



Waste Management Commission

Thursday, September 8, 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*

Deepak J. Krishan

Vacant

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, June 9, 2016

Summary: Review and approve minutes of June 9, 2016 WMC/LTF meeting.

Recommended Action: Review and approve minutes.

Agenda Item 2:

OC Waste & Recycling FY 2015/16 Financial Report

Summary: Staff will provide the OC Waste & Recycling 4th 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:

- Legislation and Regulations Subcommittee
- Renewable Technologies 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.

Agenda Item 6:

Industry Presentation: Infrastructure Report Card

Summary: Staff will offer a presentation on the American Society of Civil Engineers' (ASCE) Orange County Infrastructure Report Card.

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, December 8, 2016



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force Meeting, June 9, 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* –*City Manager*

√ David Shawver* –*At Large (Stanton)*

Director Dylan Wright OC Waste & Recycling

*City Selection Committee Appointee

Also Present:

Stu Luce	Public	Mark Patti	Mattress Recycling Council
Dean Ruffridge	CR&R	Dan Debac	Aguinaga Green
Roger Gomez	Aguinaga Green	Joe Williams	Public

Call to Order

Chairman David Shawver called the meeting to order at 2:00 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Dean Ruffridge.

Roll Call

Roll call was conducted by the Commission Clerk.

Chairman's Report

Chairman Shawver noted that he was stepping down as Chairman of the Legislative Committee, and that Commissioner Lodge would replace him in that role. He also reported on the busy spring that included the opening of the Bowerman Power Plant and the completion of the Waste Disposal Agreements with cities. He thanked Commissioners for their involvement and support. He also commended staff for their work in completing the agreements. Chairman Shawver also thanked Commissioners for letters and phone calls to colleagues around the county. He reported that the City of San Juan Capistrano sent him a letter saying that they were pleased with the information provided to them by Director Dylan Wright.

The Chairman then introduced a visitor from Dubai, Abdul Salam, and welcomed him to California.

Finally, Chairman Shawver encouraged all commissioners to join a committee. He pointed out that doing so provides an opportunity to interact with staff. Staff takes Commissioners' suggestions into consideration and, as a result, will deliver a better service project

Director's Report

Director Wright thanked all of the Commissioners—especially the elected city officials—who supported the Waste Disposal Agreements that will provide financial stability through 2025. He noted the importance of rate stabilization and high service levels as important outcomes of the Waste Disposal Agreements. He thanked Chairman Shawver and Commissioner Wanke for their assistance. He also noted the essential roles of Deputy Director Shaw Lin and Waste Disposal Contracts & Recycling Programs Manager Lisa Keating. A last minute attempt by the County of San Bernardino to receive import waste was successfully negotiated by Shaw.

Eco Challenge birthday event at Discovery Cube was a success. Isabel will show the video as part of her report.

Director Wright thanked Commissioners who attended the Dine at the Dump United Way fundraiser. A record number of guests attended. More than \$6,000 were raised for United Way.

Director Wright announced upcoming budget hearings for next year. OCWR has a \$170 million budget for next year. The department will be allocating \$11.2 million to bankruptcy repayment. \$500 million in reserve. He also pointed out that the WDAs protect general funds from liability.

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

The minutes were corrected to reflect Commissioner Chotkevys' expression of gratitude for Chairman Shawver's tremendous role related to the WDA approval. The minutes were approved with Commissioners abstaining who were not present at the meeting.

Agenda Item 2: OC Waste & Recycling FY 2015/16 3rd Quarter Financial Report

Manager of Budget Services Alan Yuki presented the report. Commissioner Chotkevys suggested that the department took at laddering the portfolio to maximize the available cash flow while earning the best profit.

The report was received and filed.

Agenda Item 3: AB 939 Report

Manager of Educational Outreach & Recycling Isabel Rios presented the report, which included progress on the outreach partnership programs and recent Eco Challenge events. Following the report, Commissioner Carchio raised the subject of the community issue related to the school near the Rainbow Environmental material recovery facility. Director Wright pointed out that AB 939 Surcharge funds do not permit OCWR to pursue such issues. Commissioners Kim and Nieto recommended that the Eco Challenge outreach include Korean-language news outlets that reach LA and OC audiences. Staff will investigate to ensure that the suggested media outlets are on the department's media list. Local public-access tv shows were also recommended as a way to get the recycling message out, as well as Univision and RAI, an Italian cable channel.

Following the AB 939 Report Mark Patti from the California Mattress Recycling Council presented information on the California Used Mattress Recovery and Recycling Act, SB 254, a product stewardship program in California. The Mattress Recycling Council is a nonprofit organization that is implementing the mattress stewardship program in California. The objective of the legislation is to keep mattresses out of landfills, and prevent and reduce illegal dumping of mattresses.

The report was received and filed.

Agenda Item 4: Subcommittee Reports

Ad hoc Bylaws Committee—Committee Chairman Mike Alvarez reviewed the purpose of the formation of the ad hoc committee, and summarized the committee’s process which led to the recommendation to let the bylaws stand. In the end, committee members saw no reason to make a change to the bylaws.

However, in order to provide the opportunity for waste industry participation at Waste Management Commission meetings, the committee recommended establishing a regular agenda item for waste industry representatives to make presentations to the Commission. Chairman Alvarez noted that such presentations will give industry representatives the opportunity to relay information to the Commission directly in this open forum.

