycling element or household hazardous waste element.

(C) Proposed staff recommendations to the board.

(3) The board shall consider any information provided pursuant to subdivision (c) of Section 41821 if the proposed issuance of an order of compliance involves changes to a jurisdiction's calculation of annual disposal ~~reduction.~~

(e) The board may issue a compliance order only if the board determines that the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element, including updates, or its household hazardous waste element, including updates or has determined that additional program implementation is necessary to adequately address all significant sources of disposal.

(f) For the purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(g) The board shall consider the following when considering whether a jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element:

(1) Natural disasters.

(2) Budgetary conditions within a jurisdiction that could not be remedied by the imposition or adjustment of solid waste fees.

(3) Work stoppages that directly prevent a jurisdiction from implementing its source reduction and recycling element or household hazardous waste element.

(4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction.

(5) The extent to which a jurisdiction has implemented additional source reduction, recycling, and composting activities.

(6) The extent to which the jurisdiction is implementing programs to maintain its per capita disposal rate.

(7) Whether a local jurisdiction has provided information to the board concerning whether construction and demolition waste material is at least a moderately significant portion of the waste stream, and, if so, whether the local jurisdiction has adopted an ordinance for diversion of construction and demolition waste materials from solid waste disposal facilities, has adopted a model ordinance pursuant to subdivision (a) of Section 42912 for diversion of construction and demolition waste materials from solid waste disposal facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

(8) For purposes of this section "good faith effort" may also include the evaluation by a jurisdiction of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the jurisdiction to adequately address all sources of significant disposal and the jurisdiction has submitted a compliance schedule (pursuant to Section 41825), and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(9) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

(h) In making a determination, the board may consider a jurisdiction's per capita disposal only as an indication of whether the jurisdiction adequately implemented its diversion programs but shall not consider this fact to be determinative as to whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element.

(h) In addition to considering the good faith efforts to implement a diversion program, the board shall consider all of the following factors in determining whether or not to issue a compliance order:

(1) The rural nature of the jurisdiction.

- (2) Whether exceptional growth rate that may have affected compliance.
- (3) Other information that the jurisdiction may provide that indicates the effectiveness of the jurisdiction's programs, such as disposal characterization studies, or other jurisdiction-specific information.

ARTICLE 5. ENFORCEMENT

41850. (a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the ~~city, county, and regional agency jurisdiction~~ has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars (\$10,000) per day until the ~~city, county, and regional agency jurisdiction~~ implements the element.

(b) In determining whether or not to impose any penalties, or in determining the amount of any penalties imposed under this section, including any penalties imposed due to the exclusion of solid waste pursuant to Section 41781.2 that results in a reduction in the quantity of solid waste diverted by a ~~city, county, and regional agency jurisdiction~~, the board shall consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. In addition, the board shall consider only those relevant circumstances that have prevented a ~~city, county, and regional agency jurisdiction~~ from meeting the requirements of this division, including the ~~diversion~~ requirements of ~~paragraphs (1) and (2) of subdivision (a) of Section 41780, including, but not limited to, all of the following:~~

- (1) Natural disasters.
- (2) Budgetary conditions within a ~~city, county, and regional agency jurisdiction~~ that could not be remedied by the imposition or adjustment of solid waste fees.
- (3) Work stoppages that directly prevent a ~~city, county, and regional agency jurisdiction~~ from implementing its source reduction and recycling element or household hazardous waste element.
- (4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.

(c) In addition to the factors specified in subdivision (b), the board shall consider all of the following:

- (1) The extent to which a ~~city, county, and regional agency jurisdiction~~ has implemented additional source reduction, recycling, and composting activities to comply with the ~~diversion~~ requirements of ~~paragraphs (1) and (2) of subdivision (a) of Section 41780.~~
- (2) The extent to which a ~~city, county, and regional agency jurisdiction~~ is meeting the ~~diversion~~ requirements of ~~paragraphs (1) and (2) of subdivision (a) of Section 41780.~~
- (3) Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.
- (4) Whether a local jurisdiction has provided information to the board concerning whether construction and demolition waste material is at least a moderately significant portion of the waste stream, and, if so, whether the local jurisdiction has adopted an ordinance for diversion of construction and demolition waste materials from solid waste disposal facilities, has adopted a model ordinance pursuant to subdivision (a) of Section 42912 for diversion of construction and demolition waste materials from solid waste disposal facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

(d) (1) For the purposes of this section, "good faith effort" means all reasonable and feasible efforts by a ~~city, county, and regional agency jurisdiction~~ to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(2) For purposes of this section "good faith effort" may also include the evaluation by a ~~city, county, and regional agency jurisdiction~~ of improved technology for the handling and

management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the ~~city, county, and regional agency jurisdiction~~ to meet the ~~diversion~~ requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the ~~city, county, and regional agency jurisdiction~~ has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(3) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

PART 3. STATE PROGRAMS

Chapter 18.5. State Agency Integrated Waste Management Plan

42921. (a) Each state agency and each large state facility shall divert at least 25 percent of all solid waste generated by the state agency from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and composting activities.

(b) On and after January 1, 2004, each state agency and each large state facility shall divert at least 50 percent of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.

(1) On and after January 1, 2009, each state agency and large state facility shall continue to meet the requirements of this section through source reduction, recycling, and composting and the board shall determine compliance with this requirement by comparing each agency's and facility's per capita disposal rate in subsequent years with the per capita disposal rate that would have been necessary for the agency or facility to meet the requirement on that date. Increases in per capita disposal would indicate that a state agency or large state facility has allowed disposal amounts to increase faster than it has grown and the Board shall use any increase as an indicator that program implementation efforts must be more closely examined. The examination may indicate that an agency or facility needs to expand existing programs or implement new programs.
A) Per capita disposal shall be defined as total annual disposal from an agency or large state facility divided by total number of employees in an agency or large state facility.
B) For those agencies or large state facilities that have significant amounts of disposal from non-employees or for other reasons that would make calculation of per capita disposal by number of employees inaccurate, per capita disposal may be alternatively defined by the Board in another manner.

~~42922. (a) On and after January 1, 2002, upon the request of a state agency or a large state facility, the board may establish a source reduction, recycling, and composting requirement that would be an alternative to the 50 percent requirement imposed pursuant to subdivision (b) of Section 42921, if the board holds a public hearing and makes all of the following findings based upon substantial evidence on the record:~~

~~(1) The state agency or a large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.~~

~~(2) The state agency or the large state facility has been unable to meet the 50 percent diversion requirement despite implementing the measures described in paragraph (1).~~

~~(3) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the state agency or the large state facility may reasonably and feasibly achieve.~~

~~(b) In making the decision whether to grant an alternative requirement pursuant to subdivision (a), and in determining the amount of the alternative requirement, the board shall consider circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the state agency or the large state facility. The state agency or the large state facility may provide the board with any additional information that the state agency or the large state facility determines to be necessary to demonstrate to the board the need for the alternative requirement.~~

~~(c) If a state agency or a large state facility that requests an alternative source reduction, recycling, and composting requirement has not previously requested an extension pursuant to Section 42923, the state agency or the large state facility shall provide information to the board that explains why it has not requested an extension.~~

~~(d) A state agency or a large state facility that has previously been granted an alternative source reduction, recycling, and composting requirement may request another alternative source reduction, recycling, and composting requirement. A state agency or a large state facility that requests another alternative requirement shall provide information to the board that demonstrates that the circumstances that supported the previous alternative source reduction, recycling, and composting requirement continue to exist, or shall provide information to the board that describes changes in those previous circumstances that support another alternative source reduction, recycling, and composting requirement. The board shall review the original circumstances that supported the state agency's or the large state facility's request, as well as any new information provided by the state agency or the large state facility that describes the current circumstances, to determine whether to grant another alternative requirement. The board may approve another alternative requirement if the board holds a public hearing and makes both of the following findings based upon substantial evidence in the record:~~

~~(1) The state agency or the large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.~~

~~(2) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount the state agency or the large state facility may reasonably and feasibly achieve.~~

~~(e) If the board establishes a new alternative requirement or rescinds the existing alternative requirement, the board shall do so at a public hearing. If the board establishes a new alternative requirement, it shall make all of the following findings based upon substantial evidence in the record:~~

~~(1) The state agency or the large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.~~

~~(2) The former alternative diversion requirement is no longer appropriate.~~

~~(3) The new alternative requirement represents the greatest amount of diversion that the state agency or the large state facility may reasonably and feasibly achieve.~~

~~(f) (1) No single alternative requirement may be granted for a period that exceeds three years and, if after the granting of the original alternative requirement, another alternative requirement is granted, the combined period that the original and the new alternative requirement is in force and effect shall not exceed a total of five years.~~

~~(2) No alternative requirement shall be granted for any period after January 1, 2006, and no alternative requirement shall be effective after January 1, 2006.~~

~~(3) No state agency or large state facility shall be granted an alternative requirement if the state agency or the large state facility has failed to meet, on or before January 1, 2002, the requirements of subdivision (a) of Section 42921.~~

~~(g) (1) When considering a request for an alternative source reduction, recycling, and composting requirement, the board may make specific recommendations for the implementation of the alternative plan.~~

~~(2) Nothing in this section precludes the board from disapproving any request for an alternative requirement.~~

~~(3) If the board disapproves a request for an alternative requirement, the board shall specify, in writing, the reasons for its disapproval.~~

(h) If the board grants an alternative source reduction, recycling, and composting requirement, the state agency may request technical assistance from the board to assist it in meeting the alternative source reduction, recycling, and composting requirement. If requested by the state agency or the large state facility, the board shall assist with identifying model policies and plans implemented by other agencies.

(i) A state agency or a large state facility that is granted an alternative requirement pursuant to this section shall continue to implement source reduction, recycling, and composting programs, and shall report the status of those programs in the report required pursuant to Section 42926.

(j) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

42923. (a) The board may grant one or more single or multiyear time extensions from the requirements of subdivision (a) of Section 42921 to any state agency or large state facility if all of the following conditions are met:

(1) Any multiyear extension that is granted does not exceed three years, and a state agency or a large state facility is not granted extensions that exceed a total of five years.

(2) An extension is not granted for any period after January 1, 2006, and an extension is not effective after January 1, 2006.

