



Waste Management Commission

Thursday, June 9, 2016 2:00 P.M.

300 N. Flower St., Suite 400

Santa Ana, CA 92703

Waste Management Commission Local Task Force

Chair (At Large)

David J. Shawver*

Vice-Chair (2nd District)

Joe J. Carchio

1st District

Michele Martinez*

Xuan-Nhi Van Ho

Deepak J. Krishan

2nd District

Rob Johnson*

Tina M. Nieto

3rd District

Mike Alvarez*

Donald R. Froelich

Steve Chavez Lodge

4th District

Charles J. Kim

Chad P. Wanke

Christine Marick*

5th District

Cynthia Conners*

Joe Soto

Mark Tetterer

City Managers'

Representative

Doug Chotkevys*

Director

OC Waste & Recycling

Dylan Wright

*Appointed by Orange
County City Selection
Committee

AGENDA

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

The Orange County Waste Management Commission consists of 18 members. Nine members present constitute a quorum. In the absence of a quorum the meeting will be convened and adjourned, and no actions may be taken by the Commission.

Pledge of Allegiance

Roll Call

The Clerk of the Commission will call roll.

Chairman's Report

Chairman David J. Shawver

Director's Report

Dylan Wright, Director, OC Waste & Recycling

Action Item Recap

Commission Clerk

Agenda Item 1:

Minutes of Waste Management Commission/Local Task Force, March 10, 2016

Summary: Review and approve minutes of March 10, 2016 WMC/LTF meeting.

Recommended Action: Review and approve minutes.

Agenda Item 2:

OC Waste & Recycling FY 2015/16 3rd Quarter Financial Report

Summary: Staff will provide the OC Waste & Recycling 3rd Quarter Financial Report for FY 15/16.

Recommended Action: Receive and file report.

Agenda Item 3:

AB 939 Report

Summary: Staff will present a written report on AB 939 programs, projects and issues.

Recommended Action: Receive and file report.

Agenda Item 4:

Subcommittee Reports

Summary: Subcommittee members will report on their respective meetings:

- Ad hoc Bylaws Committee
- Legislation and Regulations Subcommittee

Recommended Action: Receive and file reports

Agenda Item 5:

Legislative and Regulatory Report

Summary: Staff will present a written report summarizing legislative and regulatory activities that could impact operations of OC Waste & Recycling.

Recommended Action: Receive and file report.

Commissioner Comments

Public Comment

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

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

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

1. By accessing the OC Waste & Recycling website at www.oclandfills.com and viewing the Waste Management Commission page.
2. By sending a written request to OC Waste & Recycling, 300 N. Flower, Suite 400, Santa Ana, CA 92703-5000;
3. By telephoning the Commission Clerk at (714) 834-4059;
4. By sending an e-mail request to Commission Clerk at julie.chay@ocwr.ocgov.com.

NEXT MEETING: Thursday, September 8, 2016



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force Meeting, March 10, 2016

Commissioners Roll (√ Indicates Present)

<u>1st District</u>	<u>2nd District</u>	<u>3rd District</u>	<u>4th District</u>	<u>5th District</u>
√ Michele Martinez*	√ Rob Johnson*	√ Mike Alvarez*	√ Christine Marick*	Cynthia Conners*
Xuan-Nhi Ho	√ Joe J. Carchio	√ Donald Froelich	√ Charles J. Kim	√ Joe Soto
Deepak J. Krishan	√ Tina Nieto	√ Steve Chavez Lodge	Chad P. Wanke	√ Mark Tettermer
√ Doug Chotkevys* – <i>City Manager</i>		√ David Shawver* – <i>At Large (Stanton)</i>		
√ Dylan Wright, Director, OC Waste & Recycling		*City Selection Committee Appointee		

Also Present:

Dean Ruffridge	CR&R	Stu Luce	
Nick Alvaro	GHD	Judith Rosser	
David Ross	TVI	Roger Gomez	Aguinaga Green
Mary Beth Anderson	OC Waste & Recycling	Charlene Del Mundo	OC Waste & Recycling
Nikki Aragon	OC Waste & Recycling	Irene Lavigne	OC Waste & Recycling
Jeff Henderson	MSW Consultants	Christine Knapp	OC Waste & Recycling
Debbie Killey	JR Miller & Associates	Phil Anthony	SWAOC

Call to Order

Chairman David Shawver called the meeting to order at 2:04 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Nieto.

Roll Call

Roll call was conducted by the Commission Clerk.

Chairman's Report

Chairman Shawver commended outgoing Commission Chairman, Chad Wanke, for his leadership last year. The Chairman asked staff to arrange formal recognition for Commissioner Wanke at the June meeting. The Chairman also commented on the need for all Commissioners to actively support the Waste Disposal Agreement amendment to ensure the continuation of waste importation.

Director's Report

Director Dylan Wright invited all Commissioners to attend the Bowerman Power Ribbon Cutting on Tuesday, March 29th and the Dine at the Dump on Thursday, May 19th. He also announced that the new Bowerman Power Project had been awarded Outstanding Energy Project by the Orange County Chapter of the American Society of Civil Engineers (ASCE). Board of Supervisors Chairwoman Lisa Bartlett awarded OC Waste & Recycling a resolution that recognizes the department's partnership with Inside the Outdoors and Project Zero Waste. The partnership between OC Waste & Recycling and Inside the Outdoors earned two statewide awards for Project Zero Waste: the Golden Bell Award and the Governor's Environmental and Economic Leadership Award.

Agenda Item 1: Minutes of the December 10, 2015 Waste Management Commission/Local Task Force Meeting

The minutes were approved as read, with Commissioners abstaining who were not present at the meeting.

Agenda Item 2: OC Waste & Recycling FY 2015/16 2nd Quarter Financial Report

Manager of Budget Services, Alan Yuki, presented the report. Commissioners discussed the potential financial impact to the department if the Waste Disposal Agreement amendment is not approved by all cities. Commissioners also offered suggestions to help get the message out to the general public about the importance of the WDAs.

The report was received and filed.

Agenda Item 3: AB 939 Report

Manager of Educational Outreach & Recycling, Isabel Rios, presented the report, highlighting the countywide community outreach partnerships. She also announced that the Eco Challenge Poster Contest was underway and invited Commissioners to attend the EcoChallenge Day at the Cube on Saturday, April 23rd.

Commissioners asked staff to provide more information on the budget for the program and the number of kids reached through it. In particular, there were questions about the reach of the program for students who do not live near Discovery Cube. A request was made for a video to be broadcast on cities' public access cable tv stations. Staff said that city recycling coordinators would receive the information requested for promotion within the cities. The Eco Challenge Annual Report, which includes much of the information requested, will be provided to Commissioners.

The report was received and filed.

Agenda Item 4: Legislative and Regulatory Report

Manager of Waste Disposal Contracts & Recycling Programs, Jesus Perez, presented the report. Chairman Shawver asked about the status of plastic bag recycling legislation. Staff said they would research and provide a response.

The report was received and filed.

Agenda Item 5: Subcommittee Reports

Legislative & Regulatory Subcommittee

Commissioner Lodge reported on the subcommittee's review of legislation.

The report was received and filed.

Ad Hoc Bylaws Committee

Commissioner Mike Alvarez, Chairman of the Committee, reported on the Committee's first meeting on Tuesday, February 2, 2016. At that meeting staff provided an overview of the Commission, including the history of the Commission, a summary of other solid waste advisory bodies in neighboring counties and a report from County Counsel about legal considerations.

The report was received and filed.

Commissioner Comments:

Commissioner Chotkevys said that elected officials are discussing the WDAs on a one-to-one basis to encourage approval by all cities. He also commended past Chair Wanke for his leadership with fellow councilmembers in seeking WDA approvals.

Vice Chair Carchio informed the Commission about Rainbow Environmental Services' ongoing issue related to the school near their material recovery facility.

Public Comments:

None

The meeting was adjourned at 3:22 p.m.



Agenda Item 2 – *OC Waste & Recycling’s Financial Report*
Third Quarter of FY 15/16
Alan Yuki, Section Manager, Budget, Purchasing & Landfill Administration

This report presents the financial status of OC Waste & Recycling for the third quarter of FY 15/16 (January - March, 2016). Included in the report is financial information related to tonnage, expenditures, revenues, cash, and fund balance/reserves.

System Tonnage

Total OC Waste & Recycling system tonnage received during the third quarter of FY 15/16 was 1,193,918 tons, consisting of 736,705 In-county tonnage and 457,213 Importation tonnage. By landfill site, the third quarter of FY 15/16 tonnage was as follows:

Olinda Alpha Landfill

In-county tonnage 257,004 (35%) of total In-county tonnage
Importation tonnage 279,524 (61%) of total Importation tonnage

Frank R. Bowerman Landfill

In-county tonnage 400,483 (54%) of total In-county tonnage
Importation tonnage 149,988 (33%) of total Importation tonnage

Prima Deshecha Landfill

In-county tonnage 79,218 (11%) of total In-county tonnage
Importation tonnage 27,701 (6%) of total Importation tonnage

Revenues

For the third quarter of FY 15/16, revenue recorded in OC Waste & Recycling’s Enterprise/Operating (Fund 299) was \$28,155,496 or 26% versus the adopted revenue budget of \$106,781,000. Primary sources of revenue received during the third quarter included:

- \$24,644,279 Disposal fees (87.5% of the total)
- \$1,848,987 Operating Transfers-in (6.6%)
- \$1,362,732 Leases & Royalties (4.8%)

For the third quarter of FY 15/16, revenue recorded in OC Waste & Recycling’s Capital Project Fund (Fund 273) was \$2,742,469 or 14% versus the modified revenue budget of \$19,900,000. Primary source of revenue received during the third quarter was Operating Transfers-in from Fund 285 – Bankruptcy Recovery Plan.

