



REGULAR MEETING
Thursday, December 13, 2012, 2:00 P.M.
OC Waste & Recycling
300 N. Flower Street, Ste. 400, Santa Ana
Multi-Purpose Room (467)

Waste
Management
Commission
Local Task Force
Orange County, CA

Chair
Vacant*

Vice-Chair (4th Dist.)
Chad P. Wanke

1st District
Margie Rice*
Xuan-Nhi Van Ho
Vacant

2nd District
Joe Carchio*
James Wahner
Daniel Worthington

3rd District
Rebecca Gomez*
Donald R. Froelich
John Beauman

4th District
Brett Murdock*
Anthony J. Florentine

5th District
Cynthia Connors*
Glenn Acosta
Joe Soto

City Selection
Committee—At Large
Don Bankhead*

City Manager
Representative
Doug Chotkevys*

Director, OC Waste &
Recycling
Michael B. Giancola

* 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.

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

Action Item Recap Commission Clerk will recap any action items

Agenda Items

Agenda Item 1: Minutes of Waste Management Commission/Local Task Force, September 13, 2012
Summary: Review and approve minutes of September 13, 2012 WMC/LTF meeting.

Recommended Action: Review and approve minutes.

Agenda Item 2: OC Waste & Recycling First Quarter Financial Report Fiscal Year 2012/2013

Summary: Staff will provide the OC Waste & Recycling First Quarter Financial Report for Fiscal Year 2012/2013.

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: 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.



WASTE MANAGEMENT COMMISSION/LOCAL TASK FORCE

THURSDAY, December 13, 2012

Page 2

- Agenda Item 5 Election of 2013 Officers**
Waste Management Commission
Summary: Elect Chair and Vice Chair for 2013.
Recommended Action: Elect a Chair and Vice Chair for 2013.

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 OC Waste & Recycling Public Information Office at (714) 834-4176;
- 4) By sending an e-mail request to the Clerk of the Waste Management Commission at Julie.chay@ocwr.ocgov.com.

NEXT MEETING: Thursday, March 14, 2013



Agenda Item 1 - Minutes of Waste Management Commission/ Local Task Force, September 13, 2012

Commissioners Roll (✓ Indicates Present)

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

Also Present:

| | | | |
|-----------------|------------------------------|---------------|-------------------------------|
| Phil Anthony | Solid Waste Assn. of OC | Chip Monaco | OC Waste & Recycling |
| Jane Caswell | OC Waste & Recycling | Lauren Ortega | OC Waste & Recycling |
| Julie Chay | OC Waste & Recycling | Isabel Rios | OC Waste & Recycling |
| Jim Fitzpatrick | Costa Mesa Sanitary District | Ken Robbins | Midway City Sanitary District |
| Matthew Harper | OC Waste & Recycling | Greg Stones | OC Waste & Recycling |
| Christine Knapp | OC Waste & Recycling | Alan Yuki | OC Waste & Recycling |
| Stu Luce | Visitor | | |

Call to Order

Chair Cheryl Brothers called the meeting to order at 2:00 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner James Wahner.

Roll Call

Roll call was conducted by the Commission Clerk.

Chair's Report

Chair Brothers requested that Commissioners be notified when their terms are nearing an end. She also asked that a PDF Dine at the Dump invitation be mailed to all Commissioners.

Director's Report

Director Giancola announced that CleanTech OC would have its third annual conference on Tuesday, September 18.

Ribbon cutting for the Olinda Alpha landfill gas-to-energy project will take place October 19, 2012 at 11 a.m. Invitations will be e-mailed.

OCWR has been represented at several community events recently. OC Waste & Recycling staffed a Recycling Pavilion at the Townsend-Raitt Community Fair, which was well attended. OCWR has also entered into an agreement with Angels Baseball to promote the EcoChallenge exhibit. Staff will also be at the South Orange County Emergency Expo on Saturday, October 20.

Action Item Recap

Commission Clerk noted that the Commission had asked for two action items at the June meeting:

1. Information packets nonprofit educational outreach providers were mailed to all Commissioners
2. Discussions have commenced with OCTA regarding a promotional partnership related to the EcoChallenge exhibit. More meetings are planned to develop plans for the partnership.

Agenda Item 1: Minutes of the June 14, 2012 Waste Management Commission Meeting

The minutes were approved as written.

Agenda Item 2: OC Waste & Recycling FY 11/12 Financial Report

Manager of Budget Services, Alan Yuki, presented the Report and noted that updated information was in the packets.

The report was received and filed.

Agenda Item 3: AB 939 Report

Manager of Recycling and Environmental Programs, Isabel Rios, presented an update on the community outreach partnership programs, the multi-cultural outreach partnership programs, and the redesign of the countywide disposal reporting system.

The report was received and filed.

Agenda Item 4: Legislative and Regulatory Report

Legislation & Regulations Manager, Matthew Harper, presented the Legislative and Regulatory Report.

The report was received and filed.

Commissioner Comments

None

Public Comments

Jim Fitzpatrick of the Costa Mesa Sanitary District recommended attendance at the CleanTech OC Conference, where Richard Kauffman, Senior Advisor to the United States Secretary of Energy would be the keynote speaker. He noted that the Costa Mesa Sanitary District was utilizing their AB 939 Surcharge grant funds for their education program and composting efforts. They utilized some of the grant funds to create composting display at the OC Fair. He also thanked staff for their cooperation and assistance in working on education and outreach programs.

Meeting was adjourned at 2:45 p.m.



Agenda Item 2 – *OC Waste & Recycling First Quarter Financial Report FY 2012/2013 – Alan Yuki, Manager, Budget/Finance*

This report presents the financial status of OC Waste & Recycling for the first quarter of FY 2012/13 (July – September, 2012). Included in the report is financial information related to tonnage, expenditures, revenues, cash, and fund balance/reserves.

System Tonnage

Total OC Waste & Recycling system tonnage received during the first quarter of FY 12/13 was 876,161 tons, consisting of 679,992 in-county tonnage and 196,169 importation tonnage versus a budget of 3,200,000 tons. Landfill site first quarter tonnage was as follows:

Olinda Alpha Landfill

| | |
|---------------------|---------------|
| In-county tonnage | 233,857 (35%) |
| Importation tonnage | 174,962 (89%) |

Frank R. Bowerman Landfill

| | |
|---------------------|---------------|
| In-county tonnage | 361,889 (53%) |
| Importation tonnage | 17,059 (9%) |

Prima Deshecha Landfill

| | |
|---------------------|--------------|
| In-county tonnage | 84,246 (12%) |
| Importation tonnage | 4,148 (2%) |

Of the 679,992 in-county tonnage received, 22,922 tons (4%) was from self haul sources.

Revenues

For the first quarter of FY 12/13, revenue recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) was \$16,767,314 or 18% versus the revenue budget of \$91,167,560. Primary sources of revenue received during the first quarter included:

- \$16,404,210 Sanitation fees (97.8% of the \$16,767,314 total)
- \$217,578 Other Revenues (1.3%)
- \$87,274 Interest Income (0.5%)

Expenditures

First Quarter FY 12/13 expenditures and encumbrances recorded in OC Waste & Recycling's Enterprise/Operating (Fund 299) totaled \$41,175,654 or an approximate 32% total versus the expenditure budget of \$130,245,720.