(3) The board considers the extent to which a state agency or a large state facility complied with its plan of correction before considering another extension.

(4) The board adopts written findings, based upon substantial evidence in the record, as follows:

(A) The state agency or the large state facility is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.

(B) The state agency or the large state facility submits a plan of correction that demonstrates that the state agency or the large state facility will meet the requirements of Section 42921 before the time extension expires, including the source reduction, recycling, or composting steps the state agency or the large state facility will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.

(b) (1) When considering a request for an extension, the board may make specific recommendations for the implementation of the alternative plans.

(2) Nothing in this section shall preclude the board from disapproving any request for an extension.

(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval.

(c) (1) In determining whether to grant the request by a state agency or a large state facility for the time extension authorized by subdivision (a), the board shall consider information provided by the state agency or the large state facility that describes relevant circumstances that contributed to the request for extension, such as a lack of markets for recycled materials, local efforts to implement source reduction, recycling, and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed by the agency or facility.

(2) The state agency or the large state facility may provide the board with any additional information that the state agency or the large state facility determines to be necessary to demonstrate to the board the need for the extension.

(d) If the board grants a time extension pursuant to subdivision (a), the state agency may request technical assistance from the board to assist it in meeting the diversion requirements of subdivision (a) of Section 42921 during the extension period. If requested by the state agency or the large state facility, the board shall assist the state agency or the large state facility with identifying model policies and plans implemented by other agencies.

(e) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

42926. (a) In addition to the information provided to the board pursuant to Section 12167.1 of the Public Contract Code, beginning on or before September 1, 2009, and on or before September 1 every two years thereafter, each state agency shall submit a report to the board summarizing its progress in reducing solid waste as required by Section 42921. ~~The annual report shall be due on or before April 1, 2002, and on or before April 1 in each subsequent year.~~ The information in this report shall encompass the two previous calendar year.

42927.5. A community college district may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a state agency integrated waste management plan prepared pursuant to this division. The fees shall be based on the types or amounts of the solid waste, and shall be used to pay the actual costs incurred by the community college district in preparing, adopting, and implementing the plan, as well as in setting and collecting the fees. In determining the amounts of the fees, a community college district shall include only those costs directly related to the preparation, adoption, and implementation of the plan and the setting and collection of the fees. The fees may also include an amount to cover actual costs incurred since the effective date of this Chapter.

~~42928. (a) The board may adopt regulations that establish specified criteria for granting, reviewing, and considering reductions or extensions pursuant to Sections 42922 and 42923.~~

~~(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

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Bill	Author	Status	Summary	Task Force Position
AB 6	Houston	Amended 1-07-08 In Assembly Rules Committee 2 year bill	Existing Law: California's Global Warming Solutions Act (AB 32, 2006 Statutes) requires the State Air Resources Board (SARB) to develop regulations to achieve the Act's greenhouse gas emission reduction targets. SARB has the discretion to incorporate market-based options. Proposed Law: This bill would allow a taxpayer to take a deduction for depreciation for qualified capital expenditures such as an existing engine, boiler, generator, or other tangible personal property, that measurably reduces greenhouse gas emissions for the production, generation, or the storing of renewable energy from biomass, solar, wind, and hydrogen sources over a 3-year period.	
AB 35	Ruskin	Vetoed 10-14-07	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require a state agency that constructs or renovates a state building on or after July 1, 2010, to meet a minimum gold standard for the U.S. Green Building Council's Leadership in Energy and Environmental Design.	
AB 48	Saldana	Vetoed 10-13-07 Reintroduced from 2006 Legislative Session (AB 2202)	Existing Law: The Department of Toxic Substances Control (DTSC) regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). State law requires DTSC to adopt regulations by January 1, 2007 prohibiting the sale of CEDs if they are banned in the European Union. Proposed Law: This bill prohibits electronics producers from manufacturing electronic devices for sale in California that are prohibited from sale in the European Union by the reduction of hazardous substances directive, effective January 1, 2010.	
AB 118	Nunez	Chaptered 10-14-07	Existing Law: Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Proposed Law: This bill enacts the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007, funded through fees on vehicle owners and electric utility ratepayers, which would pay for various programs intended to improve air quality and to increase the use of alternative fuels and advanced vehicle technology.	
AB 258	Krekorian	Chaptered 10-14-07	Existing Law: The California Coastal Commission, in partnership with local governments, plans and regulates development and natural resource use along the coast. Proposed Law: This bill would require the State Water Board and other regional boards to implement a program by January 1, 2009 for the control of discharges of preproduction plastics from point and nonpoint sources.	

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Bill	Author	Status	Summary	Task Force Position
AB 484	Nava	Vetoed 10-11-07	<p>Existing Law: Existing law requires the Department of Transportation, and any other state agency that provides construction and repair services, to contract for construction items that utilize recycled materials used in paving or paving subbase.</p> <p>Proposed Law: This bill would prohibit CalTrans, or any contractee with the department, from disposing of asphalt concrete or Portland cement concrete in a solid waste landfill, unless the department makes a specified determination that no other means of using or disposing the material is feasible or that it will be used for beneficial reuse in the construction or operation of a solid waste landfill.</p> <p><i>Previously</i>, this bill would have required CalTrans to increase the use of recycled aggregate base to at least 50 percent by January 1, 2008, and at least 75 percent by January 1, 2009, unless it determines that the use of the materials is not cost effective.</p>	Letter of Support sent 6-21-07 for 2-20-07 version
AB 501	Swanson	Amended 1-09-08 In Assembly Health Committee 2 year bill	<p>Existing Law: It is prohibited for a person to dispose of home-generated sharps waste after September 1, 2008.</p> <p>Proposed Law: This bill would require pharmaceutical manufacturers whose product is administered through prefilled sharps to supply a postage paid, mail back sharps' container for the safe disposal of home generated used sharps upon request. It would also require the manufacturers to provide information on specified disposal options.</p>	Letter of Support sent 6-21-07 for 4-30-07 version and 1-07-08 for 6-21-07 version
AB 546	Brownley	Vetoed 10-14-07	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: Beginning July 1, 2008, this bill would require a retailer that sells a covered electronic device to provide a customer through either a sign, written material, or on the sales receipt with the Waste Board's Internet website, which describes where and how to return, recycle, and dispose of a covered electronic device, as well as the locations for its collection or return.</p>	Watch
AB 548	Levine	Vetoed 10-14-07	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would require on or after July 1, 2008, that an owner of a multifamily dwelling consisting of five or more units, provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.</p>	Watch

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Bill	Author	Status	Summary	Task Force Position
AB 656	Plescia	Introduced 2-21-07 In Assembly Environmental Safety and Toxic Materials Committee 2 year bill	Existing Law: Effective February 8, 2006, households can no longer dispose universal waste into the trash. Universal waste includes electronic waste, household batteries, fluorescent tubes, mercury waste, and aerosol cans. Proposed Law: This bill would require the Waste Board and Water Resources Control Board to prepare and forward a report to the Legislature by July 1, 2008 on whether the incidental disposal of alkaline batteries at landfills cause any environmental impacts.	Watch
AB 679	Benoit	Chaptered 10-10-07	Existing Law: Current law carries various penalties, including fines and/or imprisonment for littering or illegal dumping. Proposed Law: This bill would require the court to impose an assessment in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, for use by the City or County for illegal dumping enforcement. <i>Previously</i> , this bill would have required the court system to impose a civil assessment on violators that is equal to the actual cost of cleanup incurred by the city or county that results from littering or illegal dumping offenses.	Letter of Support for 5-03-07 version sent 6-11-07
AB 712	De Leon	Amended 7-12-07 In Senate Appropriations Committee 2 year bill	Existing Law: Existing law requires each operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization. Proposed Law: This bill would impose a new tipping fee of \$0.50/ton of waste disposed in California beginning April 1, 2008, in order to fund air quality compliance for off-road diesel vehicles that dispose, transfer, or process solid waste or recyclable materials. This bill would also provide up to four million dollars in grants for projects that reduce greenhouse gas emissions from landfills through organic material diversion (excluding "thermal technologies").	Letter of Opposition sent 6-12-07 for 5-02-07 version
AB 722	Levine	Amended 6-04-07 Placed in Assembly Inactive File	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: Starting July 1, 2010, this bill would phase in minimum energy efficiency requirements for general purpose light bulbs over a six-year period. It would require that after the phase-in, most general purpose lights achieve 50 lumens per watt standard. <i>Previously</i> , this bill would have prohibited the sale of incandescent light bulbs and halogen lamps beginning January 1, 2012.	Watch

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Bill	Author	Status	Summary	Task Force Position
AB 729	Mullin	Introduced 2-22-07 In Assembly Natural Resources Committee 2 year bill	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would require the Waste Board to develop regulations for authorized CED collectors to legally donate CEDs to non-profit organizations for reuse.	
AB 769	Aghazarian	Introduced 2-22-07 In Assembly Revenue and Taxation Committee 2 year bill	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would exempt all fuel used to transport biomass, including the organic fraction of municipal solid waste, from the State's Sales and Use Tax.	
AB 800	Lieu, Brownley and Krekorian	Chaptered 10-10-07 Related bill AB 1391	Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State. Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.	Watch
AB 820	Karnette	Amended 4-09-07 In Assembly Appropriations Committee 2 year bill	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would prohibit the selling, use, or distribution of polystyrene food containers at University of California campuses, State Mental Hospitals, and California prisons on condition it is approved by the Board of Regents or the Department of Corrections.	Letter of Support sent 5-17-07
AB 822	Levine	Amended 1-07-08 In Assembly Natural Resources Committee Reintroduction related bill AB 548	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require on or after July 1, 2009, that an owner of a multifamily dwelling consisting of five or more units, provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.	