Chairman Shawver moved the recommendation of the committee regarding establishing a regular agenda item for waste industry presentations. The motion was seconded by Commissioner Alvarez. The motion passed. Staff or commissioners may suggest potential presentations.

Chairman Shawver invited haulers and others who would like to showcase a program or technology to contact OCWR staff or a member of the Commission with a request.

Legislation and Regulations Subcommittee— In the interest of time Chairman Lodge deferred to staff to make the Legislative and Regulations report.

Agenda Item 5: Legislative and Regulatory Report

Manager of Waste Disposal Contracts & Recycling Programs Lisa Keating presented the report. Chairman Shawver asked that the Commission be advised when tracked legislation would cost taxpayers money, so that the Board of Supervisors can be advised of the Commission’s position regarding any cost to taxpayers.

The report was received and filed.

Commissioner Comments:

Commissioner Connors reported on her attendance at the event with a City Council colleague. She complimented OCWR staff on the condition of the landfill and its appropriateness for a United Way fundraiser.

Chairman Shawver announced the reappointment of City Selection Committee appointees to the Commission.

Public Comments:

None

The meeting was adjourned at 3:45 p.m.



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

This report presents the financial status of OC Waste & Recycling for FY 15/16. 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 in FY 15/16 was 4,772,531 tons, consisting of 2,965,581 in-county tonnage and 1,806,950 importation tonnage. In-county tonnage has risen by 3% from prior fiscal year. Importation tonnage has risen by 6%. By landfill site FY 15/16 tonnage was as follows:

Olinda Alpha Landfill

In-county tonnage 997,392 (34%) of total In-county tonnage
Importation tonnage 1,127,879 (62%) of total Importation tonnage

Frank R. Bowerman Landfill

In-county tonnage 1,628,976 (55%)
Importation tonnage 588,960 (33%)

Prima Deshecha Landfill

In-county tonnage 339,213 (11%)
Importation tonnage 90,111 (5%)

Revenues

For FY 15/16, revenue recorded in OC Waste & Recycling’s Enterprise/Operating (Fund 299) was \$111,801,674 or 106% versus the modified revenue budget of \$105,336,000. Primary sources of revenue received during the fiscal year included:

- \$100,024,283 Disposal Fees & Services (89% of the \$111,801,674 total)
- \$6,458,032 Operating transfers in (6%)
- \$3,859,336 Leases & Royalties (3.5%)
- \$413,624 Other Revenues (0.4%)
- \$1,046,400 Interest Income (0.9%)

For FY 15/16, revenue recorded in OC Waste & Recycling’s Capital Project Fund (Fund 273) was \$15,296,113 or 98% versus the modified revenue budget of \$15,592,765. Primary sources of revenue received during the fiscal year included:

- \$15,164,975 Transfers-in from other funds (99% of the \$15,592,765 total)
- \$130,550 Interest Income (1%)

Expenditures

FY 15/16 expenditures and encumbrances recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) totaled \$97,418,880 or an approximate 72% spend-out versus a modified expense budget of \$136,056,284. This is due to the reclassifying of capital expenses to balance sheet accounts at fiscal year-end and underspending in some operating expenditure categories.

FY 15/16 expenditures and encumbrances recorded in OC Waste & Recycling's Capital Project Fund (Fund 273) totaled -\$6,260,209 versus a modified expense budget of \$28,132,826. This is due to a combination of the reclassifying of capital expenses to balance sheet accounts at fiscal year-end and capital project underspending. Actual capital project spend-out before the capitalization was \$14,585,364.

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

- \$24,514,973 Salaries & Employee Benefits (29%)
- \$19,499,692 Equipment Purchases & Maintenance (23%)
- \$15,066,410 Services & Supplies (18%)
- \$14,585,364 Capital Projects Spend-out (17% of the \$83,774,094 total before the reclassifying of capital expenses and depreciation)
- \$9,194,434 Landfill Regulatory Compliance (11%)
- \$8,024,257 Taxes, Fees, Assessments (10%)
- \$5,778,895 Recycling & Community Services Programs (7%)
- \$3,274,672 Facility Expenditures (4%)

Cash Balance and Reserves

As of June 30, 2016, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$166,218,126.

As of June 30, 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 Fiscal Year 2015/2016 Overview
2. System-Wide Tonnage - FY 2011/2012 to 2015/2016
3. System-Wide Revenue (Excluding \$19 Surcharge) - FY 2011/2012 to 2015/2016
4. Fund 299 Revenues – FY 2015/2016
5. Expenditures by Category - FY 2015/2016
6. Cash Balances – FY 2011/2012 – 2015/2016