For the first quarter, OC Waste & Recycling's categories of the largest expenditures included:

- \$28,938,567 Capital Projects Funding (Operating Transfer from Fund 299 to Fund 273) (69% of the \$42,185,486 total)
- \$6,171,128 Salaries & Employee Benefits (15%)
- \$1,417,825 Habitat/Bio Mitigation & Landscaping (3%)
- \$1,009,831 Capital Projects - Fund 273 (2%)
- \$854,159 Landfill Gas System Maintenance (2%)
- \$681,226 Heavy Equipment Acquisition (2%)
- \$614,241 Heavy & Light Equipment Maintenance/Related Expense (1%)
- \$553,716 Fuel & Fuel Pump Maintenance & Equipment (1%)
- \$519,649 Hazardous Waste Services – Clean Harbors (1%)

Cash Balance and Reserves

As of September 30, 2012, the OC Waste & Recycling's Enterprise/Operating Fund 299 had a cash balance of \$73,852,789 and an available reserves balance of \$30,919,374.

Summary

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

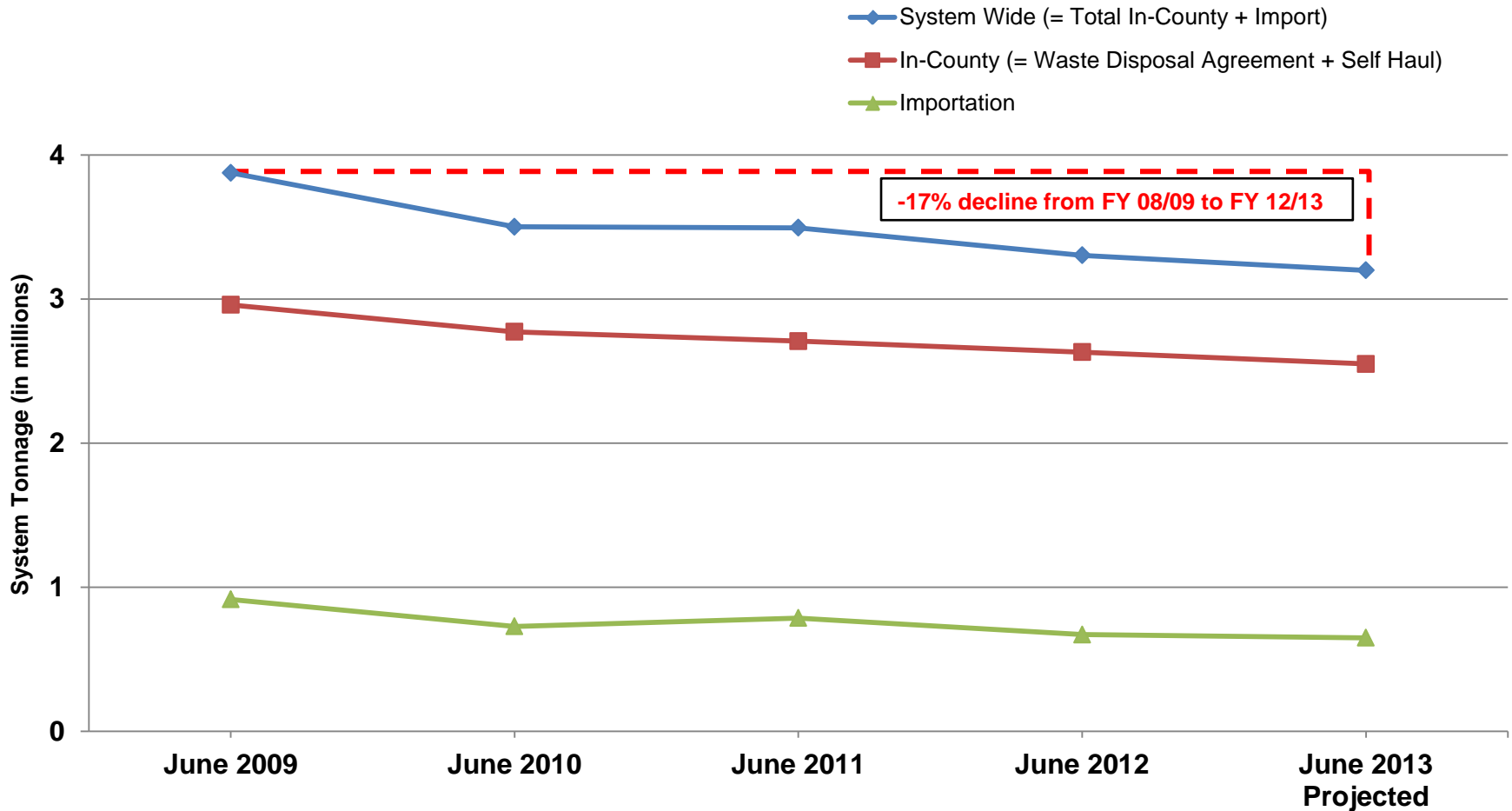
Recommended Action: Receive and file report.

Agenda Item 2, Attachment A

OC WASTE & RECYCLING
Budget Report Fiscal Year 2012/2013
Fund 299, Fund 273 and Fund 285 Overview
First Quarter: July - September, 2012

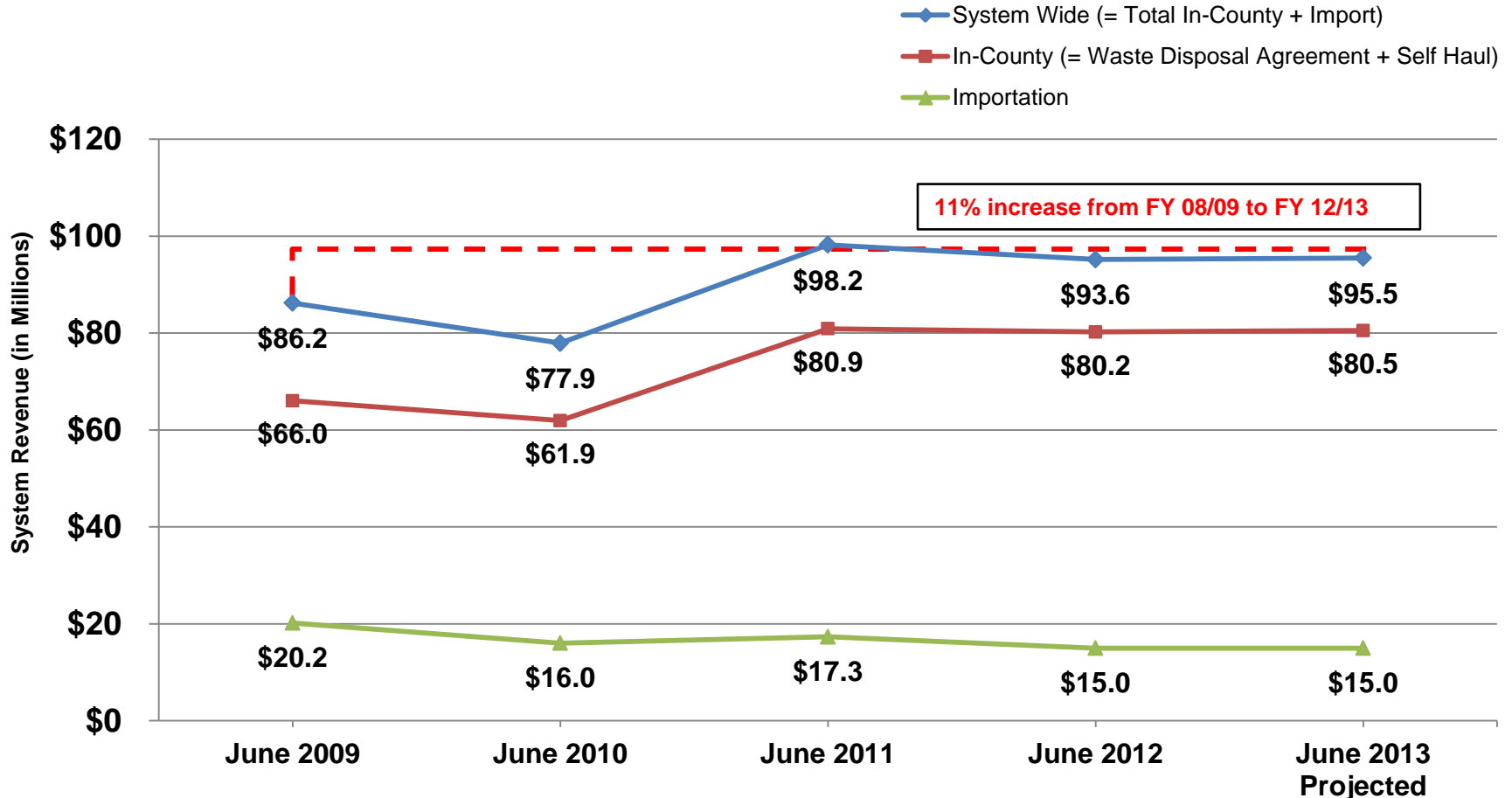
| | FY 12/13 Adopted Budget | FY 12/13 Modified Budget | FY 12/13 1st Quarter Actuals | FY 12/13 YTD Actuals | FY 12/13 YTD Actuals (% of 12/13 Modified Budget) |
|----------------------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------|------------------------------------------------------------|
| In-County Tons | 2,550,000 | 2,550,000 | 679,992 | 679,992 | 27% |
| Importation Tons | 650,000 | 650,000 | 196,169 | 196,169 | 30% |
| Total System Tons | 3,200,000 | 3,200,000 | 876,161 | 876,161 | 27% |
| <hr/> | | | | | |
| Enterprise/Operating (Fund 299) Expenditures | 130,245,720 | 130,245,720 | 41,175,654 | 41,175,654 | 32% |
| Enterprise/Operating (Fund 299) Revenues | 91,167,560 | 91,167,560 | 16,767,314 | 16,767,314 | 18% |
| <hr/> | | | | | |
| Enterprise/Operating (Fund 273) Expenditures | 40,207,767 | 40,207,767 | 1,009,831 | 1,009,831 | 3% |
| Enterprise/Operating (Fund 273) Revenues | 40,207,767 | 40,207,767 | 28,946,965 | 28,946,965 | 72% |
| <hr/> | | | | | |
| Importation (Fund 285) Expenditures | 16,341,500 | 16,341,500 | 91 | 91 | 0% |
| Importation (Fund 285) Revenues | 16,341,500 | 16,341,500 | 3,097,911 | 3,097,911 | 19% |

