



# Del Norte Solid Waste Management Authority

1700 State Street, Crescent City, CA 95531

Phone (707) 465-1100 Fax (707) 465-1300

www.recycledelnorte.ca.gov

The Authority's mission is the management of Del Norte County solid waste and recyclable material in an environmentally sound, cost effective, efficient and safe manner while ensuring 100% regulatory compliance with law.

## Staff Report

**Date:** 27 May 2015  
**To:** Crescent City Council  
Del Norte County Board of Supervisors  
**From:** Tedd Ward, M.S. – Acting Director / Program Manager  
Del Norte Solid Waste Management Authority  
**File Number:** 120502 – Legislation & Advocacy  
**Topic:** Opposition to AB 45

**Summary / Recommendation:** That the City Council and Board of Supervisors consider separately sending letters of opposition to AB 45 (Mullin).

**Background:** At the 19 May 2015 Authority Board meeting, staff were directed to compose and send letters opposing AB 45.

**Analysis:** AB 45 places all program and financial responsibilities on local governments, requiring each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection of HHW by 15%. AB 45 would also require each jurisdiction to submit an additional annual report to the State.

The Del Norte Solid Waste Management Authority has worked to establish product stewardship programs for mercury thermostats, household batteries, carpet and carpet pad, as well as paints, stains, and lacquers. These programs have used revenues collected at the point of sale to increase recycling opportunities, with programs administered by producers of these products. AB 45 does not incorporate any product stewardship approaches, but instead places all additional responsibilities for household hazardous waste management on local agencies.

This bill is also opposed by: the California Product Stewardship Council, Californians Against Waste, and the League of California Cities.

**Alternatives:** Take no action.

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10 February 2015

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**Fiscal Impacts:** If passed, AB 45 would dramatically increase costs for managing household hazardous wastes, almost certainly resulting in future rate increases at solid waste facilities across California. While the quantity of hazardous wastes collected would likely increase, no additional responsibilities would necessarily fall on the manufacturers, sellers, or customers using hazardous products.



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20 May 2015

Assemblymember Kevin Mullin  
State Capitol  
Sacramento, CA 94811

RE: AB 45 – Household Hazardous Waste Local Government Mandate – Oppose

Honorable Assembly Member Mullin:

The Del Norte Solid Waste Management Authority (Authority) is sending you this letter to express our respectful opposition to AB 45. As a founding member of the California Product Stewardship Council, the Del Norte Solid Waste Management Authority supports product stewardship and extended producer responsibility approaches to hazardous waste management. These producer-managed programs use a portion of the purchase price for managing hazardous materials that have become wastes. The Authority supports such programs as they collect funds from the customers using those hazardous products, and the producers are engaged with the challenges and costs for managing the hazardous wastes they have profited from putting on the market.

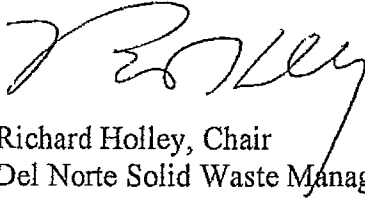
As all hazardous wastes are banned from mixed waste disposal, the Authority shares your concern that a relatively low proportion of these materials collected in most communities. For rural communities like ours in Del Norte County, the cost for a single day household hazardous waste collection event is about one dollar per resident in our County. AB 45 would require an increase by 15% in the amount hazardous materials collected and diverted by July 2020, with all additional responsibilities placed on local and regional government agencies like ours. This new mandate on local governments would almost certainly lead to dramatic increases in solid waste fees across the state for the recovery of a relatively small fraction of the materials disposed.

Del Norte County now enjoys active working product stewardship programs for mercury thermostats, household batteries, architectural coatings, and carpeting. While these programs are evolving, each of these programs has increased the convenience of recovery to our customers, engaged producers in solving problems with managing their products after their useful life, while reducing costs to our agency. In contrast, if adopted, AB 45 would dramatically increase costs to local agencies while doing nothing at all to increase the responsibilities for safe and legal end-of-product-life management by either the producers or users of such products.



While this agency shares your concern about the quantity of hazardous materials and wastes that are improperly managed, there are far better approaches to improving the management of hazardous wastes than the strategies AB 45 would implement. At their regular meeting on 19 May 2015 the Commissioners of the Del Norte Solid Waste Management Authority unanimously voted to send you this letter expressing opposition to AB 45 because of its adverse impacts on local governments across California.