OC WASTE & RECYCLING

Budget Report Fiscal Year 2015/2016 – 4th Quarter

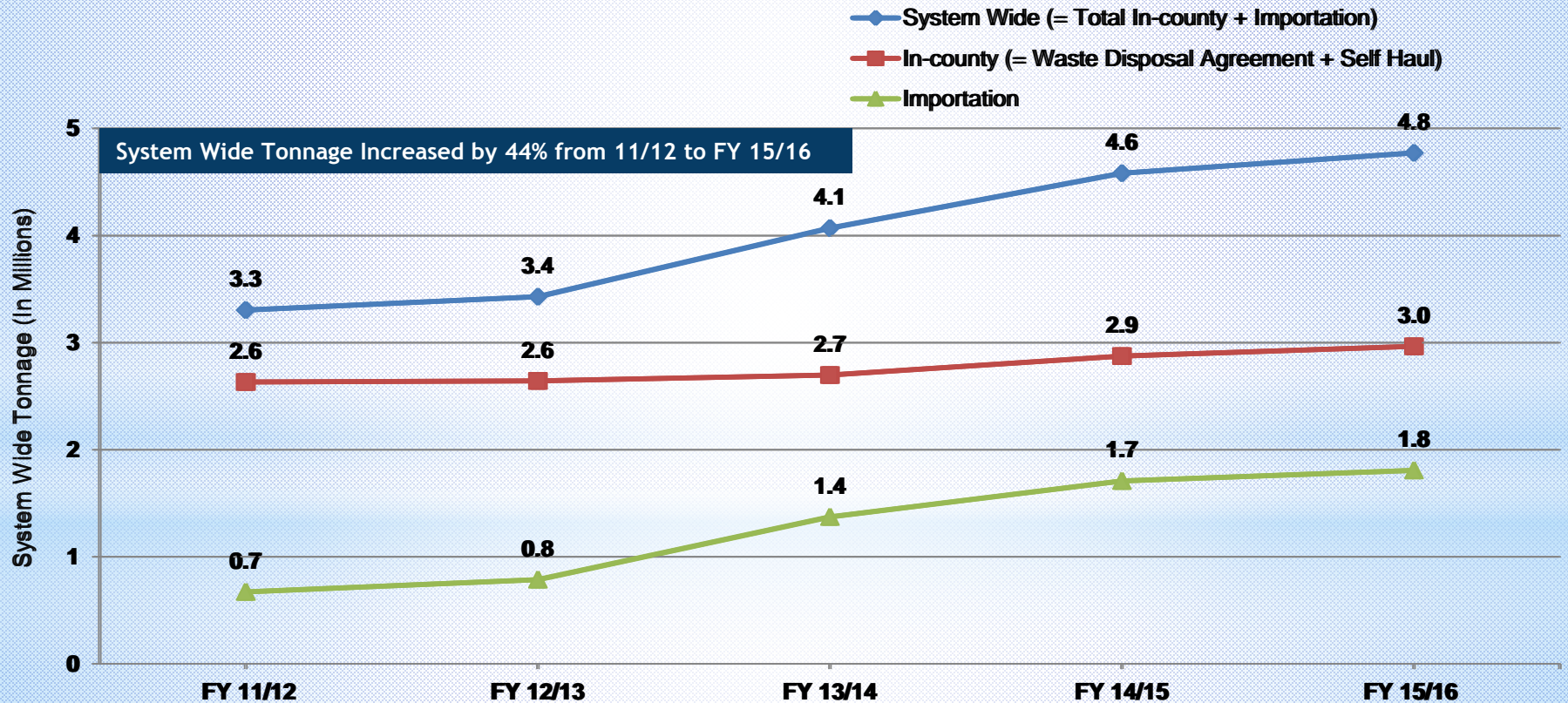
Fund 299, Fund 273 and Fund 285 Overview

	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	FY 15/16 4th Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)
In-County Tonnage	2,724,250	2,724,250	751,117	2,965,581	109%
Importation Tonnage	1,624,663	1,624,663	445,006	1,806,950	111%
Total System Tonnage	4,348,913	4,348,913	1,196,123	4,772,531	110%
Enterprise/Operating (Fund 299) Revenues	106,781,000	105,336,000	37,066,346	111,801,674	106%
Enterprise/Operating (Fund 299) Expenditures ⁽¹⁾	124,815,064	136,056,284	19,860,585	97,418,880	72%
Capital Projects (Fund 273) Revenues	11,900,000	15,592,765	7,783,833	15,296,113	98%
Capital Projects (Fund 273) Expenditures ⁽²⁾	25,814,194	28,132,826	(20,278,946)	(6,260,206)	-22%
Importation (Fund 285) Revenues	40,810,000	43,105,000	14,544,365	43,077,114	100%
Importation (Fund 285) Expenditures	41,008,606	43,307,765	21,599,937	43,074,381	99%

Notes(s):

1. Fund 299 Operating expenditures were lower than budgeted due to the reclassifying of capital assets during year-end, and the underspending in some expenditure categories.
2. Fund 273 actual expenditures were negative at year-end due to the reclassifying of capital assets during year-end.

