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*Assembly  
California Legislature*

**ASSEMBLY COMMITTEE ON  
ENVIRONMENTAL SAFETY  
AND TOXIC MATERIALS**

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**AGENDA**

Tuesday, June 4, 2019

1:30 p.m. -- State Capitol, Room 444

1. SB 232 Dodd Hazardous substances: regulated metals: packaging materials. (Proposed Consent)
2. SB 413 Rubio San Gabriel Basin Water Quality Authority.
3. SB 552 Archuleta Hazardous waste: household hazardous waste: door-to-door collection programs: residential pickup services. (Proposed Consent)



Date of Hearing: June 4, 2019

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Bill Quirk, Chair

SB 232 (Dodd) – As Amended May 30, 2019

**SENATE VOTE:** 37-0

**SUBJECT:** Hazardous substances: regulated metals: packaging materials

**SUMMARY:** Exempts glass packaging from the requirements of the Toxics in Packaging Prevention Act (Act) if the glass packaging exceeds the requirements of the Act only due to the presence of recycled glass metals and the glass packaging does not exceed a total of 200 parts per million (ppm) of regulated metals.

**EXISTING LAW:**

- 1) Defines "package" as any container, produced either domestically or in a foreign country, providing a means of marketing, protecting, or handling a product from its point of manufacture to its sale or transfer to a consumer. (Health and Safety Code (HSC) § 25214.12 (h)(1))
- 2) Defines "recycled material" as a material that has been separated from solid waste for the purpose of recycling the material as a secondary material feedstock. Recycled materials include paper, plastic, wood, glass, ceramics, metals, and other materials. (HSC § 25214.12 (k))
- 3) Defines "regulated metal" as lead, mercury, cadmium, or hexavalent chromium. (HSC § 25214.12 (l))
- 4) Prohibits a person from selling, in this state, a package, packaging component, or product in a package if the sum of the incidental total concentration levels of all regulated metals present in a single-component package or in an individual packaging component exceeds 100 parts per million by weight. (HSC § 25214.13 (c))

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "SB 232 conforms California law to reflect the Toxics in Packaging Clearinghouse (TPCH) model law as amended in 2008. The TPCH model law establishes the maximum allowed amount of heavy metal components used in a container, that uses recycled materials, at 200 ppm (parts per million). If SB 232 is not approved, the only way to certify containers that are below the established thresholds is to reduce the amount of recycled glass used in the manufacturing process. Reducing the amount of recycled glass in the manufacturing process will have negative consequences for the state to achieve our landfill reduction goals and reducing greenhouse gas emissions. SB 232 will make sure California law will reflect the model law."

*The Toxics in Packaging Clearinghouse (TPCH):* The Source Reduction Council (Council) of the Coalition of Northeast Governors developed the Model Toxics in Packaging Legislation (Model) in 1989 to reduce the amount of heavy metals in packaging and packaging components that are sold or distributed throughout the United States. The intent was to curb the amount of heavy metals – specifically, lead, mercury, cadmium, and hexavalent chromium – entering the municipal solid waste stream and, ultimately, landfills, incinerators, and recycling streams from packaging, since packaging comprises approximately one-third of the waste stream. TPCH was formed in 1992 to promote the Model and consistency in its implementation across states that adopted the Model. TPCH is a resource and single point of contact for companies seeking information on toxics in packaging requirements or an exemption.

To date, the Model has been adopted by nineteen U.S. states, including: California, Connecticut, Florida, Georgia, Illinois, Iowa, Maryland, Maine, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.

TPCH includes a states-only voting membership and an industry/public interest advisory group. Current state members include California, Connecticut, Iowa, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, and Washington.

The first Model mandated that package manufacturers and users certify that the package and its components contain no more than the following total concentrations by weight of the four regulated metals by the deadlines established: 600 ppm (0.06%) two years after adoption; 250 ppm (0.025%) three years after adoption; and, 100 ppm (0.01%) four years after adoption.