Sincerely,



Richard Holley, Chair  
Del Norte Solid Waste Management Authority

cc: Del Norte County Board of Supervisors  
Crescent City Council  
California Senator Mike McGuire  
California Assembly Member Jim Wood  
California Product Stewardship Council  
California League of Cities  
Californians Against Waste

TW:tw

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL****No. 45****Introduced by Assembly Member Mullin**

December 1, 2014

An act to add Article 3.4 (commencing with Section 47120) to Chapter 1 of Part 7 of Division 30 of the Public Resources Code, relating to hazardous waste.

## LEGISLATIVE COUNSEL'S DIGEST

AB 45, as amended, Mullin. Household hazardous waste.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires, among other things, each city and each county to prepare a household hazardous waste element containing specified components, and to submit that element to the department for approval. Existing law requires the department to approve the element if the local agency demonstrates that it will comply with specified requirements. A city or county is required to submit an annual report to the department summarizing its progress in reducing solid waste, including an update of the jurisdiction's household hazardous waste element.

This bill would require each jurisdiction that provides for the residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste in its service area, on or before July 1, 2020, by 15% over a baseline amount, to be determined in accordance with department regulations. The bill would authorize the department to adopt a model ordinance for a comprehensive program for the collection of household hazardous waste to facilitate compliance with those provisions, and would require each jurisdiction to annually report to the department on progress achieved in complying with those provisions. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- P2 1 SECTION 1.  
 2 (a) The Legislature finds and declares all of the  
 3 following:  
 4 (1) Household hazardous waste is creating environmental,  
 5 health, and workplace safety issues. Whether due to unused  
 6 pharmaceuticals, batteries, medical devices, or other disposable  
 7 consumer items, effective and efficient disposal remains an  
 extraordinary challenge.

8 (2) State and local efforts to address disposal of these items  
 9 have been well intended and, in some cases, effective. However,  
 10 even the most effective programs have very low consumer  
 11 participation. Other approaches being promoted throughout the  
 12 state would fragment the collection of household hazardous waste  
 13 and move collection away from consumer convenience.

14 (3) In addition to other programs for the collection of household  
 15 hazardous waste, a number of cities in California are already using  
 16 curbside household hazardous waste collection programs,  
 17 door-to-door household hazardous waste collection programs, and  
 18 household hazardous waste residential pickup services as  
 19 mechanisms for collecting and disposing of many commonly used  
 20 household items for which disposal has been the subject of state  
 21 legislation or local ordinances. The waste disposal companies and  
 22 local governments that have implemented these programs have  
 P3 1 found them to be valuable components of a comprehensive  
 2 approach to the management of household hazardous waste.

3 (4) There is also an appropriate role for manufacturers and  
 4 distributors of these products in comprehensive efforts to more  
 5 effectively manage household hazardous waste. That role should  
 6 be based on the ability of manufacturers and distributors to  
 7 communicate with consumers.

8 (b) It is the intent of the Legislature to enact legislation that  
 9 would establish curbside household hazardous waste collection  
 10 programs, door-to-door household hazardous waste collection  
 11 programs, and household hazardous waste residential pickup  
 12 services as the principal means of collecting household hazardous  
 13 waste and diverting it from California's landfills and waterways.

14 SEC. 2.

15 Article 3.4 (commencing with Section 47120) is added  
 16 to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,  
 17 to read:

18 Article 3.4. Household Hazardous Waste Collection and  
 19 Reduction

20  
 21 47120.

22 For purposes of this article, the following terms have  
 23 the following meanings:

24 (a) "Comprehensive program for the collection of household  
 25 hazardous waste" means a local program that *includes may include,*  
 26 *but is not limited to,* the following components:

- 27 (1) Utilization of locally sponsored collection sites.
- 28 (2) Scheduled and publicly advertised drop off days.
- 29 (3) Door-to-door collection programs.
- 30 (4) Mobile collection programs.
- 31 (5) Dissemination of information about how consumers should  
 32 dispose of the various types of household hazardous waste.

33 (6) Education programs to promote consumer understanding  
 34 and use of the local components of a comprehensive program.

