



Waste Management Commission

Thursday, December 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 Tettermer

City Managers'

Representative

Bret M. Plumlee*

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, September 8, 2016

Summary: Review and approve minutes of September 8, 2016 WMC/LTF meeting.

Recommended Action: Review and approve minutes.

Agenda Item 2:

OC Waste & Recycling First Quarter FY 2016/17 Financial Report

Summary: Staff will provide the OC Waste & Recycling 1st Quarter Financial Report for FY 16/17.

Recommended Action: Receive and file report.

Agenda Item 3:

AB 939 Report

Summary: Staff will present a written report on AB 939 Educational Outreach Programs.

Recommended Action: Receive and file report.

Agenda Item 4: **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 5: **Subcommittee Report**
Subcommittee members will report on their respective meetings:

- Ad Hoc Educational Outreach Committee

Recommended Action: Receive and file report.

Agenda Item 6: **Waste Industry Presentation: Stanton’s Residential Food Waste Recycling Program**
Summary: A representative will offer a presentation on the city’s program.

Recommended Action: Receive and file report.

Agenda Item 7 **Election of 2017 Chair and Vice Chair Waste Management Commission**
Summary: Elect Chair and Vice Chair for 2017.

Recommended Action: Elect a Chair and Vice Chair for 2017.

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.

WASTE MANAGEMENT COMMISSION/LOCAL TASK FORCE

Thursday, December 8, 2016

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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.oilandfills.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, March 9, 2017



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force Meeting, September 8, 2016

Commissioners Roll (√ Indicates Present. Ex indicates excused absence.)

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

Also Present:

Chip Monaco	Waste Management	Christine Knapp	OC Waste & Recycling
David Ross	Tierra Verde Industries	Roger Gomez	Aguinaga Green
Alan Yuki	OC Waste & Recycling	Mary Beth Anderson	OC Waste & Recycling
Stu Luce	Public		

Call to Order

Chairman David Shawver called the meeting to order at 2:02 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Martinez.

Roll Call

Roll call was conducted by the Commission Clerk.

Chairman’s Report

Chairman Shawver presented immediate past Commission Chairman Chad Wanke with a certificate recognizing his service as Chairman and his leadership role on the Commission during his tenure as Chairman.

Chairman Shawver reminded Commissioners of the importance of completing ethics training in 2016. He also reminded commissioners that certificates from previous years are not valid. Only 2016 certificates would qualify to meet the WMC Ethics Training Requirement

Director’s Report

Director Wright reported on the department’s accomplishments during the 2015-16 fiscal year that were shared with members of the Board of Supervisors. The accomplishments characterize OCWR as a model of ongoing excellence and efficiency. Director Wright also pointed out that the graded slope resulting from the landslide remediation project at the Bowerman Landfill was being covered with material so that it will blend in with the surrounding landscape.

Clerk's Action Item Report

Commission Clerk Julie Chay asked Commissioners to take note of the Ethics Training instructions and training policy and to fill out the appropriate forms to ensure compliance with the County's policy. She also noted that a new agenda item has been added to each agenda to provide opportunity for waste industry presentations.

Agenda Item 1: Minutes of the September 8, 2016 Waste Management Commission/Local Task Force Meeting

The minutes were accepted as read with Commissioners Krishan, Martinez and Wanke abstaining.

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

Manager of Budget Services Alan Yuki presented the report.

The report was received and filed.

Agenda Item 3: AB 939 Report

Manager of Educational Outreach & Recycling Isabel Rios presented the report.

Chairman Shawver voiced concern about public awareness of the upcoming ban on food waste in California's landfills. Commissioners suggested finding out what other counties and public agencies are doing in the way of public outreach and education to raise public awareness.

Director Dylan Wright reminded Commissioners of the upcoming competitive grants that would be made available to local jurisdictions in concert with waste haulers, enabling them to offer programs to help achieve waste diversion goals for their communities

The report was received and filed.

Agenda Item 4: Subcommittee Reports

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.

Commissioner Martinez asked about the potential impact of the possible legalization of marijuana on organic waste disposal. Staff was asked to research the item.

The report was received and filed.

Agenda Item 6: Waste Industry Presentation: Orange County Infrastructure Report Card

Senior Engineer for South Region Landfills, David Tieu, presented information about the solid waste portion of the Infrastructure Report Card. Commissioners commended David and other contributors to the report card from OC Waste & Recycling for the way in which the report reflects the depth and breadth of expertise and knowledge that is present in the department.

The report was received and filed.

Commissioner Comments:

Commissioner Conners asked about the mitigation of the visible remediation area at the Bowerman Landfill. Staff reported that the area was being covered by organic material called duff, which will provide a medium for vegetation to grow.

Public Comments:

None

The meeting was adjourned at 3:29 p.m.



Agenda Item 2 – *OC Waste & Recycling’s FY 16/17 Financial Report* ***Alan Yuki, Section Manager, Budget, Purchasing & Landfill Administration***

This report presents the financial status of OC Waste & Recycling for the first quarter of FY 16/17 (July – September). Included in the report is financial information related to tonnage, revenues, expenditures, cash, and reserves.

System Tonnage

Total OC Waste & Recycling system tonnage received during the first quarter of FY 16/17 was 1,200,143 tons, consisting of 776,931 in-county tonnage and 423,212 importation tonnage. By landfill site, the first quarter of FY 16/17 tonnage was as follows:

Olinda Alpha Landfill

In-county tonnage	293,378 (38%) of total In-county tonnage
Importation tonnage	256,911 (60%) of total Importation tonnage

Frank R. Bowerman Landfill

In-county tonnage	381,203 (49%)
Importation tonnage	147,224 (35%)

Prima Deshecha Landfill

In-county tonnage	102,350 (13%)
Importation tonnage	19,077 (5%)

Revenues

For the first quarter of FY 16/17, revenue recorded in OC Waste & Recycling’s Enterprise/Operating (Fund 299) was \$20,658,533 or 19% versus the modified revenue budget of \$110,761,805. Primary sources of revenue received during the first quarter included:

- \$20,259,212 Disposal Fees & Services (98% of total revenue received)
- \$230,728 Interest Income (1.1%)
- \$103,642 Leases & Royalties (0.5%)
- \$64,950 Other Revenues (0.31%)

For the first quarter of FY 16/17, revenue recorded in OC Waste & Recycling’s Capital Project Fund (Fund 273) was only \$21,396 or less than 1% versus the adopted revenue budget of \$43,130,000. Primary source of revenue received during the first quarter was interest income.

Expenditures

First quarter of FY 16/17 expenditures and encumbrances recorded in OC Waste & Recycling’s Enterprise/Operating (Fund 299) totaled \$28,174,394 or an approximate 18% spend-out versus a modified expense budget of \$159,970,339.

First quarter of FY 16/17 expenditures and encumbrances recorded in OC Waste & Recycling's Capital Project Fund (Fund 273) totaled \$2,643,013 versus a modified expense budget of \$53,976,456.

For the first quarter of FY 16/17, OC Waste & Recycling's categories of major expenditures were:

- \$8,235,775 Taxes, Fees, Assessments (27%)
- \$7,011,968 Services & Supplies (23%)
- \$6,180,002 Salaries & Employee Benefits (20%)
- \$4,503,792 Landfill Regulatory Compliance (15%)
- \$2,641,270 Capital Projects (9%)
- \$1,210,335 Equipment Purchases & Maintenance (4%)
- \$982,473 Facility Expenditures (3%)

Cash Balance and Reserves

As of September 30, 2016, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$171,991,379.

As of September 30, 2016 the OC Waste & Recycling's Enterprise/Operating Fund 299 had an available reserves balance of \$56,308,211.