The Model provides a two-year delay in the effective date of the 600 ppm standard to allow affected industries sufficient time to make the necessary adjustments in their packaging manufacturing processes, printing equipment, and to their inventories to meet the law's requirements. After consulting with a range of industries, the Council agreed that the two-year delay provided a reasonable transition period. After consulting industry experts, who indicated the technology would be available to enable the packaging industry to meet those levels within the time frames established in the Model, the Council established levels of 250 ppm for the third year and 100 ppm for the fourth year.

The Council also recognized that complete elimination of the regulated metals from packaging (i.e., 0 ppm) would be impossible to accomplish. The raw materials used to make packaging contain background levels of these metals, which occur naturally or result from contamination by other sources of these metals in the environment. Thus, the original Model provided the 100 ppm limit for the sum of the four regulated metals as an indicator that the package contains only trace amounts of these metals.

In December of 2008 the Model threshold limit for recycled content was increased from 100 ppm to 200 ppm and the expiration date for this exemption was removed. However, since 2008, only one TPCH member state (New Hampshire) has adopted these revisions, and all other member state exemptions for recycled content have been phased out.

SB 232 seeks to amend California law to incorporate this exemption dealing with recycled materials. It is important to note that the original limit of 100 ppm total regulated metals and the revised limit of 200 ppm total regulated metals were set at limits that the affected industry felt could be met and were not set to a standard based upon any specific scientific study.

*What is the Toxics in Packaging Prevention Act?* The Act, AB 455 (Chu, Chapter 679, Statutes of 2003), bans selling or promoting packaging that contains one or more specified heavy metals: lead, cadmium, mercury, or hexavalent chromium, if the metals have been intentionally introduced during manufacture or distribution. The law further restricts the incidental total concentration of the regulated metals present in a package component to less than 100 ppm by weight.

The intent of the Act is to reduce the toxicity in packaging without discouraging the use of recycled materials in packaging production. According to the author of the Act, Assembly Member Chu, "Consumer goods packaging makes up a significant portion of waste going to the nation's municipal solid waste landfills. Packaging containing toxic substances, especially heavy metals, can release those poisonous or dangerous substances, contaminating the soil and groundwater surrounding the landfill."

*The problem with lead:* Lead has been listed under California's Proposition 65 since 1987 as a substance that can cause reproductive damage and birth defects, and has been listed as a chemical known to cause cancer since 1992. According to the Office of Environmental Health Hazard Assessment lead has multiple toxic effects on the human body. Decreased intelligence in children is among the more serious non-carcinogenic effects. There is no level of lead that has been proven safe, either for children or for adults.

*How is compliance with the Act assured?* After January 1, 2006, manufacturers and suppliers of packaging are required to self-certify in a written statement that their packaging meets the requirements of the Act. This is called a Certificate of Compliance. Manufacturers and suppliers must provide the buyer of packaging or packaging components with the Certificate of Compliance. The California Department of Toxic Substances Control (DTSC) is responsible with enforcing the Act, however DTSC does not have any enforcement staff dedicated to enforcing the Act.

*TPCH report on regulated metals in glass containers:* In 2014, the TPCH issued a report, funded by DTSC, to evaluate test methods for determining the total concentration of regulated metals in glass matrix packaging components, and provide recommendations for testing glass containers for compliance with state toxics in packaging laws. During testing of glass containers for this report some imported wine bottles were found to be non-compliant. According to the report, "recent x-ray fluorescence (XRF) screening of glass bottles by TPCH indicated that some wine bottles may exceed allowable levels of lead in packaging. State toxics in packaging laws prohibit the sale and distribution of packaging with greater than a total of 100 ppm for the four regulated metals – lead, cadmium, mercury, and hexavalent chromium – combined. Some green wine bottles originating in South America and Europe were found by TPCH to exceed the 100 ppm regulatory limit."

"Importers and distributors of wine should be monitoring bottles for compliance with state toxic in packaging laws," stated TPCH Chair David Westcott of the Connecticut Department of Energy and Environmental Protection. "Companies should ask their suppliers to provide a certificate of compliance for bottles or have bottles tested here in the U.S. for compliance with state laws. A small investment in testing will be less costly than removing wine bottles from retail shelves and the resultant damage to their brand."