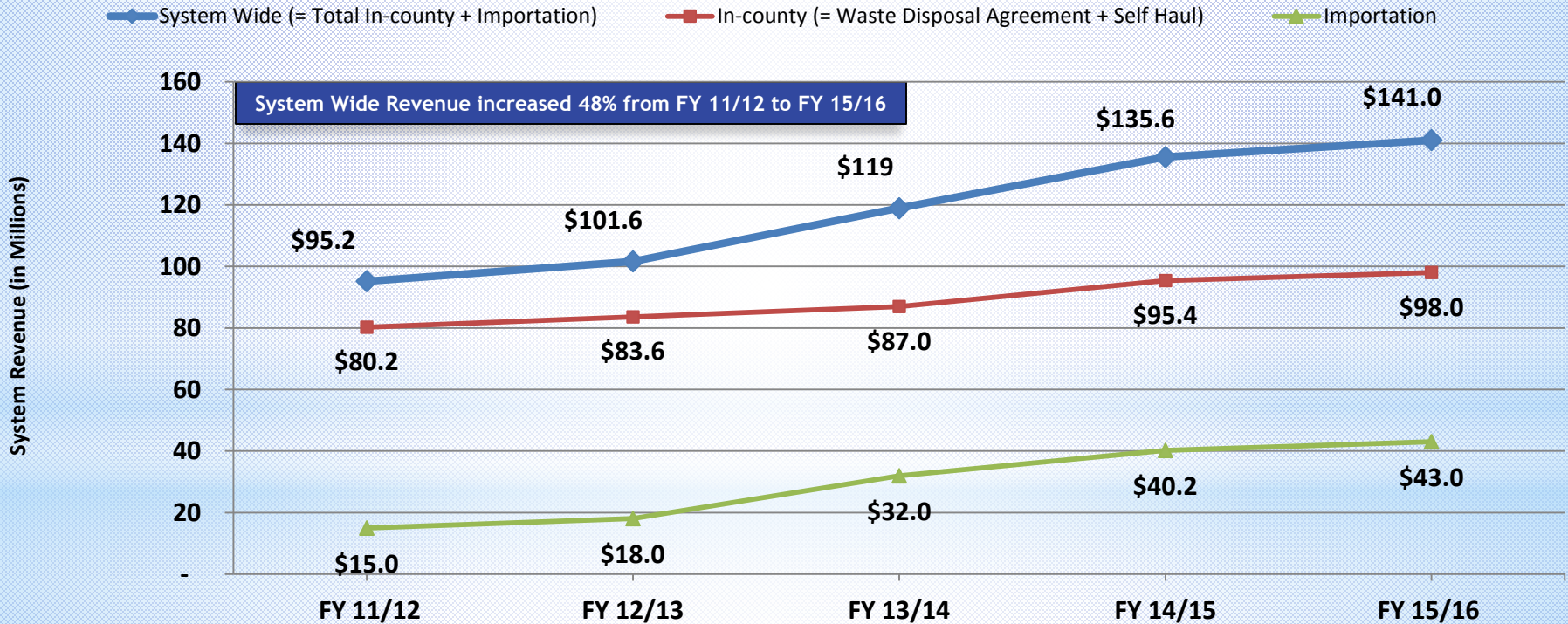
OC WASTE & RECYCLING System Wide Tonnage FY 2011/2012 – 2015/2016



OC WASTE & RECYCLING

System Wide Revenue (Excluding \$19 Surcharge)

FY 2011/2012 – 2015/2016



OC WASTE & RECYCLING
Fund 299 Revenues
FY 2015/2016 4th Quarter: April - June 2016

	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	4th Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)
Disposal Fees & Services	94,978,500	94,978,500	31,276,504	100,024,283	105%
Operating Transfers-in	6,986,050	5,518,550	3,459,608	6,458,032	117%
Interest Income	650,000	650,000	399,671	1,046,400	161%
Leases & Royalties	3,654,150	3,654,150	1,572,768	3,859,336	106%
Other Revenues ⁽¹⁾	512,300	534,800	357,795	413,624	77%
Grand Total	\$106,781,000	105,336,000	\$37,066,346	\$111,801,674	106%

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 4th Quarter: April - June 2016

Description	FY 15/16 Adopted Budget	FY 15/16 Modified Budget	FY 15/16 4th Quarter Actuals	FY 15/16 YTD Actuals	YTD Actuals (% of Modified Budget)
Salaries & Employee Benefits	27,672,719	26,943,991	6,152,149	24,514,973	91%
Capital Project Spend-out	25,564,194	22,799,266	582,596	14,585,364	64%
Services & Supplies ^[1]	19,163,070	20,098,364	3,284,494	15,066,410	79%
Landfill Regulatory Compliance	11,739,750	11,521,305	975,543	9,194,434	80%
Facility Expenditures	6,498,975	6,325,291	535,856	3,274,672	52%
Equipment Purchases, Usage & Maintenance	21,250,850	22,392,612	1,450,059	19,499,692	87%
Taxes, Fees, Assessments ^[2]	8,011,650	7,373,796	(206,102)	8,024,257	109%
Recycling and Community Service Programs ^[3]	7,359,500	6,992,505	759,449	5,778,895	83%
Non-recurring Expense ^[4]	7,350,000	8,139,870	(59,759)	728,560	9%
Transfers-out to Other Funds	18,550	18,550	29,441	29,441	159%
Depreciation Expense & Capitalized Assets ^[5]	16,000,000	23,583,560	(17,006,665)	(16,922,607)	N/A
Total Expenditures ^[6]	\$150,629,258	\$156,189,110	(\$3,502,938)	\$83,774,094	54%

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) Non-recurring Expense includes \$3.7 million for GASB 49 site remediation 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