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 First Quarter FY 2016/2017 Overview
2. System-Wide Tonnage - FY 2012/2013 to 2016/2017
3. System-Wide Revenue (Excluding \$19 Surcharge) - FY 2012/2013 to 2016/2017
4. Fund 299 Revenues – First Quarter FY 2016/2017
5. Expenditures by Category – First Quarter FY 2016/2017
6. Cash Balances – FY 2012/2013 – 2016/2017

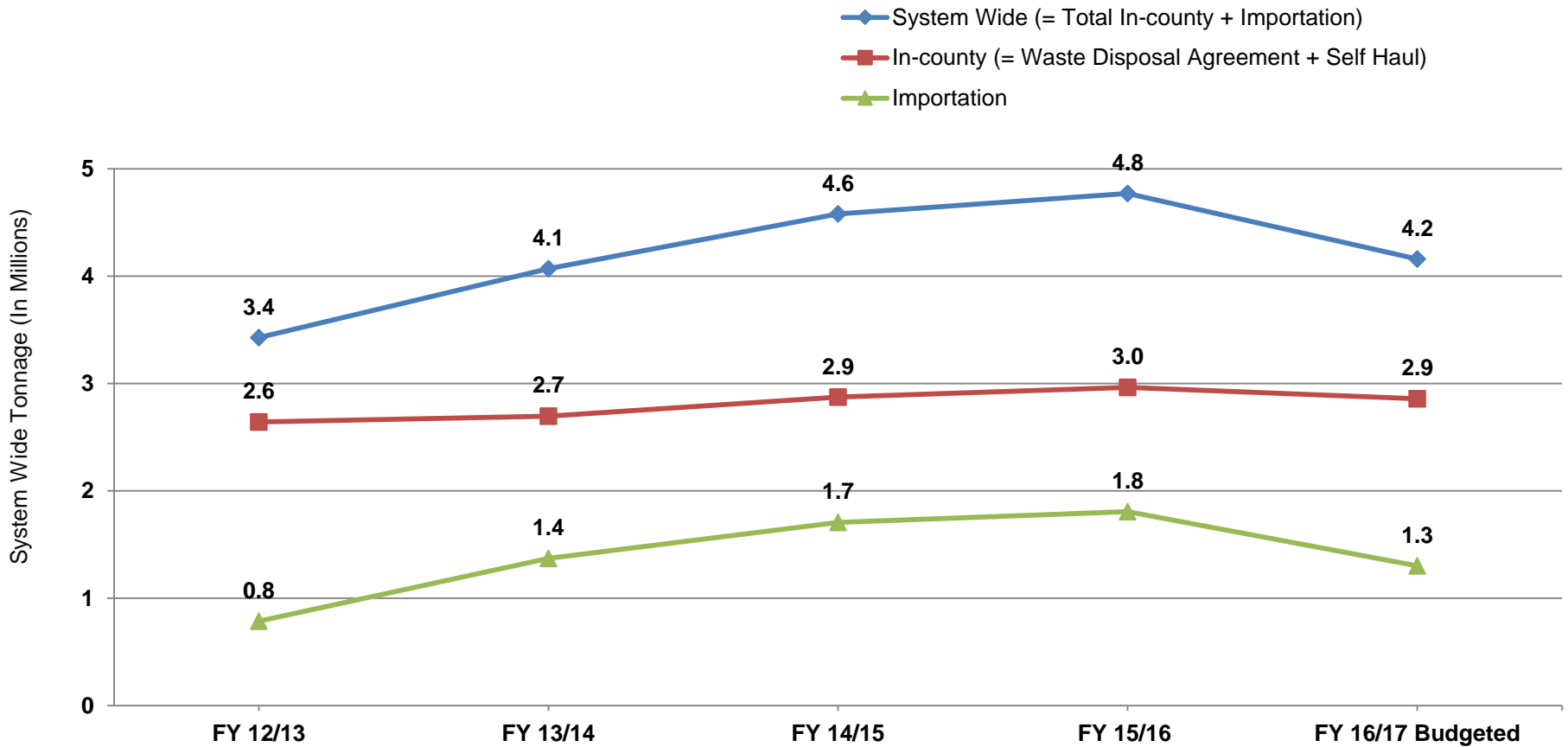
OC WASTE & RECYCLING

Budget Report Fiscal Year 2016/2017 – 1st Quarter

Fund 299, Fund 273 and Fund 285 Overview

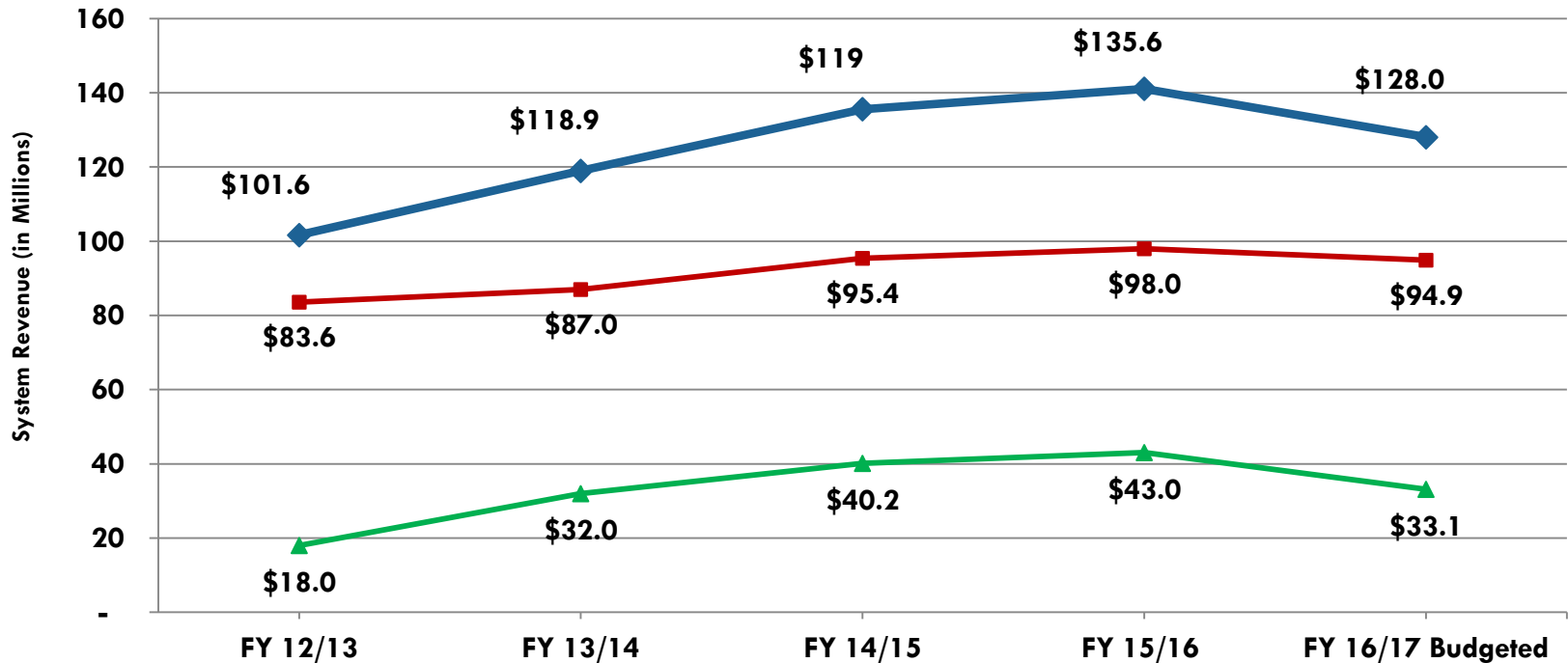
	FY 16/17 Adopted Budget	FY 16/17 Modified Budget	FY 16/17 1st Quarter Actuals	FY 16/17 YTD Actuals	YTD Actuals (% of Modified Budget)
In-County Tonnage	2,858,376	2,858,376	776,931	776,931	27%
Importation Tonnage	1,302,000	1,302,000	423,212	423,212	33%
Total System Tonnage	4,160,376	4,160,376	1,200,143	1,200,143	29%
Enterprise/Operating (Fund 299) Revenues	110,761,805	110,761,805	20,658,533	20,658,533	19%
Enterprise/Operating (Fund 299) Expenditures	159,970,339	159,970,339	28,174,394	28,174,394	18%
Capital Projects (Fund 273) Revenues	43,130,000	43,130,000	21,396	21,396	0%
Capital Projects (Fund 273) Expenditures	53,976,456	53,976,456	2,643,013	2,643,013	5%
Importation (Fund 285) Revenues	33,140,000	33,140,000	7,407,222	7,397,679	22%
Importation (Fund 285) Expenditures	33,140,000	33,140,000	254	254	0%