35 (b) "Household hazardous waste" includes, but is not limited  
 36 to, the following:

37 (1) Automotive products, including, but not limited to,  
 38 antifreeze, batteries, brake fluid, motor oil, oil filters, fuels, wax,  
 39 and polish.

40 (2) Garden chemicals, including, but not limited to, fertilizers,  
 herbicides, insect sprays, pesticides, and weed killers.

P4 1 (3) Household chemicals, including, but not limited to, ammonia,  
 2 cleaners, strippers, and rust removers.

3 (4) Paint products, including, but not limited to, paint, caulk,  
4 glue, stripper, thinner, and wood preservatives and stain.

5 (5) Consumer electronics, including, but not limited to,  
6 televisions, computers, laptops, monitors, keyboards, DVD and  
7 CD players, VCRs, MP3 players, cell phones, desktop printers,  
8 scanners, fax machines, mice, microwaves, and related cords.

9 (6) Swimming pool chemicals, including, but not limited to,  
10 chlorine tablets and liquids, pool acids, and stabilizers.

11 (7) Household batteries. For purposes of this section, "household  
12 batteries" means batteries that individually weigh two kilograms  
13 or less of mercury, alkaline, carbon-zinc, or nickel-cadmium, and  
14 any other batteries typically generated as household waste,  
15 including, but not limited to, batteries used to provide power for  
16 consumer electronic and personal goods often found in a household.

17 (8) Fluorescent tubes and compact fluorescent lamps.

18 (9) Mercury-containing items, including, but not limited to,  
19 thermometers, thermostats, and switches.

20 (10) Home-generated sharps waste, as defined in Section 117671  
21 of the Health and Safety Code.

22 (11) Home-generated pharmaceutical waste. For purposes of  
23 this section, "home-generated pharmaceutical waste" means a  
24 prescription or nonprescription drug, as specified in Section 4022  
25 or 4025.1 of the Business and Professions Code, that is a waste  
26 generated by a household or households. "Home-generated  
27 pharmaceutical waste" shall not include drugs for which producers  
28 provide a take-back program as a part of a United States Food and  
29 Drug Administration managed risk evaluation and mitigation  
30 strategy pursuant to Section 355-1 of Title 21 of the United States  
31 Code, or waste generated by a business, corporation, limited  
32 partnership, or an entity involved in a wholesale transaction  
33 between a distributor and a retailer.

34 47121.

(a) (1) On or before July 1, 2020, each jurisdiction  
35 shall increase its collection and diversion of household hazardous  
36 waste in its service area by 15 percent over its baseline amount,  
37 as established pursuant to subdivision (b).

38 (2) Notwithstanding paragraph (1), a jurisdiction that has in  
39 place or adopts an ordinance implementing a comprehensive  
40 program for the collection of household hazardous waste shall  
P5 1 have an additional two years to meet the collection and diversion  
2 objective in paragraph (1).

3 (b) No later than July 1, 2016, each jurisdiction shall inform the  
4 department of its baseline amount of collection and diversion of  
5 hazardous waste in accordance with regulations adopted by the  
6 department. The baseline amount may be expressed in tonnage or  
7 by the number of households participating, and may focus on  
8 particular types of household hazardous waste.

9 47122.

10 (a) The department shall adopt regulations to implement  
11 this article.

12 (b) The department may adopt a model ordinance for a  
13 comprehensive program for the collection of household hazardous  
14 waste to facilitate compliance with this article.

14 47123.

15 Commencing July 1, 2020, and annually thereafter,  
16 each jurisdiction shall report to the department on progress  
17 achieved in complying with this section. A jurisdiction shall make  
18 a good faith effort to comply with this section, and the department  
may determine whether a jurisdiction has made a good faith effort

19 for purposes of this program. To the maximum extent practicable,  
20 it is the intent of the Legislature that reporting requirements under  
21 this section be satisfied by submission of similar reports currently  
22 required by law.

23 47124.

24 This article does not apply to a jurisdiction that does  
25 not provide for the residential collection and disposal of solid  
26 waste.

26 SEC. 3.

27 No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 a local agency or school district has the authority to levy service  
30 charges, fees, or assessments sufficient to pay for the program or  
31 level of service mandated by this act, within the meaning of Section  
17556 of the Government Code.

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