Expenditures

Third quarter of 15/16 expenditures and encumbrances recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) totaled \$25,623,834 or an approximate 18.6% spend-out versus the modified expense budget of \$137,501,284.

Third quarter of FY 15/16 expenditures and encumbrances recorded in OC Waste & Recycling's Capital Project Fund (Fund 273) totaled 773,308 or 2.4% spend-out versus the modified expense budget of \$32,440,061.

For the third quarter of FY 15/16, OC Waste & Recycling's categories of major expenditures were:

- \$6,497,029 Salaries & Employee Benefits (25%)
- \$6,099,454 Taxes, Fees, Assessments (23%)
- \$3,750,738 Services & Supplies (14%)
- \$3,439,416 Equipment Purchases & Maintenance (13%)
- \$2,420,232 Landfill Regulatory Compliance (9%)
- \$1,784,682 Recycling and Community Service Programs (7%)

Cash Balance and Reserves

As of March 31, 2016, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$157,860,380.

As of March 31, 2016 the OC Waste & Recycling's Enterprise/Operating Fund 299 had an available reserves balance of \$69,961,812.

Summary

Should you have any questions or would like additional information, please contact Alan Yuki, OC Waste & Recycling Budget, Purchasing & Landfill Administration Manager at (714) 834-4161.

Recommended Action: Receive and file report.

Attachments:

1. Budget Report FY 2015/2016 3rd Quarter – Fund 299, 273 & 285 Overview
2. System-Wide Tonnage - FY 2011/2012 to 2015/2016 (Projected)
3. System-Wide Revenue (Excluding \$19 Surcharge) - FY 2011/2012 to 2015/2016
4. Fund 299 Revenues – FY 2015/2016 3rd Quarter
5. Expenditures by Categories – FY 2015/2016 3rd Quarter
6. Cash Balances – FY 2011/2012 – 2015/16 as of 03/31/2016

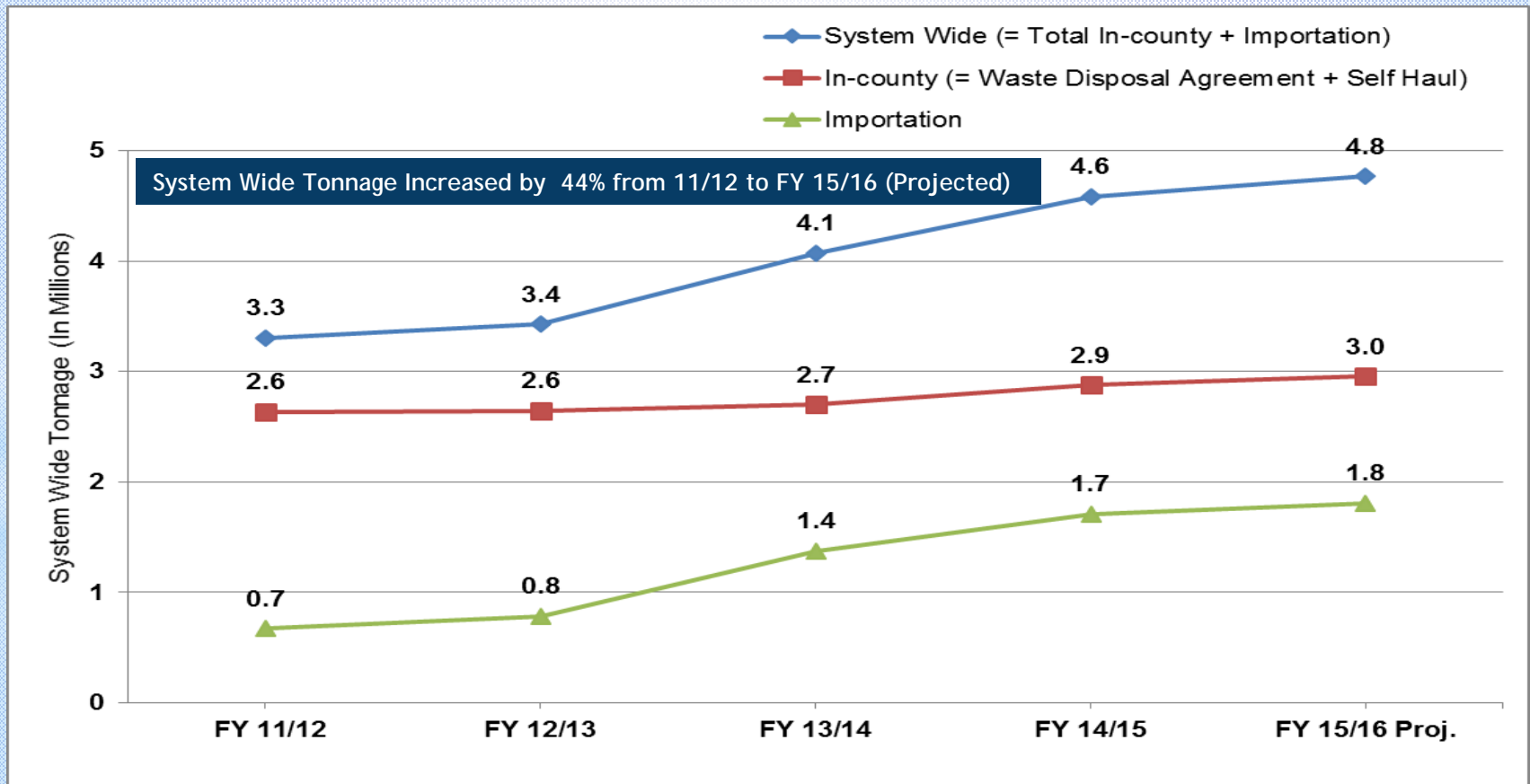
OC WASTE & RECYCLING

Budget Report Fiscal Year 2015/2016 – 3rd Quarter

Fund 299, Fund 273 and Fund 285 Overview

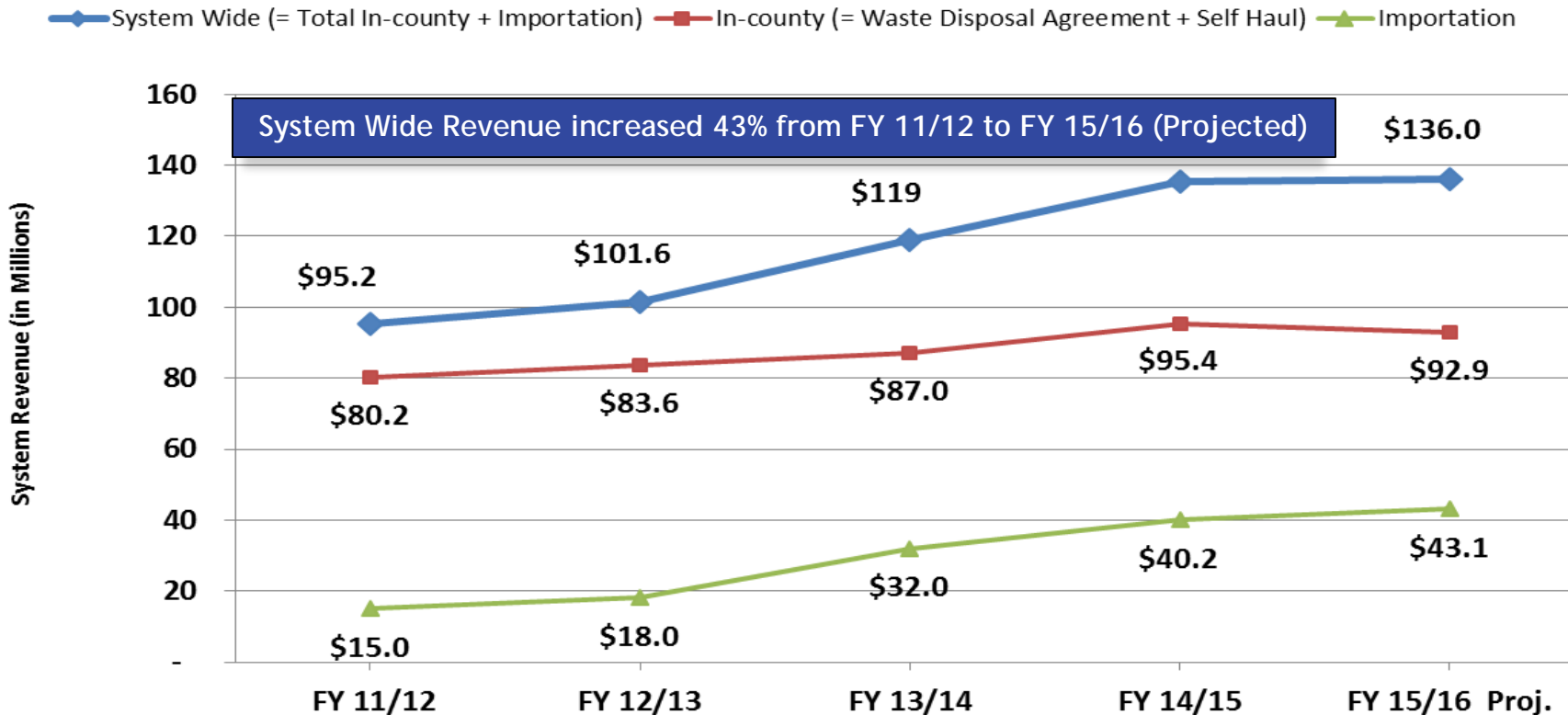
	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	FY 15/16 3rd Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)
In-County Tonnage	2,724,250	2,724,250	736,705	2,213,785	81%
Importation Tonnage	1,624,663	1,624,663	457,213	1,362,066	84%
Total System Tonnage	4,348,913	4,348,913	1,193,918	3,575,851	82%
Enterprise/Operating (Fund 299) Revenues	106,781,000	106,781,000	28,155,496	74,735,328	70%
Enterprise/Operating (Fund 299) Expenditures	124,815,064	137,501,284	25,623,834	77,558,295	56%
Capital Projects (Fund 273) Revenues	11,900,000	19,900,000	2,742,469	7,512,280	38%
Capital Projects (Fund 273) Expenditures	25,814,194	32,440,061	773,308	14,018,740	43%
Importation (Fund 285) Revenues	40,810,000	40,810,000	10,663,617	28,532,749	70%
Importation (Fund 285) Expenditures	41,008,606	41,012,765	10,934,645	21,474,444	52%