FUND	Description	Fund Restricted Y/N	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16
299	OC Waste & Recycling Enterprise / Operating	No	\$98.48M	\$93.27M	\$122.63M	\$145.66M	\$166.22M
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	\$15.73M
274	Corrective Action Escrow	Yes	\$6.08M	\$6.11M	\$7.13M	\$8.17M	\$8.22M
275	Environmental Reserve (Liabilities)	No	\$62.24M	\$69.28M	\$69.73M	\$71.06M	\$72.90M
276	Deferred Payment Security Deposits	Yes	\$0.75M	\$0.70M	\$0.56M	\$0.54M	\$0.55M
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	\$143.16M
284	Bee Canyon Landfill Escrow (Closure)	Yes	\$28.77M	\$28.88M	\$28.95M	\$29.05M	\$29.22M
285	Bankruptcy Recovery Plan	No	\$0.03M	\$1.18M	\$2.12M	\$6.26M	\$1.35M
286	Brea-Olinda Landfill Escrow (Closure)	Yes	\$38.34M	\$38.48M	\$38.58M	\$38.71M	\$38.93M
287	Prima Deshecha Landfill Escrow (Closure)	Yes	\$20.26M	\$20.34M	\$20.39M	\$20.46M	\$20.58M
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	\$497.83M



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.

Through public-private partnerships with Angels Baseball, Anaheim Ducks, 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 Poster Contest

Young Orange County boys and girls between the ages of eight and fourteen had the opportunity to participate in the 2016 Eco Challenge poster contest presented by OCWR, DC-OC, and Angels Baseball for the chance to be one of five Honorary Bat Kids at a 2016 Angels baseball game. More than 400 posters were submitted by contestants from throughout Orange County. The contest winners for each Supervisorial District will be recognized at Angel Stadium during the pre-game ceremony Friday, September 9, 2016. Attached are photos of the winning posters and below are the winners for each Supervisorial District:

Supervisorial District	Poster Contest Winner	Jurisdiction
District 1	Maverick Malfavon	Santa Ana
District 2	Jasmine Yujean Noh	Cypress
District 3	Ellia Chai	Santa Ana – Unincorporated Orange County
District 4	Oscar Madrid	Buena Park
District 5	Elisa Sirin	Mission Viejo

Eco Challenge Summer Promotion

“Take the Eco Challenge” summer promotion has concluded. Families who completed all three challenges in support of keeping Orange County clean and green will receive a Discovery Cube family membership or a four-pack of Angels tickets. Results from the 2016 summer promotion will be provided at the next Waste Management Commission meeting.

Eco Challenge Regional Community Collection Events

Angel Stadium

- OCWR helped welcome youth and adults from Orange County to participate in the Eco Challenge Day collection event on July 16, 2016 at Angel Stadium. Attendees: Participated in the Eco Challenge collection event to win Discovery Cube and Angels tickets.
- Met and greeted Angels starting pitcher, Nick Tropeano.
- Learned about eco-friendly resources from our partners.
- Pledged to take the Eco Challenge and make a difference in their community.

Anaheim Ducks Honda Center

Orange County residents will have the opportunity to dispose of their e-waste, household goods and gently used clothing at the Honda Center parking lot and engage in eco-friendly family activities on Saturday, November 5, 2016.

Regional Recycling and Waste Reduction Grant

The approval of the Waste Disposal Agreement amendment with Orange County cities enabled the continuation of waste importation beyond June 30, 2016. This strategic initiative set the platform for a new sustainable waste reduction and diversion grant program. Later this year OCWR will bring to the Board of Supervisors a plan for a competitive grant program that targets cities, non-profits, special districts and private sector businesses.

Attachments:

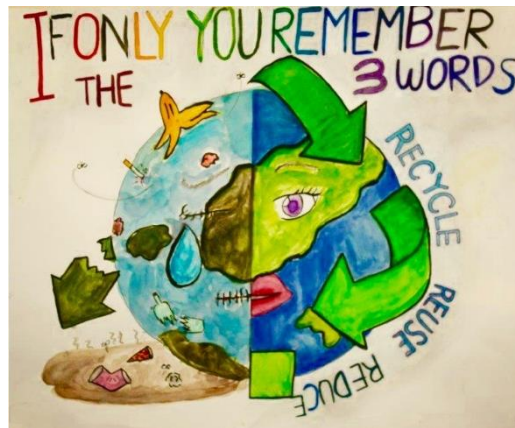
- Photos of winning posters by Supervisorial District

Recommended Action: Receive and file report.

2016 Eco Challenge Poster Contest Winners



District 1
Maverick Malfavon



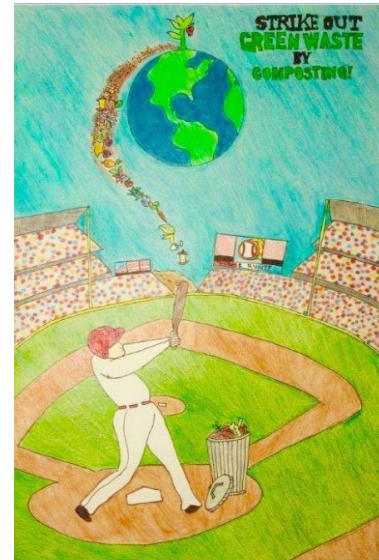
District 2
Jasmine Noh



District 3
Ellia Chai



District 4
Oscar Madrid



District 5
Elisa Sirin



Thursday, September 8, 2016

Agenda Item 4 – *Subcommittee Reports*

Legislation & Regulations Subcommittee *Renewable Technologies Subcommittee*

Subcommittee members will report on their respective meetings:

Legislation and Regulation Subcommittee

Commissioner Lodge

Renewable Technologies Subcommittee

Commissioner Froelich

Recommended Action: Receive and File Reports

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



Thursday, September 8, 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 (Failed deadline pursuant to Joint Rule 61(B)(13)) 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>This bill has failed the deadline and is now dead. This bill was supported by pharmaceutical and electronics organizations, and strongly opposed by SWANA, as well as numerous cities and law enforcement agencies. This bill appeared 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	Concurrence (8/25/16 – Senate amendments concurred in. To Engrossing and Enrolling) 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 food waste to a location or facility that is not owned and operated by that person or entity.”</p> <p>SWANA is currently working with the author to make amendments to address the issues they have with the bill, particularly to ensure that self-haulers are not overly restricted.</p> <p>Amended on 6/6/16</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>Concurrence (8/23/2016 –Senate amendments concurred in. To Engrossing and Enrolling)</p> <p>Orange County: OPPOSE</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 6/27/2016</p>
<p>AB 2153 – Garcia, Cristina D Lead-Acid Battery Recovery and Recycling Act</p>	<p>2nd House – Policy (8/22/2016 – Re-referred to Com. On RLS)</p> <p>OCWR: WATCH</p> <p>SWANA: WORK WITH AUTHOR</p>	<p>Existing law requires a dealer to accept, when offered at the point of transfer, a lead-acid battery from a consumer in exchange for the new lead-acid battery purchased by that consumer from the dealer. A violation of these provisions is a misdemeanor. This bill, the Lead-Acid Battery Recycling Act of 2016, would, as of January 1, 2017, revise these provisions to require a dealer to accept, at the point of transfer, specified types of used lead-acid batteries and would prohibit the dealer from charging any fee to accept these used lead-acid batteries. The bill would require a dealer to collect a refundable deposit, as specified, for each new lead-acid battery of these types from a person who purchases the battery and who does not simultaneously provide a used lead-acid battery of the same size and type, and would require the dealer to refund the deposit to the person if, within 45 days of the sale of that lead-acid battery, the person presents a used lead-acid battery of the same type and size. The bill would require a dealer to post a specified notice or include specified information on the purchaser's receipt for one of these lead-acid batteries with regard to these provisions. The bill would allow the dealer to keep any lead-acid battery refundable deposit that is not properly claimed within 45 days after the date of sale of the new lead-acid battery.</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 8/19/2016</p>

<u>Bill ID/Topic</u>	<u>Status</u>	<u>Summary</u>
<p>AB 2206 – Williams D Biomethane: interconnection and injection into common carrier pipelines: research</p>	<p>2nd House - Policy (Failed Deadline pursuant to Joint Rule 61(b)(13))</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>Amended on 6/27/2016</p>
<p>SB 885 – Wolk D Construction contracts: indemnity</p>	<p>2nd House (Failed deadline pursuant to Joint Rule 61(b)(13))</p> <p>OCWR: WATCH</p>	<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 6/16/2016</p>
<p>SB 1170 – Wieckowski D Public contracts: water pollution prevention plans: delegation</p>	<p>2nd House (Failed deadline pursuant to Joint Rule 61(b)(14))</p> <p>OCWR: WATCH</p> <p>SWANA: OPPOSE</p>	<p>Would, except as specified, 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. 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 8/1/2016</p>

<u>Bill ID/Topic</u>	<u>Status</u>	<u>Summary</u>
<p>SB 1229 – Jackson D Home-generated pharmaceutical waste: secure drug take-back bins</p>	<p>8/16/16 – Enrolled and presented to the Governor</p> <p>OCWR: WATCH</p> <p>SWANA: SUPPORT</p>	<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.</p> <p>Amended on 6/27/2016</p>
<p>SB 1383 – Lara D Short-lived climate pollutants: methane emissions: organic waste: landfills</p>	<p>2nd House – Policy (8/19/16 – Read third time and amended. Re-referred to Com. On Nat. Res.)</p> <p>OCWR: WATCH</p> <p>SWANA: OPPOSE</p>	<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 8/19/16</p>
<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 Legislative and Regulatory Update

Updated 8/30/2016

- **Solid Waste (Pages 3-4)**
 - 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 – Contracts: design professionals: indemnity
- **Recycling (Pages 4-5)**
 - 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 5-9)**
 - **Biomethane (Pages 5-6)**
 - AB 577 – Biomethane: grant program
 - AB 2206 – Renewable gas
 - AB 2313 – Renewable natural gas: monetary incentive program for biomethane projects: pipeline
 - AB 2773 – Biomethane
 - SB 1043 – Biogas and biomethane
 - SB 1153 – Greenhouse gases: scoping plan: biomethane
 - **Greenhouse Gas (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 7)**
 - AB 33 – Electrical Corporations: procurement plans
 - AB 197 – State Air Resources Board: greenhouse gases: regulations
 - AB 645 – Electricity: California Renewables Portfolio Standard
 - **Global Warming (Pages 7-8)**
 - AB 2585 – California Global Warming Solutions Act of 2006: market-based compliance mechanisms
 - SB 32 – California Global Warming Solutions Act of 2006: emissions limit
 - SB 1383 – Short-lived climate pollutants: methane emissions: organic waste: landfills
 - **Energy (Pages 8-9)**
 - 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 1205 – Hazardous waste: facilities permitting
 - 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 – Hazardous waste: funding
 - SB 423 – Surplus household consumer product waste: management
 - 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: self-haulers
 - AB 2579 – Department of Resources and Recovery: waste characterization study: food service packaging
 - SB 970 – Greenhouse Gas Reduction Fund: grant program: recyclable materials
- **Engineering (Page 11)**
 - AB 320 - Engineers
 - SB 1085 – Professional engineers: geologists and geophysicists land surveyors
- **Environmental (Pages 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