OC WASTE & RECYCLING System Wide Tonnage FY 2008/2009 – 2012/2013



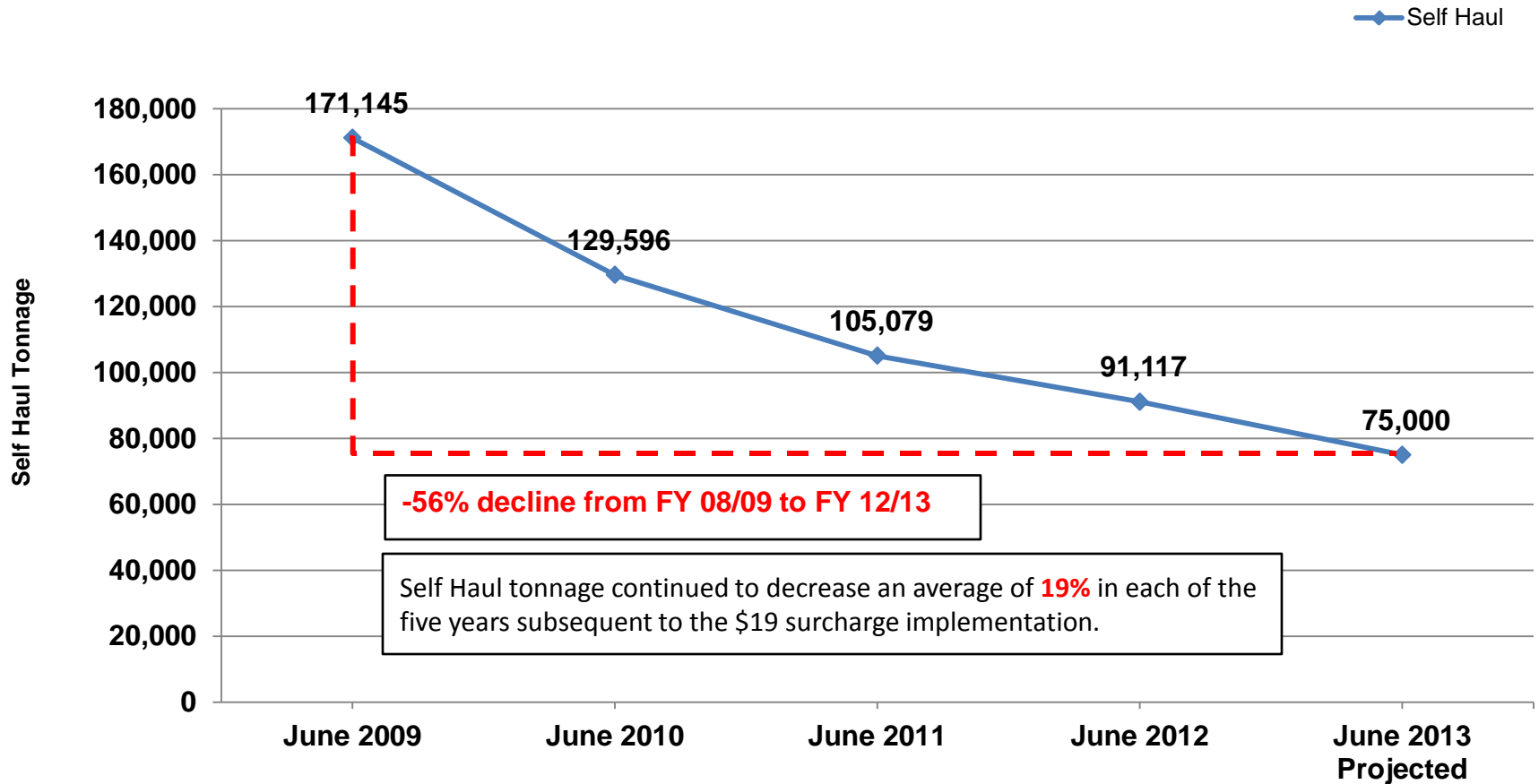
Agenda Item 2, Attachment B

OC WASTE & RECYCLING System Wide Revenue (Excluding \$19 Surcharge) FY 2008/2009 – 2012/2013



FY 09/10 last year of \$22.00 WDA contract rate.
 FY 10/11 1st year of new WDA contract rate (FY 10/11 = \$29.95/ton)
 FY 11/12 2nd year of new WDA contract rate (FY 11/12 = \$30.39/ton)