The proponents of SB 232 are concerned that recycled glass may contain some regulated metals and overtime the accumulation of these metals could cause some glass containers to exceed 100 ppm of total metals. These metals are not intentionally added to glass packaging, which is prohibited under the Act, and are considered contaminants by glass manufacturers. Glass manufacturers have instituted measures to reduce the presence of these metals, including lead contaminated glass, from entering their manufacturing processes; however, if there is accumulation of lead in recycled glass over time, it will be important for these facilities to continue to look for and implement measures to reduce lead and other regulated metals from glass packaging. SB 232 is designed to give some flexibility to glass manufacturers that are using recycled glass in their packaging that may contain some regulated metals and that are not intentionally adding any regulated metals, including lead.

*Related legislation:*

- 1) AB 1435 (Alejo, 2015) Would have provided an exemption from the Toxics in Packaging Act for glass beverage, food, or drink containers. This bill was held in the Senate Appropriations Committee.
- 2) AB 1001 (Gordon, 2013) Would have exempted packaging materials, including glass packaging from the Act, if the packaging exceeded 100 ppm total regulated metals only due to the presence of recycled content and would have ended this exemption in 2017. This bill was held in the Senate Environmental Quality Committee.
- 3) AB 455 (Chu, Chapter 679, Statutes of 2003). Enacted the Toxics in Packaging Prevention Act, which banned the sale of any package that includes a specified heavy metal that was intentionally introduced during manufacturing or distribution, and decreased the incidental concentration of these metals over a three year period.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Manufacturers & Technology Association  
Glass Packaging Institute

**Opposition**

None received.

**Analysis Prepared by:** Josh Tooker / E.S. & T.M. /

Date of Hearing: June 4, 2019

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS  
Bill Quirk, Chair  
SB 413 (Rubio) – As Amended April 4, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** San Gabriel Basin Water Quality Authority

**SUMMARY:** Requires the San Gabriel Basin Water Quality Authority (Authority) to annually update and incorporate a status report on activities related to its basinwide groundwater quality management and remediation plan to the State Water Resources Control Board (State Water Board) and the Los Angeles Regional Water Quality Control Board (LA Regional Water Board).

Specifically, **this bill:**

- 1) Requires the Authority to update the basinwide plan annually and incorporate a status report on activities undertaken by the Authority pursuant to the plan. Requires the status report to include, at a minimum, all of the following elements:
  - a) An overview of groundwater contamination in the San Gabriel Basin (Basin).
  - b) Goals for the Basin groundwater;
  - c) Coordination with other agencies;
  - d) Public outreach and information;
  - e) Funding from potentially responsible parties and other sources;
  - f) Status of nonoperable unit specific plans; and,
  - g) For each operable unit:
    - i) Treatment and remediation plans;
    - ii) Description of contamination plans;
    - iii) Costs incurred;
    - iv) Beneficial uses of recovered water; and,
    - v) Projected activities for the next reporting period.
  - h) A description of the manner in which projects are prioritized and selected for funding and the manner in which contractors are selected; and,
  - i) Criteria used to quantitatively evaluate projects for effectiveness.