OC WASTE & RECYCLING System-Wide Tonnage FY 2012/2013 – 2016/2017



OC WASTE & RECYCLING System-Wide Revenue (Excluding \$19 Surcharge) FY 2012/2013 – FY 2016/2017

◆ System-Wide (= Total In-county + Importation) ■ In-county (= Waste Disposal Agreement + Self Haul) ▲ Importation



OC WASTE & RECYCLING Fund 299 Revenues FY 2016/2017 1st Quarter: July – September 2016

	FY 16/17 Adopted Budget	FY 16/17 Modified Budget	FY 16/17 1st Quarter Actuals	FY 16/17 YTD Actuals	YTD Actuals (% of Modified Budget)
Disposal Fees & Services	96,870,500	96,870,500	20,259,212	20,259,212	21%
Operating Transfers-in	8,295,205	8,295,205	-	-	0%
Interest Income	1,000,000	1,000,000	230,728	230,728	23%
Leases & Royalties	4,365,600	4,365,600	103,642	103,642	2%
Other Revenues⁽¹⁾	230,500	230,500	64,950	64,950	28%
Grand Total	\$110,761,805	110,761,805	\$20,658,533	\$20,658,533	19%

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 Category FY 2016/2017 1st Quarter: July - September 2016

Description	FY 16/17 Adopted Budget	FY 16/17 Modified Budget ^[2]	FY 16/17 1st Quarter Actuals	FY 16/17 YTD Actuals	YTD Actuals (% of Modified Budget)
Salaries & Employee Benefits	27,099,132	27,226,529	6,180,002	6,180,002	23%
Capital Project Spend-out	51,726,000	51,726,000	2,641,270	2,641,270	5%
Services & Supplies ^[1]	25,615,150	25,985,800	7,011,968	7,011,968	27%
Landfill Regulatory Compliance	10,734,000	10,714,000	4,503,792	4,503,792	42%
Facility Expenditures	3,758,473	3,737,623	982,473	982,473	26%
Equipment Purchases, Usage & Maintenance	18,543,429	18,418,429	1,210,335	1,210,335	7%
Taxes, Fees, Assessments	22,642,950	22,642,950	8,235,775	8,235,775	36%
Recycling and Community Service Programs ^[3]	2,330,000	2,330,000	1,131	1,131	0%
Non-recurring Expense ^[4]	9,670,000	9,730,000	50,661	50,661	1%
Transfers-out to Other Funds	29,927,205	29,927,205	0	0	0%
Contingency	5,000,456	7,029,066	0	0	0%
Depreciation Expense & Capitalized Assets ^[5]	6,900,000	6,900,000	0	0	0%
Total Expenditures ^[6]	\$213,946,795	\$216,367,602	\$30,817,407	\$30,817,407	14%

Note(s):

- 1) Includes Cost Applies, IT Professional Services, Multi-Disciplinary Engineering Support Services
- 2) Includes pending 1st Quarter Budget Augmentation Requests, to be approved by the Board November 22, 2016
- 3) Includes Hazardous Waste Services, Recycling Program & Community Outreach and Surcharge Program AB939
- 4) Non-recurring expense budget includes \$3.7 million for GASB49 site remediation, \$1.5 million for cost share for La Pata Gap Closure project, \$3 million for CSS Removal, and \$1.5 million in one-time projects
- 5) Depreciation Expense and Capitalized Asset are recorded at the end of the fiscal year
- 6) Does not include Operating Transfers between Fund 299 and Fund 273

OC WASTE & RECYCLING Cash Balances FY 2012/2013 – 2016/2017

FUND	Description	Fund Restricted Y/N	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17 As of 09/30/2016
299	OC Waste & Recycling Enterprise / Operating	No	\$93.27M	\$122.63M	\$145.66M	\$166.22M	\$171.99M
272	Prima Deshecha Landfill & La Pata Avenue Gap Closure	Yes	\$0.10M	\$0.10M	\$0.10M	\$0.10M	\$0.10M
273	Capital Project Fund	No	\$25.42M	\$44.59M	\$24.63M	\$15.73M	\$14.95M
274	Corrective Action Escrow	Yes	\$6.11M	\$7.13M	\$8.17M	\$8.22M	\$8.23M
275	Environmental Reserve (Liabilities)	No	\$69.28M	\$69.73M	\$71.06M	\$72.90M	\$73.46M
276	Deferred Payment Security Deposits	Yes	\$0.70M	\$0.56M	\$0.54M	\$0.55M	\$0.55M
277	Rate Stabilization	Yes	\$28.15M	Closed	Closed	Closed	Closed
278	San Joaquin Marsh Escrow	Yes	Closed	Closed	Closed	Closed	Closed
279	Landfill Post-Closure Maintenance	No	\$145.97M	\$139.91M	\$148.57M	\$143.16M	\$142.83M
284	Bee Canyon Landfill Escrow (Closure)	Yes	\$28.88M	\$28.95M	\$29.05M	\$29.22M	\$29.27M
285	Bankruptcy Recovery Plan	No	\$1.18M	\$2.12M	\$6.26M	\$1.35M	\$6.89M
286	Brea-Olinda Landfill Escrow (Closure)	Yes	\$38.48M	\$38.58M	\$38.71M	\$38.93M	\$39.01M
287	Prima Deshecha Landfill Escrow (Closure)	Yes	\$20.34M	\$20.39M	\$20.46M	\$20.58M	\$20.62M
288	FRB Wetland Creation & Agua Chinon Wash Riparian	Yes	\$0.88M	\$0.88M	\$0.88M	\$0.88M	\$0.88M
	TOTAL		\$458.77M	\$475.58M	\$494.11M	\$497.83M	\$508.77M



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

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

Regional Recycling and Waste Reduction Grant

On September 27, 2016 the Board of Supervisors approved release of the Fourth Cycle of the Regional Recycling and Waste Reduction Grant that targets cities, non-profits, special districts and private sector businesses. This competitive grant provides potential partners with grant funding to develop sustainable programs that support compliance with state-mandated waste diversion goals and promote increased regional recycling and diversion efforts.

Discovery Cube and Angels Baseball Partnership

On December 13, 2016 the Board of Supervisors is scheduled to consider the fifth and final year contract with Discovery Cube and Angels Baseball LP (ABLP), which would continue OC Waste & Recycling's successful partnership to promote the Eco Challenge exhibit as part of the Eco Challenge Strategic Marketing Plan.

Amendments to the contract include the addition of Angels player appearances at the Orange County Zoo community events for OC Parks. Bringing OC Parks into the OC Waste & Recycling ABLP contract offers several cost-efficiency and public outreach benefits. It will reduce administrative efforts and improve efficiencies in procuring these services. This innovative collaboration further leverages a valuable County partnership in engaging target audiences shared by both agencies. Both the Angels and Discovery Cube contracts will continue to support compliance with State-mandated recycling goals.

Eco Challenge Regional Community Collection Event

Anaheim Ducks Honda Center

- OC Waste & Recycling invited Orange County families to participate in the Eco Challenge Day collection event on Saturday, November 5, 2016 at the Honda Center. Attendees were offered the opportunity to win Discovery Cube and Ducks tickets. Other activities included:
- Photos with Ducks mascot Wild Wing
- Information about eco-friendly resources
- Roller hockey zone
- Opportunity to take the Eco Challenge pledge and make a difference in the community.

Recommended Action: Receive and file report.



Thursday, December 8, 2016

Agenda Item 4 – *Legislative and Regulatory Report –Mary Beth Anderson, Manager of Business Planning and Support*

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 Report includes a summary of key tracked bills that OC Waste & Recycling was following and have been signed by the Governor. Also attached is the draft of AB 901 recently released by CalRecycle.

Recommended Action: Receive and file report.