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AB 904	Feuer	Amended 6-01-07 Placed in Assembly Inactive File	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act, which prohibits a food service provider from distributing disposable food packaging unless the packaging is recyclable or recovered for composting at a 25% rate statewide.	Letter of Support for 4-11-07 version sent 6-11-07
AB 1018	Emerson	Introduced 2-22-07 In Assembly 2 year bill	Existing Law: Any unauthorized discharge of waste into the waters of the State must be abated in compliance with the local Regional Water Quality Control Board or the State Water Resources Control Board requirements. Proposed Law: This spot bill would make technical non-substantive changes relating to the above issue.	
AB 1023	Desaulnier	Chaptered 7-27-07	Existing Law: Manufacturers of specified plastic trash bags (excluding grocery bags) must incorporate post consumer plastic material in their bags (10% of the bag weight) or in all its plastic products (30% of the total weight). Proposed Law: Exempts manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags.	
AB 1058	Laird	Vetoed 10-14-07	Existing Law: Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings. Proposed Law: This bill requires the Department of Housing and Community Development to develop and promote green building standards for residential occupancies and submit them to the Building Standards Commission for review, adoption, approval and publication by July 1, 2009,	
AB 1075	Cook	Amended 3-28-07 In Assembly Natural Resources Committee 2 year bill	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Up to 10% of the 50% diversion requirement can be met through biomass conversion provided certain conditions are met, including sending hazardous waste ash to a Class I Hazardous Waste Disposal Facility. Proposed Law: This bill would redefine that term "solid waste conversion" as a technology that produces a net reduction in the discharges of air contaminants or emissions. It would define the terms gasification as "solid waste conversion" and transformation as "incineration". <i>Previously,</i> this bill would have specified that the Class I Hazardous Waste Disposal Facility must be classified as such by the State Water Resources Control Board.	Letter of Support sent 1-08-08

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Bill	Author	Status	Summary	Task Force Position
AB 1109	Huffman and Feuer	Chaptered 10-12-07	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would create the California Lighting Efficiency and Toxics Reduction Act which would prohibit, on or after January 1, 2010, a person from manufacturing or selling specified general purpose and incandescent lights that contain levels of hazardous substances prohibited by the European Union.</p>	Watch
AB 1150	Lieu	<p>Amended 1-07-08</p> <p>In Assembly Health Committee</p> <p>2 year bill</p>	<p>Existing Law: The Knox-Keene Health Care Service Plan Act of 1975 provides for the licensure and regulation of health care service plans by the Department of Managed Health Care.</p> <p>Proposed Law: This bill would prohibit the compensation of a person retained by a health care service plan or health insurer to review medical underwriting decisions.</p> <p><i>Previously</i>, this bill would revise the definition of "transformation" to mean incineration of solid waste, or the processing of solid waste through a non-combustion thermal, chemical, or biological process.</p>	Watch
AB 1183	Hancock	<p>Amended 6-21-07</p> <p>Placed in Assembly Inactive File</p> <p>2 year bill</p>	<p>Existing Law: DTSC regulates hazardous waste in California.</p> <p>Proposed Law: This bill updates the means by which information maintained by the Department of Toxic Substances Control and the State Water Resources Control Board on contaminated sites throughout the state is made available to the public.</p>	
AB 1193	Ruskin	<p>Amended 3-29-07</p> <p>In Assembly Appropriations Committee</p> <p>2 year bill</p>	<p>Existing Law: Existing law prohibits a person from selling, offering to sell, or distributing for promotional purpose a mercury-added thermostat.</p> <p>Proposed Law: This bill would require manufacturers to create a collection and recycling program for mercury added thermostats.</p>	

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AB 1195	Torrico	Amended 8-01-07 In Senate Appropriations Committee 2 year bill	Existing Law: The Waste Board administers a used oil recycling incentive program which provides used oil collection centers/programs \$0.16/gallon for recycling used oil, and electric utilities \$0.16/gallon for generating electricity from used oil. Proposed Law: This bill would require a used oil generator, transporter, or transfer facility to analyze the oil by an accredited laboratory prior to shipment or recycling, and ship the oil only to a recycling facility certified by the Waste Board. <i>Previously</i> , this bill would have given the Waste Board discretion not to extend the used oil recycling incentive program to electric utilities.	
AB 1207	Smyth	Amended 1-09-08 In Assembly Natural Resources Committee 2 year bill	Existing Law: The State Water Resources Control Board and the Regional Water Quality Control Board regulates the land application of biosolids. Proposed Law: This bill would require the Waste Board, in consultation with the State Water Resources Control Board, to adopt regulations for the land application of biosolids by July 1, 2010. <i>Previously</i> , this bill would have also prohibited local jurisdictions from enacting any ordinance or restriction contrary to the Waste Boards regulations.	Letter of Opposition sent 6-4-07
AB 1237	Hancock	Introduced 2-23-07 In Assembly Natural Resources Committee 2 year bill	Existing Law: The Local Enforcement Agency and the Waste Board are required to conduct regular inspections of solid waste facilities. In addition, the Waste Board has 60 days to determine whether to concur or object to the issuance of a Solid Waste Facilities Permit. Proposed Law: This bill would require the LEA and Waste Board inspections to be unannounced. In addition, the Waste Board's 60-day review period would be extended to 90-days. No action taken would be considered tacit objection.	Letter to Oppose unless Amended sent 5-17-07

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Bill	Author	Status	Summary	Task Force Position
AB 1391	Brownley	Amended 1-07-08 In Assembly Natural Resources Committee Related Bill: AB 546 2 year bill	<p>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.</p> <p>Proposed Law: Beginning July 1, 2009, this bill would require a retailer that sells a covered electronic device (CED) to provide a customer information through a sign, written material or information labeled on the device, included in the packaging, or accompanying the CED sale with the Waste Board's Internet website, which describes where and how to return, recycle, and dispose of a covered electronic device, as well as the locations for its collection or return.</p> <p><i>Previously,</i> this bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.</p>	
AB 1428	Galgiani	Amended 6-26-07 In Senate Environmental Quality Committee 2 year bill	<p>Existing Law: Under existing law, electrical corporations are required to provide eligible biogas digester customer-generators with net energy metering under a pilot program.</p> <p>Proposed Law: This bill would replace the existing pilot program for eligible biogas digester customer-generators with a net energy metering program for eligible customer-generators, which use agricultural residues, animal wastes, or animal renderings (excluding municipal waste) to generate electricity.</p> <p><i>Previously,</i> this bill would have expanded an existing pilot project allowing net energy metering for customer-owned electric generation projects fueled by manure methane production (biogas digestion).</p>	
AB 1447	Calderon	Chaptered 10-14-07	<p>Existing Law: No person, other than a certified appliance recycler, can remove materials that require special handling from major appliances, or transport/sell discarded major appliances to a scrap recycling facility, unless specific conditions are met.</p> <p>Proposed Law: This bill makes several changes to provisions governing the handling of hazardous waste and other materials removed from a major appliance before recycling or disposal of the appliance. It would allow appliance service technicians to remove refrigerants from major appliances, and expand the requirements for a certified appliance recycler.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
AB 1473	Feuer	Chaptered 10-12-07	<p>Existing Law: A solid waste facility cannot operate without a Solid Waste Facilities Permit. If the LEA determines that a facility is in violation of this requirement, the LEA must issue a cease and desist order.</p> <p>Proposed Law: This bill requires the CIWMB to adopt emergency regulations to authorize an enforcement agency, upon CIWMB's concurrence, to issue a temporary solid waste facilities permit to an operating solid waste transfer or processing station or a composting facility, which, as of January 1, 2008, is required under the act to have a solid waste facilities permit but for which a permit has not been obtained. The bill sunsets July 1, 2010.</p> <p><i>Previously, this bill would authorize the LEA to stay their cease and desist order if the solid waste facility receives material that has been separated for reuse prior to receipt and is in operation on or before January 1, 2007. The bill sunsets January 1, 2012.</i></p>	Letter of Support for 4-11-07 version sent 5-17-07
AB 1535	Huffman	Amended 1-07-08 In Assembly Environmental Safety and Toxic Materials Committee Related Bill: AB 1391 2 year bill	<p>Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs.</p> <p>Proposed Law: This bill would change the point of collection for the Electronic Waste Recycling Fee (fee) from the consumer to the manufacturer on every new or refurbished covered electronic device sold or offered for sale in this state. It would also require the Waste Board to review and make adjustments to the fee, as applicable.</p> <p><i>Previously, this bill would expand the definition of CEDs to include a personal computer (e.g., a computer hard drive), and impose a \$6 recovery fee on each personal computer sold beginning July 1, 2008.</i></p>	Letter of Support sent 6-21-07
AB 1610	Nunez	Amended 9-06-07 Refused passage out of Committee 2 year bill	<p>Existing Law: The Waste Board currently imposes a \$1.40 per ton fee (maximum rate authorized by law) on each solid waste disposed to fund most of their activities.</p> <p>Proposed Law: This bill would require an owner or operator of an oil refinery facility in the state to submit information to the Energy Commission relating to the capacity and operational status of the facility.</p> <p><i>Previously, this bill would have authorized the Waste Board to increase the fee to \$2 per ton beginning July 1, 2007.</i></p>	Letter of Opposition for 2-23-07 version sent 4-19-07

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Bill	Author	Status	Summary	Task Force Position
SB 55	Florez	Amended 4-30-07 In Senate Appropriations Committee 2 year bill	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would:</p> <ul style="list-style-type: none"> • Require a publicly owned treatment works (POTW) to submit certification to the regional water quality control board regarding any sewage sludge that is transferred from a facility for disposal or further processing; • Require the sludge be certified to meet the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board; • Require any POTW to submit additional certification to sludge haulers certifying that the waste product is non-hazardous; and, <p><i>Previously</i>, the bill also required the POTW to indemnify the receiving party for any liability for remediation costs associated with sludge disposal or processing.</p>	Letter of Opposition sent 5-23-07
SB 74	Florez	Amended 5-02-07 In Senate Revenue and Taxation Committee 2 year bill	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would exempt, through January 1, 2014, Sales and Use taxes related to the sale, storage, use, or other consumption of biodiesel fuel wholly or partly derived from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats.</p>	
SB 140	Kehoe	Amended 8-31-07 Assembly Inactive File 2 year bill	<p>Existing Law: The Air Resources Board is required to conduct a comprehensive study on the impact of any regulations that establish a specification for motor vehicle fuel.</p> <p>Proposed Law: This bill would require the ARB to develop regulations requiring all diesel fuel sold to contain at least 2% renewable diesel (derived from vegetable oils, waste grease, or animal fat) no later than one year after a specified determination is made by the state Air Board. Within two years of the effective date of the regulations, at least 5% of all diesel fuel sold or offered for sale in the state for use in internal combustion engines would be required to contain renewable diesel fuel.</p>	Letter of Support for 5-01-07 version sent 5-23-07

