



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
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VICE CHAIR
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FREDDIE RODRIGUEZ
MARIE WALDRON

PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Thursday, April 07, 2016
8:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

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2. Bill Re-referrals

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Resolutions

3. HR 44 (Atkins) Relative to organ donation.

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4. SCR 120 (Hill) Relative to Biotechnology Day.

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Requests to Add Urgency Clause

5. AB 2153 (Cristina Ga..) Relative to Lead-Acid Battery Recovery and Recycling Act.

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REFERRAL OF BILLS TO COMMITTEE

04/07/2016

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 160</u>	TRANS.
<u>ACR 161</u>	RLS.
<u>ACR 162</u>	RLS.
<u>ACR 163</u>	TRANS.
<u>ACR 164</u>	RLS.
<u>HR 46</u>	RLS.
<u>HR 47</u>	RLS.
<u>SB 482</u>	RLS.



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Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/6/2016
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, there have been no changes.



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RE-REFERRAL OF BILLS

04/07/2016

RE-REFERRAL OF BILLS

Assembly Bill No.

[SB 254](#)

[AB 2184](#)

Committee:

ELECTIONS AND REDISTRICTING

REVENUE AND TAXATION



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Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 4/6/2016
Re: Consent Bill Re-Referrals

Since you received your preliminary list of bill re-referrals, there have been no changes.



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House Resolution

No. 44

Introduced by Assembly Members Atkins and Irwin

March 29, 2016

House Resolution No. 44—Relative to organ donation.

1 WHEREAS, The Legislature has established an official state
2 organ and tissue donor registry that has become the largest in the
3 world, with 13 million people signed up to save and heal the lives
4 of others after death; and

5 WHEREAS, The 10-year official partnership between Donate
6 Life California and the Department of Motor Vehicles (DMV) has
7 resulted in 95 percent of the donors on the registry being added
8 by the DMV with a simple checkoff box; and

9 WHEREAS, The Legislature has approved the innovative Living
10 Donation California information and referral tool to encourage
11 living kidney donation; and

12 WHEREAS, Our Superintendent of Public Instruction has
13 recognized Donate Life California's high school education
14 program, which has educated students about organ, eye, and tissue
15 donation for the past six years and is anticipated to be added to
16 the science frameworks; and

17 WHEREAS, The Assembly acknowledges that California has
18 the greatest need for transplantation in the nation with 22,000
19 residents waiting for a second chance at life, representing one in
20 five on the national waiting list; and

21 WHEREAS, The Assembly acknowledges that in 2015, 918
22 Californians became organ donors and 3,417 life-saving transplants
23 were performed in our state. Tragically, 929 people died while
24 waiting due to the shortage of available organs; and

1 WHEREAS, The Assembly sadly acknowledges that in 2015,
2 California had the longest waiting time and most deaths while
3 waiting, and that only 40 percent of Californians sign up as donors;
4 now, therefore, be it

5 *Resolved by the Assembly of the State of California*, That in
6 recognition of the month of April as National Donate Life Month,
7 the Assembly proclaims the month of April 2016 as Donate Life
8 California/DMV Month in the State of California; and be it further

9 *Resolved*, That in doing so, the Assembly encourages all
10 Californians to register with the Donate Life California Organ and
11 Tissue Donor Registry by checking “YES!” for organ and tissue
12 donation when applying for or renewing a driver’s license or
13 identification card, or by signing up at
14 www.donateLIFeCalifornia.org or www.doneVIDAcalifornia.org;
15 and be it further

16 *Resolved*, That the Assembly underscores its renewed efforts
17 to save more lives through donor registration and calls on all
18 members of the Assembly to consider how best to share news
19 about both the need for organ and tissue donation and actions that
20 can be taken to help their constituents; and be it further

21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: April 7, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
HR 44 (Atkins) – As Introduced March 29, 2016

SUBJECT: Organ donation

SUMMARY: Recognizes the month of April as National Donate Life Month, and proclaims the month of April 2016 as Donate Life California/DMV Month in the State of California. Specifically, **this resolution** makes the following legislative findings:

- 1) The Legislature has established an official state organ and tissue donor registry that has become the largest in the world, with 13 million people signed up to save and heal the lives of others after death.
- 2) The 10 year official partnership between Donate Life California and the Department of Motor Vehicles (DMV) has resulted in 95 percent of the donors on the registry being added by the DMV with a simple check off box.
- 3) California has the greatest need for transplantation in the nation with 22,000 residents waiting for a second chance at life, representing one in five on the national waiting list.
- 4) In 2015, 918 Californians became organ donors and 3,417 life-saving transplants were performed in our state. Tragically, 929 people died while waiting due to the shortage of available organs.
- 5) The Assembly encourages all Californians to register with the Donate Life California Organ and Tissue Donor Registry by checking "YES!" for organ and tissue donation when applying for or renewing a driver's license or identification card, or by signing up at www.donateLIFeCalifornia.org or www.doneVIDAcalifornia.org.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Introduced by Senator Hill

(Principal coauthor: Assembly Member Mullin)

**(Coauthors: Senators Bates, Berryhill, Block, Galgiani, Mendoza,
and Wolk)**

(Coauthors: Assembly Members Calderon, Chávez, Frazier, Gordon,
Low, Maienschein, Waldron, and Wilk)

March 16, 2016

Senate Concurrent Resolution No. 120—Relative to Biotechnology
Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 120, as introduced, Hill. Biotechnology Day.

This measure would declare April 7, 2016, and every April 7
thereafter, as Biotechnology Day in California.

Fiscal committee: no.

- 1 WHEREAS, California is the global leader in the life sciences
2 industry; and
3 WHEREAS, This great state is home to the entire continuum
4 of the life sciences industry, including world class universities,
5 basic research centers, biotechnology start-ups, and anchor
6 biopharmaceutical companies; and
7 WHEREAS, There are currently 2,848 life sciences companies
8 in California, with 212 more companies than in 2014, generating
9 \$130 billion in revenue; and
10 WHEREAS, California life sciences companies directly employ
11 281,000 people all over the State of California, with concentrations
12 in the San Francisco Bay area, San Diego, Orange County, and
13 Los Angeles; and

1 WHEREAS, The life sciences are an economic driver in
2 California, a place where cutting-edge businesses thrive; and

3 WHEREAS, California has a concentration of research in the
4 life sciences industry; and

5 WHEREAS, California companies have 1,235 potential new
6 medicines in the pipeline and life science innovations have a
7 tremendous impact on the world's health and well-being; and

8 WHEREAS, New medicines and technologies emerging from
9 California companies and research institutions are likely to have
10 a remarkable impact on the health of the world's population and
11 help those afflicted with serious diseases, such as cancer, cystic
12 fibrosis, heart disease, multiple sclerosis, and rheumatoid arthritis;
13 and

14 WHEREAS, In the early 1970s, Herb Boyer at the University
15 of California and geneticist Stanley Cohen at Stanford University
16 pioneered a new scientific field called recombinant DNA
17 technology; and

18 WHEREAS, Venture capitalist, Bob Swanson, who was excited
19 by recombinant DNA technology's potential to help people, and
20 Herb Boyer together founded the first biotechnology company,
21 Genentech, in South San Francisco; and

22 WHEREAS, The founding of Genentech on April 7, 1976,
23 marked the birth of the biotechnology industry and planted the
24 industry's roots in California; and

25 WHEREAS, Genentech, a member of the Roche Group, remains
26 a leader in the biotechnology industry and continues to advance
27 its mission of transforming the lives of people with serious
28 diseases; and

29 WHEREAS, The biotechnology industry inspires the next
30 generation of scientists to help solve challenges like disease,
31 energy, and food security; and

32 WHEREAS, The biotechnology industry generates nearly \$259
33 billion in economic activity in California, provides more than one
34 million jobs, and is the source of billions of dollars in state and
35 local tax revenue; and

36 WHEREAS, The largest and most influential biotechnology
37 convention in the world, the BIO International Convention, will
38 take place in San Francisco, California, from June 6th to June 9th,
39 2016, with more than 15,000 anticipated attendees; and

1 WHEREAS, San Francisco hosted this convention in 1995 and
2 San Diego will host it in 2017, while the State of California has
3 hosted this convention five other times; and

4 WHEREAS, The BIO International Convention is where the
5 global biotech community meets, connecting the people,
6 companies, and innovations that help to fulfill the promise of
7 biotechnology through healing, fueling, and feeding the world;
8 now, therefore, be it

9 *Resolved by the Senate of the State of California, the Assembly*
10 *thereof concurring*, That the Legislature hereby recognizes April
11 7, 2016, and every April 7th thereafter, as Biotechnology Day in
12 California; and be it further

13 *Resolved*, That the Senate urges Californians to recognize the
14 value and importance of the life sciences industry; and be it further

15 *Resolved*, That the Secretary of the Senate transmit copies of
16 this resolution to the author for appropriate distribution.