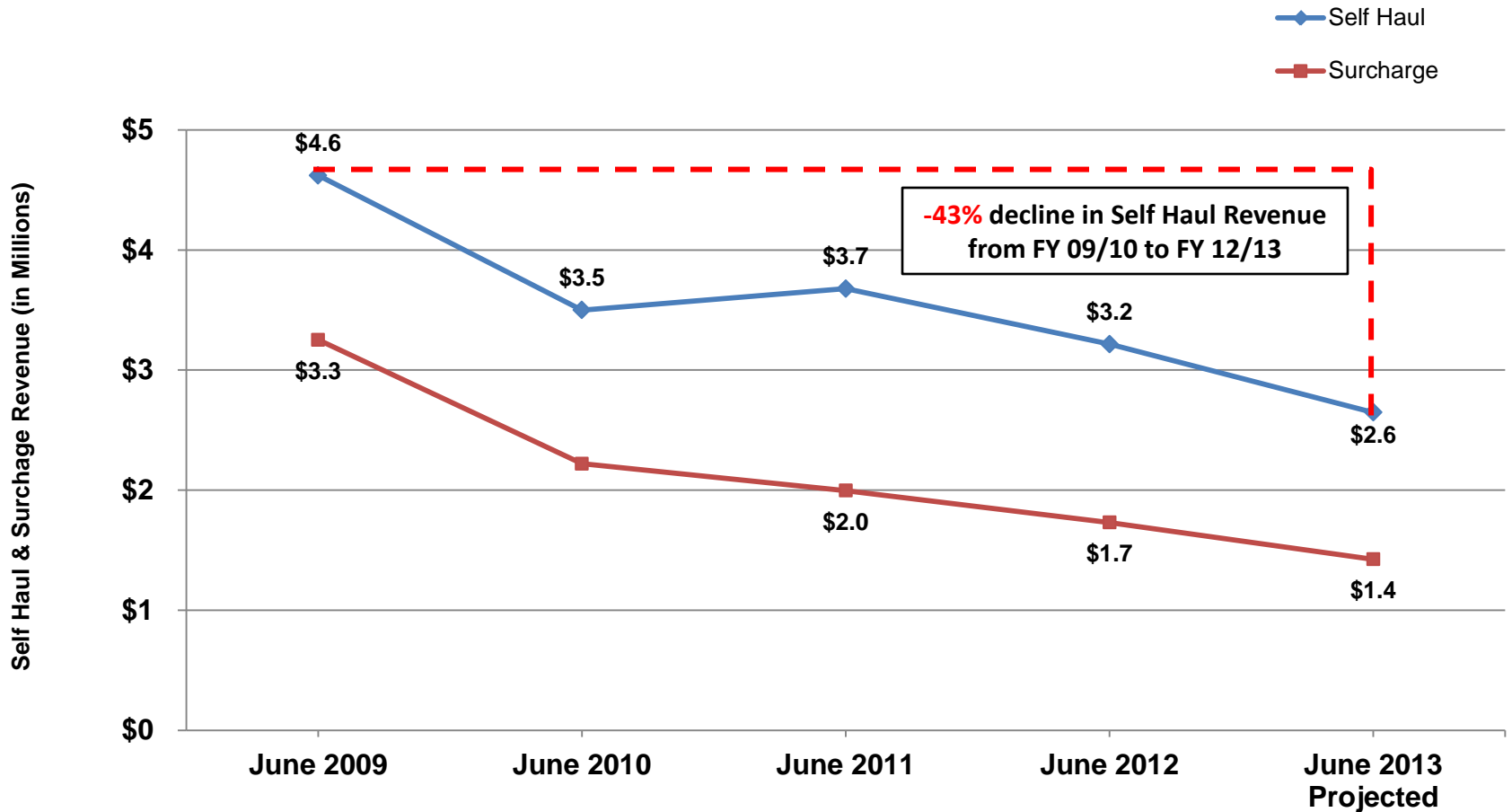
OC WASTE & RECYCLING Self Haul Tonnage FY 2008/2009 – 2012/2013



OC WASTE & RECYCLING

Self Haul and Surcharge Revenue

FY 2008/2009 – 2012/2013



Agenda Item 2, Attachment E

OC WASTE & RECYCLING
Budget Report Fiscal Year 2012/2013
Fund 299 Revenue
First Quarter: July - September, 2012

| | FY 12/13 Adopted Budget | FY 12/13 Modified Budget | FY 12/13 1st Quarter Actuals | FY 12/13 YTD Actuals | FY 12/13 YTD Actuals (% of 12/13 Modified Budget) |
|-------------------------------|-------------------------------|--------------------------------|------------------------------------|----------------------------|------------------------------------------------------------|
| Sanitation Fees | 81,793,500 | 81,793,500 | 16,404,210 | 16,404,210 | 20% |
| Operating Transfers In | 6,266,000 | 6,266,000 | - | - | 0% |
| Interest Income | 242,000 | 242,000 | 87,274 | 87,274 | 36% |
| Royalties | 1,470,100 | 1,470,100 | 58,252 | 58,252 | 4% |
| Other Revenues ⁽¹⁾ | 1,395,960 | 1,395,960 | 217,578 | 217,578 | 16% |
| Grand Total | 91,167,560 | 91,167,560 | 16,767,314 | 16,767,314 | 18% |

Note:

(1) Other Revenues includes: Other Licenses & Permits, Franchises, Forfeitures & Penalties, Rents & Concessions, State Other, Federal Disaster Relief, Other Governmental Agencies, Other Charges for Services, Other Non-Taxable Resale, Returned Checks, Capital Asset Sales Non-Taxable Resale and Miscellaneous Revenues (electricity reimbursements at FRB and Olinda Landfills).

Agenda Item 2, Attachment F

OC WASTE & RECYCLING

Budget Report Fiscal Year 2012/2013

Operating Expenditures by Category

First Quarter: July - September, 2012

(Items are ranked by FY 12/13 Adopted Budget)

| Chart Category | Category Description | FY 12/13 Adopted Budget | FY 12/13 Modified Budget | FY 12/13 1st Quarter Actuals | FY 12/13 YTD Actuals |
|---------------------------|-------------------------------------------------------------------------|-------------------------|--------------------------|------------------------------|----------------------|
| Fund 273 | Capital Projects (Fund 273) | 40,207,767 | 40,207,767 | 1,009,831 | 1,009,831 |
| Fund 299 | Capital Projects Funding (Operating Transfer from Fund 299 to Fund 273) | 32,207,767 | 32,207,767 | 28,938,567 | 28,938,567 |
| S&EB | Salaries & Employee Benefits | 26,149,146 | 26,149,146 | 6,171,128 | 6,171,128 |
| Capitalization | Capitalization of Fixed Assets & Depreciation Expense | 10,000,000 | 10,000,000 | (85,943) | (85,943) |
| S&S | Heavy & Light Equipment Maintenance & Related Expense | 9,686,000 | 9,686,000 | 614,241 | 614,241 |
| S&S | Professional Services ⁽¹⁾ | 6,589,520 | 6,576,520 | 210,778 | 210,778 |
| S&S | Hazardous Waste Services - Clean Harbors | 5,939,000 | 5,938,300 | 519,649 | 519,649 |
| S&S | Landfill Gas System Maintenance | 5,756,000 | 5,756,000 | 854,159 | 854,159 |
| S&S | County Cost Applies (Accounting, CWCAP, HR, TTC) | 5,377,270 | 5,377,270 | 471,101 | 471,101 |
| Other | Excise Taxes | 4,685,715 | 4,685,715 | - | - |
| S&S | Habitat / Bio Mitigation & Landscaping | 4,215,500 | 4,213,500 | 1,417,825 | 1,417,825 |
| S&S | Fuel and Fuel Pumps Maintenance & Equipment | 3,780,400 | 3,781,100 | 553,716 | 553,716 |
| S&S | Facilities / Buildings Costs | 3,231,500 | 3,233,000 | 212,252 | 212,252 |
| S&S | Site Miscellaneous Services ⁽²⁾ | 2,815,992 | 2,815,992 | 134,090 | 134,090 |
| S&S | Small Equipment / Tools | 2,800,288 | 2,785,972 | 279,147 | 279,147 |
| Equip | Heavy Equipment Acquisition | 2,100,000 | 2,100,000 | 681,226 | 681,226 |
| S&S | Recycling Programs & Community Outreach | 2,054,342 | 2,067,342 | 19,615 | 19,615 |
| S&S | Other Miscellaneous Expenditures ⁽³⁾ | 1,723,970 | 1,738,786 | 154,620 | 154,620 |
| S&S | Groundwater System Maintenance | 548,500 | 548,500 | 29,483 | 29,483 |
| Equip | Light Duty Equipment Acquisition | 547,000 | 547,000 | - | - |
| Loan | Transfer to Support General Fund | 37,810 | 37,810 | - | - |
| Total Expenditures | | 170,453,487 | 170,453,487 | 42,185,486 | 42,185,486 |

Note(s):

- (1) Includes the following expenditures: Multi-Disciplinary / Engineering, Financial, Legal and Consulting.
- (2) Includes the following expenditures: Access Roads, Drainage, Erosion control, Fencing, Gas & Water Sampling, Liner/Cover, Permits/Fees/Taxes & Assessments, Post Closure Maintenance, Truck Scales and Site Maintenance/Security.
- (3) Includes the following expenditures: Emergency, Employee Training/Reimbursements, Energy, Office Supplies, Radios and Other Miscellaneous.