- 2) Requires the Authority to deliver a copy of the basinwide plan to the State Water Board and the LA Regional Water Board.
- 3) Requires, in the case of a vacancy filled by appointment by the board of the Authority (board), all nominations for candidates for a city member elected by cities to be submitted to the Authority at least 60, but not more than 90, days preceding the meeting at which the board will select an appointee to fill a vacancy to the office of a member or alternate.
- 4) Provides that the terms of the member and alternate for cities with pumping rights who are elected at the board's final meeting of 2016 to expire on January 1, 2022. Requires the regular election to elect their successors to be conducted at the board's final meeting of 2021.
- 5) Provides that the bill's proposed amendments to the Act shall not be construed to extend the term of the member or alternate for cities with pumping rights elected at the 2021 regular election, or any regular election thereafter, for a term greater than the four-year term.
- 6) Provides that the terms of the member and alternate for cities without pumping rights who are elected at the board's final meeting of 2018 shall expire on January 1, 2024. Requires the regular election to elect their successors to be conducted at the final board meeting of 2023.
- 7) Provides that the bill's proposed amendments to the Act shall not be construed to extend the term of the member or alternate for cities without pumping rights elected at the 2023 regular election, or any regular election thereafter, for a term greater than the four-year term.
- 8) Requires a vacancy in the office of a member or alternate who was elected by cities, at the discretion of the board, to be filled by either of the following:
  - a) A special election called by the board; or,
  - b) An appointment made by the board from among nominees submitted by those cities represented by the member or alternate who has vacated the office as a member or alternate.
- 9) Requires the board to call a special election if there are more than two years remaining on the unexpired balance of the term of the office that is vacant.
- 10) Authorizes the board to allow the vacated office of a member or alternate to remain vacant if there is less than six months remaining on the unexpired balance of the office's term.
- 11) Provides that only those cities which elected the member or alternate to the office in which the vacancy has occurred are eligible to vote in any election called by the board or to submit nominations to the board in the event the board elects to fill the vacancy by appointment.
- 12) Repeals Section 711 of the Act (Chapter 776, Statutes of 1992) related to the provision of a periodic status report and updates those provisions in Section 406 of the Act.
- 13) Requires, if the Commission on State Mandates determines that this Act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs be made pursuant to Government Code § 17500.

**EXISTING LAW:**

- 1) Establishes as policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code § 106.3)
- 2) Pursuant to the San Gabriel Basin Water Quality Authority Act (Act) (Chapter 776, Statutes of 1992 (Water Code Appendix, §134-101, et seq.)):
  - a) Requires the Authority to develop and adopt a basinwide groundwater quality management and remediation plan that includes certain components, such as characterization of Basin contamination, development and implementation of a comprehensive Basin cleanup plan, a financing plan, and a public information and participation plan.
  - b) Establishes election procedures for electing members to the Authority.
  - c) Requires the Authority to provide a status report to the State Water Board and the LA Regional Water Board every six months on activities undertaken pursuant to the Basin groundwater quality management and remediation plan. Requires the status report to include certain information, such as an overview of contamination, coordination with other agencies, funding from potentially responsible parties and other sources, status of certain plans, and project activities information.
  - d) Sunsets the Act on July 1, 2030.

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "Recently, cities in my district have changed the schedule of their city council elections to occur in even-numbered years. This creates a problem if a candidate is simultaneously running for city council and the [Authority] and wins the [Authority] election but loses the city council seat. SB 413 staggers the [Authority] board election schedule to reduce the need to hold a special election, which [Authority] staff estimate costs approximately \$20,000 per election cycle. SB 413 would further reduce costs and increase the efficiency of the [Authority] by consolidating two duplicative reporting requirements into a single annual report. All of the information currently required in the two existing reports would be retained in the new annual report. The [Authority] board discussed these changes at a public workshop and hearing and unanimously adopted a position supporting them after hearing no dissenting opinions from the public."

*The San Gabriel Valley:* The San Gabriel Valley is a suburban, largely-developed portion of Los Angeles County containing more than one million residents and covering more than 170 square miles.

The San Gabriel Valley is also a distinct watershed shaped by local mountains, rivers, streams and other geological formations. A major, natural source of water for the Valley is the San Gabriel River and streams, ponds, lakes, dams, and reservoirs connected to it that are located



either in the San Gabriel Mountains or the Valley, itself. Beneath the Valley is the San Gabriel Basin, the primary source of water for the San Gabriel Valley's water supply system.

*The San Gabriel Valley Basin Superfund site:* As the Authority affectionately refers to it in the January 22, 2019, *Section 406 San Gabriel Basin Groundwater Quality Management and Remediation Plan*, the San Gabriel Valley's groundwater basin "has the dubious distinction of being one of the most contaminated in the nation." The Basin's groundwater is contaminated from ground disposal—dating back to World War II—of volatile organic compounds (VOCs) used primarily as solvents in industrial and commercial activities.