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Bill	Author	Status	Summary	Task Force Position
SB 410	Simitian and Perata	Amended 5-31-07 In Assembly Inactive File 2 year bill	Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program that provides “supplemental energy payments” to renewable energy producers to make renewable energy sources more competitive with nonrenewable sources. Proposed Law: This bill requires the California Energy Commission (CEC), in making awards from the Existing Renewable Resource Account to establish a specified production incentive and to make payments depending upon the availability of funding. Deletes the requirement that an existing facility generating electricity from biomass is eligible for funding only if it reports certain information on fuel usage to the CEC.	
SB 411	Simitian	Amended 7-17-07 In Assembly Appropriations Committee 2 year bill	Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program funded by a surcharge on consumers’ energy bills. Proposed Law: This bill would require retail sellers of electricity, as specified, to increase their total procurement of eligible renewable energy so that at least 33% of retail sales are procured from eligible renewable energy resources no later than December 31, 2020.	
SB 429	Ducheny	Introduced 2-21-07 In Senate Environmental Quality Committee 2 year bill	Existing Law: Cal-EPA, the Waste Board, Water Board, each regional water quality control board, and the Department of Toxic Substances Control to maintain a list of all instruments and agreements restricting land uses imposed by those agencies and would require the list to provide specified information. Proposed Law: This bill would require state agencies, including Cal EPA, various local agencies, including a local solid waste enforcement agency, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action. The bill would authorize that department to refuse to issue a building, land use, or development-related permit unless the applicable entity reviews the permit application and approves the proposed activity, or proposes measures necessary to protect the public.	
SB 470	Ashburn	Vetoed 10-13-07	Existing Law: Existing law provides that any person who has the care or control of any animal that dies from any contagious disease shall immediately cremate or bury the animal. Proposed Law: This bill would require the Waste Board to convene a working group to draft regulations for the emergency disposal or rendering of animal carcasses/livestock during a state of emergency, which would be adopted no later than July 1, 2009	

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Bill	Author	Status	Summary	Task Force Position
SB 585	Lowenthal	Amended 1-07-08 In Senate Appropriations Committee 2 year bill	<p>Existing Law: Existing law grants certain parking privileges for a disabled person or disabled veteran.</p> <p>Proposed Law: This bill would delete surplus language regarding the usage of handicapped parking placards.</p> <p>Previously, this bill would require the CalTrans to annually report on the amount of recycled concrete materials they used in the prior fiscal year. The bill would also require CalTrans to conduct workshops for public works professionals on using recycled concrete materials.</p>	
SB 660	Perata	Vetoed 10-14-07	<p>Existing Law: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of emissions of greenhouse gases.</p> <p>Proposed Law: This bill would establish the Strategic Research Investment Council, which would prepare and adopt a strategic research, development, and demonstration plan that establishes priorities and key expenditure categories for clean technologies.</p>	
SB 697	Yee (Prev. Wiggins)	Amended 9-07-07 In Assembly Health Committee 2 year bill	<p>Existing Law: State agencies are required to purchase specified recycled-content products, including mulch and recycled compost. In addition, the Department of General Services, in consultation with the Waste Board, develops the specifications for the purchase of compost by State agencies.</p> <p>Proposed Law: This bill would prohibit a health care service provider from seeking reimbursement for covered services furnished to a person enrolled in the Healthy Families Program or the Access for Infants and Mothers Program from other than the participating health plan covering that person.</p> <p>Previously, this bill would have required CalTrans and all persons contracting with the department to be use compost produced within the State.</p>	Letter of Support for 4-07-07 version sent 6-21-07
SB 735	Wiggins	Vetoed 10-11-07	<p>Existing Law: Existing law requires the Director of Transportation, in consultation with the California Integrated Waste Management Board, to review and modify bid specifications related to the purchase of paving materials, and base, subbase, and pervious backfill materials, using recycled materials.</p> <p>Proposed Law: This bill would require CalTrans to track the use of recycled and virgin materials for subbase, base and lean concrete base. It would require that CalTrans report to the Legislature on January 1, 2010 and biennially thereafter on the use of recycled materials that it is required to track.</p>	

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Bill	Author	Status	Summary	Task Force Position
SB 826	Padilla	Vetoed 10-13-07	<p>Existing Law: The Waste Board establishes the State's minimum standards for solid waste facilities, including the design, operation, maintenance, and reuse of these facilities.</p> <p>Proposed Law: This bill would request the Regents of the University of California to carry out various projects with respect to Native American education assigned to the State Librarian under existing law.</p> <p><i>Previously,</i> this bill would have required the Waste Board to adopt state minimum standards to identify and mitigate environmental justice impacts in disproportionately affected communities in which solid waste facilities are located.</p>	Letter of Concern with 4-12-07 version sent on 5-23-07
SB 842	Scott	<p>Introduced 2-23-07</p> <p>In Senate Environmental Quality Committee</p> <p>2 year bill</p>	<p>Existing Law: "Gasification" is the non-combustion thermal processing of waste using heat, pressure, and steam to convert materials directly into a gas for electricity generation.</p> <p>To qualify for diversion credit, a gasification facility must:</p> <ul style="list-style-type: none"> • Not use air or oxygen in the conversion process • Not discharge air contaminants or emissions • Not discharge to surface or groundwater • Not produce hazardous waste • Remove all recyclable materials and marketable green waste materials to the maximum extent feasible • Be in compliance with all applicable laws, regulations, and ordinances • Any jurisdiction using the facility must have a 30% diversion rate <p>Proposed Law: This bill would authorize a gasification facility's discharge of air contaminants or emissions to be regulated by the State Air Resources Board or Air Quality Management Districts rather than having an absolute zero threshold.</p>	Letter of Support sent 5-17-07
SB 898	Simitian	<p>Chaptered 10-13-07</p> <p>In Assembly Appropriations Committee</p>	<p>Existing Law: The Personal Income Tax Law provides for individual contributions to support specified funds.</p> <p>Proposed Law: This bill would extend the sunset dates for two voluntary contribution funds contained on the personal income tax return.</p> <p><i>Previously,</i> this bill would have clarified that the public entity would have conducted a program to prevent the recurrence of solid waste disposal into municipal storm sewers.</p>	

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Bill	Author	Status	Summary	Task Force Position
SB 899	Simitian	Amended 3-26-07 In Assembly Environmental Safety and Toxic Materials Committee 2 year bill	Existing Law: Current law generally prohibits the manufacture, processing or distribution of products containing more than a specified amount of polybrominated diphenyl ether (PBDES). Proposed Law: This bill would phase out the use of plastic products that contain toxic materials such as styrene, bisphenol-A, perfluorocotanoic acid, vinyl chloride, nonylphenols, and alkylphenols. It would prohibit a person by June 1, 2008 from manufacturing, processing or distributing a product containing perfluorinated compounds or chemicals that degrade in the environment.	
SB 966	Simitian and Kuehl	Chaptered 10-12-07	Existing Law: AB 939 requires local jurisdictions to implement a plan to manage household hazardous waste, including unwanted pharmaceutical drugs. Proposed Law: This bill would require the Waste Board to develop model programs for the collection and proper disposal of pharmaceutical drug waste. <i>Previously</i> , this bill would have authorized every drug retailer to conduct projects for the collection of drugs for proper disposal. If by January 1, 2011, less than 80 percent of the state's population has access to a collection opportunity within one mile of a retailer, the Department of Toxic Substances Control shall require every retailer to have a system in place for the acceptance and collection of drugs for proper disposal.	Letter of Support for 4-30-07 version sent 6-21-07
SB 1016	Wiggins	Amended 4-10-07 In Assembly Natural Resources Committee 2 year bill	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. In determining compliance with AB 939, the State's diversion rate measurement system is used. The System has been found to be inaccurate, often resulting in non-representative diversion rates for jurisdictions. Proposed Law: This bill would authorize the Waste Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal to submit biennially information required in the Waste Board's annual report. If either the city or county subsequently fails to divert 50% of the solid waste, or if the Board rescinds the authorization, the city or county would be required to submit the report annually.	Comment Letter on draft revisions sent 7-11-07
SB 1020	Padilla	Amended 6-26-07 In Assembly Appropriations Committee 2 year bill	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Failure to comply may subject the jurisdiction to penalties of up to \$10,000 per day. Proposed Law: Requires the Waste Board to adopt policies, programs, and incentives to ensure that the state achieves a 60% solid waste diversion rate by 2012 and a 75% diversion rate by 2020.	Letter of Opposition for 4-09-07 sent 4-18-07

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Bill	Author	Status	Summary	Task Force Position
SB 1021	Padilla	Chaptered 10-12-07	Existing Law: The California Beverage Container Recycling and Litter Reduction Act requires the Department of Conservation to implement a Statewide beverage container recycling program, including providing grant funding to local governments and non-profit agencies.	Watch
			Proposed Law: This bill would, for calendar year 2008, make available \$15 million in grant funding to place source separated beverage container recycling containers at multifamily homes.	
SB 1036	Perata	Chaptered 10-14-07	Existing Law: Existing law requires the Energy Commission to certify eligible renewable energy resources and to award production incentives and allocate and award supplemental energy payments from the New Renewable Resources Account to cover above-market costs of purchasing electricity from eligible renewable energy resources.	
			Proposed Law: This bill would eliminate the CEC administration of funds available for award to new renewable energy facilities in the form of supplemental energy payments (SEPs) pursuant to the Renewables Portfolio Standard (RPS). This bill would authorize the Public Utilities Commission (PUC) to allow recovery of future above-market costs pursuant to its ratemaking authority.	