Agenda Item 2, Attachment G

OC WASTE & RECYCLING
Budget Report Fiscal Year 2012/2013
Cash Balances
First Quarter: July - September, 2012

| FUND | Description | Fund Restricted Y/N | FY 08/09 | FY 09/10 | FY 10/11 | FY 11/12 | Cash Balance as of 9/30/12 |
|------|------------------------------------------|---------------------|------------------|------------------|------------------|------------------|----------------------------|
| 299 | Enterprise / Operating | No | \$116.58M | \$80.54M | \$90.54M | \$98.48M | \$73.85M |
| 273 | Capital Project Fund | No | | | | \$10.00M | \$37.62M |
| 274 | Corrective Action Escrow | Yes | \$5.74M | \$5.80M | \$6.05M | \$6.08M | \$6.10M |
| 275 | Environmental Reserve (Liability) | No | \$80.35M | \$81.47M | \$69.39M | \$62.24M | \$62.63M |
| 276 | Deferred Pmt Sec. Deposits | Yes | \$0.64M | \$0.66M | \$0.70M | \$0.75M | \$0.75M |
| 277 | Rate Stabilization | Yes | \$27.47M | \$27.73M | \$27.90M | \$28.05M | \$28.09M |
| 278 | San Joaquin Marsh Escrow | Yes | \$3.12M | \$3.12M | \$3.12M | \$3.12M | \$3.12M |
| 279 | Landfill Post-Closure Maintenance | No | \$110.38M | \$140.51M | \$136.94M | \$167.27M | \$167.13M |
| 284 | Bee Canyon Landfill Escrow (Closure) | Yes | \$28.17M | \$28.44M | \$28.62M | \$28.77M | \$28.82M |
| 285 | Bankruptcy Recovery Plan | No | \$0.54M | \$0.55M | \$0.30M | \$0.03M | \$1.88M |
| 286 | Brea-Olinda Landfill Escrow (Closure) | Yes | \$62.37M | \$37.92M | \$38.13M | \$38.34M | \$38.40M |
| 287 | Prima Deshecha Landfill Escrow (Closure) | Yes | \$19.84M | \$20.03M | \$20.16M | \$20.26M | \$20.29M |
| | TOTAL | | \$455.18M | \$426.78M | \$421.86M | \$463.40M | \$468.67M |



Agenda Item 3 – *AB 939 Report – Isabel Rios, Manager, Recycling and Environmental Programs*

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

COUNTYWIDE COMMUNITY OUTREACH PARTNERSHIP PROGRAMS

OC Waste & Recycling is scheduled to go before the Board on January 8, 2013, to request approval for an Agreement with the Discovery Science Center to implement the EcoChallenge strategic marketing plan and an Agreement with Angels Baseball LP for marketing and media outreach to promote the County of Orange's EcoChallenge exhibits at the Discovery Science Center.

Discovery Science Center

The Agreement with the Discovery Science Center will make the best use of the \$3.6 million investment by ensuring that the value of the EcoChallenge exhibits is maximized. The Discovery Science Center Agreement will take the County's EcoChallenge exhibits to the next phase by implementing a strategic, purposeful and cost-effective marketing plan. This plan will assist OC Waste & Recycling in driving its target audiences to the Discovery Science Center for a hands-on, interactive experience with the EcoChallenge exhibits. In addition, with the implementation of this strategic marketing plan, OC Waste & Recycling will have a greater chance of successfully achieving its marketing goals.

Since increased attendance at the Discovery Science Center mutually benefits both OC Waste & Recycling and the Discovery Science Center, the Discovery Science Center has committed to provide matching funds and in-kind services to leverage media, marketing, and professional services valued at no less than \$815,375 on an annual basis. For every one dollar OC Waste & Recycling spends implementing this Agreement, the Discovery Science Center will add an additional \$1.63 in matching funds for the implementation of the EcoChallenge strategic marketing plan.

Angels Baseball LP

During the Angels Baseball 2012 season, OC Waste & Recycling partnered with the Angels Baseball LP for educational, marketing and media outreach activities to promote the EcoChallenge exhibits. The EcoChallenge brand and messaging were promoted throughout Angel Stadium, appearing at home games on the electronic display boards. Orange County families attending the baseball games also had the opportunity to discuss the EcoChallenge programs and find out where to drop off their household hazardous waste at a booth staffed by OC Waste & Recycling employees.

This Agreement with the Angels Baseball LP is integrated into the EcoChallenge strategic marketing plan. This Agreement expands upon the activities provided during last season and includes access to the Angels Baseball Kids Club activities, e-waste collection events at Angel Stadium, and additional Spanish radio announcements. OC Waste & Recycling will host several contests with the prize of being able to select five Honorary Bat Kids (one from each Supervisorial District) to be honored during a regular season Angels home game.

Together, these two Agreements will enhance OC Waste & Recycling's EcoChallenge strategic marketing approach by leveraging partnerships and professional expertise at a reduced cost.

Recently, in collaboration with the Discovery Science Center, OC Waste & Recycling identified OCTA as a partner to promote the EcoChallenge exhibits and the EcoChallenge brand. OCTA currently employs a clean fleet of busses that fits nicely into the EcoChallenge brand. OC Waste & Recycling staff has approached OCTA to see if they have interest in adopting the EcoChallenge brand for its promotional opportunities. This joint venture co-branding partnership could include the use of this brand in exchange for bus and bus stop advertisements, free bus pass coupons to be used in conjunction with OC Waste & Recycling free child admission coupons to Discovery Science Center, and other opportunities.

These successful partnerships are expanding OC Waste & Recycling's marketing approach to send positive environmental messages from the EcoChallenge into the Orange County community. Leveraging partnerships and professional expertise has increased the reach of the EcoChallenge messages, added new and different audiences, and has built up the EcoChallenge brand identity.

NONPROFIT GRANTS FOR ENVIRONMENTAL EDUCATION AND OUTREACH

In 2011, OC Waste & Recycling awarded nonprofit grants to the Discovery Science Center, Inside the Outdoors and Pretend City for the Environmental Education and Outreach. The evaluation of the first year of the three nonprofit programs has concluded. The evaluation included review of specific milestones outlined in each Grantee's work plan and scope of work demonstrating the achievement of measurable results; reporting program progress as required for each year, including funding in order to demonstrate the sustained efforts each organization has been achieved; regional programs detailing information regarding projects pursued and completed within each Supervisorial District.

After carefully reviewing these Grantee's programs, and the work completed to date by all three grant recipients, OC Waste & Recycling will fund the Discovery Science Center and the Inside the Outdoors programs for the second year.