The seriousness of the groundwater contamination problem became evident when high concentrations of VOCs were discovered in Azusa in 1979 near a major industrial complex. That led the United States Environmental Protection Agency (US EPA) to place four portions of the basin on the National Priorities List in 1984 under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), also known as the federal Superfund program. These areas are referred to as operable units under CERCLA. Currently, there are six active operable units: Baldwin Park, El Monte, South El Monte, Puente Valley, Area 3, and Whittier Narrows.

Finding that there was no existing local entity which has all of the necessary authority and jurisdiction to coordinate an effective cleanup program, the Legislature created the San Gabriel Basin Water Quality Authority Act in 1992 (Russell, Chapter 776, Statutes of 1992) to develop, finance, and implement groundwater treatment programs in the San Gabriel Basin. Pursuant to the Act, the Authority is under the direction and leadership of a seven member board. The board is comprised of one member from each of the overlying municipal water districts, one from a city with prescriptive water pumping rights and one from a city without prescriptive water pumping rights, and two members representing water producers in the San Gabriel Basin.

The mission of the Authority is to coordinate, plan, and implement groundwater quality management programs to efficiently remediate groundwater contamination, address the problem of the migration of contaminated groundwater within the San Gabriel Basin, protect and promote the beneficial use of groundwater supplies, and assist in preventing future contamination.

*Cleanup status:* Groundwater continues to be an important source of drinking water to residents and businesses in the San Gabriel Valley. Local water utilities continue to pump water from clean areas, and, in locations affected by the pollution, have installed water treatment equipment to remove the pollutants.

The Authority implements the cleanup under a Cooperative Agreement with the US EPA. The agreement funds groundwater extraction and treatment systems operated by the City of Monterey Park, San Gabriel Valley Water Company, and Golden State Water Company.

After the pollution was discovered in 1979, the US EPA's Superfund program estimated that it would cost \$800 million over 30 years to remove all of the contaminants from the Basin. Since the inception of the Authority, its sponsored projects have been responsible for removing nearly 45 tons of contaminants from the San Gabriel Valley Basin and more than 50 percent of the total contaminants removed from the basin since the contamination was discovered in 1979. On the 25<sup>th</sup> anniversary of the creation of the Authority in 2018, the US EPA said cleanup has cost the US EPA, the water agencies, and the parties responsible for the contamination about \$500 million

so far. Authority assessments to accomplish cleanup of the San Gabriel Basin have averaged \$7.25 per household per year.

*Reporting requirements:* The bill would streamline the reporting requirement for the Authority by incorporating the information in the 404 Update into the Section 406 Plan and require the Authority to deliver a copy of the Section 406 Plan to the State Water Board and the LA Regional Water Board.

*Technical amendment:* To recognize disadvantaged communities, the committee may wish to consider amending the bill to add the following to Section 406 (c):

(8) A description of the manner in which projects are prioritized and selected for funding and the manner in which contractors are selected, including identification of projects in disadvantaged communities and those which further the human right to water.

*Double referral:* Should this bill be approved by the Assembly Environmental Safety & Toxic Materials Committee, it will be re-referred to the Assembly Local Government Committee.