O

Date of Hearing: April 7, 2016

ASSEMBLY COMMITTEE ON RULES
Gordon, Chair
SCR 120 (Hill) – As Introduced March 16, 2016

SENATE VOTE: 36-0

SUBJECT: Biotechnology Day

SUMMARY: Declares April 7, 2016, and every April 7 thereafter, as Biotechnology Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) California is the global leader in the life sciences industry and is home to the entire continuum of the life sciences industry, including world class universities, basic research centers, biotechnology start-ups, and anchor biopharmaceutical companies.
- 2) Currently there are 2,848 life sciences companies in California, with 212 more companies than in 2014, generating \$130 billion in revenue.
- 3) All over the State of California, life sciences companies employ 281,000 people, with concentrations in the San Francisco Bay area, San Diego, Orange County, and Los Angeles.
- 4) California companies have 1,235 potential new medicines in the pipeline and life science innovations have a tremendous impact on the world's health and well-being. New medicines and technologies emerging from California companies and research institutions are likely to have a remarkable impact on the health of the world's population and help those afflicted with serious diseases, such as cancer, cystic fibrosis, heart disease, multiple sclerosis, and rheumatoid arthritis.
- 5) In the early 1970's, Herb Boyer at the University of California and geneticist Stanley Cohen at Stanford University pioneered a new scientific field called recombinant DNA technology and together with Bob Swanson, a venture capitalist, founded the first biotechnology company, Genentech, in South San Francisco.
- 6) Genentech, a member of the Roche Group, remains the leader in the biotechnology industry and continues to advance its mission of transforming the lives of people with serious diseases.
- 7) The biotechnology industry generates nearly \$259 billion in economic activity in California, provides more than one million jobs, and is the source of billions of dollars in state and local tax revenue.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2153

**Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Santiago)**

February 17, 2016

An act to ~~amend Sections 25160.8, 25218.1, and 25218.5 of the Health and Safety Code, relating to hazardous waste; add Chapter 7.5 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, as amended, Cristina Garcia. ~~Household hazardous waste; hazardous waste facilities.~~ *Lead-Acid Battery Recovery and Recycling Act.*

Existing law requires a retailer of various specified products, including rechargeable batteries and cellular telephones, 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 establish the Used Lead-Acid Battery Recovery and Recycling Act. The bill would require a qualified industry association, as defined, to establish a lead-acid battery recycling organization, as defined. The bill would authorize the Department of Resources Recycling and Recovery to certify that a lead-acid battery recycling organization has been established. The bill would require the lead-acid battery recycling organization to develop, implement, and administer a lead-acid battery recycling program pursuant to the act. The bill would require manufacturers, retailers, and recyclers of lead-acid batteries

to register with the lead-acid battery recycling organization on or before January 1, 2018.

This bill would prohibit, on and after January 1, 2019, a manufacturer, recycler, or retailer from, among other things, selling a lead-acid battery, or importing a lead-acid battery into this state, except in compliance with the bill's requirements.

This bill would require the lead-acid battery recycling organization, by July 1, 2018, to develop a plan for recycling used lead-acid batteries in the state that includes specified goals and elements and to submit the plan to the department, as specified. The plan would be required, among other things, to ensure that it addresses the impact of the requirement of the California Constitution that a local government submit the imposition, extension, or increase in a tax to the electorate for approval, with regard to local governments participating in the program. The bill would require the organization, by July 1, 2018, to annually prepare and approve a proposed used lead-acid battery recycling program plan budget for the next calendar year and to submit the budget to the department for approval, as specified. The bill would require the department to notify the organization of the department's costs that are directly related to implementing and enforcing the act and would require the organization to reimburse the department for those direct costs. The bill would require the department to deposit these amounts submitted by the organization into the Used Lead-Acid Battery Recycling Fund, which the bill would establish in the State Treasury. The bill would require the department to expend the moneys in the fund, upon appropriation by the Legislature, to administer and enforce the act and to reimburse any outstanding loans made from other funds used to finance the startup implementation costs to the department, as provided.

This bill would require the organization to annually set the amount of a state lead-acid battery recycling charge that would be added to the purchase price of a lead-acid battery, and would require a manufacturer, recycler, retailer, wholesaler, distributor, or other party that sells a lead-acid battery to add the charge to the purchase price for the lead-acid battery and remit the charges collected, less refunds, quarterly to the organization, as specified. The bill would require the organization to remit \$1 from the sale of each lead-acid battery to be deposited into the Lead-Acid Battery Cleanup Fund, which would be created by the bill. Moneys in the Lead-Acid Battery Cleanup Fund would be continuously appropriated to the Department of Toxic

Substances Control for the cleanup of areas of the state that have been contaminated by the production, recycling, or improper disposal of lead-acid batteries. The bill would require the organization to suspend and resume remitting the \$1 from the sale of each lead-acid battery to the Lead-Acid Battery Cleanup Fund based on the balance in the fund.