OC WASTE & RECYCLING System Wide Tonnage FY 2011/2012 – 2015/2016 (Projected)



OC WASTE & RECYCLING

System Wide Revenue (Excluding \$19 Surcharge) FY 2011/2012 – 2015/2016 (Projected)



OC WASTE & RECYCLING Fund 299 Revenues FY 2015/2016 3rd Quarter: January – March 2016

	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	3rd Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)	
Disposal Fees & Services	94,978,500	94,978,500	24,644,279	68,747,779	72%	
Operating Transfers-in	6,986,050	6,986,050	1,848,987	2,998,424	43%	
Interest Income	650,000	650,000	270,704	646,729	99%	
Leases & Royalties	3,654,150	3,654,150	1,362,732	2,286,568	63%	
Other Revenues	512,300	512,300	28,794	55,829	11%	[1]
Grand Total	\$106,781,000	106,781,000	\$28,155,496	\$74,735,328	70%	

Note(s):

(1) Other Revenues includes: Other Licenses & Permits, Franchises, Forfeitures & Penalties, Other Governmental Agencies Payments, Other Charges for Services, Returned Checks, Capital Asset Sales, Non-Taxable Resale and Miscellaneous Revenues.

OC WASTE & RECYCLING Expenditures by Categories FY 2015/2016 3rd Quarter: January – March 2016

Description	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	FY 15/16 3rd Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)
Salaries & Employee Benefits	27,672,719	26,943,991	6,497,029	18,362,824	68%
Capital Project Spend-out	25,564,194	29,106,501	769,727	14,002,772	48%
Services & Supplies ^[1]	19,163,070	20,630,785	3,750,738	16,114,712	84%
Landfill Regulatory Compliance	11,739,750	11,738,350	2,420,232	8,218,891	70%
Facility Expenditures	6,498,975	6,495,718	939,255	2,705,749	42%
Equipment Purchases, Usage & Maintenance	21,250,850	21,249,101	3,439,416	18,049,633	85%
Taxes, Fees, Assessments ^[2]	8,011,650	8,011,650	6,099,454	8,230,360	103%
Recycling and Community Service Programs ^[3]	7,359,500	7,471,170	1,784,682	5,019,717	67%
Non-recurring Expense ^[4]	7,350,000	7,118,749	696,608	788,319	11%
Transfers-out to Other Funds	18,550	18,550	0	0	0%
Depreciation Expense & Capitalized Assets ^[5]	16,000,000	19,083,560	0	84,058	N/A
Total Expenditures ^[6]	\$150,629,258	\$157,868,125	\$26,397,142	\$91,577,036	58%

Note(s):

- 1) Includes Cost Applies, IT Professional Services, Multi-Disciplinary Engineering Support Services
- 2) Includes Excise Taxes and Host Fees for In-County Tonnage
- 3) Includes Hazardous Waste Services, Recycling Program & Community Outreach and Surcharge Program AB939
- 4) Budget includes \$157.8 million and \$3.1 million for cost share for La Pata Gap Closure project
- 5) Reversal of depreciation and loss on sale of disposed assets
- 6) Does not include Operating Transfers between Fund 299 and Fund 273

OC WASTE & RECYCLING Cash Balances FY 2011/12 – 2015/16 as of 3/31/16

FUND	Description	Fund Restricted Y/N	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16 As of 3/31/16
299	OC Waste & Recycling Enterprise / Operating	No	\$98.48M	\$93.27M	\$122.63M	\$145.66M	\$157.86M
272	Prima Deshecha Landfill & La Pata Avenue Gap Closure	Yes		\$0.10M	\$0.10M	\$0.10M	\$0.10M
273	Capital Project Fund	No	\$10.00M	\$25.42M	\$44.59M	\$24.63M	\$19.53M
274	Corrective Action Escrow	Yes	\$6.08M	\$6.11M	\$7.13M	\$8.17M	\$8.20M
275	Environmental Reserve (Liabilities)	No	\$62.24M	\$69.28M	\$69.73M	\$71.06M	\$72.78M
276	Deferred Payment Security Deposits	Yes	\$0.75M	\$0.70M	\$0.56M	\$0.54M	\$0.54M
277	Rate Stabilization	Yes	\$28.05M	\$28.15M	Closed	Closed	Closed
278	San Joaquin Marsh Escrow	Yes	\$3.12M	Closed	Closed	Closed	Closed
279	Landfill Post-Closure Maintenance	No	\$167.27M	\$145.97M	\$139.91M	\$148.57M	\$142.83M
284	Bee Canyon Landfill Escrow (Closure)	Yes	\$28.77M	\$28.88M	\$28.95M	\$29.05M	\$29.17M
285	Bankruptcy Recovery Plan	No	\$0.03M	\$1.18M	\$2.12M	\$6.26M	\$6.70M
286	Brea-Olinda Landfill Escrow (Closure)	Yes	\$38.34M	\$38.48M	\$38.58M	\$38.71M	\$38.87M
287	Prima Deshecha Landfill Escrow (Closure)	Yes	\$20.26M	\$20.34M	\$20.39M	\$20.46M	\$20.54M
288	FRB Wetland Creation & Agua Chinon Wash Riparian	Yes		\$0.88M	\$0.88M	\$0.88M	\$0.88M
	TOTAL		\$463.40M	\$458.77M	\$475.58M	\$494.11M	\$498.01M



Agenda Item 3 – *AB 939 Report – Isabel Rios, Manager, Educational Outreach & Recycling*

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

COUNTYWIDE COMMUNITY OUTREACH PARTNERSHIP PROGRAMS

OC Waste & Recycling (OCWR) and Discovery Cube OC (DC-OC) are partners in a collaborative effort designed to stimulate long-term behavioral change that results in the public adopting habits to protect the environment. Education and outreach are foundational pillars of the effort, and the Eco Challenge exhibit emerged as an engaging way to target the general public with waste-diversion messaging, goals and actions. Both organizations have a mutual interest in increasing the number of visitors to the Eco Challenge exhibit, to maximize the educational reach and impact of the exhibit's messages and accelerate behavioral change.

In 2015, the Eco Challenge Public Education & Outreach Program partnership between OCWR and DC-OC established itself as Orange County's preeminent recycling campaign. Through public-private partnerships with Angels Baseball, Goodwill of Orange County and others, the Eco Challenge has gained momentum and proven its ability to inspire long-term behavioral change in our community. The program features educational outreach in schools and at the Cube, opportunities for community engagement through events and contests, and a strategic communications campaign. Measurable outcomes and the Eco Challenge's growing impact demonstrate the program's success and potential for years to come.

ECO CHALLENGE EDUCATION AND OUTREACH PROGRAM

The Eco Challenge Annual Report February 2015 – January 2016 is prepared and ready for printing. It provides highlights of the Eco Challenge Educational Programs; marketing elements; OCWR's partnership with DC-OC, Angels Baseball, and Goodwill of Orange County; and metrics. Staff will provide a presentation on OC Waste & Recycling's Eco Challenge Education and Outreach Program.

Eco Challenge Earth Day Celebration at Discovery Cube

In a word, this new program was a success. Supervisor Andrew Do was the featured guest, and OCWR Director Dylan Wright and several employees helped welcome about 1,600 youth and adults from Orange County who attended the inaugural OC Eco Challenge Day collection event at Discovery Cube on Saturday, April 23, 2016. Here's what visitors enjoyed at the event:

- Participated in the Eco Challenge scavenger hunt and entered to win Angels tickets.
- Met and greeted Angels starting second baseman Johnny Giavotella.
- Learned about eco-friendly resources from our partners.
- Entered our poster contest for a chance to become an Angels Honorary Bat Kid.
- Pledged to take the Eco Challenge and make a difference in their community.

Eco Challenge Summer Campaign

The Summer Eco Challenge encourages OC residents to reduce, reuse and recycle over the summer months through a scavenger hunt type activity that the family can engage in together. Participants will be challenged to complete three tasks to earn stamps on their scorecard in order to be entered to win a Family Membership to Discovery Cube and/or an iPad Mini.

Participants receive a scorecard with instructions to complete these three steps in order to complete the Summer Eco Challenge and become eligible for prizes:

1. Bring household hazardous waste to a Household Hazardous Waste Center for proper disposal.
2. Visit Discovery Cube OC and participate in the Eco Challenge exhibits (free child coupon provided on collateral).
3. Submit a photo of how you are taking the Eco Challenge in your home OR tell us how you plan to take the Eco Challenge this summer.

Participants will then mail completed scorecards to Discovery Cube to enter. The first 100 entries received in each Supervisorial District will win a free Family Membership (current members are not eligible) OR a 4-pack of Angels tickets (subject to availability), and one random winner in each District will win an iPad Mini.

Eco Challenge Regional Community Events

Eco Challenge Day at Angel Stadium – The event will feature eco-friendly activities under the Big A hats. OC residents will have the opportunity to dispose of their household hazardous waste, e-waste, household goods and gently used clothing at the Angel Stadium parking lot on Saturday, July 16, 2016.

Recommended Action: Receive and file report.