MULTI-CULTURAL OUTREACH PARTNERSHIP PROGRAMS

The multi-cultural outreach programs are designed to promote reducing, reusing and recycling to the Vietnamese-American, Korean-American, and Spanish-speaking communities.

Vietnamese- and Korean-American Outreach

OC Waste & Recycling has continued to work with VTNR Media to translate advertisements for the EcoChallenge exhibit into Vietnamese and Korean languages as outlined in the scope of work for the Vietnamese-American and Korean-American Countywide Multi-Cultural Outreach.

Spanish-Speaking Community Outreach

In addition, OC Waste & Recycling has placed advertisements in Spanish language newspapers Excelsior and Rumores to promote the EcoChallenge exhibit.

REDESIGN OF THE COUNTYWIDE DISPOSAL REPORTING SYSTEM

The County collects tonnage origin information on behalf of its jurisdictions and provides this information to the state. Paradigm Software, LLC has been working to redesign the countywide Landfill Disposal Reporting System Website. The redesign of the Disposal Reporting System (DRS) website will enhance the functions and features required to accurately report disposal data to the public and regulators. The DRS reporting requirements are mandated by CalRecycle.

To best align the functionality of this website for all stakeholders, OC Waste & Recycling formed a DRS advisory group comprised of waste haulers and city partners. The advisory group has been instrumental in providing input that resulted in additional features to improve user satisfaction with the new web interface system. The DRS module testing and training sessions are being held in December 2012 and January 2013 to give users training in the use of the new system features. The launch of this new system is anticipated to occur in February 2013.

Recommended Action: Receive and file report.



Agenda Item 4 – *Legislative and Regulatory Report – Jesus Perez, Legislative & Regulatory Affairs Manager*

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

California Legislature

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

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

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

Regulatory Activities

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

Recommended Action: Receive and file report.

Attachments:

- Attachment A – Legislative Locations Update
- Attachment B – Bill Status Report
- Attachment C – Regulations Summary

Waste Management Commission

December 13, 2012

Agenda Item 4 - Attachment A

Legislative Locations Update

| Bill # | Author | Description | Location | Last Amended | County Position |
|---------|-----------|-------------------------------------------------------------------|----------------------------------|--------------|-------------------------|
| AB 298 | Brownley | Solid Waste: Single-Use Carryout Bags | S. APPR. | 8/6/2012 | Watch |
| AB 508 | Swanson | Labor Code: Displaced SW Handling and Recycling Service Employees | S. APPR. | 2/15/2011 | Watch |
| AB 549 | Carter | Recycling: Electronic Waste | Signed by Governor | 8/23/2012 | Watch |
| AB 960 | Lowenthal | Recycling: Electronic Waste | S. APPR. | 5/27/2011 | Watch |
| AB 1178 | Ma | Solid Waste: Place of Origin | Passed in S.E.Q. Committee (7:0) | 8/24/2011 | Oppose |
| AB 1634 | Chesbro | Solid Waste: Large Quantity Organics Generators | Ordered to 3rd Sen Reading | 8/24/2012 | |
| AB 1834 | Brownley | Recycling: Reusable Bags | Inactive File Senate Bills | 5/24/2012 | Watch |
| AB 1900 | Gatto | Biomethane | Signed by Governor | 8/31/2012 | Watch |
| AB 1982 | Gorrell | Regulations: Effective Date | A. APPR. | 4/18/2012 | Watch |
| AB 2063 | Alejo | Ex Parte Communications | S. E. Q. | 6/18/2012 | Support |
| AB 2090 | Berryhill | Regulations | A. APPR. | 4/10/2012 | Support with Amendments |
| AB 2196 | Chesbro | Renewable Energy Resources | Signed by Governor | 8/31/2012 | Watch |
| SB 568 | Lowenthal | Recycling: Polystyrene Food Containers | Failed 3rd Sen Reading (26:45) | 8/24/2012 | Watch |
| SB 589 | Lowenthal | Household Mercury-Containing Lamps | A. E.S. & T.M. | 6/21/2011 | Watch |
| SB 964 | Wright | Administrative Procedure Act Water Boards | Failed in S.E.Q. Committee (2:5) | 4/9/2012 | Support with Amendments |
| SB 965 | Wright | Ex Parte Communications Water Boards | Signed by Governor | 8/29/2012 | Support with Amendments |
| SB 1118 | Hancock | Used Mattresses | Failed Sen Concurr (17:19) | 8/31/2012 | Watch |
| SB 1219 | Wolk | Recycling: Plastic Bags | Signed by Governor | 8/24/2012 | Watch |

Updated: September 28, 2012

RED = VETOED/DEAD

GREEN = SIGNED

**Waste Management Commission
Thursday, December 13, 2012**

Agenda Item 4 - Attachment B

COUNTY OF ORANGE BOARD APPROVED POSITIONS

Position Legend

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

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

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

Position: Oppose-BOS

Introduced: 2/18/2011

Last Amend: 8/24/2011

Status: 8/31/2011 - Action From E.Q.: Do pass.

Location: 9/1/2011 - S. E.Q.

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

Summary: The existing California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided. This bill would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not prevent a city or county from exercising local land use authority.

SB 964 (Wright) Administrative Procedure Act: State Water Resources Control

Board and California Regional Water Quality Control Boards.

**Position: Support-BOS
Support-WMC**

Introduced: 1/11/2012

Last Amend: 4/9/2012

Status: 4/27/2012 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was S. E.Q. on 4/23/2012)

Location: 4/27/2012 - S. DEAD

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

Summary: Existing law establishes the State Water Resources Control Board and the California regional water quality control boards and authorizes them to adopt regulations to carry out their powers and duties. Existing law generally requires state agencies to adopt regulations in accordance with prescribed procedures and requirements, and requires the Office of Administrative Law to review adopted regulations and to make specified determinations. However, existing law grants to the State Water Resources Control Board and the California regional water quality control boards various exemptions to the above requirements, including an exemption for the adoption of regulations for the issuance, denial, or revocation of specified waste discharge requirements and permits. This bill would provide that the exemption for the adoption of regulations for the issuance, denial, or revocation of specified waste discharge requirements and permits shall not apply to any general permits or waivers issued under state law or the federal National Pollutant Discharge Elimination System, as defined, thereby requiring the State Water Resources Control Board and the California regional water quality control boards to comply with provisions that require the adoption of regulations under those circumstances.

OC Waste & Recycling Notes: [This bill would have subjected certain general permits issued by the Water Boards to the Administrative Procedure Act which governs the procedures for promulgating state regulations.](#)

SB 965 (Wright) State Water Resources Control Board and California Regional Water Quality Control Boards: Ex Parte Communications.