This bill would require a manufacturer, recycler, retailer, or distributor to affix a California recycling sticker, as determined by the Department of Resources Recycling and Recovery, to each lead-acid battery at the point of sale. The bill would require that every consumer who returns a lead-acid battery with a California recycling sticker to a manufacturer, retailer, or other entity that sells lead-acid batteries to the ultimate user be given a refund of the recycling charge minus \$3, as specified. The bill would prohibit a refund from being given to a consumer who returns a lead-acid battery without a California recycling sticker. The bill would require a retailer that sells a used lead-acid battery to a manufacturer to remit 75% of the sale price of the used lead-acid battery to the organization for deposit into the Lead-Acid Battery Cleanup Fund.

This bill would authorize the department to impose an administrative civil penalty on a manufacturer, organization, recycler, or retailer in violation of the act, and the department would be authorized to expend the moneys, upon appropriation by the Legislature, to implement the act.

The bill would authorize the department to adopt emergency regulations establishing a process for the submission and approval of the used lead-acid battery recovery and recycling plan, and for the submission and approval of the proposed used lead-acid battery recycling program budget.

This bill would provide for the reimbursement of a specified General Fund loan from the Lead-Acid Battery Cleanup Fund, and would make that reimbursement money available for further loans, as specified.

~~(1) Existing law authorizes public agencies or their contractors to operate household hazardous waste collection facilities, as defined, and specifies conditions for the transportation of household hazardous waste. A violation of the hazardous waste control laws is a crime.~~

~~Existing law authorizes a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service that meets specified requirements to collect household hazardous waste from individual residences and, until December 31, 2019, transport that waste to a hazardous waste facility.~~

~~This bill would extend that authorization to transport household hazardous waste to a hazardous waste facility to December 31, 2021.~~

~~(2) Existing law requires, on or before December 31, 2019, public agencies and their contractors that transport household hazardous waste to a hazardous waste facility to use certain consolidated manifesting procedures.~~

~~This bill would extend the operation of the consolidated manifesting procedures requirement for these transporters to December 31, 2021.~~

~~(3) By extending local agencies' obligations to comply with requirements for transporting hazardous waste, this bill would impose a state-mandated local program because a violation of those requirements would be a crime.~~

~~(4) 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~~^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~yes~~no.

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

1 SECTION 1. Chapter 7.5 (commencing with Section 42420)
2 is added to Part 3 of Division 30 of the Public Resources Code,
3 to read:

4
5 CHAPTER 7.5. LEAD-ACID BATTERY RECOVERY AND RECYCLING
6 ACT

7
8 Article 1. Declarations and Definitions

9
10 42420. (a) The Legislature finds and declares that in order to
11 reduce illegal dumping, increase recycling, and substantially
12 reduce public agency costs for the end-of-life management of
13 lead-acid batteries, the Lead-Acid Battery Recovery and Recycling
14 Act is hereby established by this chapter to require manufacturers
15 of lead-acid batteries sold in this state to develop, finance, and
16 implement a convenient and cost-effective program to recover and
17 recycle lead-acid batteries generated in this state.

1 ***(b) It is the intent of the Legislature in enacting this chapter***
2 ***that all of the following occur:***

3 ***(1) That consumers have the opportunity to drop off their***
4 ***lead-acid batteries free of charge.***

5 ***(2) That existing lead-acid battery recycling, resale,***
6 ***refurbishing, and reuse operations that are in compliance with***
7 ***state and federal law shall not be adversely affected by this chapter.***

8 ***(3) That domestic processing of lead-acid batteries and the***
9 ***utilization of recycled materials from lead-acid batteries are***
10 ***encouraged.***

11 ***42420.2. This chapter shall be known, and may be cited, as***
12 ***the Lead-Acid Battery Recovery and Recycling Act.***

13 ***42421. For purposes of this chapter, the following definitions***
14 ***shall apply:***

15 ***(a) (1) "Consumer" means an owner of a lead-acid battery,***
16 ***including a person, business, corporation, limited partnership,***
17 ***nonprofit organization, or governmental entity, including the***
18 ***ultimate purchaser, owner, or lessee of a lead-acid battery.***