*Related legislation:*

- 1) SB 429 (Hernández, Chapter 214, Statutes of 2013). Extended the sunset date on the Act from July 1, 2017, to July 1, 2030.
- 2) AB 1010 (Hernández, Chapter 404, Statutes of 2007). Extended the sunset date on the Act from July 1, 2010, to July 1, 2017. Required the Authority, commencing April 1, 2008, and on at least a quarterly basis thereafter, to update its Internet Web site with information regarding its activities undertaken pursuant to the basinwide groundwater quality management and remediation plan. Required the Authority to submit by March 31, 2008, and every 6 months thereafter, a status report on its activities undertaken pursuant to the plan to the State Water Board and the LA Regional Water Board.
- 3) SB 334 (Romero, Chapter 192, Statutes of 2003). Extended the sunset date on the Act from July 1, 2005, to July 1, 2010. Deleted a consultation requirement relating to the status report. Authorizes the Authority to impose an annual pumping right assessment in an amount that does not exceed \$10 per acre-foot.
- 4) AB 2544 (Calderon, Chapter 905, Statutes of 2000). Extended the sunset date on the Act from July 1, 2002, to July 1, 2005. Required the appointment to the board of the Authority of two additional producer members and their alternates, pursuant to specified procedures, and prescribes their terms of office.
- 5) AB 2173 (Margett, Chapter 281, Statutes of 1996). Extended the sunset date on the Act from January 1, 1998, to July 1, 2002. Decreased the authorized pumping right assessment from \$35 per acre-foot to \$20 per acre-foot, and authorized the Authority to adopt, by resolution, rules and regulations for the collection of pumping right assessments.
- 6) SB 1679 (Russell, Chapter 776, Statutes of 1992). Enacted the Act.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of California Water Agencies (ACWA)  
California American Water  
California Domestic Water Company  
California Groundwater Coalition (CGC)  
City of Covina  
City of La Puente  
Regional Chamber of Commerce San Gabriel Valley (RCCSGV)  
San Gabriel Basin Water Quality Authority  
San Gabriel Valley Economic Partnership  
San Gabriel Valley Municipal Water District  
San Gabriel Valley Water Association  
San Gabriel Valley Water Company  
Three Valleys Municipal Water District  
Upper San Gabriel Valley Municipal Water District

**Opposition**

None received.

**Analysis Prepared by:** Paige Brokaw / E.S. & T.M. /

Date of Hearing: June 4, 2019

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS  
Bill Quirk, Chair  
SB 552 (Archuleta) – As Amended May 30, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Hazardous waste: household hazardous waste: door-to-door collection programs: residential pickup services

**SUMMARY:** Authorizes the use of consolidated manifests in the transportation of household hazardous waste (HHW) in door-to-door HHW collection programs. Specifically, **this bill:**

- 1) Extends the sunset date indefinitely for the following statutory provisions:
  - a. Specifies the criteria and procedures for a consolidated manifest authorized for use by registered hazardous waste transporters in operating a door-to-door HHW collection program or a HHW residential pickup service.
  - b. Adds a hazardous waste facility as an authorized collection facility for HHW transported via a door-to-door HHW collection program or a HHW residential pickup service.
  - c. Authorizes a registered hazardous waste transporter to use a consolidated manifest when operating a door-to-door HHW collection program or a HHW residential pickup service.
  - d. Adds door-to-door HHW collection programs and HHW residential pickup service transfer facilities to those regulated by the Department of Toxic Substance Control (DTSC).
- 2) Makes other clarifying technical changes.

**EXISTING LAW:**

- 1) Establishes the federal Resource Conservation and Recovery Act (RCRA) to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout its life cycle. (42 United States Code (U.S.C.) § 6901 et seq.)
- 2) Establishes the Hazardous Waste Control Law (HWCL) to authorize DTSC to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) § 25100 et seq.)
- 3) Defines "waste" as any solid, liquid, semisolid, or contained gaseous discarded material. (HSC § 25124)
- 4) Defines a "hazardous waste" as waste, that because of its quantity, concentration, or physical, chemical, or infectious characteristics:

- a. Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
  - b. Poses a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (HSC § 25141(b))
- 5) Defines a "household hazardous waste" as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (HSC § 25218.1(e))
  - 6) Defines a "door-to-door household hazardous waste collection program" as a HHW service that collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either an authorized HHW collection facility or a hazardous waste facility. (HSC § 25218.1(c))
  - 7) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author,

"Many of the products commonly used in and around households have toxic properties. This includes such products as motor oil, paint, cleaning products, batteries, used syringes and pharmaceuticals. These types of products can harm the environment or human health if improperly disposed of on the ground, down storm drains, or flushed into the sewer system. As a result, state laws have been passed to encourage the proper management of HHW.

In 2011, the Legislature passed, and the Governor signed Senate Bill 456 (Huff), which allowed hazardous waste transporters, such as Waste Management, to pick up HHW and have it taken to multiple types of permitted facilities to be disposed of, stored or recycled.