Attachments:

Attachment A – Legislative & Regulatory Matrix

Attachment B – AB 901 Regulation Development Draft

2016 Legislation Signed by the Governor

- **Solid Waste**
 - 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
- **Recycling**
 - 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
- **Biomethane**
 - AB 2313 – Renewable natural gas: monetary incentive program for biomethane projects: pipeline
 - SB 840 – Public resources: energy
- **Global Warming/Greenhouse Gases**
 - AB 197 – State Air Resources Board: greenhouse gases: regulations
 - SB 32 – California Global Warming Solutions Act of 2006: emissions limit
 - SB 1383 – Short-lived climate pollutants: methane emissions: organic waste: landfills
- **Hazardous Waste/Household Hazardous Waste/Pharmaceutical Waste**
 - AB 1419 – Hazardous waste: cathode ray tube glass
 - AB 2891 – Hazardous waste: funding
 - SB 423- Surplus household consumer product waste: management
 - SB 1229 – Home-generated pharmaceutical waste: secure drug take-back bins
- **Food Waste/Organics**
 - AB 1103 – Solid waste disposal: self-haulers
- **Engineering**
 - SB 1085 – Professional engineers: geologists and geophysicists land surveyors
- **Environmental/CEQA**
 - SB 122 – California Environmental Quality Act: record of proceedings

Solid Waste

[AB 1669](#) (Hernández, Roger D) Displaced employees: service contracts: collection and transportation of solid waste.
Current Text: Enrolled: 8/25/2016 [pdf](#) [html](#)
Status: 9/30/2016 – Signed by the Governor
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: Enrolled: 8/25/2016 [pdf](#) [html](#)
Status: 9/22/2016 – Signed by the Governor
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.

Recycling

[AB 2153](#) (Garcia, Cristina D) Lead-Acid Battery Recovery and Recycling Act.
Current Text: Enrolled: 9/1/2016 [pdf](#) [html](#)
Status: 9/26/2016 – Signed by the Governor
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.

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

Current Text: Enrolled: 8/29/2016 [pdf](#) [html](#)

Status: 9/30/2016 – Signed by the Governor

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: Enrolled: 9/25/2016 [pdf](#) [html](#)

Status: 9/23/2016 – Signed by the Governor

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.

Biomethane

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

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Status: 9/24/2016 – Signed by the Governor

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.

[SB 840](#) (Committee on Budget and Fiscal Review) Public resources: energy.

Current Text: Chaptered: 9/13/2016 [pdf](#) [html](#)

Status: 9/13/2016-Chaptered by Secretary of State - Chapter 341, Statutes of 2016.

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 PUC 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.

Global Warming/Greenhouse Gases

[AB 197](#) ([Garcia, Eduardo D](#)) State Air Resources Board: greenhouse gases: regulations

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

Status: 9/8/2016 – Signed by the Governor

SWANA: Watch

Summary: 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.

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

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

Status: 9/8/2016 – Signed by the Governor

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: Chaptered: 9/19/2016 [pdf](#) [html](#)

Status: 9/19/2016 – Chaptered by Secretary of State

SWANA: Oppose

Summary: This bill would require the state 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. The bill also would establish specified targets for reducing organic waste in landfills.

Hazardous Waste/Household Hazardous Waste/Pharmaceutical Waste

[AB 1419](#) ([Eggman D](#)) Hazardous waste: cathode ray tube glass.

Current Text: Chaptered: 9/22/2016 [pdf](#) [html](#)

Status: 9/22/2016-Chaptered by Secretary of State - Chapter 445, Statutes of 2016.

Summary: Current law requires the Department of Toxic Substances Control to regulate the management and disposal of hazardous waste. Under current regulations, the department classifies a waste as hazardous waste if the waste exceeds certain total threshold limitation concentrations, which are established by the department for various substances, including barium. This bill, except as specified, would provide that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceeds the total threshold limit concentration only for barium is not a waste and is not subject to regulation by the department if that panel glass meets certain requirements.

[AB 2891](#) (Committee on Environmental Safety and Toxic Materials) Hazardous waste: funding.

Current Text: Enrolled: 9/1/2016 [pdf](#) [html](#)

Status: 9/27/2016 – Signed by the Governor

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: Enrolled: 8/26/2016 [pdf](#) [html](#)

Status: 9/28/2016 – Chaptered by the Secretary of State

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 1229](#) (Jackson D) Home-generated pharmaceutical waste: secure drug take-back bins.

Current Text: Chaptered: 8/29/2016 [pdf](#) [html](#)

Status: 8/30/2016 – Signed by the Governor

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: self-haulers

Current Text: Enrolled: 8/29/2016 [pdf](#) [html](#)

Status: 9/22/2016 – Signed by the Governor.

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.

Engineering

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

Current Text: Enrolled: 8/29/2016 [pdf](#) [html](#)

Status: 9/25/2016 – Signed by the Governor

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 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/CEQA

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

Current Text: Enrolled: 8/26/2015 [pdf](#) [html](#)

Status: 9/22/2016 – Signed by the Governor

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.

AB 901 Regulation Development
Draft of Reporting Regulations for Disposal, Diversion & Enforcement
For Public Release 11/04/2016

Section X.1 Scope and Purpose.

- (a) This Article implements the reporting system set forth in sections 41821.5 through 41821.8 of the Public Resources Code (PRC).
- (b) Nothing in this Article shall prevent an agency, district, jurisdiction, or the Department from requiring a Reporting Entity to supply additional information on activities related to disposal, diversion, composting or recycling based upon their own authority to impose requirements.

Section X.2 Definitions.

- (a) For the purposes of this Article, the following terms have the meanings given below.
 - (1) "Alternative daily cover (ADC)" has the same meaning as in section 20690 of Title 27 of the California Code of Regulations (CCR).
 - (2) "Alternative intermediate cover (AIC)" has the same meaning as in section 20700 of Title 27 of the CCR.
 - (3) "Automobiles" means whole non-repairable motor vehicles including cars and trucks, which may be crushed. This does not include used motor vehicles which are used to provide parts for reuse.
 - (4) "Beneficial reuse" has the same meaning as in section 20686 of Title 27 of the CCR.
 - (5) "Broker" means a person who buys, arranges, or facilitates the sale, transfer, or exchange of any solid waste, organics, or recyclable and recycled materials from facilities or persons in California.
 - (6) "Carpet" has the same meaning as defined in section 42971(d) of the California PRC.
 - (7) "Chipping and grinding" facility or operation has the same meaning as in section 17852(a)(10) of Title 14 of the CCR.
 - (8) "Commercial Sector" means businesses, industries, institutions, public organizations, and multifamily residences of five or more units.
 - (9) "Compost" has the same meaning as defined in section 17896.2(a)(4) of Title 14 of the CCR. For the purposes of this regulation, compost is considered a final product after it has achieved acceptable metal concentrations, pathogen reduction, and physical contamination levels under sections 17868.2, 17868.3, and 17868.3.1 of Title 14 of the CCR.
 - (10) "Composting" has the same meaning as defined in section 40116.1 of the PRC; including but not limited to: windrow composting, in-vessel composting, aerated static piles, and in-vessel digestion.
 - (11) "Compost operation or compost facility" has the same meaning as "Compostable Material Handling Operation" or "Facility" as defined in section 17852(a)(12) of Title 14 of the CCR.
 - (12) "Construction and Demolition (C&D) Debris" has the same meaning as in section 17381(e) of Title 14 of the CCR.
 - (13) "Contact information" means name, address, phone number, and e-mail address.
 - (14) "Contract-hauled" means material hauled by any person paid to collect and transport material from a Generator, including franchised Haulers and private contract Haulers.
 - (15) "Department" means the California Department of Resources Recycling and Recovery (CalRecycle).
 - (16) "Disaster debris" has the same meaning as in section 17210.1(d) in Title 14 of the CCR.

(17) "Disposal" has the same meaning as section 40192 of the PRC.

(18) "Disposal Facility" means a facility where the disposal of solid waste occurs, including but not limited to:

- (A) Landfills
- (B) Engineered Solid Waste conversion facilities
- (C) Transformation facilities

(19) "District" means a community service district established in accordance with Government Code section 61000 et seq., which provides solid waste handling services or implements source reduction and recycling programs. "District" also includes a sanitary district or a public utility district that provides solid waste handling services or implements source reduction and recycling programs.

(20) "Diversion and Disposal Reporting System Number (DDRS number)" means the number that is assigned to a Reporting Entity upon registration with the Department's electronic reporting system.

(21) "End User" means the person who uses a product made from recycled material after a level of processing that results in that material:

- (A) Replacing or significantly resembling a virgin material (such as plastic pellets, paper pulp, metal ingots, etc.), or
- (B) Becoming a homogeneous mixture or material (such as aggregate or crushed miscellaneous base, mulch, or compost, or a material suitable for direct land application).