California Product
Stewardship Council

A Better Way:
Product Stewardship

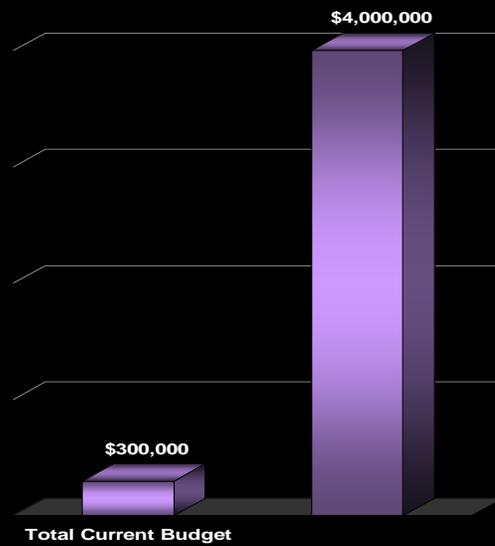
Mission

To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design.

California Product Stewardship Council



The High Cost of Compliance

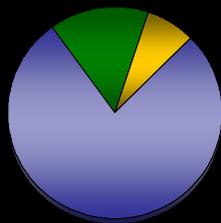


California Product Stewardship Council

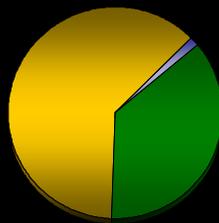


A Simpler Time

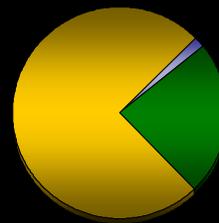
Per Capita Waste Production



1900 - NYC



1960 - USA



2000 - USA

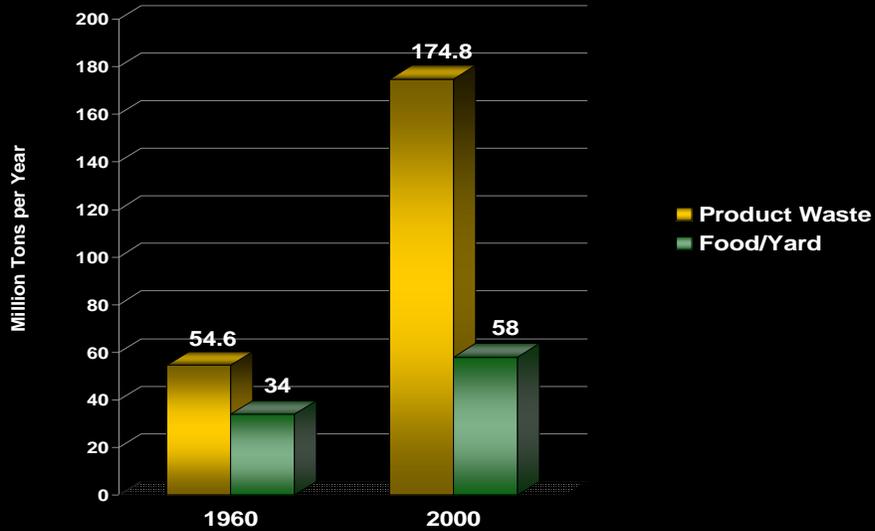
Mineral

Food/Yard

Products

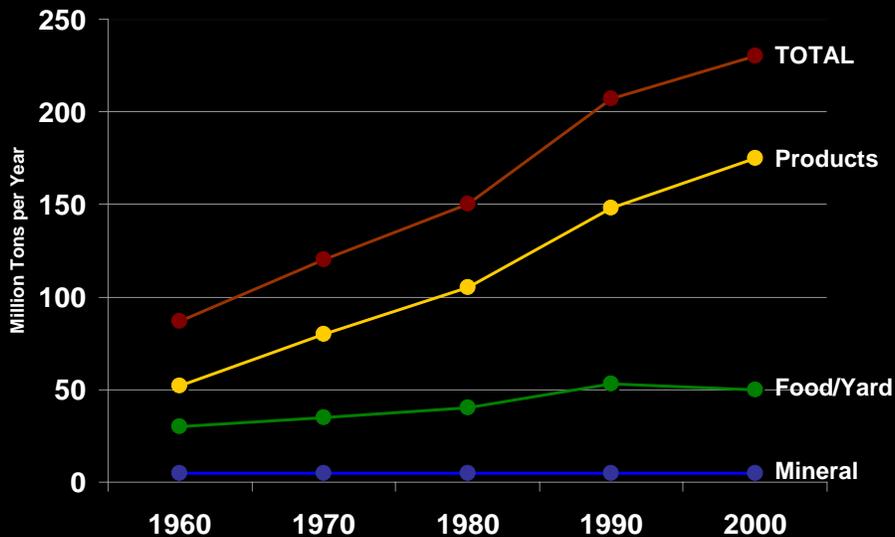
Source: EPA

Changing Waste



Source: EPA

Changing Waste



Source: EPA

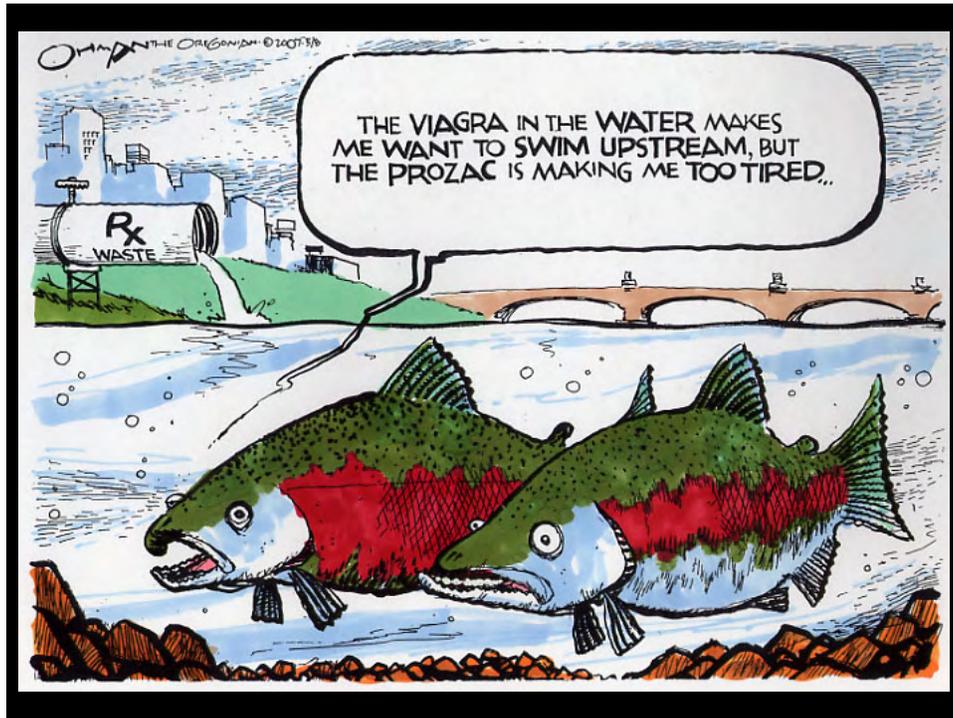


Disposable and toxic
by design



U-Waste: Designed for Disposal

California Product Stewardship Council



4526,0000



Multi Media

Solid Waste

Hazardous Waste

Wastewater

Stormwater

Public Health

The San Diego Union-Tribune

New rules bar 'U-waste' from state landfills

Don't throw away that dead battery, old cell phone or broken digital camera. As of Feb. 9, it will be illegal to send household electronic waste - U-waste - to California landfills.

Batteries and consumer electronics, along with fluorescent bulbs and thermostats, contain low levels of hazardous metals such as lead, mercury, calcium and chromium, which can contaminate soil and water. Those products and others classified by the state Department of Toxic Substance Control as "universal waste" will have to go to a recycler or household hazardous waste collection center.

Similar regulations have banned TV sets and computer monitors from the state's landfills since 2001. The e-waste and other items have been classified as universal waste since 2002, but homes and small businesses were granted an extension through Feb. 9 of this year.

The term universal waste is used because these items are found in a multitude of locations, eventually every home and business, not from a single place such as a factory.

Despite the sweeping changes in the way Californians must dispose of such products, residents have received little, if any, notification about the new rules from either the state or San Diego County, which will oversee universal waste collection locally.

Officials don't expect people's waste-disposal habits to change overnight. And they say they are counting on voluntary compliance - not enforcement - to keep toxic metals out of landfills.

"We're not going to hire a bunch of garbage police to manhandle through people's

trash and see whether Joe and Sally California threw away three batteries," said Ron Baker, a spokesman for the state agency.

"To protect the people of California, we care about the environment," Baker said. "If we tell them why we're doing this, that we don't want these contaminants re-entering the environment, and if we tell them where to dispose of the items, I think we'll see a major change within three to six months."

Baker said a study of pollution in San Francisco Bay suggested that the leading source of toxic metals was universal waste.

There is no definitive list of products that qualify as universal waste.

But San Diego County environmental officials say the category appears to cover anything that contains a circuit board - from electric watches and alarm clocks to electronic toys, VCRs, even novelty greeting cards that play a tune when opened. Circuit boards contain lead solder and copper, which can leach into the environment when the boards decay over time.

Electronics, filled with potentially toxic metals, are a staple of modern life, from talking dolls and singing fish to video game systems, boom boxes, portable CD players and remote controls for nearly everything, not to mention all of the gadgets the remote control. And all of these devices contain circuit boards, batteries or both.

The Department of Toxic Substance Control has tested circuit boards from several products - laptop computers, LCD monitors and plasma TVs - and all exceeded limits for lead and copper.

Despite the results, Baker said his agency hasn't concluded that all electronics should be classified as universal waste. He said that the agency is testing products and that those that exceed levels for hazardous

metals will be added to the list. So far, these products have been deemed universal waste and must be recycled or taken to a household hazardous waste collection center beginning next month.

Common batteries such as button batteries, AA, AAA, C and D cells, but not car batteries, which are already regulated.

Electronics such as TVs, computer monitors, computers, printers, VCRs, cell phones, telephones, radios and microwave ovens.

Novelties such as greeting cards that play music when opened and most speakers with flashing lights in their sides.

Products on the list that contain mercury include:

- Fluorescent light tubes and bulbs, and several other types of bulbs such as high-intensity discharge, metal halide, sodium and neon.

- Thermostats.

- Electrical switches, relays, clothes iron, silent light switches.

- Mercury thermometers.

- Mercury gauges, which are often found in barometers, manometers and blood-pressure monitors.

In addition, aerosol cans that are not empty are considered universal waste.