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: 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: 6/27/2016 [pdf](#) [html](#)

Status: 8/23/2016 – Senate amendments concurred in. To Engrossing and Enrolling.

SWANA: Oppose | **Orange County:** 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: Chaptered: 6/10/2016 [pdf](#) [html](#)

Status: 6/10/2016 – Signed by the Governor

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: 8/9/2016 [pdf](#) [html](#)

Status: 8/24/2016 – Senate amendments concurred in. To Engrossing and Enrolling.

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: 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.

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

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

Status: 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) Contracts: design professionals: idemnity**

Current Text: Amended: 6/16/2016 [pdf](#) [html](#)

Status: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

Summary: Would specify, with certain exceptions, for contracts and amendments to them 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 defend any claims brought against him or her on an ongoing basis during their pendency or the design professional's obligation to reimburse reasonable defense costs incurred by other persons or entities, limited to the design professional's degree of fault, as determined by a court, arbitration, or negotiated settlement.

Recycling

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

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

Status: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

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: 8/16/2016 [pdf](#) [html](#)

Status: 8/24/2016 – Re-referred to Com. On Nat. Res.

SWANA: Watch

Summary: Would require a waste tire generator that is a retail seller of new tires to end user purchasers to pay a California tire regulatory fee and to remit that fee to the state on a quarterly schedule for deposit in the California Tire Recycling Management Fund. The bill would require the Department of Resources Recycling and Recovery to track revenue from the California tire regulatory fee separately and would prohibit those funds from being used for activities other than those specified.

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

Current Text: Amended: 8/19/2016 [pdf](#) [html](#)

Status: 8/22/2016 – Re-referred to Com. On RLS.

SWANA: Work with author

Summary: Current law requires a dealer to accept, when offered at the point of transfer, a lead-acid battery from a consumer in exchange for the new lead-acid battery purchased by that consumer from the dealer. This bill, the Lead-Acid Battery Recycling Act of 2016, would, as of January 1, 2017, revise these provisions to require a dealer to accept, at the point of transfer, a lead-acid battery of the same type and size that is sold by the dealer, without regard to the brand or original dealer of the used lead-acid battery, and would prohibit the dealer from charging any fee to accept a used lead-acid battery.

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

Current Text: Amended: 6/15/2016 [pdf](#) [html](#)

Status: 8/25/2016 – Senate amendments concurred in. To Engrossing and Enrolling.

SWANA: Support

Summary: Would, beginning March 1, 2018, require a manufacturer of a beverage sold in a plastic beverage container subject to the California Redemption Value to annually report to the Department of Resources Recycling and Recovery, under penalty of perjury, the amount of virgin plastic and postconsumer recycled plastic used by the manufacturer for plastic beverage containers subject to the California Redemption Value for sale in the state in the previous calendar year. By expanding the crime of perjury, the bill would impose a state-mandated local program.

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

Current Text: Amended: 8/15/2016 [pdf](#) [html](#)

Status: 8/23/2016 – Senate amendments concurred in. To Engrossing and Enrolling.

SWANA: Support

Summary: Would require the Department of Resources Recycling and Recovery, on or before July 1, 2017, to develop guidelines for collecting and recycling recyclable materials in office buildings of state agencies and large state facilities, except buildings and facilities of community college districts or their campuses. The bill would require that a covered state agency and large state facility, on and after July 1, 2018, provide adequate receptacles, signage, education, and staffing, and arrange for recycling services consistent with specified law, for each office building of the state agency or large state facility.

Renewable Energy
Biomethane

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

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

Status: 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) Renewable gas.**

Current Text: Amended: 6/27/2016 [pdf](#) [html](#)

Status: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

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: pipeline**

Current Text: Amended: 8/19/2016 [pdf](#) [html](#)

Status: 8/23/16 – Read third time. Passed. Ordered to the Assembly.

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.

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

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

Status: 5/27/2016 – Failed Deadline pursuant to Joint Rule 61(b)(8).

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: 5/27/2016 – Failed Deadline pursuant to Joint Rule 61(b)(8).

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: 5/27/2016 – Failed Deadline pursuant to Joint Rule 61(b)(8).

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: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).