End User does not mean a person solely engaged in baling, washing, or size reduction for ease of transportation or processing.

(22) "Engineered solid waste conversion" or "EMSW conversion" has the same meaning as defined in section 40131.2 of the PRC.

(23) "Food" and "Food Waste" has the same meaning as "Food Material" defined in section 17852(a)(20) of Title 14 of the CCR.

(24) "Furniture" means large, bulky objects used to make a residence, business, or other space suitable for living or working, including but not limited to couches, chairs, dressers, tables, and bed frames. Furniture does not include mattresses.

(25) "Generator" means a person that is responsible for the initial creation of solid waste, organics and recyclable material.

(26) "Glass" means a hard, brittle, usually transparent nonhazardous substance commonly made from sand heated with chemicals. This includes whole or crushed materials derived from: clear or colored containers with or without California Redemption Value; flat glass; and automotive glass.

(27) "Government entity" is an entity identified in section 40145 of the PRC or an entity formed pursuant to section 40976 of the PRC.

(28) "Hauler" means a person who collects solid waste, organics, or recyclable material from a Generator and delivers it to a Reporting Entity, End User, or outside of the state. "Hauler" includes public contract Haulers, jurisdictions, districts, private companies, Self-Haulers, and local governments who perform this function. "Hauler" does not include a person who transports solid waste, organics, or recyclable material from a Reporting Entity to another person; in this case, the person would be considered a "Transporter."

(29) "Jurisdiction of origin" means the place where solid waste, organics, and recyclable materials are generated. This may include a city, county, city and county, or regional agency with responsibility for waste management, formed pursuant to sections 40970 through 40975 of the PRC. For places located in states or territories of the United States other than the State of California, jurisdiction of origin means the state, territory, or tribal lands in which the solid waste, organics, or recyclable materials were generated. For places located in a country other than the United States of

America, jurisdiction of origin means the country in which the solid waste, organics, or recyclable materials were generated.

(30) "Material" means solid waste, recyclables, organics, or products derived therefrom.

(31) "Material Recovery Facility" or "MRF" means a recycling facility which sorts and processes mixed waste materials for the purpose of recovery of organics and/or recyclable materials, by moving materials through a processing line which includes a mechanized conveyance system. Materials are separated or sorted from the line by machinery or by hand, in order to aggregate materials by type or grade, and produce materials for sale or transfer to various markets or End Users. The facility may or may not have a Solid Waste Facility Permit, and the incoming material may be commingled recyclables that have been segregated from solid waste, or solid waste that includes recyclable materials or organics.

(32) "Metal" means iron, steel, tin, aluminum, and copper, including containers, wiring, plumbing materials, and other scrap metal.

(33) "Organics" means food, green waste, landscape and pruning waste, compost, mulch, nonhazardous wood, lumber and dimensional wood, food-soiled paper or other compostable paper, and sludges.

(34) "Paper" means all types of paper products including corrugated cardboard, newspaper, office paper, magazines, catalogs and directories, and other composite paper products such as food and beverage cartons and containers.

(35) "Permitted Landfill" has the same meaning as defined in section 18720(a)(50) of Title 14 of the CCR.

(36) "Person" has the same meaning as defined in section 40170 of the PRC.

(37) "Plastic" means a synthetic material made from a wide range of carbon-containing polymers, which can be used to make rigid and flexible plastic products, such as packaging (bags, bottles, caps, clamshells, containers, cups, films, and lids), household and bulky rigid items (buckets, crates, toys, and tubs), agricultural products (drip tape, film, and greenhouse covers), and other products (electronics housing, carpet fibers, and automobile plastics).

(38) "Recycle" or "Recycling" has the same meaning as defined in section 40180 of the PRC.

Recycling does not include reuse. Recycling includes but is not limited to the processes below:

- (A) For recyclable materials such as paper, glass, metal, and plastics, this includes but is not limited to sorting, baling, shredding, pulping, crushing, cullet making, smelting, flaking, and pelletizing.
- (B) For organics not being composted, this includes but is not limited to mulching, chipping and grinding.
- (C) For construction and demolition debris, this includes but is not limited to crushing, grinding, shredding, sizing or other processing.
- (D) For other products including furniture, carpet, white goods, automobiles and textiles, this includes but is not limited to sorting, baling, crushing, cutting, shearing, deconstructing, and removing components from products.

(39) "Recycling Facility or Operation" means any facility or operation that accepts, separates, or processes materials for recycling, which does not meet the definition of a MRF.

(40) "Report" means the quarterly report submitted to the Department by a Reporting Entity.

(41) "Reporting Entity" means a person who is required to report pursuant to this Article, including but not limited to the following categories:

- (A) Haulers
- (B) Transfer Stations and Material Recovery Facilities
- (C) Recycling and Composting Facilities and Operations
- (D) Disposal Facilities

(E) Transporters and Brokers

(42) "Reporting Period" means the time period for which a report must be submitted to the Department. Reporting periods shall be defined as follows:

- (A) Reporting Period 1 – January 1 to March 31
- (B) Reporting Period 2 – April 1 to June 30
- (C) Reporting Period 3 – July 1 to September 30
- (D) Reporting Period 4 – October 1 to December 31

(43) "Residential Sector" means single-family residences and multi-family residences of 4 or fewer units.

(44) "Residual" has the same meaning as defined in section 17402.5(b)(1) of Title 14 of the PRC.

(45) "Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

(46) "Self-Hauler" means a person who hauls solid waste, organics, or recyclable material they have generated to another person.

- (A) A "Food Waste Self-Hauler" is 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.

Persons who self-haul food waste but do not meet the criteria of a "Food Waste Self-Hauler" are considered Self-Haulers.

(47) "Site" means the location of a facility or operation that has one address or assessor parcel number, or multiple adjacent addresses or parcel numbers.

(48) "Solid Waste" or "SW" has the same meaning as defined in section 18720 (a)(40) of Title 14 of the CCR. This includes mixed residual material remaining after processing.

(49) "Source Sector" means the source from which solid waste is generated, described as:

- (A) Contract-hauled Single-family Residential
- (B) Contract-hauled Commercial/Multi-family Residential
- (C) Self-hauled
- (D) Disaster debris

(50) "Textiles" means items made of thread, yarn, fabric, or cloth, including clothing, fabric trimmings, draperies, and all natural and synthetic cloth and fabric.

(51) "Tire-derived rubber" means rubber from the processing of waste tires as defined in section 42807 of the PRC.

(52) "Ton" also referred to as short ton or net ton, means 2,000 pounds (lbs.).

(53) "Transfer Station" means both "transfer/processing facilities" and "transfer/processing operations," as defined in sections 17402(a)(30-31) of Title 14 of the CCR, which receives, temporarily stores, and transfers solid waste and/or materials for recycling, composting, or disposal.

(54) "Transformation Facility" has the same meaning as in section 40201 of the PRC.

(55) "Transporter" means a person who transports solid waste, organics, recyclable material, or recycled material from a Reporting Entity to another person. "Transporter" does not include a person who transports material from a Generator to another person; in this case, the person would be considered a "Hauler".

(56) "Waste-derived material" means material sent to a facility for disposal that is separated prior to disposal for another use.

(57) "White Goods" means discarded major appliances of any color, including but not limited to washing machines, clothes dryers, water heaters, stoves, and refrigerators.

Section X.3 Registration, Reporting and Exemptions.