Until January 1, 2020, Waste Management (WM) and other registered hazardous waste transporters are allowed to pick up and track HHW by utilizing a Uniform Hazardous Waste Manifest (shipping document that travels with hazardous waste from the point of generation, to the final treatment, storage, and disposal facility). By allowing WM to keep a consolidated manifest on HHW they are able provide a service to Californians that ensures HHW gets properly disposed of and remains out of the waste stream. It also relinquishes the burden of the consumer from having to register as an HHW generator. Transporters are required to submit quarterly reports on manifests to DTSC, which are made available to the public."

*Hazardous waste management:* Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. In regulatory terms, a waste is hazardous if it appears on a RCRA hazardous wastes list or exhibits one of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous wastes even if they are not specifically listed or do not exhibit any characteristic of a hazardous waste. For example, the term "used oil" is a legal term which means any oil that has been refined from crude oil, or any synthetic oil that has been used and, as a result of use, is contaminated with physical or chemical impurities (Title 40, Code of Federal Regulations (CFR) § 279.1). Hazardous wastes are prohibited from being disposed of in the trash, and must be properly transported and disposed of at permitted treatment, storage, and disposal facilities or at a recycling facility.

Many common household products are also hazardous, and when these products are discarded, they become "household hazardous waste." Common HHW includes, but is not limited to, antifreeze, glue and adhesives, pesticides, used oil, electronic wastes, and household cleaners. In California, HHW is prohibited from being disposed of in the trash, down the drain, or by abandonment, and must be disposed of through a Household Hazardous Waste Program.

*Hazardous waste manifests:* The Uniform Hazardous Waste Manifest is the shipping document that travels with hazardous waste from the point of generation, through transportation, to the final treatment, storage, and disposal facility. Each party in the chain of shipping, including the generator, signs and keeps one of the manifest copies, creating a "cradle-to-grave" tracking of the hazardous waste. Hazardous waste transporters in California must adhere to regulations regarding proper containment and management of the hazardous waste, and hence must be registered with the DTSC. DTSC is the state agency that is responsible for ensuring the safe and responsible management of HHW. In California, unless specifically exempted, it is unlawful for any person to transport hazardous wastes, unless the person holds a valid registration issued by DTSC. Regulations pertaining to treatment, storage, and disposal facilities are more stringent than those that apply to generators or transporters.

*Household hazardous waste disposal:* At the local level, certified local agencies, known as Certified Unified Program Agencies (CUPAs), are responsible for developing local programs to collect, recycle, or properly dispose of HHW. The California Environmental Protection Agency (CalEPA) oversees the 81 CUPAs, and the statewide implementation of the Unified Program, which protects Californians from hazardous waste and hazardous materials by ensuring consistency throughout the state regarding the implementation of administrative requirements, permits, inspections, and enforcement at the local regulatory level. California Hazardous Waste Law provides several management requirements for HHW generators and establishes a streamlined permitting process for HHW collection facilities. The reduced management requirements provided to households include:

- 1) Households are not required to have an EPA identification number;
- 2) Households may self-transport up to 5 gallons or 50 pounds of HHW to an approved HHW Collection Facility. The local administering agency may elect to increase this quantity, under specified conditions, to 15 gallons or 125 pounds; and,
- 3) Households are not required to use a Hazardous Waste Manifest when they self-transport HHW to an approved HHW Collection Facility.

Additionally, local agencies may offer a number of services to assist in the transportation of HHW to a collection facility, including a curbside collection program, a mobile collection facility, a door-to-door collection program, a HHW residential pickup service, a registered hazardous waste transporter, or a registered hazardous waste transporter operating under a contract with a public agency (i.e. Waste Management). Current law requires registered HHW transporters to comply with the manifest system, but authorizes the use of consolidated manifesting. These "consolidated transporters" are authorized to combine specified wastes from multiple generators on a single manifest, rather than using a separate manifest from each generator. The generators using the consolidated manifesting procedure are exempt from filling out a hazardous waste manifest. The consolidated transporter completes both the generator and the transporter section of the manifest.