19 ***(2) "Consumer" does not include a governmental organization***
20 ***or other party that obtains one or more used lead-acid batteries***
21 ***in the course of collecting used lead-acid batteries for recycling***
22 ***for purposes of this chapter, or through the ordinary collection***
23 ***and handling of municipal solid waste.***

24 ***(b) "Distributor" means a company that has a contractual***
25 ***relationship with one or more manufacturers to market and sell***
26 ***lead-acid batteries to retailers.***

27 ***(c) "Good-faith effort" means all reasonable and economically***
28 ***practical efforts, consistent with the components identified in the***
29 ***approved plan and annual budget of a lead-acid battery recycling***
30 ***organization.***

31 ***(d) "Importer" means a party qualifying as an "importer of***
32 ***record" for purposes of Section 1484(a)(2)(B) of Title 19 of the***
33 ***United States Code, with regard to the import of a finished***
34 ***lead-acid battery sold in the state that was manufactured or***
35 ***assembled by a company outside the United States.***

36 ***(e) "Lead-acid battery" means any battery that consists of lead***
37 ***and sulfuric acid and is used as a power source.***

38 ***(f) "Lead-acid battery recycling organization" or***
39 ***"organization" means an organization exempt from taxation under***
40 ***Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue***

1 Code of 1986, that is established by a qualified industry
2 association, composed of manufacturers, recyclers, retailers, and
3 environmental justice organizations, and certified pursuant to
4 Section 42422, to develop, implement, and administer the lead-acid
5 battery recycling program established pursuant to this chapter.

6 (g) (1) “Manufacturer” means any of the following:

7 (A) The person who manufactures a lead-acid battery and who
8 sells, offers for sale, or distributes a lead-acid battery in the state.

9 (B) The person who imports the lead-acid battery into the state
10 for sale or distribution if there is no person who is a manufacturer
11 of a lead-acid battery for purposes of subparagraph (A).

12 (2) A retailer that brings a lead-acid battery into its store
13 locations from an out-of-state warehouse or distribution center is
14 not a manufacturer.

15 (h) “Program” or “lead-acid battery recycling program” means
16 the program implemented by the lead-acid battery recycling
17 organization pursuant to a lead-acid battery recycling plan
18 approved by the department.

19 (i) “Qualified industry association” means the Battery Council
20 International, or a successor of that organization, or a group of
21 lead-acid battery manufacturers that collectively represent at least
22 35 percent of the volume of lead-acid batteries manufactured in
23 the United States.

24 (j) “Recycle” or “recycling” has the same meaning as defined
25 in Section 40180.

26 (k) “Recycler” means a person that engages in the manual or
27 mechanical separation of lead-acid batteries to substantially
28 recover components and commodities contained in lead-acid
29 batteries for the purpose of reuse or recycling.

30 (l) “Recycling charge” or “charge” means the charge imposed
31 on the sale of a new lead-acid battery at the point of sale and
32 collected by the recycling organization to fund the recycling of
33 used lead-acid batteries pursuant to this chapter.

34 (m) “Retailer” means a person who sells lead-acid batteries in
35 the state or offers to a consumer a lead-acid battery in the state
36 through any means, including, but not limited to, remote offering,
37 including sales outlets or catalogs, electronically through the
38 Internet, by telephone, or through the mail.

39 (n) “Sale” or “sell” means the transfer of title of a lead-acid
40 battery for consideration, including by a manufacturer, a

1 distributor, or a retailer, for eventual consumption to a consumer
2 in the state, including remote sales conducted through sales outlets,
3 catalogs, or the Internet or any other similar electronic means.

4 (o) “Solid waste facility” means, for purposes of this chapter,
5 a solid waste facility that accepts, under its normal operating
6 conditions, used lead-acid batteries from the public for collection,
7 storing, and handling, whether for recycling or disposal.

8 (p) “Used lead-acid battery recovery and recycling plan” or
9 “plan” means the plan for recycling used lead-acid batteries that
10 is developed by the lead-acid battery recycling organization
11 pursuant to this chapter.

12
13 *Article 2. Lead-Acid Battery Recycling Plan*
14

15 42422. (a) (1) On or before July 1, 2017, a qualified industry
16 association shall establish a lead-acid battery recycling
17 organization for purposes of this chapter, which shall be composed
18 of manufacturers, recyclers, and retailers and be certified pursuant
19 to this section to develop, implement, and administer the lead-acid
20 battery recycling program established pursuant to this chapter.