Position: Support-BOS
Support-WMC

Introduced: 1/11/2012

Last Amend: 8/24/2012

Status: 9/12/2012 – Signed by Governor

Location: 9/12/2012 – Governor’s Desk

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

Summary: Under existing law, the State Water Resources Control Board (state board) and the California regional water quality control boards (regional boards) implement the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act by prescribing waste discharge requirements for discharges to the waters of the state, as specified. Existing law authorizes the state board and regional boards to hold hearings necessary for carrying out their duties, as specified. This bill would provide that the ex parte communications provisions of the Administrative Procedure Act do not apply to specified proceedings of the state board or a regional board. The bill would, instead, define an ex parte communication as an oral or written communication with one or more board members regarding those specified state or regional board proceedings. The bill would permit oral ex parte communications at any time by any board member if the board member involved in the communication notifies, and provides for the participation of, all parties, as specified. The bill would permit written ex parte communications by any party provided that the interested person, as defined, who makes the communications, provides copies of the communication to all parties, as specified. The bill would require that if an individual ex parte communication meeting or call is granted to any interested party, all other parties shall also be granted individual ex parte meetings of a substantially equal period of time with the board member. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This bill would allow OC Waste & Recycling to communicate to Board members on general permits and waivers. See Attachment C from June WMC Meeting for official position letter from the Board of Supervisors.](#)

AB 2063 (Alejo) Ex Parte Communications.**Position: Support-BOS****Introduced:** 2/23/2011**Last Amend:** 6/18/2012**Status:** 7/2/2012 – In committee: Set first hearing. Failed passage. Reconsideration granted**Location:** 5/31/2012 – Senate Environmental Quality

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

Summary: Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the 9 California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state. The act requires the state board to formulate and adopt state policies for water quality control, and authorizes the state board to hold any hearings and conduct any investigations in any part of the state necessary to carry out the powers vested in the state board, as specified. The act also requires the regional boards to adopt regional water quality control plans in compliance with the state policies. Existing law requires each regional board to conduct certain proceedings, including, but not limited to, holding at least 6 regular meetings each calendar year. This bill would prohibit a state board member, a regional board member, or any interested person, from engaging in a communication that would be considered ex parte under the Administrative Procedure Act. The bill would provide that a communication is not ex parte if the communication is between a state or regional board staff member acting in his or her official capacity and any of the following: a state board member, regional board member, or any interested person. The bill would also provide that a communication is not ex parte if the communication is limited entirely to procedure or practice, as specified. The bill would provide that an otherwise prohibited ex parte communication is permissible if the state or regional board member fully discloses the communication, and the communication is in regard to waste discharge requirements, water quality certifications, or conditional waivers of waste discharge requirements, as specified. The bill would also provide that an otherwise prohibited ex parte communication is permissible if a regional board member fully discloses the communication, and the communication is in regard to a municipal separate storm sewer permit, as defined. This bill contains other existing laws.

OC Waste & Recycling Notes: [Similar to SB 965, this bill would allow OC Waste & Recycling to communicate to Board members on general permits and waivers.](#)

AB 2090 (Berryhill) Regulations**Position: Support-BOS****Introduced:** 2/23/2011**Last Amend:** 4/10/2012**Status:** 4/18/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 17). Re-referred to Com. on APPR.**Location:** 4/18/2012 - A. APPR.

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

Summary: The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies, and for review of those regulatory actions by the Office of Administrative Law. The act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of the regulation by preparing an economic impact analysis. The act defines a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount

exceeding \$50,000,000. Existing law requires an agency proposing to adopt, amend, or repeal a major regulation to also prepare a standardized regulatory impact analysis. This bill would instead define a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$15,000,000. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This bill would strengthen the requirements of the economic analysis report and ensure that policy makers are aware of the regulatory costs imposed on stakeholders.](#)

BILLS OF INTEREST

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

Position: Watch

Introduced: 2/15/2011

Status: 8/26/2011 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 6/23/2011)

Location: 8/26/2011 - S. 2 YEAR

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

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

[AB 1900 \(Gatto\) Renewable Energy Resources: Biomethane.](#)

Position: Watch

Introduced: 2/22/2011

Last Amend: 8/31/2012

Status: 8/31/2012 – Signed by Governor

Location: 5/31/2012 – Enrolling & Engrossing

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

Summary: Existing law requires the Public Utilities Commission (PUC) to specify the maximum amount of vinyl chloride that may be found in landfill gas. Existing law prohibits a gas producer from knowingly selling, supplying, or transporting to a gas corporation, and a gas corporation from knowingly purchasing, landfill gas containing vinyl chloride in a concentration exceeding the maximum amount determined by the PUC. Existing law requires a person who produces, sells, supplies, or releases landfill gas for sale offsite to a gas corporation to sample and test, bimonthly, the gas at the point of distribution for chemicals known to the state to cause cancer or reproductive toxicity. This bill would require the PUC to identify all constituents that may be found

in landfill gas that is to be injected into a common carrier pipeline and that could adversely impact the health and safety of the public, and to specify the maximum amount of those constituents that may be found in that landfill gas. This bill would require the PUC to develop reasonable and prudent testing protocols for gas collected from a solid waste landfill that is to be injected into a common carrier pipeline to determine if the gas contains any of the identified constituents at levels that exceed the standards set by the PUC. This bill would prohibit a gas producer from knowingly selling, supplying, transporting, or purchasing gas collected from a hazardous waste landfill. This bill contains other related provisions and other existing laws.

OC Waste & Recycling Notes: [This bill could potentially lead to regulations that would allow the utilization of landfill gas in a common carrier pipeline.](#)

[AB 1982 \(Gorrell\)](#) Regulations: Effective Date: Legislative Review.

Position: Watch

Introduced: 2/23/2011

Last Amend: 4/18/2012

Status: 5/16/2012 - In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/16/2012 - A. APPR. SUSPENSE FILE

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

Summary: The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of that regulation, in accordance with certain procedures. That act defines a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000. That act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. That act provides that a regulation or an order of repeal of a regulation becomes effective on the 30th day after it is filed with the Secretary of State, unless prescribed conditions occur. This bill would require the office to submit to the Legislature for review a copy of each major regulation that it submits to the Secretary of State. This bill would extend the time period that a regulation becomes effective after being filed with the Secretary of State from 30 days to 90 days. This bill would specify that the list of prescribed conditions that prevent a regulation from becoming effective include a statutory override of the regulation.

OC Waste & Recycling Notes: [In addition to the intervention of the legislature, this bill may allow OC Waste & Recycling additional time to comply with the regulation.](#)

[AB 2196 \(Chesbro\)](#) Renewable Energy Resources.

Position: Watch

Introduced: 2/23/2011

Last Amend: 8/31/2012

Status: 8/31/2012 – Signed by Governor

Location: 8/31/2012 – Enrolling & Engrossing

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

Summary: Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined, while local publicly owned electric utilities, as defined, are under the direction of their governing board. The existing California Renewables Portfolio Standard Program (RPS

program) requires a retail seller of electricity, as defined, and local publicly owned electric utilities to purchase specified minimum quantities of electricity products from eligible renewable energy resources, as defined, for specified compliance periods. The specified minimum quantities of electricity products are based upon a percentage of the utility's total retail sales of electricity in California. This bill would amend the RER program's definition of a renewable electrical generation facility to provide that if the RPS program eligibility of a facility is based on the use of landfill gas, digester gas, or another renewable fuel delivered to the facility through a common carrier pipeline, the transaction for the procurement of that fuel, including the source of the fuel and delivery method, shall meet certain conditions, as specified. This bill contains other related provisions and other existing laws.

SB 589 (Lowenthal) Household Mercury-Containing Lamps.

Position: Watch

Introduced: 2/17/2011

Last Amend: 6/21/2011

Status: 7/8/2011 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.S. & T.M. on 6/21/2011)

Location: 7/8/2011 - A. 2 YEAR

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

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

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

ADDITIONAL WASTE-RELATED BILLS

AB 298 (Brownley) Recycling: Reusable Bags.

Position: Watch

Introduced: 2/9/2011

Last Amend: 8/16/2012

Status: 8/16/2012 - Last location was Senate Appropriations on 8/16/2012

Location: 8/16/2012 – Senate Appropriations

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

Summary: Existing law, part of the California Integrated Waste Management Act of 1989, as administered by

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

AB 549 (Carter) Recycling: Electronic Waste.