- (a) End Users are not required to register or report.
- (b) Any person that sells, transfers, processes, or disposes material and meets one or more of the criteria below is a Reporting Entity and shall file a Report with the Department:
 - (1) 100 tons or more per reporting period of recyclable material, organics, and/or solid waste for recycling or disposal.
 - (A) 500 tons or more per reporting period for facilities and operations processing only concrete, asphalt, and/or asphalt shingles.
 - (B) 50 tons or more per reporting period for organics directly land applied in accordance with section 17852(a)(24.5) of Title 14 of the CCR.
 - (2) Any person that composts organics and is not excluded per section 17855 for composting operations or section 17896 for in-vessel digestion operations of Title 14 of the CCR.
 - (A) Wastewater treatment plants that accept organics delivered from non-sewage sources in excess of 100 tons per reporting period, or 10 percent of throughput per reporting period, are not excluded per section X.3(a)(2) of this Article.
 - (3) "Food Waste Self-Haulers" who haul 12 or more cubic yards of food waste per reporting period.
- (c) All reporting entities shall register with the Department and obtain a DDRS Number.
 - (1) For facilities engaged in multiple activities under the same ownership:
 - (A) Multiple disposal facilities at the same site shall register for separate DDRS numbers and file separate reports.
 - (B) Transfer Stations, MRFs, and recycling or composting activities co-located at the same site may register for a single DDRS number and file a single report.
 - (C) Each disposal facility co-located with Transfer Stations, MRFs, and recycling or composting activities shall register for a separate DDRS number and file a separate report.
- (d) Reporting entities must register at least 30 days prior to the end of a reporting period, or within 30 days after determining that they are subject to these reporting requirements.
- (e) Entities that have previously reported but do not meet the conditions in X.3(a) and (b) of this Article for the current reporting period must notify the Department that they do not meet the requirements to report during the current reporting period.
- (f) Reporting entities must notify the Department if the operation closes, becomes inactive, or will no longer meet the reporting requirements outlined in X.3(a) and (b) of this Article.
- (g) Reporting Entities engaged in any composting, recycling, or disposal activities that meet the requirements in X.3(a) and (b) of this Article must include in their report the amounts of each of the following materials or mixture of materials they process, sell, transfer, or dispose:
 - (1) Automobiles
 - (2) Carpet
 - (3) Construction and Demolition Debris
 - (4) Furniture excluding mattresses
 - (5) Glass excluding cathode ray tube glass
 - (6) Metal
 - (7) Organics
 - (8) Paper
 - (9) Plastic
 - (10) Solid waste
 - (11) Textiles

- (12) Tire-derived rubber
- (13) White Goods
- (h) A person that generates, processes, and uses a material on the same site is not required to report on that material.
- (i) Reporting entities sending compost or recycled products to End Users shall either provide contact information on individual End Users, or report End User category and region.
 - (1) End User categories include:
 - (A) Producers of finished products, including consumer products, industrial products, and packaging
 - (B) Producers of intermediate products
 - (C) Users of energy, fuel and chemicals
 - (D) Consumers
 - (E) Land application and fill
- (j) A Reporting Entity shall determine whether a receiving person is an End User. If the Reporting Entity cannot determine if the receiving person is an End User, the Reporting Entity shall not include that receiving person's material tons in the End User categories, but will provide contact information for that person in their Report and information required by sections X.4 through X.9 of this Article.
- (k) All registered reporting entities shall file a Report for each reporting period using the Department's electronic reporting system, and ensure that the information provided is accurate, complete, and entered electronically.
 - (1) Each Report shall include:
 - (A) The name, physical address, mailing address, phone number, electronic mail address, contact person name, and DDRS number of the person sending the report;
 - (B) The name, physical address, mailing address, phone number, electronic mail address, contact person name, and DDRS number, if applicable, of each Reporting Entity or out-of-state person, except End User categories, receiving solid waste, organics, or recyclable materials from the Reporting Entity;
 - (C) The information required by sections X.4-X.9 of this Article.
- (l) The Report must be submitted to the Department no later than:

Reporter	Reporting Period 1 report due	Reporting Period 2 report due	Reporting Period 3 report due	Reporting Period 4 report due
Disposal Facilities	June 30	September 30	December 31	March 31
All other reporters	May 31	August 31	November 30	February 28

- (m) The Reporting Entity shall designate a person who has signature authority, who shall submit the Report.
- (n) The Reporting Entity shall use information available at the time the Report is due. If the Reporting Entity has not received required information from another reporter, either directly or through DDRS, the Reporting Entity shall report to the Department the names of the reporters who have not fulfilled their reporting obligations.
- (o) The Department shall maintain the confidentiality of information in the Reports in accordance with the requirements of section 41821.5(b)(3) of the PRC.

Section X.4 Reporting Requirements for Haulers.

- (a) "Food Waste Self-Haulers" shall report to the Department the tons of food waste sent to each person or End User category.
- (b) A Hauler shall provide the following information to a receiving Reporting Entity for all tons delivered to it, using reasonable methods described in section X.9 of this Article, within 30 days of the end of the reporting period:
 - (1) For solid waste hauled: The tons by jurisdiction of origin and source sector for all solid waste delivered to each Reporting Entity.
 - (2) For organics and/or recyclable materials hauled: The tons by jurisdiction of origin and source sector for materials sent to a MRF or Transfer Station.
- (c) A Hauler shall provide in its Report to the Department the following information for tons hauled, using reasonable methods described in section X.9 of this Article:
 - (1) Directly from a Generator to an End User inside or outside the state:
 - (A) For compost and recycled products including organic material destined for direct land application: The tons of each material type sent to each person or End User category and region as described in section X.3(i) of this Article.
 - (2) Directly from a Generator to a person outside of the state:
 - (A) For solid waste: The total tons by jurisdiction of origin and source sector for all material sent to each facility for disposal, and the facility's contact information.
 - (B) For organics and/or recyclable material sent to recycling or composting operations: The tons of each material type sent to each person, and the person's contact information.
- (d) For the purposes of DDRS reporting, Haulers are not required to submit information on specific collection locations or customers when providing jurisdiction of origin, material type or source sector information to other reporting entities or to the Department as part of a Report.
 - (1) This does not preclude a jurisdiction from requiring this information through franchise agreements, contracts, local ordinances, etc.
 - (2) This does not preclude the Department from requesting this information if necessary.

Section X.5 Reporting Requirements for Transfer Stations and Material Recovery Facilities.

- (a) A Transfer Station or Material Recovery Facility shall provide in its Report to the Department all of the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
 - (1) For material received from another Transfer Station or MRF: The tons of material received from each facility and the facility's contact information and DDRS number, if applicable.
 - (2) For material received from entities other than TS and MRFs: The total tons by jurisdiction of origin and source sector.
 - (3) For materials sent to a disposal facility, Transfer Station, MRF, Recycling or Composting facility or operation: The tons by material type sent to each facility, and the facility's contact information and DDRS number, if applicable.
 - (4) For compost or recycled material sent to an End User on- or off-site: The tons of each material type sent to each person or category of End Users and region, as described in section X.3(i) of this Article.
- (b) A MRF that generates less than 100 tons of residuals sent for disposal per reporting period shall report as a recycling or composting operation, as outlined in section X.7 of this Article.

Section X.6 Reporting Requirements for Disposal Facilities.

- (a) A disposal facility shall provide in its Report the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For solid waste received for disposal from a Transfer Station or MRF: The tons of material disposed by each Transfer Station or MRF, and their contact information and DDRS number, if applicable.
 - (2) For solid waste received for disposal from Haulers: The tons by jurisdiction of origin and source sector for all solid waste disposed at the facility.
 - (3) For Disaster Debris and Construction and Demolition Debris segregated prior to disposal: The tons and jurisdiction of origin.
 - (4) For materials generated on-site (such as ash) sent for disposal off-site to another disposal facility: The total tons sent to each facility and the facility's contact information and DDRS number, if applicable.
 - (5) For waste-derived material used on-site for beneficial reuse, the following shall be reported:
 - (A) The tons, jurisdiction of origin and material type used for:
 - (i) ADC
 - (ii) AIC
 - (iii) Other beneficial reuse
 - (B) For each of the following "Other beneficial reuse" applications, the tons of each material type shall be reported:
 - (i) Final cover foundation layer
 - (ii) Liner operations layer
 - (iii) Leachate and landfill gas collection system
 - (iv) Construction fill
 - (v) Road base
 - (vi) Wet weather operations pads and access roads
 - (vii) Soil amendments for erosion control and landscaping
 - (C) Material types to be reported for beneficial reuse include all materials approved by the Local Enforcement Agency, for example:
 - (i) Processed green material
 - (ii) Sludge and sludge-derived materials
 - (iii) Ash and cement kiln dust materials
 - (iv) Contaminated sediment, dredge spoils, foundry sands, energy resource exploration, and production wastes
 - (v) Compost materials
 - (vi) Processed construction and demolition wastes and materials
 - (vii) Treated auto shredder waste
 - (viii) And any other material type approved for beneficial use by the LEA

Section X.7 Reporting Requirements for Recycling and Composting Facilities and Operations.