Thursday, June 9, 2016

Agenda Item 4 – *Subcommittee Reports*

Ad hoc Bylaws Committee Legislative & Regulatory Subcommittee

Summary

Subcommittee members will report on their respective meetings:

Ad hoc Bylaws Committee
Legislative & Regulatory Subcommittee

Commissioner Alvarez
Commissioner Lodge

Should you have any questions or would like additional information regarding the subcommittees, please contact the following staff members:

Renewable Technologies Subcommittee:	Jeff Arbor, Environmental Compliance & Closed Sites Manager (714) 834-4056
Legislative & Regulatory Subcommittee	Lisa Keating, Waste Disposal Contracts & Recycling Programs Manager (714) 834-5513
Finance Committee	Alan Yuki, Budget and Landfill Administration Services (714) 834-4161
Ad hoc Bylaws Committee	Julie Chay, Commission Clerk (714) 834-4059 or James Steinmann, Deputy County Counsel, (714) 834-3300

Recommended Action: Receive and File Reports



COUNTY OF ORANGE WASTE MANAGEMENT COMMISSION

Date: May 26, 2016

To: Ad Hoc Bylaws Committee Members

From: Mike Alvarez, Ad Hoc Bylaws Committee Chair

Subject: Committee Report regarding bylaws change that would allow a waste industry representative to serve on the Orange County Waste Management Commission

Our committee met three times, and at the May 11, 2016 meeting I believe we reached a resolution to the question our committee was reviewing. In light of the fact that some members were not present, this letter is to bring you up to date and to give you the information that I will present to the whole Commission.

At the May 11th meeting, the Committee voted to keep the Bylaws of the Commission as they currently stand. The Committee concurred with Commissioner Steve Lodge that there were no compelling facts that would have supported the need to propose a change to the Bylaws. Commissioner Charles Kim and I concurred.

The presentation by County Counsel also led to a discussion of the possibility of a perceived undue influence or conflicts of interest if a Commission member was also a member of the waste industry. During this discussion, the value of their knowledge was also discussed, and the committee discussed ways to include their knowledge in this Commission.

By the end of this discussion and the information provided by the County Counsel, the Committee members were satisfied that we had arrived at the same conclusion: no change to the Bylaws.

However, this Committee does have one recommendation for the Commission to consider:

To direct OCWR staff to create a regular agenda item for future agendas that would invite presentations by various waste industry representatives or other industries doing business within the scope of this Commission. This would bring their expertise to the Commission.

Commissioner Mike Alvarez
Ad Hoc Bylaws Committee Chairman



Thursday, June 9, 2016

Agenda Item 5 – Legislative and Regulatory Report –Lisa Keating, Manager of Waste Disposal Contracts & Recycling Programs

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

California Legislature

The attached Legislative Matrix includes a summary of key bills that OC Waste & Recycling has identified and is tracking. The status of these bills are labeled as Newly Introduced, 1st House, 2nd House and Dead. Also attached is the full list of bills that OC Waste & Recycling is tracking.

Recommended Action: Receive and file report.

Attachments:

Attachment A – Legislative & Regulatory Matrix

Attachment B – All Tracked Legislation Report

OC Waste & Recycling Legislative & Regulatory Matrix

<u>Bill ID/Topic</u>	<u>Status</u>	<u>Summary</u>
AB 45 - Mullin D Household hazardous waste	2 nd House – Policy (Hearing scheduled 6/15/16) Orange County: OPPOSE SWANA: OPPOSE	<p>This bill was significantly revised since last year. Specific HHW collection and diversion requirements that would have been placed on jurisdictions were eliminated. Current language requires CalRecycle to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste, for potential adoption by jurisdictions. The bill would require CalRecycle to determine whether a nonprofit organization has been created and sufficiently funded to make grants to local jurisdictions for specified purposes relating to HHW disposal, and would specify that if CalRecycle does not determine that such a nonprofit organization exists by December 31, 2018, then the bill’s provisions would be repealed on January 1, 2019. This bill expands the definition of household hazardous waste to include pharmaceuticals.</p> <p>Not expected to move forward with the current language. This bill is supported by pharmaceutical and electronics organizations, and strongly opposed by SWANA, as well as numerous cities and law enforcement agencies. This bill appears to be laying the ground work for greater city/county responsibility for HHW.</p> <p>Amended on 1/21/2016</p>
AB 1063 – Williams D Solid waste: charges	2 nd House – Policy (No hearing scheduled) OCWR: WATCH SWANA: Work with Author	<p>This bill would raise the State fee imposed on an operator of a disposal facility to \$4 per ton commencing January 1, 2017. The bill would require a minimum of \$1.50 per ton of the fee collected from each operator, until January 1, 2022, and would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified.</p> <p>This bill is not expected to pass this year. We expect a similar bill to be introduced next year.</p> <p>Amended on 8/17/2015</p>
AB 1103 - Dodd D Solid waste: organic waste	2 nd House – Policy (Hearing scheduled 6/15/16) OCWR: WATCH SWANA: OPPOSE UNLESS AMENDED	<p>Current law requires exporters, brokers, and transporters of recyclables or compost to submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. This bill would additionally require a self-hauler, as defined, to submit that information to the department. This bill defines a self-hauler as “A person or entity that generates and transports, utilizing its own employees and equipment, more than one cubic yard per week of its own recyclables, organics, or compostable material to a location or facility that is not owned and operated by that person or entity.”</p> <p>Current language may go beyond requiring self-haulers to report, and may prevent generators from hauling their own material.</p> <p>Amended on 5/11/16</p>

<u>Bill ID/Topic</u>	<u>Status</u>	<u>Summary</u>
<p>AB 1669 – Hernandez, Rodger D Displaced employees: solid waste collection and transportation service contracts</p>	<p>2nd House - Policy (Referred to Com. on L. & I.R.)</p> <p>OCWR: WATCH</p> <p>SWANA: OPPOSE</p>	<p>Current law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain for a specified period certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Such a contractor or subcontractor must offer employment to those employees, except for reasonable and substantiated cause. This bill would make these provisions applicable to contracts for the collection and transportation of solid waste.</p> <p>This contractual requirement would be problematic and time consuming for the County, with little added benefit. Enforcing this contract requirement would require the County to investigate and become involved with the hiring decisions of the hauler. When a new waste hauler is awarded a new agreement, it is already common industry practice to attempt to hire employees from the outgoing hauler, unless there is an issue with the employee or the hauler already has available staff due to the loss of another contract.</p> <p>Amended on 4/28/2016 (no substantial changes)</p>
<p>AB 2153 – Garcia, Cristina D Lead-Acid Battery Recovery and Recycling Act</p>	<p>1st House (5/27/2016 – From Com: Do Pass)</p> <p>OCWR: WATCH</p> <p>SWANA: WORK WITH AUTHOR</p>	<p>Existing law requires a retailer of specified products, including rechargeable batteries and cellular telephones, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal. This bill would establish the Used Lead-Acid Battery Recovery and Recycling Act. The bill would require a qualified industry association to establish a lead-acid battery recycling organization. The bill would authorize the Department of Resources Recycling and Recovery to certify that a lead-acid battery recycling organization has been established. The bill would require the lead-acid battery recycling organization to develop, implement, and administer a lead-acid battery recycling program. The bill would require manufacturers, retailers, and recyclers of lead-acid batteries to register with the lead-acid battery recycling organization on or before January 1, 2018.</p> <p>A voluntary lead-acid battery fee/recovery system currently exists. A portion of these new fees is expected to be used to help fund the cleanup of contamination from the Exide Battery facility and similar issues as they arise.</p> <p>Amended on 4/14/2016</p>
<p>AB 2206 – Williams D Biomethane: interconnection and injection into common carrier pipelines: research</p>	<p>1st House – APPR. (5/4/16 Set first hearing. Referred to APPR. suspense file)</p> <p>OCWR: WATCH</p> <p>SWANA: SUPPORT</p>	<p>This bill would request the California Council on Science and Technology to undertake and complete a study analyzing the regional and gas corporation specific issues relating to minimum heating value and maximum siloxane specifications adopted by the commission for biomethane before it can be injected into common carrier gas pipelines. If the California Council on Science and Technology agrees to undertake and complete the study, the bill would require each gas corporation operating common carrier pipelines in California to proportionately contribute to the expenses to undertake the study with the cost recoverable in rates. The bill would authorize the commission to modify certain available monetary incentives to allocate some of the incentive moneys to pay for the costs of the study so as to not further burden ratepayers with additional expense. If the California Council on Science and Technology agrees to undertake and complete the study, the bill would require the commission, within six months of its completion, to reevaluate requirements and standards adopted for injection of biomethane into common carrier pipelines and, if appropriate, change those requirements and standards or adopt new requirements and standards, giving due deference to the conclusions and recommendations made in the study.</p> <p>Before recovered landfill gas can be injected into the gas pipeline, it must meet specifications so high and costly that it is unlikely to happen. This study may result in revision of these specifications, which would improve the likelihood and the cost feasibility of landfill gas projects.</p> <p>Introduced on 2/18/2016</p>