Position: Watch

Introduced: 2/16/2011

Last Amend: 8/23/2012

Status: 9/12/2012 – Signed by Governor

Location: 9/12/2012 – Governor’s Desk

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

Summary: (1) Existing law, the Electronic Waste Recycling Act of 2003 (act) , requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. These fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery (CalRecycle) is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments. CalRecycle is authorized to make these payments only if certain conditions are met. Existing law requires the act to be enforced pursuant to the hazardous waste control laws, a violation of which, including the making of a false statement or representation in a document, is a crime. This bill would additionally require, as a condition of making these payments, that the covered electronic waste is demonstrated to have been generated by a person who used the covered electronic device while located in this state. The bill would specify that covered electronic waste generated outside of the state and subsequently brought into the state is not eligible for payment and would require CalRecycle to establish documentation requirements necessary to demonstrate that covered electronic waste was generated in the state and eligible for payment. Since a false statement or representation in that document would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 960 (Lowenthal, Bonnie) Recycling: Electronic Waste

Position: Watch

Introduced: 2/18/2011

Last Amend: 5/27/2011

Status: 8/26/2011 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/11/2011)

Location: 8/26/2011 - S. 2 YEAR

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

Summary: Existing law, the Electronic Waste Recycling Act of 2003, requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. These fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery (CalRecycle) is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments. CalRecycle is authorized to make these payments only if certain conditions are met. A violation of the act is a crime. This bill would define the terms "electronic waste" and "electronic device" and would additionally require, as a condition of CalRecycle making those payments, that CalRecycle determine that the recycler has demonstrated

to the Department of Toxic Substances Control that all electronic waste handled by the recycler making the claim has been managed in a specified manner, among other things . This bill contains other related provisions and other existing laws.

AB 1834 (Brownley) Recycling: Reusable Bags

Position: Watch

Introduced: 2/22/2012

Status: 5/14/2012 - Do pass as amended.

Location: 5/15/2012-S. E.Q.

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

Summary: The California Integrated Waste Management Act of 1989, as administered by the Department of Resources Recycling and Recovery, requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store and to make reusable bags, as defined, available to customers. Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to plastic carryout bags. A violation of these requirements is subject to civil liability penalties imposed by a local agency or the state. These requirements and prohibitions are repealed on January 1, 2013. This bill would revise the definition of the term "reusable bag" to require the bag to meet specified requirements concerning lifetime use, volume, contest, labeling, and washability, and would require the operator of a store to make these reusable bags available to customers after July 1, 2013. The bill also would delete the prohibition on a city, county, or other local public agency from taking specified regulatory actions with regard to plastic carryout bags. This bill contains other related provisions.

SB 568 (Lowenthal) Recycling: Polystyrene Food Containers.

Position: Watch

Introduced: 2/17/2011

Last Amend: 8/24/2012

Status: 8/31/2012 – Failed 3rd Senate Reading (26:45)

Location: 8/31/2012 – From Assembly without further action

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

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

SB 1118 (Hancock) Solid Waste: Used Mattresses.

Position: Watch

Introduced: 2/17/2011

Last Amend: 8/31/2012

Status: 8/31/2012 – Failed Senate Concurrence (17:19).

Location: 8/31/2012 – Senate refused to concur in Assembly Amendments

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

Summary: Existing law requires a retailer of various specified products, such as rechargeable batteries and cell phones, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal. This bill would require manufacturers of mattresses, on and after July 1, 2013, to establish and implement a program to collect and recycle used mattresses from consumers, as specified. The bill would also require a retailer, on and after July 1, 2013, in coordination with a manufacturer, to provide or arrange for the pickup of a used mattress from a consumer purchasing a new mattress. The bill would authorize the manufacturer, in lieu of establishing the program, to remit, on a voluntarily basis, to the Department of Resources Recycling and Recovery a payment of \$25 for each mattress sold in the state. The bill would require the moneys remitted to be deposited in the Mattress Recovery and Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The bill would require moneys in the account, upon appropriation by the Legislature, to be expended by the department to implement a program to facilitate the recovery and recycling of used mattresses.

SB 1219 (Wolk) Recycling: Plastic Bags.

Position: Watch

Introduced: 2/23/2012

Status: 8/24/2012 – Signed by Governor

Location: 8/24/2012 – Governor’s Desk

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

Summary: Existing law requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store. This requirement is repealed on January 1, 2013. Existing law prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to the recycling of plastic carryout bags. Existing law provides for the enforcement of those provisions by local agencies and by the state and requires the civil penalties collected by the state to be expended by the Attorney General, upon appropriation by the Legislature, to implement these requirements. This bill would extend those at-store recycling program requirements until January 1, 2020, and would repeal the provisions preempting local regulatory action.

Waste Management Commission
December 13, 2012
Agenda Item 4 – Attachment C

Regulations Summary

CalRecycle: California’s New Goal: 75% Recycling Plan Recycling

- Synopsis: Pursuant to Assembly Bill 341 (Chapter 12.8, Statutes of 2011), the Legislature established a policy goal of the State that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020. CalRecycle has been charged with this responsibility and is required, by January 1, 2014, to provide a report to the Legislature strategies to achieve that goal.
- In May, CalRecycle released to the public for review and comment the State’s plan to achieve the 75% recycling goal by 2020. The plan can be accessed at <http://www.calrecycle.ca.gov/75Percent/>.

SWRCB 2012 Draft NPDES Industrial General Stormwater Permit

- Synopsis: The Industrial Storm Water General Permit Order 97-03 is a National Pollutant Discharge Elimination System (NPDES) permit that regulates stormwater discharges associated with 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable and best conventional pollutant control technology. The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. Through the SWPPP, sources of pollutants are to be identified and the means to manage the sources to reduce storm water pollution are described. The 2012 Draft NPDES permit represents proposed changes to Permit Order 97-03.
- Public comment period on the most recent draft was extended to October 22, 2012.
- More information can be found at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/2012npdes_genprmt.shtml

San Diego Regional Board Waste Discharge Requirements for Closed Landfills

- Synopsis: San Diego Regional Board is updated its general Waste Discharge Requirement (WDR) for closed landfills.
- This permit imposes prescriptive requirements for the postclosure maintenance of closed landfills as it relates to managing groundwater monitoring and remediation systems.
- The San Diego Regional Board adopted the WDR on June 13, 2012.
- Order #R9-2012-0001 can be found at: http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2012/R9-2012-0001.pdf
- Agendas for the Board can be located at: http://www.waterboards.ca.gov/sandiego/board_info/agendas/index.shtml

Santa Ana Regional Board Waste Discharge Requirements for Closed Landfills

- Synopsis: Santa Ana Regional Board is proposing to issue general Waste Discharge Requirement (WDR) for closed landfills. New fees will also be assessed to closed landfills covered under the WDR.
- This permit will impose prescriptive requirements for the postclosure maintenance of closed landfills as it relates to managing groundwater monitoring and remediation systems.
- On February 16, 2012, the Santa Ana Regional Board held a workshop to present proposed concepts for the WDR. OC Waste & Recycling has submitted comments on the WDR and the Regional Board is currently reviewing stakeholder comments. The current draft is available at the following link.
- Draft Order #R8-2012-2014 can be found at: http://www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/docs/tr8_2012_0014.pdf
- Agendas for the Board can be located at: http://www.waterboards.ca.gov/santaana/board_info/agendas/2012_agendas.shtml

SCAQMD Proposed Amended Rule 1110.2 Biogas Engines

- Synopsis: The South Coast Air Quality Management District (SCAQMD) Board of Directors approved a measure on September 7, 2012 to extend the compliance deadline from July 1, 2012 to January 1, 2016 for reduction of emissions from biogas-powered engines outlined in Rule 1110.2.
- This rule will affect the gas engines at Olinda Alpha and Prima Deshecha powerplants.
- See more at: <http://www.aqmd.gov/news1/2012/bs090712.htm>



Agenda Item 5 – *Election of 2013 Officers* *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 2013.