As the Department of Toxic Substance Control adds to its list of items considered universal waste, others are proceeding with a broader definition.

"It's my interpretation that all electronics are universal waste," said Mark Marry, executive director of Californians Against Waste. "Every single device DTSC has tested has been found to be a hazard."

Marry said it was surprising that officials have not publicized the new requirements. He said officials and groups such as his have been focusing on computer monitors and TVs, which made up

Good Intentions of U-Waste Bans

- Batteries
- Electronics and computers
- Fluorescent light bulbs
- Thermostats
- Electric switches
- Thermometers
- Mercury gauges
- Aerosol cans

The Sacramento Bee

CELEBRATING OUR 150TH ANNIVERSARY

Editorial

Recycling U-waste: Good goal, inadequate law

Stop! Don't throw that battery in the garbage bin or that burned out fluorescent light tube either. And certainly not the broken cell phone or the computer printer.

The state's universal waste law that went into effect last week makes the dumping of such items illegal, under penalty of huge fines (which aren't likely to be imposed on ordinary householders). Unfortunately, the Legislature failed to give local governments the funds or the guidance they need to comply, which in turn leaves the public largely confused.

For several years, it's been illegal to dump computers and TV monitors into waste bins. A recycling program for those items funded with fees on manufacturers has helped divert thousands of tons of those electronic goods from landfills.

Lawmakers did not assess similar fees on the ever-expanding array of e-trash. But they passed a law making it illegal to put stuff in the garbage. That prohibited list includes printers, batteries, fluorescent light bulbs,

even those cute shoes that light up when kids jump up and down.

The goal is laudable enough. Many of those devices contain lead, mercury, arsenic and other toxic materials. When crushed in landfills, they can leach into water supplies.

But to be effective, e-waste disposal must be cheap and convenient. With no funding from the state, local agencies are scrambling to figure out how to comply and to pay for that compliance.

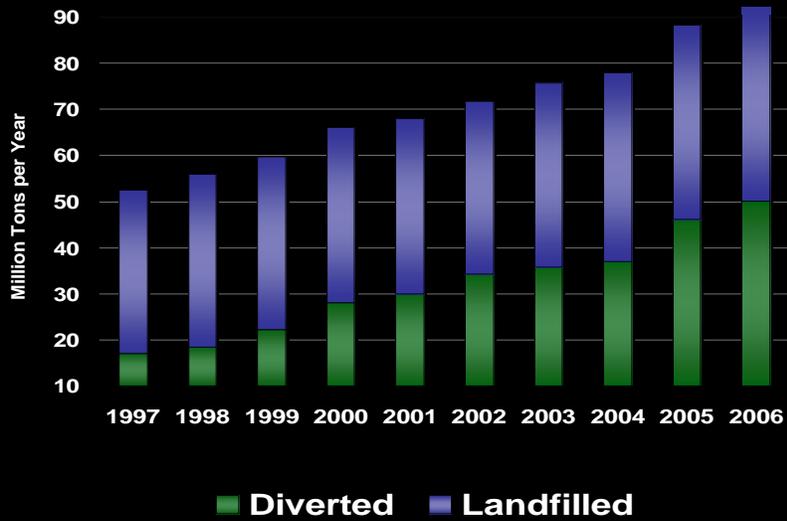
In many jurisdictions, batteries will be picked up on neighborhood cleanup days, but no one has come up with an easy way for people to dispose of fluorescent light tubes and other common materials. Until they do, this law won't be effective.

Locally, those who want to do the environmentally correct and legal thing can find information on Sacramento's Web site at www.cityofsacramento.org/utilities or in the county at www.sacgreenteam.com

Ban Without a Plan

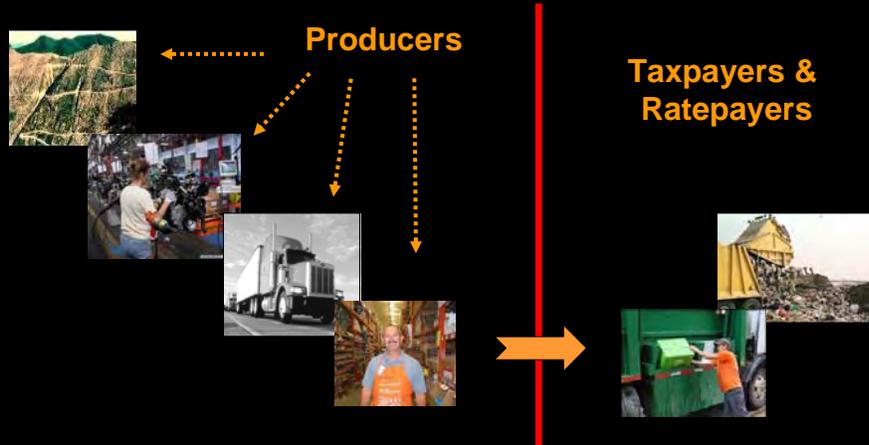
- Unfunded mandate
- Responsibility without capability for local governments
- Virtually unenforceable
- Places responsibility on ratepayers and taxpayers
- Amounts to subsidies for manufacturers

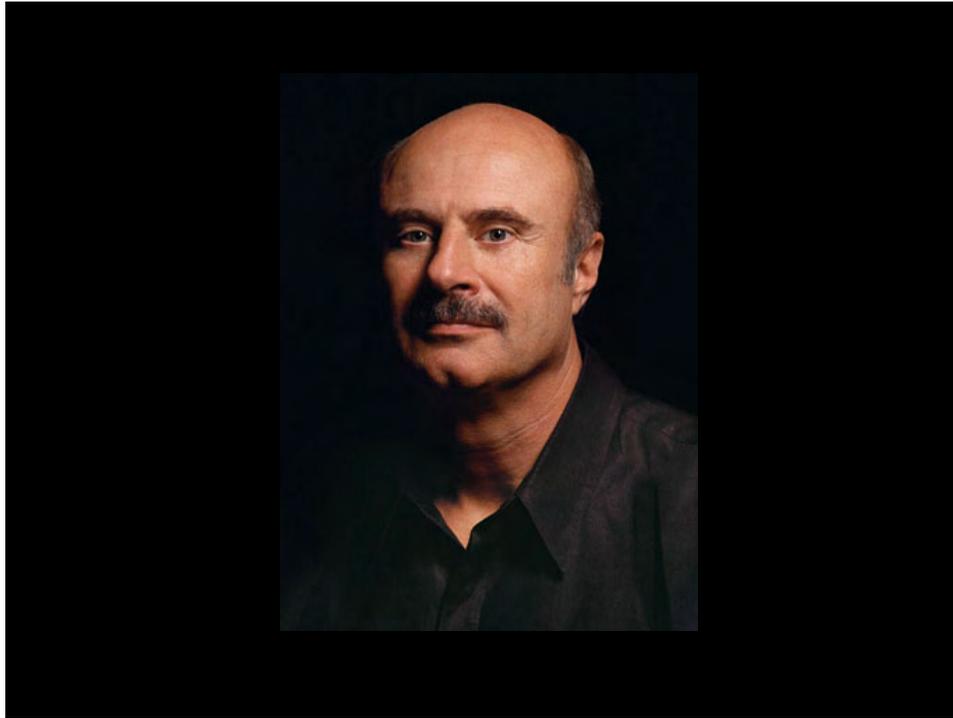
Growth in CA Total Waste



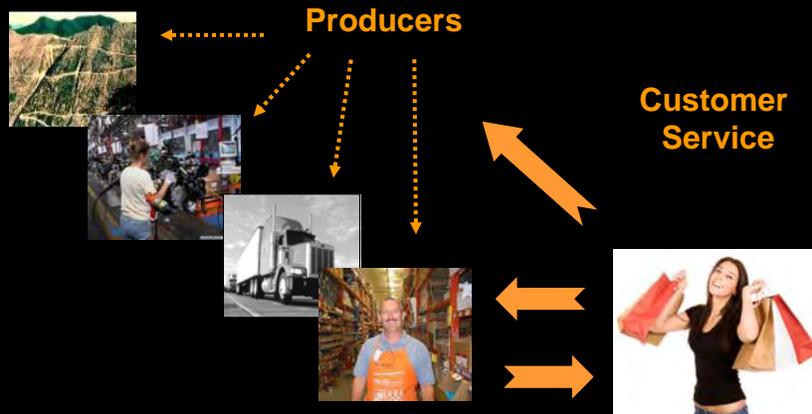
Source: CIWMB

Now: Waste is a Local Responsibility





A Better Way - Producer Responsibility



Cradle to Cradle



California Product Stewardship Council

help protect the environment

PCPSA **Return Unused Medications**

Post Consumer Pharmaceutical Stewardship Association

Public

The Medications Return Program enables the safe disposal of expired and used medicines. To learn more, click here.

what can I return?

You may dispose of your old medications in an environmentally friendly manner including:

- All prescription drugs
- All non-prescription medicines
- Herbal products
- Mineral supplements
- Vitamin supplements
- Throat lozenges

where can I return?

You may return your unused medications to a participating pharmacy or a designated depot. View the program in place for your province for more information.

Pharmacists

how can I participate?

To learn more about how you can participate in the Medications Return Program click here.

Brand-Owners

how can I join?

To learn more about how you can join the PCPSA and make a positive difference for our environment, click here.

what's new?

Read our latest bulletin from May 2007.

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RBRC **call2recycle**

Recycle! Your rechargeable batteries and cell phones

Through our national program, Call2Recycle™, the Rechargeable Battery Recycling Corporation (RBRC) can help you recycle your used portable/rechargeable batteries and old cell phones. Rechargeable batteries are commonly found in cordless power tools, cellular and cordless phones, laptop computers, camcorders, digital cameras, and remote control toys. RBRC recycles the following battery chemistries: Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium-Ion (Li-Ion) and Small Sealed Lead (SSL). RBRC is dedicated to helping rechargeable batteries and cell phones out of millions of solid waste streams and preserving natural resources.

Answer the Call to Recycle!

* weighing less than 2 lbs./1 kg

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Find a Drop Off Site Near You

There are more than 30,000 Call2Recycle collection sites nationwide.

Learn how you can make great profits from old toys around your house.

Learn how you can make great profits from old toys around your house.