Bill ID/Topic	Status	Summary
SB 885 – Wolk D Construction contracts: indemnity	1 st House (5/19/16 – Third Reading)	<p>Would specify, with certain exceptions, for construction contracts entered into on or after January 1, 2017, that a design professional, as defined, only has the duty to defend himself or herself from claims or lawsuits that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional. The bill would prohibit these provisions from being construed to affect any duty of a design professional to pay a reasonable allocated share of defense fees and costs with respect to claims and lawsuits alleging negligence, recklessness, or willful misconduct of the design professional, as specified.</p> <p>This bill would prevent the County from contracting with a construction design professional to assume all legal liability for its designs.</p> <p>Amended on 5/10/2016</p>
SB 1170 – Wieckowski D Public contracts: water pollution prevention plans: delegation	1 st House – APPR. (5/23/16 – Action from APPR.: To APPR. suspense file)	<p>Would prohibit a public entity, charter city, or charter county from delegating to a contractor the development of a plan used to prevent or reduce water pollution or runoff on a public works contract. The bill would also prohibit a public entity, charter city, or charter county from requiring a contractor on a public works contract that includes compliance with a plan to assume responsibility for the completeness and accuracy of a plan developed by that entity.</p> <p>This bill may impede OCWR’s ability to contract for plan development and maintenance in the manner it determines is the most beneficial to the system, and limits OCWR’s ability to place certain risk on the contractor for the work it would perform and be required to update.</p> <p>Amended on 4/6/2016</p>
SB 1229 – Jackson D Home-generated pharmaceutical waste: secure drug take-back bins	2 nd House - Policy (Set for hearing 6/8/16 - Judiciary) OCWR: WATCH SWANA: SUPPORT	<p>Under existing law, the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, including pharmaceutical waste, as defined. The act generally prohibits a person from transporting, storing, treating, disposing, or causing the treatment of medical waste in a manner not authorized by the act. A violation of that provision is a crime. This bill would provide that a collector is not liable for civil damages, or subject to criminal prosecution, for maintaining a secure drug take-back bin on its premises if the collector, in good faith and not for compensation, takes specified steps, including that the collector regularly inspects the area surrounding the secure drug take-back bin for potential tampering or diversion, to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of home-generated pharmaceutical waste contained in the bins.</p> <p>This bill supports pharmaceutical take-back programs, and may help to decrease the quantity of pharmaceutical waste entering the landfills.</p> <p>Amended on 4/19/2016</p>
SB 1383 – Lara D Short-lived climate pollutants	1 st House – APPR. (5/2/16 Placed on APPR. suspense file) OCWR: WATCH SWANA: OPPOSE	<p>Would require the State Air Resources Board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified.</p> <p>The State is still working on achieving the goals of the Global Warming Solutions Act of 2006 (AB 32). This could lead to duplicative regulations and increased landfill operating costs.</p> <p>Amended on 4/12/16</p>

<u>Bill ID/Topic</u>	<u>Status</u>	<u>Summary</u>
<p>Proposed Rule by Fish and Wildlife Service - Migratory Bird Permits: Environmental Impact Statement</p>	<p>OCWR: WATCH</p>	<p>Fish and Wildlife Service is considering rulemaking to address various approaches to regulating incidental take of migratory birds, including issuance of general incidental take authorizations for some types of hazards to birds associated with particular industry sectors; issuance of individual permits authorizing incidental take from particular projects or activities; development of memoranda of understanding with Federal agencies authorizing incidental take from those agencies' operations and activities; and/or development of voluntary guidance for industry sectors regarding operational techniques or technologies that can avoid or minimize incidental take. The rulemaking would establish appropriate standards for any such regulatory approach to ensure that incidental take of migratory birds is appropriately mitigated, which may include requiring measures to avoid or minimize take or securing compensation. One possible approach would be to establish a general conditional authorization for incidental take by certain hazards to birds associated with particular industry sectors. The standards would include conservation measures or technologies that have been developed to address practices or structures that kill or injure birds. One such hazard to birds being considered is methane or other gas burner pipes at oil production sites and other locations where there is a hazard to birds from burning, entrapment in pipes or vents, or direct mortality from flame flare. Removing perches, installing perch deterrents and covering pipes and other small openings can minimize this take.</p> <p>Specific language has yet to be released. This may require OCWR to modify its landfill flares to protect birds. OC Public Works operations will be impacted as well.</p> <p>Introduced 5/26/2015</p>

OC Waste & Recycling All Tracked Legislation

- **Solid Waste (Page 3)**
 - AB 1063 – Solid waste: charges
 - AB 1669 – Displaced employees: service contracts: collection and importation of solid waste
 - AB 1817 – Solid waste: garbage and refuse disposal districts: board of directors
 - AB 2396 – Solid waste: annual reports
 - AB 2409 – Water quality standards: trash: single-use carryout bags
 - AB 2725 – Food manufacturers: food facilities: labels
 - SB 885 – Construction contracts: indemnity
- **Recycling (Page 4)**
 - AB 628 – Used Oil
 - AB 1239 – Tire recycling: California tire regulatory fee and waste tire program
 - AB 2153 – Lead-acid Battery Recovery and Recycling Act
 - AB 2530 – Recycling: beverage containers
 - AB 2812 – Solid waste: recycling: state agencies and large state facilities
- **Renewable Energy (Pages 5-8)**
 - **Biomethane (Page 5)**
 - AB 577 – Biomethane: grant program
 - AB 2206 – Biomethane: interconnection and injection into common carrier pipelines: research
 - AB 2313 – Renewable natural gas: monetary incentive program for biomethane projects
 - AB 2773 – Biomethane
 - SB 1043 – Biogas and biomethane
 - SB 1153 – Greenhouse gases: scoping plan: biomethane
 - **Greenhouse Gas Reduction Fund (Page 6)**
 - AB 590 – Greenhouse Gas Reduction Fund
 - AB 1030 – California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund
 - AB 1555 – Greenhouse Gas Reduction Fund
 - **Electricity/Utilities (Page 6)**
 - AB 33 – Electrical Corporations: procurement plans
 - AB 197 – Public utilities: renewable resources
 - AB 645 – Electricity: California Renewables Portfolio Standard
 - **Global Warming (Page 7)**
 - AB 2585 – California Global Warming Solutions Act of 2006: market-based compliance mechanisms
 - SB 32 – California Global Warming Solutions Act of 2006
 - SB 1383 – Short-lived climate pollutants
 - **Energy (Pages 7-8)**
 - AB 1144 – California Renewables Portfolio Standard Program: renewable energy credits
 - AB 1698 – Renewable energy
 - AB 1773 – Local government renewable energy self-generation program
 - AB 1832 – California Renewables Portfolio Standard Program
 - SB 1213 – Renewable energy: biosolids: matching grants
 - SB 1402 – Low-carbon fuels

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- **Hazardous Waste/Household Hazardous Waste/Pharmaceutical Waste (Pages 9-10)**
 - AB 45 – Household hazardous waste
 - AB 1435 – Hazardous waste: toxics: packaging
 - AB 1776 – Hazardous waste: disposal: exemption
 - AB 2039 – Solid waste: home-generated sharps
 - AB 2111 – Household hazardous waste
 - AB 2891 – Household hazardous waste: guidelines
 - SB 654 – Hazardous waste: facilities permitting
 - SB 1147 – Hazardous materials: aboveground storage tanks
 - SB 1229 – Home-generated pharmaceutical waste: secure drug take-back bins
- **Food Waste/Organics (Page 11)**
 - AB 1103 – Solid waste: disposal
 - AB 2579 – Food service packaging products: study
 - SB 970 – Greenhouse Gas Reduction Fund: grant program: recyclable materials
- **Engineering (Page 11)**
 - AB 320 - Engineers
 - SB 1085 – Professional engineers: geologists: land surveyors
- **Environmental (Page 12)**
 - Migratory Bird Permits (Federal Regulation)
 - SB 122 – California Environmental Quality Act: record of proceedings
 - SB 1020 – Land use: mitigation lands
 - SB 1170 – Public contracts: water pollution preventions plans: delegation

Legislative Calendar

June 3	Last day for each house to pass bills introduced in that house
June 7	Primary Election
June 9	WMC Meeting
June 15	Budget Bill must be passed by midnight
June 30	Last day for a legislative measure to qualify for the Nov. 8 General election ballot
July 1	Legislature Summer Recess
August 1	Legislature reconvenes
August 12	Last day for fiscal committees to meet and report Bills
August 18	WMC Legislative Subcommittee meeting
August 31	Last day for each house to pass bills
September 30	Last day for Governor to sign or veto bills
November 8	General Election

Solid Waste

[AB 1063](#) **(Williams D) Solid waste: charges.**

Current Text: Amended: 8/17/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/19/2015- Set, second hearing. Hearing canceled at the request of author.

SWANA: Work with Author

Summary: Would raise the fee imposed on an operator of a disposal facility to \$4 per ton commencing January 1, 2017. The bill would require a minimum of \$1.50 per ton of the fee collected from each operator, until January 1, 2022, and would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified. This bill contains other related provisions and other existing laws.

[AB 1669](#) **(Hernández, Roger D) Displaced employees: service contracts: collection and transportation of solid waste.**

Current Text: Amended: 4/28/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/12/2016 – Referred to Com. on L. & I.R.

SWANA: Oppose

Summary: Current law requires a local government agency letting a public transit service contract out to bid to give a bidding preference for contractors and subcontractors who agree to retain for a specified period certain employees who were employed to perform essentially the same services by the previous contractor or subcontractor. Such a contractor or subcontractor is required to offer employment to those employees, except for reasonable and substantiated cause. This bill would expand the application of these provisions to exclusive contracts for the collection and transportation of solid waste. The bill would require the information provided to a bona fide bidder to be made available in writing at least 30 days before bids for the service contract are due.

[AB 1817](#) **(Stone, Mark D) Solid waste: garbage and refuse disposal districts: board of directors.**

Current Text: Enrolled: 5/27/2016 [pdf](#) [html](#)

Status: 5/26/2016 – In Assembly. Ordered to Engrossing and Enrolling

SWANA: Watch

Summary: Current law authorizes the formation of garbage and refuse disposal districts under certain conditions. Current law authorizes members of the board of directors to receive not more than \$50 per diem for each day of actual attendance at the meetings of the board, up to \$100 in a calendar month. This bill would authorize a district board to provide, by ordinance or resolution, compensation to a member of the board in an amount not to exceed \$100 per day for each day of attendance at a meeting of the board or for each day of service rendered as director by request of the board, and would authorize a member of a district board to receive that compensation for no more than 6 days in a calendar month.

[AB 2396](#) **(McCarty D) Solid waste: annual reports.**

Current Text: Amended: 4/13/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/21/2016 – Referred to Com. on E.Q.