*HHW collection statistics:* Each jurisdiction in California is mandated to report data regarding the amount of HHW collected by local programs and the methods for managing these waste streams. Statewide trends show a steady increase in the cumulative weight of HHW collected over the past 10 years (Figure 1). In 2017-2018, curbside and door-to-door programs collected a total of 6,715,960 pounds of HHW statewide (Collection Data by Program Type Totals, HHW Collection Data, CalRecycle), which is an indication of how much these programs are being used. Consolidated manifests have been authorized for use in the transport of HHW in door-to-door HHW collection programs since 2011 without issue. SB 552 would ensure that door-to-door HHW collection programs continue to exist indefinitely.

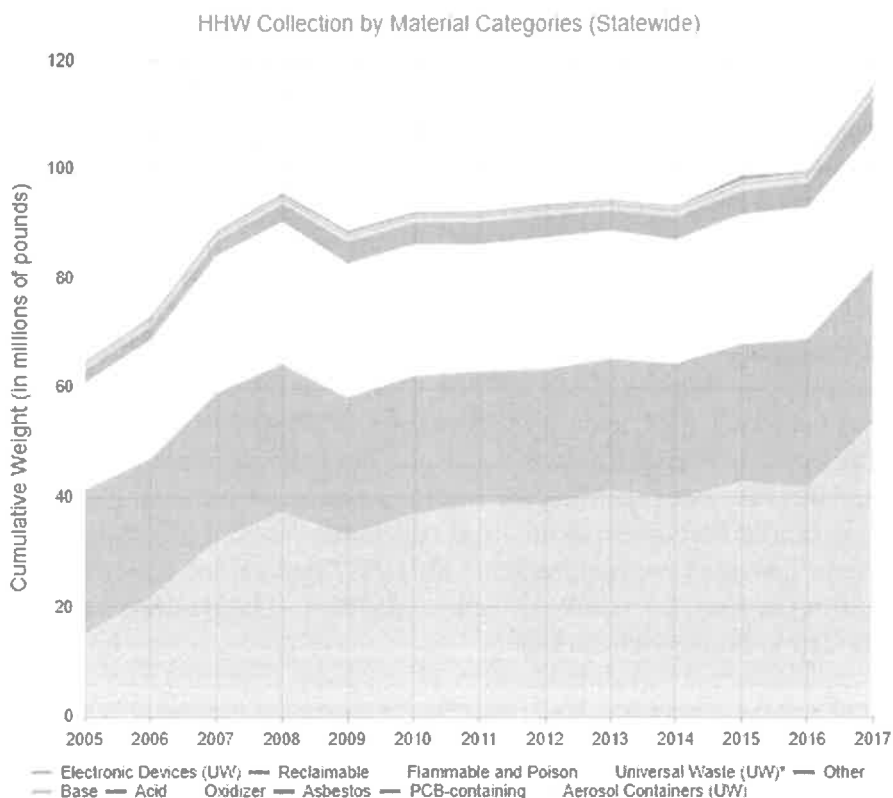


Figure 1. HHW Collection by Material Categories  
(HHW Collection and Disposition Data, Annual Statewide Statistics, CalRecycle)

*Related Legislation:*

- 1) SB 726 (Caballero, 2019). Would authorize a public agency's contractor to conduct household hazardous waste materials exchange programs. This bill is pending referral in the Assembly Rules Committee.
- 2) AB 1597 (Assembly Environmental Safety and Toxic Materials Committee, 2019). Would authorize the state's hazardous waste management manifest requirements to be satisfied through the use of the United States Environmental Protection Agency's electronic manifest system. This bill is set to be heard in the Senate Environmental Quality Committee on June 5, 2019.
- 3) SB 456 (Huff, Chapter 602, Statutes of 2011). Allows HHW gathered by a door-to-door HHW collection program to be transported using a consolidated manifest and to be taken to a HHW collection facility or a hazardous waste facility. This bill sunsets on January 1, 2020.

**REGISTERED SUPPORT / OPPOSITION:****Support**

City of Diamond Bar  
Waste Management & Affiliated Entities

**Opposition**

None received.

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