Rechargeable Battery Recycling Corporation. Copyright 2008. RBRC is a non-profit, public service organization created to promote the recycling of portable rechargeable batteries and cellular phones.

California Product Stewardship Council

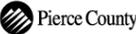
Manufacturer Support		Retailer Support	
			
			
			
			
			
			




- Real, working take back program
- Created in partnership with retailers, charities, environmental groups and local governments
- Spurred passage of state electronic waste law in 2006











Local Government Stewardship Councils

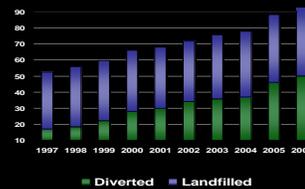


AB 939 (1989)

1. Source Reduction

2. Recycling and Composting

3. Transformation and Landfill Disposal





Strategic Directive 5

February 2007

CIWMB will ...

- “Seek statutory authority to foster cradle-to-cradle producer responsibility.”
- “Develop relationships with stakeholders that result in producer-financed and producer-managed systems”

Framework EPR



California Product Stewardship Council

CPSC Participants (Dec. '07)

- Alameda County
- Contra Costa County , Central
- Del Norte County SWMA
- Kern County
- Los Angeles County
- Marin County
- Monterey County
- Napa County
- Sacramento County
- San Bernardino County
- San Francisco County
- San Joaquin County
- San Mateo County
- Santa Barbara County
- Santa Clara County
- Santa Cruz County
- Solano County
- Sonoma County
- Stanislaus County
- Tehama County
- Tulare County JPA
- City of Berkeley
- City of Burbank
- City of Ceres
- City of Chula Vista
- City of El Cerrito
- City of Elk Grove
- City of Fortuna
- City of Fresno
- City of Los Angeles
- City of Morgan Hill
- City of Napa
- City of Oakland
- City of Palo Alto
- City of Sacramento
- City of San Francisco
- City of San Jose
- City of Santa Monica
- City of Simi Valley
- West Valley Cities
- City of Whittier
- California Council of Directors of Environmental Health (CCDEH)
- California Stormwater Quality Association
- Association of Bay Area Governments, Bay Area Hazardous Waste Management Facility Allocation Committee
- Association of Bay Area Governments, SF Estuary Project
- Bay Area Clean Water Agencies
- Bay Area Stormwater Management Agencies Association
- East Bay Municipal Utility District
- Mojave Desert Mountain JPA
- Rural Counties' Environmental Services Joint Powers Authority
- West Valley Cities & Town Stormwater Programs
- Environmental Services JPA
- Regional Council of Rural Counties
- Alpine
- Amador
- Butte
- Calaveras
- Colusa
- Del Norte
- El Dorado
- Glenn
- Imperial
- Inyo
- Lassen
- Madera
- Mariposa
- Modoc
- Mono
- Nevada
- Plumas
- Sierra
- Siskiyou
- Tehama
- Trinity
- Tuolumne

CPSC Participants

May 2007



EPR Resolutions, Ordinances, Plans and Policies

May 2007



Join CPSC and
Speak with a Unified Voice

California Product Stewardship Council



Lobby for Statewide Legislation



Pass Resolutions, Ordinances
Plans and Policies

California Product Stewardship Council



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Developed with support from the

Product Policy Institute

Trash for Teaching

Maximizing Education/Minimizing Waste

January 24, 2008

Chris Elliott

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www.trashforteaching.org

Mission

- *Education and Environmentalism Through Creative Reuse*

Trash for Teaching (T4T) collects clean and safe cast-off materials from manufacturing processes and repurposes them as educational resources.



Plastic cylinders



Decorative cores



Mylar paper



Pen parts

History



2004

- Incorporated
- Purchased a used postal truck and outfitted it to be first Treasure Truck
- Arts educator hired to develop, coordinate & implement arts programming
- Began providing arts education to LAUSD Kindergartens in pilot program

Trash for Teaching

History



2005

- Became member of LAUSD's Arts Community Partnership Network (ACPN)
- Contracted with Culver City Unified School District to provide professional development for all elementary school faculty and Treasure Truck visits for their students

Trash for Teaching

History



2006

- Received a Reuse Assistance Grant from the CIWMB in partnership with the City of Torrance to serve 20 Torrance schools
- Purchased second Treasure Truck
- Converted first Treasure Truck to run on vegetable oil
- Received nonprofit designation

Trash for Teaching

History



2007

- Contract with LAUSD expanded, allowing T4T to serve twice as many students
- LA County Arts Commission approved *ReCreate*, T4T reuse arts education program, to be included in www.LAArtsEd.org, the LA County Arts Education Resource Directory

Trash for Teaching

Math



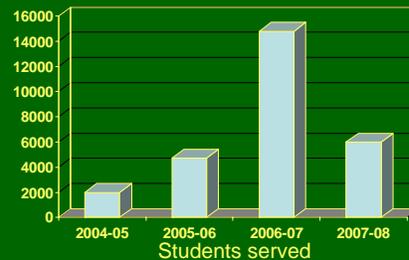
Accomplishments to date

- 89 Schools
- 17,000 students
- 2,120 teachers
- 40 tons of materials diverted

Trash for Teaching

Math

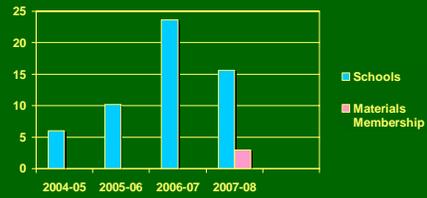
Service growth



- 04-05 to 05/06: 20 to 28 schools (40%), 80 to 120 classes/teachers (50%)
- 05-06 to 06-07: 28 to 57 schools (100%), 120 to 287 classes/teachers (140%). Includes non-recurring Torrance project. Excluding Torrance, growth rate= +32% schools, +60% classes
- Projected growth rate for 07-08: from 37 to 40 (12%) schools and from 111 classes to 240 classes (116%).

Trash for Teaching

Math



Reuse rate growth

- 04-05 to 05-06: From 6 to 10.2 tons (66%)
- 05-06 to 06-07: From 10.2 to 23.7 tons (over 100%)

Trash for Teaching

Science



Composition of reuse materials supply

- Paper/cardboard 50%
- Plastic/polymers 37%
- Fabric 6%
- Metal 3%
- Wood scraps 4%

Trash for Teaching

Community Profile



Demographics:

- 0.3% Native American
- 6.3% Asian
- 11.2% African American
- 73.3% Latino
- 8.9% Caucasian

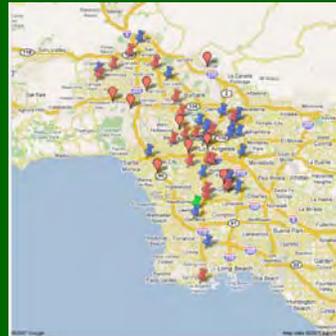
43% of students served are English learners

Socioeconomic indicators:

- 74% of LAUSD students are eligible to receive free/reduced price lunches
- 97% of LAUSD schools served by T4T receive Title I funds

Trash for Teaching

Community Profile



T4T provides services in:

- Los Angeles Council Districts 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14
- Carson
- Gardena
- Huntington Park
- South Gate
- Unincorporated LA County

Trash for Teaching

Community Profile

Materials Donors



Advanced Foam - Alan Lithograph - Cal Litho Color - Ambit Pacific Recycling Inc. - American Apparel - Big Bite Tacos - California Gasket and Rubber - Cotton Knit Trading Co. - Expanded Plastics and Rubber Corp. - Eyes on Main - Graphics Works - High Quality Alloys - In Sync Media - I Was Framed - John Paul's Designs, Inc. - Kent H. Landsberg Co. - MainLine, Inc. - Modern Concepts - Novelty Knits - Ohline Corporation - Pan Pacific Yarn - Parter Medical Products - Pelican Products, Inc. - Pentel - Plastic Fabricators, Inc. - Sanford/Papermate - Scapa - Simply Scrumptious - Sixth Dimension Apparel, Inc. - Southwest Offset Printing - Spectratek Technologies, Inc. - Texollini Textiles Unlimited, Inc. - Three Bond International, Inc. - Torrance Upholstery - Tystar - Virco MFG. Corp.

Trash for Teaching

Programs

- Treasure Trucks
- Materials Warehouse Membership
- Arts Education Programs
 - Professional Development
 - Comprehensive Program
- Collaborations



Trash for Teaching

Programs



- **Treasure Trucks**

Offer students and community members access to materials inventory at local schools and community sites. A three-hour visit accommodates about six classes, or about one hundred and fifty individuals.

Trash for Teaching

Programs



- **Materials Warehouse Membership**

Enables schools and nonprofits to access an unlimited supply of “found” materials for an entire school year. Individuals may purchase materials for \$2 per pound.

Trash for Teaching

Programs



- Arts Education Programs
- Professional Development Workshops (PDs) are one- to two-hour sessions available to groups of up to forty teachers. Past workshop titles include:
 - Creativity, Culture, and Self-Expression: Making Holiday Art Educational
 - Interdisciplinary Learning Through Book-Making
 - Character Development Through Mask-Making
 - Printmaking with Found Objects.

Trash for Teaching

Programs



- Arts Education Programs
- The **Comprehensive Program** is a nine session visual arts program developed for LAUSD's Arts Community Partnership Network. It consists of:
 - one PD for all teachers
 - one collaborative planning meeting and one PD for six participating teachers
 - six in-class instructional sessions.