SWANA: [Support](#)

Summary: The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Current law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on or before May 1 of each year. This bill would require each state agency to include in that annual report a summary of the state agency's compliance with specified requirements relating to recycling commercial solid waste and organic waste.

[AB 2409](#) **(Wagner R) Water quality standards: trash: single-use carryout bags.**

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Status: No changes since last week - 4/22/2016 -Failed Deadline pursuant to Joint Rule 61(b)(5).

Summary: Would suspend the operation of certain amendments to water quality control plans relating to the total maximum daily load for trash unless the provisions inoperative due to a pending referendum election become effective. This bill would require the state board to revisit and revise water quality control plans to address impaired water quality due to trash if the law pending referendum is defeated at the November 8, 2016, statewide general election. This bill contains other existing laws.

[AB 2725](#) **(Chiu D) Food manufacturers: food facilities: labels.**

Current Text: Amended: 4/5/2016 [pdf](#) [html](#)

Status: No changes since last week - 4/22/2016 – Failed Deadline pursuant to Joint Rule 61(b)(5).

SWANA: Support

Summary: Would, among other things, require the State Department of Public Health to identify a list of ready-to-eat foods that have a high level of risk associated with consumption after a specified date and to post that list on its Internet Web site. The bill would, beginning July 1, 2017, require a food manufacturer or retail food facility that chooses to include a quality date, as defined, on foods for sale that are not identified on the department's list to display that date using the phrase "best if used by" in 8-point type size or larger type, as specified.

[SB 885](#) ([Wolk D](#)) Construction contracts: indemnity

Current Text: Amended: 5/10/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/10/2016 – Read second time and amended. Ordered to third reading.

Summary: Would specify, with certain exceptions, for construction contracts entered into on or after January 1, 2017, that a design professional, as defined, only has the duty to defend himself or herself from claims or lawsuits that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional. The bill would prohibit these provisions from being construed to affect any duty of a design professional to pay a reasonable allocated share of defense fees and costs with respect to claims and lawsuits alleging negligence, recklessness, or willful misconduct of the design professional, as specified.

Recycling

[AB 628](#) ([Bloom D](#)) Used oil.

Current Text: Introduced: 2/24/2015 [pdf](#) [html](#)

Status: No changes since last week - 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/21/2015)

SWANA: Watch

Summary: Current law authorizes the Department of Toxic Substances Control to regulate the disposal of hazardous waste, including used oil, and, for those purposes, defines "used oil" to mean oil that has been refined from crude oil, or any synthetic oil, that has been used, and, as a result of use or as a consequence of extended storage, or spillage, has been contaminated with physical or chemical impurities. This bill would clarify that the synthetic oil referred to in the definition of "used oil" may be from any source.

[AB 1239](#) ([Gordon D](#)) Tire recycling: California tire regulatory fee and waste tire program.

Current Text: Amended: 5/5/2015 [pdf](#) [html](#)

Status: No changes since last week - 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/11/2015)

SWANA: Watch

Summary: Would require a waste tire generator, as defined, that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee. The bill would authorize the Department of Resources Recycling and Recovery to establish the California tire regulatory fee in an amount that is sufficient to generate revenues equivalent to the reasonable regulatory costs incurred by the department incident to audits, inspections, administrative costs, adjudications, manifesting, registration, and other regulatory activities regarding these retail sellers as generators of waste tires, but not to exceed \$1.25 per new tire sold, as provided.

[AB 2153](#) ([Garcia, Cristina D](#)) Lead-Acid Battery Recovery and Recycling Act.

Current Text: Amended: 4/14/2016 [pdf](#) [html](#)

Status: 5/27/2016 – From committee: Do pass.

SWANA: Work with author

Summary: Would establish the Used Lead-Acid Battery Recovery and Recycling Act. The bill would require a qualified industry association, as defined, to establish a lead-acid battery recycling organization, as defined. The bill would authorize the Department of Resources Recycling and Recovery to certify that a lead-acid battery recycling organization has been established. The bill would require the lead-acid battery recycling organization to develop, implement, and administer a lead-acid battery recycling program pursuant to the act.

[AB 2530](#) ([Gordon D](#)) Recycling: beverage containers.

Current Text: Amended: 4/18/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/11/2016 – In committee: Set, first hearing. Referred to APPR. suspense file.

Summary: Would, beginning January 1, 2018, require a manufacturer of a beverage sold in a plastic beverage container to clearly indicate through labeling the average percentage of postconsumer recycled content in the beverage container and would require a manufacturer to use one or more of several specified methods of determining the average

percentage of postconsumer recycled content for labeling or making a claim about the postconsumer recycled content of plastic beverage containers. This bill contains other related provisions and other existing laws.

[AB 2812](#) **(Gordon D) Solid waste: recycling: state agencies and large state facilities.**

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/11/2016 – In committee: Set, first hearing. Referred to APPR. suspense file.

SWANA: Support

Summary: Would require the Department of Resources Recycling and Recovery, on or before July 1, 2017, to adopt requirements for adequate receptacles and staffing for collecting and storing recyclable materials in state buildings and large state facilities. The bill would require a state agency and large state facility, on or before July 1, 2018, consistent with those requirements, to provide receptacles for recyclable materials, provide staff, and establish a collection schedule for collecting recyclable materials.

Renewable Energy

Biomethane

[AB 577](#) **(Bonilla D) Biomethane: grant program.**

Current Text: Amended: 7/6/2015 [pdf](#) [html](#)

Status: No changes since last week - 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was RLS. on 9/8/2015)

SWANA: Support

Summary: Would request the California Council on Science and Technology to undertake and complete a study analyzing the regional and gas corporation specific issues relating to minimum heating value and maximum siloxane specifications adopted by the Public Utilities Commission for biomethane before it can be injected into common carrier gas pipelines. If the California Council on Science and Technology agrees to undertake and complete the study, the bill would require each gas corporation operating common carrier pipelines in California to proportionately contribute to the expenses to undertake the study with the cost recoverable in rates.

[AB 2206](#) **(Williams D) Biomethane: interconnection and injection into common carrier pipelines: research.**

Current Text: Amended: 2/18/2016 [pdf](#) [html](#)

Status: 5/27/2016 – From committee: Amend, and do pass as amended. Read second time and amended. Ordered returned to second reading.

SWANA: Support

Summary: Would request the California Council on Science and Technology to undertake and complete a study analyzing the regional and gas corporation specific issues relating to minimum heating value and maximum siloxane specifications adopted by the Public Utilities Commission for biomethane before it can be injected into common carrier gas pipelines. If the California Council on Science and Technology agrees to undertake and complete the study, the bill would require each gas corporation operating common carrier pipelines in California to proportionately contribute to the expenses to undertake the study with the cost recoverable in rates.

[AB 2313](#) **(Williams D) Renewable natural gas: monetary incentive program for biomethane projects.**

Current Text: Amended: 5/27/2016 [pdf](#) [html](#)

Status: 5/23/2016 – In Senate. Read first time. To Com. on RLS. for assignment

SWANA: [Support](#)

Summary: Would require the Public Utilities Commission to modify the monetary incentive program for biomethane projects so that the total available incentive limitation for a project, other than a dairy cluster biomethane project, as defined, is increased from \$1,500,000 to \$3,000,000. The bill would require the commission to increase the total available incentive limitation for a dairy cluster biomethane project to \$5,000,000 and would require that gathering lines for transport of biogas to a centralized processing facility for the project be treated as an interconnection cost.

[AB 2773](#) **(Quirk D) Biomethane.**

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Status: No changes since last week - 4/27/2016 – In committee: Set, first hearing. Referred to APPR. suspense file.

Summary: The Public Utilities Commission has adopted standards to ensure the protection of human health, and pipeline and pipeline facility integrity and safety, in part by establishing a biomethane minimum heating value, which is a measure of the energy content, a biomethane siloxane trigger level, which gives rise to a monitoring requirement, and a biomethane siloxane lower action level, which is used in screening gas supplies. This bill would require the commission to modify the minimum heating value and the siloxane trigger and lower action levels, as specified.

[SB 1043](#) (Allen D) Biogas and biomethane.
Current Text: Amended: 4/25/2016 [pdf](#) [html](#)
Status: 5/23/2016 – Action from APPR.: To APPR. suspense file.
SWANA: [Support](#)
Summary: Would require the State Air Resources Board to consider and, as appropriate, adopt policies to significantly increase the sustainable production and use of biogas, as defined, and, in so doing, would require the state board, among other things, to ensure the production and use of biogas provides direct environmental benefits and identify barriers to the rapid development and use of biogas and potential sources of funding. This bill contains other related provisions and other existing laws.

[SB 1153](#) (Cannella R) Greenhouse gases: scoping plan: biomethane.
Current Text: Amended: 4/25/2016 [pdf](#) [html](#)
Status: No changes since last week - 5/9/2016 – May 9 hearing: Placed on APPR. suspense file.
SWANA: [Support](#)
Summary: Would require the State Air Resources Board, as a part of the update to the scoping plan and in consultation with other state entities, to provide a comprehensive overview of state efforts to encourage the development of in-state biomethane and renewable natural gas.

Greenhouse Gas

[AB 590](#) (Dahle R) Greenhouse Gas Reduction Fund.
Current Text: Amended: 7/9/2015 [pdf](#) [html](#)
Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)
SWANA: Support
Summary: Would provide that moneys in the Greenhouse Gas Reduction Fund, upon appropriation, may be made available for expenditure by the State Energy Resources Conservation and Development Commission for the purposes of maintaining the current level of biomass power generation or geothermal energy generation in the state and revitalizing currently idle facilities in strategically located regions. The bill would establish requirements for an applicant to receive available funding for a facility's eligible electrical generation.