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: 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: 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: 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) State Air Resources Board: greenhouse gases: regulations**
Current Text: Amended: 8/19/2016 [pdf](#) [html](#)
Status: 8/24/2016 – Enrolled and presented to the Governor.
SWANA: Watch
Existing law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would add 2 Members of the Legislature to the state board as ex-officio, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year terms. The bill would require the state board to establish the initial staggered terms. The bill would create the Joint Legislative Committee on Climate Change Policies consisting of 3 Members of the Senate and 3 Members of the Assembly and would require the committee to ascertain facts and make recommendations to the Legislature and to the houses of the Legislature concerning the state's programs and policies related to climate change

[AB 645](#) **(Williams D) Electricity: California Renewables Portfolio Standard.**
Current Text: Introduced: 2/24/2015 [pdf](#) [html](#)
Status: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).
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: emissions limit.**
Current Text: Amended: 8/19/2016 [pdf](#) [html](#)
Status: 8/24/2016 – Assembly amendments concurred in. Ordered to engrossing and enrolling.
SWANA: Watch
Summary: This bill would require the state board to approve a statewide greenhouse gas emissions limit that is equivalent to 40% below the 1990 level to be achieved by 2030.

[SB 1383](#) **(Lara D) Short-lived climate pollutants: methane emissions: organic waste: landfills**
Current Text: Amended: 8/19/2016 [pdf](#) [html](#)
Status: 8/19/2016 – Read third time and amended. Ordered to third reading. Re-referred to Com. On Nat. Res.
SWANA: Oppose
Summary: Would require the State Air Resources Board, no later than January 1, 2018, to approve and begin

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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: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).

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 - 5/27/2016 – Failed Deadline pursuant to Joint Rule 61(b)(8)

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

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existing laws.

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

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

Status: 5/27/2016 – Failed Deadline pursuant to Joint Rule 61(b)(8).

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: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

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 1205](#) **(Gomez D) Hazardous waste: facilities permitting.**

Current Text: Amended: 6/20/2016 [pdf](#) [html](#)

Status: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).

Summary: Current law requires the Department of Toxic Substances Control to impose certain conditions on each hazardous waste facilities permit and authorizes the department to impose other conditions on a hazardous waste facilities permit, as specified. A violation of the hazardous waste control law is a crime. This bill would require the department, within 90 days of receiving a renewal application for a hazardous waste facilities permit, to hold a public meeting for specified purposes in or near the community in which the hazardous waste facility is located.

[AB 1435](#) **(Alejo D) Hazardous waste: toxics: packaging.**

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

Status: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).

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: 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

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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: 4/22/2016 – Failed Deadline pursuant to Joint 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: 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: 8/19/2016 [pdf](#) [html](#)

Status: 8/25/2016 – From committee: That the Senate amendments be concurred in.

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 423](#) (Bates R) Surplus household consumer product waste: management

Current Text: Amended: 8/15/2016 [pdf](#) [html](#)

Status: 8/25/2016 – Assembly amendments concurred in. Ordered to engrossing and enrolling.

SWANA: Support

Summary: Would require the Department of Toxic Substances Control to convene a Retail Waste Working Group, as prescribed, to consider and make recommendations relating to requirements for the management of consumer products that are wastes, waste reduction opportunities for consumer products, and hazardous waste management requirements in the retail industry, as specified. The bill would require the working group to report these recommendations to the Legislature by June 1, 2017.

[SB 1147](#) (Galgiani D) Hazardous materials: aboveground storage tanks.

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

Status: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

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: 6/27/2016 [pdf](#) [html](#)

Status: 8/16/2016 – Enrolled and presented to the Governor at 11:30 a.m.

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

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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: self-haulers

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

Status: 8/25/2016 –Senate amendments concurred in. To Engrossing and Enrolling.

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 require a self-hauler, as specified, to submit that information to the department. This bill contains other related provisions and other existing laws.

AB 2579 (Low D) Department of Resources Recycling and Recovery: waste characterization study: food service packaging

Current Text: Amended: 6/20/2016 [pdf](#) [html](#)

Status: 7/1/2016 – Failed deadline pursuant to Joint Rule 61(b)(13).

Summary: Current law establishes the Department of Resources Recycling and Recovery to administer the California Integrated Waste Management Act of 1989, and authorizes the department to hold hearings and conduct investigations in any part of the state necessary to carry out its powers and duties. This bill would require the department, in the next regularly scheduled waste characterization study conducted by the department, to include specified information relating to food service packaging waste management.

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

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

Status: 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: 8/12/2016 – Failed Deadline pursuant to Joint Rule 61(b)(14).

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 and geophysicists land surveyors.

Current Text: Amended: 6/28/2016 [pdf](#) [html](#)

Status: 8/25/2016 – Assembly amendments concurred in. Ordered to engrossing and enrolling.

Summary: Current law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the

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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 online 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: 8/15/2015 [pdf](#) [html](#)

Status: 8/24/2016 – Assembly amendments concurred in. Ordered to engrossing and enrolling.

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: 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: 5/31/2016 [pdf](#) [html](#)

Status: 6/30/2016 – From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.

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

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contract that includes compliance with a plan to assume responsibility for the completeness and accuracy of a plan developed by that entity.



Thursday, September 8, 2016

**Agenda Item 6 – *Waste Industry Presentation: Orange County
Infrastructure Report Card—David Tieu, PE,
MSCE, QISP, QSP/D, Senior Civil Engineer, South
Region Landfills***

Staff will provide a presentation on the most recent Infrastructure Report Card.

Recommended Action: Receive and file report.