Trash for Teaching

Programs Collaborations



with other nonprofits and community-based organizations to design and implement educational workshops for children.
Past collaborators include:

- **The Norton Simon Museum**
- **The L.A. County Museum of Natural History**
- **El Dorado Nature Center (Long Beach)**
- **Heal the Bay (Santa Monica)**
- **International House of Blues Foundation**

Trash for Teaching

Collaborations



- In 2006, the CIWMB awarded the City of Torrance and T4T a grant to provide reuse education in Torrance schools.
- Results:
 - 20 schools received 3 truck visits each
 - 13,471 participants received materials
 - 35,340 lbs. (17.67 tons) diverted

Trash for Teaching

Goals

- To provide arts programming for 60 schools in LAUSD
- To establish an independent site
- To collaborate with schools, public agencies, and businesses to develop sustainable reuse systems



Trash for Teaching

Plastic Bulk Merchandise Container Theft

Problem:

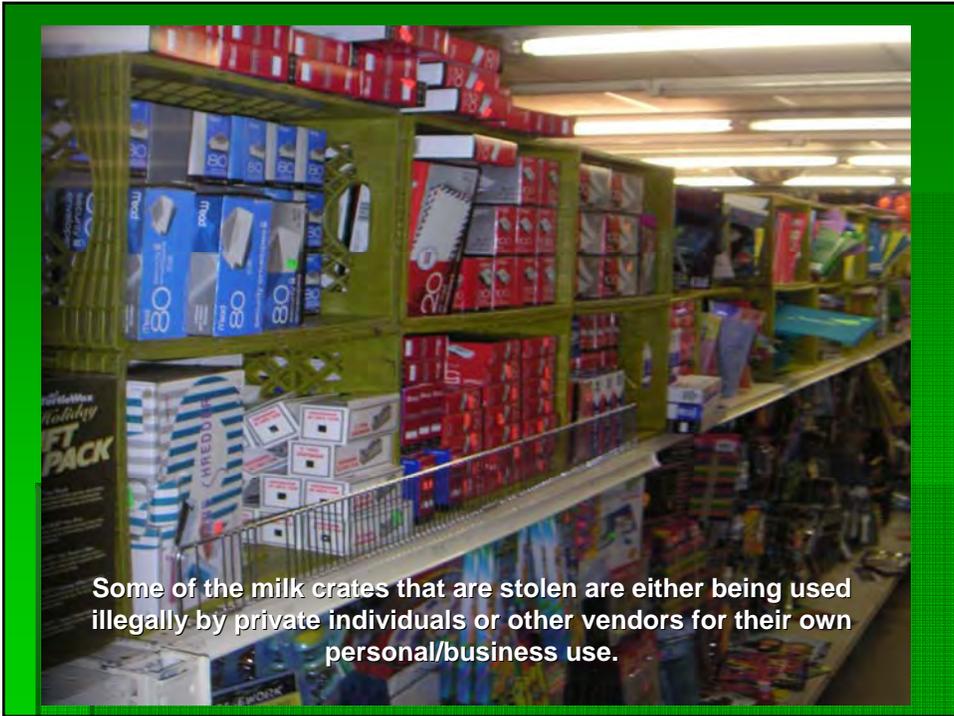
- Dairies throughout the state are spending millions of dollars annually due to the theft of their branded plastic delivery milk crates. Milk crates are an integral part of the dairy delivery process. Historically dairy delivery trucks unload the milk crates and leave the establishment while in-store stockers stock the refrigerators. The empty cases are stored by the customer until the delivery driver returns to deliver more milk at which time the driver picks up the empty crates and brings them back to the milk processor/bottler to be re-used. However, since many of the crates are stolen, dairies are having to purchase more and more replacement crates at a skyrocketing rate.

Rockview Farms Dairy Crate Purchases

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
2002	5,856	8,156	7,384	13,200	14,688	13,656	21,096	24,160	31,792	26,872	28,327	28,976	224,163
2003	7,200	25,536	22,834	22,596	29,160	3,600	22,333	40,800	24,000	46,200	43,200	19,200	306,659
2004	4,800	31,460	22,024	23,633	33,277	20,880	42,920	38,400	31,240	31,280	48,000	21,600	349,514
2005	42,160	16,804	26,400	38,400	40,128	31,784	29,900	47,603	33,609	51,185	37,927	28,206	424,106
2006	25,648	13,798	32,116	28,998	46,202	5,778	31,388	45,537	50,232	25,650	52,750	20,070	378,167
2007	18,680	26,860	17,604	33,854	33,056	14,396	16,540	42,618	47,375	18,872	34,000	25,106	328,961



While these plastic delivery crates are clearly branded and privately-owned, thieves continue to steal them





Many are thrown away and end up in our landfills



Milk crates aren't always regarded as something of value by the public and are often discarded



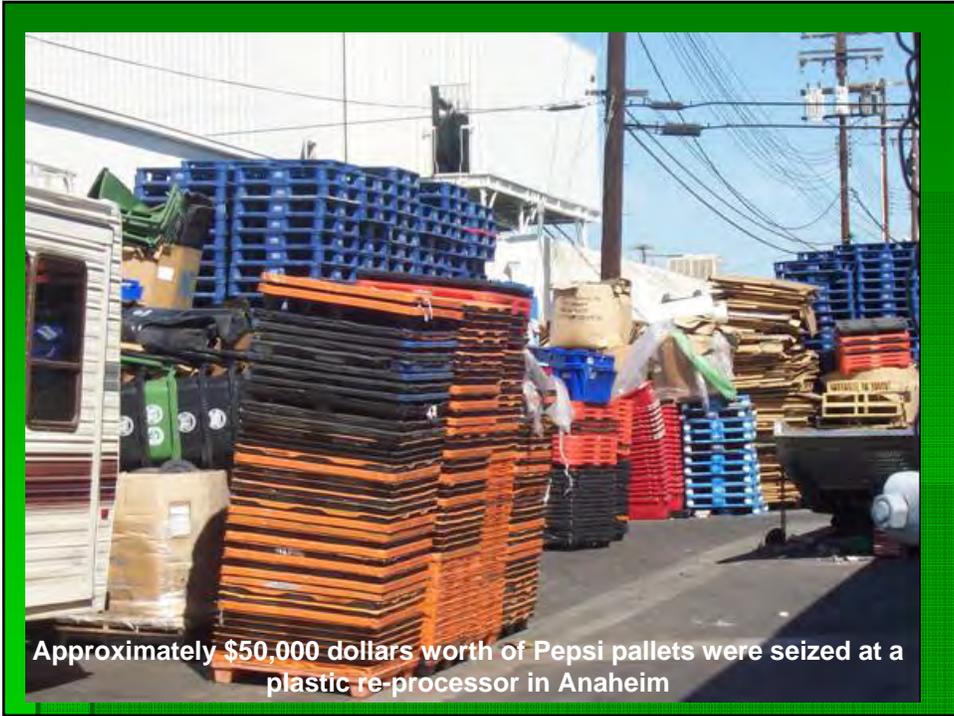
It is suspected that most of the milk crates that are stolen are being sold illegally to plastic re-processors.



In the last 2 years two plastic re-processors have been found and arrested for purchasing stolen property.



Other industries have experienced significant losses as well



Approximately \$50,000 dollars worth of Pepsi pallets were seized at a plastic re-processor in Anaheim





PENAL CODE SECTION 565-566

565. It is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or both, for an unauthorized person to possess or use, or to obliterate or destroy the brand registration upon, containers (including milk cases), cabinets, or other dairy equipment, which have a value of four hundred dollars (\$400) or less, when the containers, cabinets, or other dairy equipment are marked with a brand that is registered pursuant to Chapter 10 (commencing with Section 34501) of Part 1 of Division 15 of the Food and Agricultural Code.

"Unauthorized person" shall have the meaning of that term as defined in Section 34564 of the Food and Agricultural Code.

566. It is a felony, punishable by a fine not exceeding one thousand five hundred dollars (\$1,500), or by imprisonment, or both for an unauthorized person to possess or use, or to obliterate or destroy the brand registration upon, containers (including milk cases), cabinets, or other dairy equipment, which have a value in excess of four hundred dollars (\$400), when the containers, cabinets, or other dairy equipment are marked with a brand that is registered pursuant to Chapter 10 (commencing with Section 34501) of Part 1 of Division 15 of the Food and Agricultural Code. "Unauthorized person" shall have the meaning of that term as defined in Section 34564 of the Food and Agricultural Code.

Assembly Bill No. 2289

CHAPTER 461

An act to add Chapter 24.5 (commencing with Section 22755) to Division 8 of the Business and Professions Code, relating to plastic merchandise containers.
[Approved by Governor September 25, 2006. Filed with Secretary of State September 25, 2006.]
legislative counsel's digest

AB 2289, Ruskin. Plastic bulk merchandise containers.

Existing law makes it a crime for an unauthorized person, as defined, to possess a bakery tray, bakery basket, or merchandise pallet. Under existing law, a purchaser or lessee of a bakery tray, bakery basket, or merchandise pallet is required to retain a copy of the bill of sale or other evidence that supports the sale.

This bill would require any person or entity purchasing plastic bulk merchandise containers who is in the business of recycling, shredding, or destruction of plastic bulk merchandise containers, as defined, to obtain a proof of ownership record and other identifying information from a person selling 5 or more containers, and to retain the required record for a specified time. A violation of these provisions would be a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 24.5 (commencing with Section 22755) is added to Division 8 of the Business and Professions Code, to read:

Chapter 24.5. Plastic Bulk Merchandise Containers

22755. (a) For purposes of this section, a plastic bulk merchandise container means a plastic crate or shell used by a product producer, distributor, or retailer, or an agent of the product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, eggs, or bottled beverage products.

(b) Any person or entity purchasing plastic bulk merchandise containers, who is in the business of recycling, shredding, or destruction of plastic bulk merchandise containers, shall obtain a proof of ownership record from a person selling five or more plastic bulk merchandise containers that shows that the person selling the containers has lawful possession or ownership of the containers, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

- (1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.
- (2) The name and address of the buyer or consignee if not sold.
- (3) A description of the product including number of units.
- (4) The date of transaction.

(c) The information required to be collected by this section shall be kept for one year from the date of purchase or delivery, whichever is later.

(d) Any person who violates the provisions of this section is guilty of a misdemeanor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

The Bottom line:

Existing laws addressing milk crate theft are not being enforced. The current lack of enforcement of the law over plastic re-processors opens the door for them to illegally purchase stolen dairy crates and grind them up for profit at the expense of the registered owner of the dairy crates costing the food and beverage industry millions of dollars annually. These illegal practices are, for the most part, going unmonitored.

Solution & Approach:

The help of local waste management providers, local law enforcement and county DA's is needed to enforce existing laws! Penal Codes 565-566, California Food and Agricultural Codes 34561 – 34564, 34568, 34653 – 34655, and Assembly Bill 2289 are laws that address milk crate theft and the consequence of breaking such laws. These laws must be recognized and enforced.