[AB 1030](#) (Ridley-Thomas D) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund.
Current Text: Amended: 7/7/2015 [pdf](#) [html](#)
Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)
Summary: Current law requires moneys in the Greenhouse Gas Reduction Fund to be used to facilitate the reduction of greenhouse gas emissions and, where applicable and to the extent feasible, to foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses. This bill would require priority be given to projects involving hiring that support the targeted training and hiring of workers from disadvantaged communities for career-track jobs.

[AB 1555](#) (Gomez D) Greenhouse Gas Reduction Fund.
Current Text: Amended: 3/28/2016 [pdf](#) [html](#)
Status: No changes since last week - 4/14/2016-Re-referred to Com. on BUDGET. pursuant to Assembly Rule 96.
Summary: Would appropriate \$800,000,000 from the Greenhouse Gas Reduction Fund for the 2016-17 fiscal year to various state agencies in specified amounts for various purposes including, among other things, low carbon transportation and infrastructure, clean energy communities, wetland and watershed restoration, and carbon sequestration. The bill would state the intent of the Legislature to reserve \$150,000,000 from the fund to fund future legislative priorities.

Electricity/Utilities

[AB 33](#) (Quirk D) Electrical corporations: procurement plans.
Current Text: Amended: 9/4/2015 [pdf](#) [html](#)
Status: No changes since last week - 1/28/2016-Re-referred to Coms. on E., U., & C. and E.Q.

Summary: The Public Utilities Act requires the Public Utilities Commission to review and accept, modify, or reject each electrical corporation's procurement plan and requires that each approved procurement plan accomplish specified objectives. This bill would require the commission, as part of a new or existing proceeding, to determine what role large scale energy storage could play as part of the state's overall strategy for procuring a diverse portfolio of resources and to consider specified factors in making that determination.

[AB 197](#) **(Garcia, Eduardo D) Public utilities: renewable resources.**

Current Text: Amended: 4/29/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

SWANA: Watch

Summary: Would require the PUC, in adopting the process, to include consideration of any statewide greenhouse gas emissions limit established pursuant to the California Global Warming Solutions Act of 2006 and consideration of capacity and essential reliability services of the eligible renewable energy resource to ensure grid reliability. The bill would require the PUC to require a retail seller of electricity, in soliciting and procuring eligible renewable energy resources, to consider the best-fit attributes of resources types that ensure a balanced resource mix to maintain the reliability of the electrical grid.

[AB 645](#) **(Williams D) Electricity: California Renewables Portfolio Standard.**

Current Text: Introduced: 2/24/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Summary: Would express the intent of the Legislature for the purposes of the Renewables Portfolio Standard (RPS) program that the amount of electricity generated per year from eligible renewable energy resources be increased to an amount equal to at least 50% by December 31, 2030, and would require the PUC, by January 1, 2017, to establish the quantity of electricity products from eligible renewable energy resources to be procured by each retail seller for specified compliance periods sufficient to ensure that the procurement of electricity products from eligible renewable energy resources achieves 50% of retail sales by December 31, 2030, and that retail sellers procure not less than 50% of retail sales in all subsequent years.

Global Warming

[AB 2585](#) **(Williams D) California Global Warming Solutions Act of 2006: market-based compliance mechanisms.**

Current Text: Amended: 3/15/2016 [pdf](#) [html](#)

Status: 5/18/2016 – In committee: Set, first hearing. Referred to APPR. suspense file.

Summary: Would require the State Air Resources Board, no later than July 1, 2018, to review any regulation adopted as part of a market-based compliance mechanism to consider the intended purpose and consistency of requirements aimed to prevent resource shuffling, as defined, among all fuels subject to that regulation.

[SB 32](#) **(Pavley D) California Global Warming Solutions Act of 2006.**

Current Text: Amended: 9/10/2015 [pdf](#) [html](#)

Status: No changes since last week - 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was NAT. RES. on 9/10/2015)

SWANA: Watch

Summary: Would require the State Air Resources Board to approve a statewide greenhouse gas emissions limit that is equivalent to 40% below the 1990 level to be achieved by 2030. The bill also would state the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure the long-term emissions reductions advance specified criteria. This bill contains other related provisions and other existing laws.

[SB 1383](#) **(Lara D) Short-lived climate pollutants.**

Current Text: Amended: 4/12/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/2/2016 – May 2 hearing: Placed on APPR. suspense file.

SWANA: Oppose

Summary: Would require the State Air Resources Board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified.

Energy

[AB 1144](#) **(Rendon D) California Renewables Portfolio Standard Program: renewable energy credits.**

Current Text: Amended: 8/17/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/17/2015)

SWANA: Watch

Summary: The California Renewables Portfolio Standard Program, consistent with the goals of procuring the least-cost and best-fit eligible renewable energy resources that meet project viability principles, requires that all retail sellers procure a balanced portfolio of electricity products from eligible renewable energy resources, as specified, referred to as the portfolio content requirements. This bill would provide that renewable energy credits may be used to meet the first category of the portfolio content requirements if specified provisions are met. This bill contains other existing laws.

[AB 1698](#) **(Hadley R) Renewable energy.**

Current Text: Introduced: 1/25/2016 [pdf](#) [html](#)

Status: No changes since last week - 4/7/2016-In committee: Set, second hearing. Hearing canceled at the request of author.

Summary: Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs related to transportation, affordable housing, and sustainable communities. This bill would discontinue the Electric Program Investment Charge surcharge and repeal the EPIC Fund. The bill would create the Green and Renewable Energy Enlisting New Technologies (GREEN) Fund to fund the GREEN program. The bill would transfer previously collected EPIC moneys to a specified account within the GREEN Fund.

[AB 1773](#) **(Obernolte R) Local government renewable energy self-generation program.**

Current Text: Amended: 4/13/2016 [pdf](#) [html](#)

Status: No changes since last week. 4/20/2016-ASM. L. GOV. Vote - Do pass and be re-referred to the Committee on Appropriations to Consent Calendar

Summary: Under existing law, the Public Utilities Commission is vested with regulatory authority over public utilities. Existing law authorizes a local governmental entity, except a joint powers authority, to receive a bill credit to a designated benefiting account, for electricity exported to the electrical grid by an eligible renewable generating facility and requires the commission to adopt a rate tariff for the benefiting account. This bill would include as a local governmental entity for this purpose a joint powers authority, except as specified. This bill contains other related provisions and other existing laws.

[AB 1832](#) **(Dahle R) California Renewables Portfolio Standard Program**

Current Text: Introduced: 2/9/2016 [pdf](#) [html](#)

Status: No changes since last week - 2/10/2016-From printer. May be heard in committee March 11.

Summary: The California Renewables Portfolio Standard Program requires the Public Utilities Commission to direct each electrical corporation to annually prepare a renewable energy procurement plan to satisfy its procurement requirements pursuant to the program. To the extent feasible, the renewable energy procurement plan is to be proposed, reviewed, and adopted as part of, and pursuant to, the general procurement plan process. This bill would make a nonsubstantive revision to the provision that requires, to the extent feasible, that the renewable energy procurement plan be proposed, reviewed, and adopted as part of, and pursuant to, the general procurement plan process.

[SB 1213](#) **(Wieckowski D) Renewable energy: biosolids: matching grants.**

Current Text: Amended: 4/4/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/2/2016 – May 2 hearing: Placed on APPR. suspense file.

SWANA: Watch

Summary: Would require the State Energy Resources Conservation and Development Commission to develop and implement the Biosolids to Clean Energy Grant Program to provide 50% matching funds to local wastewater agencies for biosolids to clean energy capital projects. Beginning with the 2016 -17 fiscal year, the bill would continuously appropriate \$20,000,000 annually from the fund to the commission for purposes of the program. This bill contains other existing laws.

[SB 1402](#) **(Pavley D) Low-carbon fuels.**

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/9/2016 – May 9 hearing: Placed on APPR. suspense file.

Summary: Would create the California Low-Carbon Fuels Incentive Program to be administered by the state board and the State Energy Resources Conservation and Development Commission, and would authorize moneys in the fund appropriated to the program to be used to provide incentives for the in-state production of low-carbon transportation fuels from new and existing facilities using sustainable feedstock, with priority to be given to projects benefitting disadvantaged communities.

Hazardous Waste/Household Hazardous Waste/Pharmaceutical Waste

AB 45 (Mullin D) Household hazardous waste.

Current Text: Amended: 1/21/2016 [pdf](#) [html](#)

Status: 5/16/16 In committee: Set, first hearing. Hearing cancelled at the request of the author.

SWANA: Oppose | **Orange County:** Oppose

Summary: Would require the Department of Resources Recycling and Recovery to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department.

AB 1435 (Alejo D) Hazardous waste: toxics: packaging.

Current Text: Amended: 8/18/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/18/2015)

SWANA: Watch

Summary: The Toxics in Packaging Prevention Act generally prohibits a manufacturer or supplier from offering for sale or for promotional purposes in this state a package or packaging component that includes intentionally introduced lead, mercury, cadmium, or hexavalent chromium in the package or in a packaging component. The act exempted from this prohibition, until January 1, 2010, a package or a packaging component if the manufacturer or supplier complied with specific documentation requirements and the package or packaging component did not contain any intentionally introduced lead, mercury, cadmium, or hexavalent chromium, but exceeded a specific maximum concentration level because of the addition of a recycled material. This bill would provide a similar exemption, until January 1, 2019, for a glass beverage, food, or drink container.

AB 1776 (Obernolte R) Hazardous waste: disposal: exemption.

Current Text: Amended: 3/17/2016 [pdf](#) [html](#)

Status: No changes since last week. 4/21/2016 – In Senate. Read first time. To Com. On RLS. For assignment

SWANA: Watch

Summary: Current law defines the term "disposal" for purposes of the hazardous waste control laws as including the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on any land. This bill, to the extent that it would not jeopardize state administration of the state hazardous waste program, would exclude from the definition of the term "disposal" under those laws the onsite movement of soil at an active outdoor sport shooting range, as defined, if this movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the shooting range, the activities at the shooting range are consistent with a specified manual produced by the United States Environmental Protection Agency, and the residual soil is replaced within the area from which it was originally removed.