- (a) A recycling or composting facility or operation shall provide in its Report the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For all solid waste and/or residuals sent for disposal inside or outside of the state: The total tons of material sent for disposal, and the receiving facility's contact information and DDRS number, if applicable.

- (2) For all organics and/or recyclable material sent for recycling or composting inside or outside of the state: The tons of each material type sent to each person and the person's contact information and DDRS number, if applicable.
 - (3) For compost and recycled material sent to an End User on- or off-site: The tons of each material type sent to each person or End User category and region as described in section X.3(i) of this Article.
- (b) A recycling or composting facility or operation that generates more than 100 tons of residuals sent for disposal per reporting period shall report as a Transfer Station or Material Recovery Facility as outlined in section X.5 of this Article.

Section X.8 Reporting Requirements for Transporters and Brokers.

- (a) If a transporter or broker takes physical or legal possession of solid waste, organics, recyclable material, or compost and recycled products, the transporter or broker shall provide in their Report all of the following information for all tons handled, using reasonable methods described in section X.9 of this Article:
- (1) For materials sent for disposal to a person inside or outside of the state: The total tons by jurisdiction of origin and source sector, for all material sent to each person, and the person's DDRS number, if applicable.
 - (2) For material sent for recycling or composting: The tons of each material type and person's name, contact information and DDRS number, if applicable.
 - (3) For compost and recycled products sent to an End User: The tons of each material type sent to each person or End User category and region, as described in section X.3(i) of this Article.
- (b) A Transporter or Broker who transports material from one Reporting Entity to another Reporting Entity, who does not take physical or legal possession of the material, shall not report that material.

Section X.9 Reasonable Methods.

- (a) Reporting Entities shall use scales to determine tons for all flows for which tons are to be reported, except as allowed in X.9(e) of this Article.
- (b) Recyclable materials, organics, and finished products shall be reported at the level of segregation of the material at the time it was sold or transferred.
- (1) Homogeneous material or individual grade of material shall be reported as that individual material type (for example, HDPE, aluminum, concrete, mulch, etc.).
 - (2) Combinations of various materials within a single material category shall be reported based on industry standards (for example, mixed glass, mixed paper, rigid plastics, etc.).
 - (3) Mixed materials from several categories or solid waste shall be reported as mixed materials or solid waste.
- (c) For determining jurisdiction of origin:
- (1) All facilities shall ask all incoming loads for the jurisdiction of origin, unless they receive that information via periodic reports from Haulers.
 - (2) Reporting Entities may use the any of the following methods:
 - (A) Company dispatcher records of hauling routes and Generator locations
 - (B) Billing records
 - (C) Number and size of bins emptied from each jurisdiction
 - (D) Total volume of bins emptied from each jurisdiction
 - (E) Actual tons collected from each jurisdiction

- (3) If the receiving facility allows material to be unloaded while no attendant is available, they may use billing or property records to determine jurisdiction of origin for that material.
- (4) If jurisdiction of origin cannot be established by the methods above, the facility or operation shall submit to the Department a request for an alternative method for consideration and approval.
- (d) For determining source sector:
 - (1) All facilities shall ask all incoming loads for the source sector, or assess source sector based on observations of truck type, unless they receive that information via periodic reports from Haulers.
 - (2) Reporting Entities may use any of the following methods:
 - (A) Company dispatcher records of hauling routes
 - (B) Billing records
 - (C) Number and size of bins emptied from each source sector
 - (D) Total volume of bins emptied from each source sector
 - (E) Actual tons collected from each source sector
 - (F) Truck type
 - (3) If the receiving facility allows material to be unloaded while no attendant is available, they may use billing or property records to determine source sector for that material.
 - (4) If source sector cannot be established by the methods above, the facility or operation shall submit to the Department a request for an alternative method for consideration and approval.
 - (5) If an approved method in section X.9(d) of this Article is used, then inaccuracies or errors in source sector reporting shall not be subject to penalties pursuant to section X.10 of this Article.
- (e) If the reporting facility does not have access to scales and does not handle more than 1,000 tons of material per reporting period, the facility may use volume to weight conversion factors provided by the Department, or other reasonable conversion factors to estimate the weight of solid waste or recycling materials. The facility shall retain documentation on the basis and usage of the conversion factors and update the factors annually.
 - (1) If, after review, the Department determines that volumetric conversion factors are not satisfactory, it may require the Reporting Entity to revise the factors and reports.
- (f) Reporting entities shall use the information provided by the Haulers or other reporting entities sending materials to them as the basis for determining the jurisdiction of origin and source sector for material sent for disposal.
 - (1) Transfer Stations and MRFs may adjust data provided by the Haulers or other Reporting Entities. They shall notify the Department in their Report if they have made these adjustments, which shall be based on:
 - (A) Tracking and sorting individual loads
 - (B) Segregating the flows from different jurisdictions or sectors
 - (C) Other relevant information on the composition and recoverability of the materials from each jurisdiction or source sector
- (g) Reporting entities shall notify the Department in their Report which methods they used, and update these methods annually.

Section X.10 Procedure for Imposing Civil Liabilities.

- (a) The Department shall impose administrative civil penalties authorized by sections 41821.5 through 41821.8 of the PRC in accordance with the procedures set forth in this section.
- (b) The Department will issue a written notice of violation prior to the issuance of an accusation imposing administrative civil penalties.

- (1) The notice of violation will include a description and dates of the alleged violation(s) and a compliance deadline to remedy the violation(s).
 - (2) The Department will notice the Reporting Entity of the potential penalties for failure to comply prior to the compliance deadline.
- (c) Civil penalties may be imposed administratively in accordance with Penalty Table I and the following:
- (1) Determination of the description of violation(s).
 - (2) Determination of the number of violations and number of offenses that have occurred.
 - (3) Total potential penalties will be calculated for each violation and multiplied by the number of days the business was in violation. For first offenses, the number of days the violation occurred will begin one day after the Notice of Violation compliance deadline.

Penalty Table I

Authority	Description of Violation	1st Offense	2nd Offense	3rd and subsequent Offense
PRC 41821.5 (d)	Any person who fails to submit information as required by this Article on time.	\$500	\$1,000	\$5,000
PRC 41821.5 (d)	Any person who refuses to submit information required by this Article.	\$1,000 – \$5,000	\$1,000 - \$5,000	\$5,000
PRC 41821.5 (e)	Any person who knowingly or willfully files a false report or any person who alters, cancels, or obliterates entries in the records for the purpose of falsifying the records as required by this Article.	\$500 - \$10,000	\$2,500 - \$10,000	\$5,000- \$10,000
PRC 41821.5 (e)	Any person who refuses to allow the Department or any of its representatives to inspect or examine records as required by this Article.	\$500- \$2,500	\$2,500- \$5,000	\$5,000
PRC 41821.5 (e)	Any person who fails to keep any records for inspection as required by this Article.	\$500	\$500 - \$2500	\$1,000 - \$5,000

- (d) Once a potential penalty amount is determined, the Department may take the following factors into consideration in determining the penalty amount to be requested in the accusations:
- (1) Whether the violations or conditions giving rise to the violation were intentional.
 - (2) Whether the violations demonstrate a chronic pattern of noncompliance with the regulations adopted in this Article.
 - (3) Whether the violations or conditions giving rise to the violation were due to circumstances beyond the reasonable control of the violator or were unavoidable under the circumstances.
 - (4) Whether the violator acted in good faith to comply, including correcting the violations in a timely fashion.
 - (5) Whether the violations were voluntarily and promptly reported to appropriate authorities prior to the commencement of an investigation by the enforcement agency.