AB 2039 (Ting D) Solid waste: home-generated sharps.

Current Text: Amended: 4/5/2016 [pdf](#) [html](#)

Status: No changes since last week - 4/22/2016 – Failed Deadline pursuant to Join Rule 61(b)(5).

SWANA: Support

Summary: Would require a producer of home-generated sharps or a stewardship organization designated by the producer to submit a home-generated sharps stewardship plan by July 1, 2018, to the Department of Resources Recycling and Recovery. The bill would require the plan to provide for the development and implementation of a recovery program to reduce the generation of, and manage the end of life of, home-generated sharps, and to include specified elements, including provisions to meet specified minimum collection rates for the home-generated sharps subject to the plan. This bill contains other related provisions and other existing laws.

[AB 2111](#) **(Dahle R) Household hazardous waste.**
Current Text: Introduced: 2/17/2016 [pdf](#) [html](#)
Status: No changes since last week - 5/6/2016 – Failed Deadline pursuant to Joint Rule 61(b)(6).
Summary: Current law authorizes public agencies to operate household hazardous waste collection facilities, as defined, and specifies conditions for the transportation of household hazardous waste. This bill would make nonsubstantive changes to the definitions pertaining to those provisions.

[AB 2891](#) **(Committee on Environmental Safety and Toxic Materials) Hazardous waste: funding.**
Current Text: Amended: 5/25/2016 [pdf](#) [html](#)
Status: 5/25/2016 – From committee chair, with author’s amendments: Amend and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.
Summary: Current law expresses the intent of the Legislature that the funds deposited in the Toxic Substances Control Account in the General Fund be appropriated in the annual Budget Act each year in a specified manner, including, but not limited to, not less than \$6,750,000 to the Site Remediation Account in the General Fund for direct site remediation costs, as defined. This bill would instead express the intent of the Legislature that the funds deposited in the account be appropriated in the annual Budget Act each year to the Site Remediation Account in an amount sufficient to pay for estimated costs for direct site remediation, including, but not limited to, at both federal Superfund orphan sites and at state-only orphan sites.

[SB 654](#) **(De León D) Hazardous waste: facilities permitting.**
Current Text: Amended: 9/2/2015 [pdf](#) [html](#)
Status: No changes since last week - 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14)
SWANA: Watch
Summary: Would require the owner or operator of a hazardous waste facility to submit complete Part A and Part B applications for a permit renewal at least 2 years prior to the expiration date of the permit. The bill would provide that, when a complete renewal application has been submitted before the end of a permit’s fixed term, the permit shall be deemed extended for a period not to exceed 36 months until the renewal application is approved or denied and the owner or operator has exhausted all applicable rights of appeal.

[SB 1147](#) **(Galgiani D) Hazardous materials: aboveground storage tanks.**
Current Text: Amended: 4/6/2016 [pdf](#) [html](#)
Status: No changes since last week - 5/5/2016 – Read second time. Ordered to third reading.
Summary: Would prohibit a city, county, or city and county from enforcing standards for aboveground storage tanks that are more stringent than state or federal standards for aboveground storage tanks unless the city, county, or city and county first adopts an ordinance establishing those standards.

[SB 1229](#) **(Jackson D) Home-generated pharmaceutical waste: secure drug take-back bins.**
Current Text: Amended: 4/19/2016 [pdf](#) [html](#)
Status: No changes since last week - 5/5/2016 – Referred to Com. on JUD.
SWANA: Support
Summary: Under existing law, the Medical Waste Management Act, the State Department of Public Health regulates the management and handling of medical waste, including pharmaceutical waste, as defined. This bill would provide that a collector, as defined, is not liable for civil damages, or subject to criminal prosecution, for maintaining a secure drug take-back bin on its premises if the collector, in good faith and not for compensation, takes specified steps, including that the collector regularly inspects the area surrounding the secure drug take-back bin for potential tampering or diversion, to ensure the health and safety of consumers and employees and the proper disposal in the waste stream of home-generated pharmaceutical waste, as defined, contained in the bins.

Food waste/organics

[AB 1103](#) **(Dodd D) Solid waste: disposal**
Current Text: Amended: 5/11/2016 [pdf](#) [html](#)
Status: No changes since last week - 5/11/2016 – In committee: Set, first hearing. Hearing canceled at the request of the author.
SWANA: Oppose
Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. Current law requires exporters, brokers, and transporters of recyclables or compost to submit periodic information to the

department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. This bill would additionally require a self-hauler, as defined, to submit that information to the department.

[AB 2579](#) (Low D) Food service packaging products: study.

Current Text: Amended: 4/13/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/11/2016 – In committee: Set, first hearing. Referred to APPR. suspense file.

Summary: The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, regulates the disposal, management, and recycling of solid waste. This bill would require the department, on or before January 1, 2018, to complete a study to establish baseline data relating to food service packaging that contains specified information, including the current and potential markets for recycled and composted food service packaging products.

[SB 970](#) (Leyva D) Greenhouse Gas Reduction Fund: grant program: recyclable materials

Current Text: Amended: 5/10/2016 [pdf](#) [html](#)

Status: No changes since last week - 5/10/2016 – From committee with author’s amendments. Read second time and amended. Re-referred to Com. on APPR.

SWANA: Support in concept (Previous Language)

Summary: Current law requires certain moneys appropriated by the Legislature from the Greenhouse Gas Reduction Fund to be used by the Department of Resources Recycling and Recovery for a grant program to provide financial assistance to reduce greenhouse gas emissions by promoting in-state development of infrastructure to process organic and other recyclable materials into new, value-added products. This bill would require the department, in awarding a grant under the program, to consider, among other things, the amount of greenhouse gas emissions reductions that may result from the project and the amount of organic material that may be diverted from landfills as a result of the project.

Engineering

[AB 320](#) (Wood D) Engineers.

Current Text: Amended: 7/8/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11).

Summary: Would prohibit a person from using the title "environmental engineer" unless the person is licensed as an engineer. The bill would provide legislative findings and declarations in support of the licensure of environmental engineers in California. The bill would set forth the intent of the Legislature that the Board for Professional Engineers, Land Surveyors, and Geologists be responsible for defining environmental engineering through rulemaking and that the board adopt standardized examination materials applicable to environmental engineering, as specified. This bill contains other related provisions and other existing laws.

[SB 1085](#) (Roth D) Professional engineers: geologists: land surveyors.

Current Text: Amended: 4/20/2016 [pdf](#) [html](#)

Status: 5/19/2016 – Referred to Com. on B. & P.

Summary: Current law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the certification, licensure, and regulation of the practice of professional engineering, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. Current law subjects these certificates and licenses to renewal and requires the holder of the certificate or license to apply for renewal on a form prescribed by the board and pay a prescribed fee, as provided. This bill would additionally require an applicant for renewal to complete a board-administered assessment, which includes questions to reinforce the certificate holder's or license holder's knowledge of laws applicable to his or her practice area.

Environmental

[Fish and Wildlife Service](#) Migratory Bird Permits: Environmental Impact Statement

Current Text: Proposed Rule posted May 26, 2015

Status: No changes since last week -

Summary: Fish and Wildlife Service is considering rulemaking to address various approaches to regulating incidental take of migratory birds, including issuance of general incidental take authorizations for some types of hazards to birds associated with particular industry sectors; issuance of individual permits authorizing incidental take from particular projects or activities; development of memoranda of

understanding with Federal agencies authorizing incidental take from those agencies' operations and activities; and/or development of voluntary guidance for industry sectors regarding operational techniques or technologies that can avoid or minimize incidental take. The rulemaking would establish appropriate standards for any such regulatory approach to ensure that incidental take of migratory birds is appropriately mitigated, which may include requiring measures to avoid or minimize take or securing compensation. One possible approach would be to establish a general conditional authorization for incidental take by certain hazards to birds associated with particular industry sectors. The standards would include conservation measures or technologies that have been developed to address practices or structures that kill or injure birds. One such hazard to birds being considered is methane or other gas burner pipes at oil production sites and other locations where there is a hazard to birds from burning, entrapment in pipes or vents, or direct mortality from flame flare. Removing perches, installing perch deterrents and covering pipes and other small openings can minimize this take.

[SB 122](#) (Jackson D) California Environmental Quality Act: record of proceedings.

Current Text: Amended: 6/1/2015 [pdf](#) [html](#)

Status: No changes since last week - 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/15/2015)

SWANA: Watch

Summary: CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. This bill contains other related provisions.

[SB 1020](#) (Wieckowski D) Land use: mitigation lands.

Current Text: Amended: 4/19/2016 [pdf](#) [html](#)

Status: No changes since last week. 4/19/2016-Read second time and amended. Ordered to third reading.

Summary: Current law authorizes a state or local agency that, in the development of its own project is required to protect property in order to mitigate an adverse impact upon natural resources, to take any action that the agency deems necessary to meet its mitigation obligations. This bill would authorize a regional park district, regional park and open-space district, and regional open-space district to meet the mitigation obligation by possessing budget reserves in excess of funds required to, among other things, meet the mitigation obligation and retain permanent stewardship and maintenance staff to manage the resource.

[SB 1170](#) (Wieckowski D) Public contracts: water pollution prevention plans: delegation.

Current Text: Amended: 4/6/2016 [pdf](#) [html](#)

Status: 5/23/2016 – Action from APPR.: To APPR. suspense file.

Summary: Would prohibit a public entity, charter city, or charter county from delegating to a contractor the development of a plan, as defined, used to prevent or reduce water pollution or runoff on a public works contract, except as provided. The bill would also prohibit a public entity, charter city, or charter county from requiring a contractor on a public works contract that includes compliance with a plan to assume responsibility for the completeness and accuracy of a plan developed by that entity.