- (6) The circumstances, extent, and gravity of any violation or any condition giving rise to the violation and the various remedies and penalties that are appropriate in the given circumstances.
- (e) The accusation and all accompanying documents may be served on the respondent by the following means:
 - (1) Personal service.
 - (2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
 - (3) Certified Mail: For respondents who are registered with the department's electronic DDRS system, the mailing address(es) provided at the time of registration will be used. Proof of service of the accusation shall be the certified mail receipts or registered mail receipts proving the accusation and accompanying materials were sent to respondent by certified mail or registered mail. For other respondents that have not provided addresses to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at section 11505(c) of the Government Code applies.
- (f) In any case in which it is determined that more than one Reporting Entity is responsible and liable for a violation, each such Reporting Entity may be held jointly and severally liable for an administrative civil penalty.
- (g) Reports regarding jurisdiction of origin shall be based on the information provided to or made available to a Reporting Entity at the time the Report is due. Reporting entities may not be held liable for incomplete or inaccurate reports regarding jurisdiction of origin information provided by a Hauler if the Reporting Entity, at the time it submits its report
 - a. Provides a reasonable explanation for absent or incorrect data, and
 - b. Identifies to the Department the Haulers that did not provide data or provided incorrect data, as required by section X.3(n) of this Article.

Section X.11 Record Retention Requirements for a Reporting Entity.

- (a) A Reporting Entity shall retain a copy of all reports it submits at its place of business for five (5) years.
- (b) Records to be retained include, but are not limited to:
 - (1) The specific Generator locations of a load of solid waste to verify the jurisdiction of origin for disposed waste.
 - (2) Bills of lading, receipts, and monthly billing statements to any person transferring material, and contact information for those entities.
 - (3) Daily log entries prepared by the Reporting Entity detailing the acceptance, transport, or delivery of material, the associated amounts, sources, material types, jurisdictions of origin, and the associated dates.
 - (4) Weight tags for individual Haulers, transfer or other loads that identify the Hauler, vehicle, vehicle type, quantity, date, type, and jurisdiction of origin of material delivered, transported, or received.
 - (5) All base data, methods and calculations used to derive information in a Report.
- (c) A Reporting Entity shall maintain the documentation described in this section in a usable format, such as on electronic media (computer files) or paper copies.

Section X.12 Record Review Requirements for a Reporting Entity.

- (a) A Reporting Entity shall provide access to the records required by this Article to any authorized representative of the Department upon request.
- (b) If the Department requests copies of specific records either prior to, in lieu of, or after inspection, a Reporting Entity shall provide the copies within ten business days, unless additional time is necessary to search for, collect, and examine records to respond to the request. In no case shall the copies be delayed more than an additional 14 days, unless agreed to by the Department.
- (c) A Reporting Entity shall provide records to the Department electronically if possible, and in a format that will allow effective review, such as portable document format (PDF), spreadsheet, or other searchable format.
- (d) A Reporting Entity may redact the records before inspection or submittal, to exclude confidential pricing information contained in the records, such as contract terms and conditions (including information on pricing, credit terms, volume discounts, and other proprietary business terms), if the redacted information is not information that is otherwise required to be reported to the Department.
- (e) Pursuant to section 41821.5(g)(1) of the PRC, the records maintained by a Reporting Entity to support a Report shall be confidential and shall not be subject to disclosure by the Department under the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code).
- (f) The records maintained by a Reporting Entity and provided to the Department in accordance with this section may be exempt from disclosure as provided in PRC section 40062 and implementing regulations.
- (g) In order to ensure that records required pursuant to this Article are accurate and properly maintained, in addition to inspecting all relevant records, the Department may conduct audits, perform site inspections, observe facility operations, and otherwise investigate the recordkeeping and reporting of persons subject to the requirements of this Article. Any records, reports, notes, studies, drawings, schematics, photographs, or trade secrets, as defined in section 3426.1 of the Civil Code, obtained, produced, or created by the Department in connection with or arising from such audits, inspections, or observations are confidential and shall not be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with section 6250) of Division 7 of Title 1 of the Government Code).
- (h) Government entity requests for inspections or records shall be subject to the provisions of PRC section 41821.5(g) and shall not be subject to the Department's compliance procedures outlined in X.10, X.11 and X.12 of this Article.

Section X.13 Complaints Regarding Non-Compliance.

- (a) Using an electronic reporting process established by the Department, reporting entities shall inform the Department of specific allegations of non-compliance by another Reporting Entity who fails to provide it with the information required by this Article.
- (b) The Department shall establish an electronic process so that affected or involved parties may report specific allegations of non-compliance by a Reporting Entity. The party reporting the alleged non-compliance shall provide sufficient documentation so the Department may investigate appropriately.

NOTE: FACILITY AND OPERATIONS STATE MINIMUM STANDARDS FOR RECORD KEEPING WILL NEED TO BE UP DATED TO INCLUDE NEW REPORTING AND RECORDING REQUIREMENTS. EXAMPLES OF SUCH SECTIONS NEEDING ADDITIONAL LANGUAGE WILL INCLUDE BUT ARE NOT LIMITED TO: • 27 CCR SECTION 18810 DISPOSAL REPORTING REQUIREMENTS FOR A LANDFILL • 27 CCR SECTION 18809. DISPOSAL REPORTING REQUIREMENTS FOR A STATION • 27 CCR SECTION 20510 (g) CIWMB-DISPOSAL SITE RECORDS • 27 CCR SECTION 20686 BENEFICIAL REUSE (d) • 27 CCR SECTION 20690 CIWMB-ALTERNATIVE DAILY COVER • 14 CCR SECTION 17869 GENERAL RECORD KEEPING REQUIREMENTS (a) (d) • 14 CCR SECTION 17414 RECORD KEEPING REQUIREMENTS(a) (b) (c) (h) • 14 CCR SECTION 17379.0 GENERAL RECORD KEEPING REQUIREMENTS (e) • 14 CCR SECTION 17383.3 C&D WOOD DEBRIS CHIPPING AND GRINDING OPERATIONS AT FACILITIES(k) • 14 CCR SECTION 17383.4 SMALL VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES(i) • 14 CCR SECTION 17383.5 MEDIUM VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (l) • 14 CCR SECTION 17383.6 LARGE VOLUME CONSTRUCTION AND DEMOLITION/INERT DEBRIS PROCESSING FACILITIES (j) • 14 CCR SECTION 17383.7 INERT DEBRIS TYPE A PROCESSING OPERATIONS (j) • 14 CCR SECTION 17383.8 INERT DEBRIS TYPE A AND TYPE B RPROCESSING FACILITIES(i).

UPDATED LANGUAGE WILL LOOK SIMILAR TO: EACH SITE SHALL MAINTAIN RECORDS FOR THE DDRS IN ACCORDANCE WITH TITLE XXXX, CALIFORNIA CODE OF REGULATIONS, SECTION 18801 et. seq. THE RECORDS SHALL BE AVILABLE FOR INSPECTION BY AUTHORIZED REPRESENTATIVES OF THE EA, THE LOCAL HEALTH AGENCY, AND THE CIWMB/CALRECYCLE DURING NORMAL BUSINESS HOURS AND RETAINED IN THE OPERATING RECORD NEAR THE SITE OR IN AN ALTERNATIVE LOCATION APPROVED BY THE EA.

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Thursday, December 8, 2016

Agenda Item 5 – *Subcommittee Report*

Ad Hoc Educational Outreach Committee

Committee Vice Chair, Commissioner Joe Soto, will report on the meeting of November 17, 2016.

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, Section Manager, Environmental Services (714) 834-4056
Legislative & Regulatory Subcommittee	Mary Beth Anderson, Manager of Waste Disposal Contracts & Recycling Programs (714) 834-4151
Finance Committee	Alan Yuki, Budget and Landfill Administration Services (714) 834-4161
Ad Hoc Educational Outreach Committee	Isabel Rios-Kahn, Manager of Educational Outreach (714) 834-4118



Thursday, December 8, 2016

Agenda Item 6 – *Waste Industry Presentation: The City of Stanton’s Residential Food Waste Recycling Program*

A representative will provide a presentation on the city’s program.

Recommended Action: Receive and file report.



Agenda Item 7 – *Election of 2017 Chair and Vice Chair of the Waste Management Commission*

Bylaws of the Orange County Waste Management Commission, Article VI, Officers and Duties specify:

Section I – Officers

The officers of the Commission shall be the Chair and Vice-Chair, to be elected annually at the last regular meeting of the calendar year.

Section II – Term of Office

The officers shall hold office for a period of one year, beginning at the first meeting of the year following the election of officers. No other officer shall succeed him- or herself in office.

Recommended Action: Elect the Chair and Vice-Chair for 2017.