21 (2) Within 60 days of receipt of a request for certification, the
22 department shall certify the organization as specified in paragraph
23 (1) or notify the requesting qualified industry association of the
24 department’s decision not to certify the organization.

25 (3) Prior to certification by the department, the department’s
26 director shall appoint an advisory committee to advise the
27 lead-acid battery recycling organization.

28 (A) The advisory committee shall be composed of members of
29 the environmental community, the solid waste industry, local
30 governmental entities, public and private entities involved in the
31 collection, processing, and recycling of used lead-acid batteries,
32 and other interested parties.

33 (B) The lead-acid battery recycling organization shall consult
34 the advisory committee at least once during the development of
35 the plan required pursuant to Section 42422.2, and annually prior
36 to the submittal of the annual report required pursuant to Section
37 42425.2 and the annual budget required pursuant to Section 42423.

38 (C) The advisory committee shall provide ongoing feedback to
39 a recycling organization on the implementation of the recycling
40 organization’s plan.

1 (b) On or before January 1, 2018, each manufacturer, retailer,
2 and recycler shall register with the lead-acid battery recycling
3 organization.

4 (c) On and after January 1, 2019, a retailer shall not sell,
5 distribute, or offer for sale a lead-acid battery in the state unless
6 the retailer is in compliance with this chapter and the manufacturer
7 or recycler of the lead-acid battery sold by the retailer is listed in
8 compliance with this chapter.

9 (d) On and after January 1, 2019, a manufacturer or recycler
10 shall not sell or offer for sale in this state, or import into this state,
11 a lead-acid battery, or sell or distribute a lead-acid battery to a
12 distributor or retailer in this state, unless the manufacturer or
13 recycler is in compliance with this chapter.

14 42422.2. On or before July 1, 2018, the lead-acid battery
15 recycling organization shall develop and submit to the department
16 a plan for recycling used lead-acid batteries in the state in an
17 economically efficient and practical manner that includes all of
18 the following goals and elements:

19 (a) Program objectives consistent with the state's solid waste
20 management hierarchy.

21 (b) The names of manufacturers, recyclers, and brands,
22 including the types of lead-acid batteries, covered under the plan,
23 and contact information of manufacturers and producers covered
24 under the plan.

25 (c) A description of a consultation process with affected
26 stakeholders, including, but not limited to, local government
27 representatives, recyclers, and solid waste industry representatives,
28 undertaken during plan development, and a process for receiving
29 continuous feedback from stakeholders during plan
30 implementation.

31 (d) Methods to increase the number of used lead-acid batteries
32 diverted from landfills, reduce the number of illegally dumped
33 used lead-acid batteries, and increase the quantity of used
34 lead-acid-battery-related materials recovered and recycled for
35 other uses.

36 (e) A description of how the goals will be achieved and how
37 results will be measured, including an estimate of the amount of
38 lead-acid batteries with California recycling stickers that will be
39 recovered compared to the amount of lead-acid batteries sold in
40 the state.

1 (f) *Roles and responsibilities of key players along the product*
2 *chain, including the names and locations of transporters, recyclers,*
3 *and disposal facilities, and a description of how lead-acid batteries*
4 *with California recycling stickers and their components will be*
5 *collected, transported, and managed.*

6 (g) *Strategies for managing and reducing the life cycle impacts*
7 *of lead-acid batteries, including finding an alternative to the use*
8 *of lead in batteries.*

9 (h) *Conducting research, as needed, related to improving*
10 *collection and recycling operations for used lead-acid batteries*
11 *with California recycling stickers, including pilot programs to test*
12 *new processes, methods, or equipment on a local, regional, or*
13 *otherwise limited basis.*

14 (i) *An itemized budget, including total program cost.*

15 (j) (1) *The establishment and administration of a mechanism*
16 *that distributes the lead-acid battery recycling organization's costs*
17 *uniformly over all lead-acid batteries sold in the state.*

18 (2) *The funding mechanism shall provide sufficient funding for*
19 *the lead-acid battery recycling organization to carry out the plan,*
20 *including the administrative, operational, and capital costs of the*
21 *plan.*

22 (k) *Financing methods, including financial assurance, for the*
23 *program and an explanation of how the recycling organization*
24 *will provide evidence of adequate collection, handling, and*
25 *recycling or disposal of lead-acid batteries with California*
26 *recycling stickers.*

27 (l) *The publishing of an annual report for each calendar year*
28 *of operation.*

29 (m) *A program performance measurement that shall collect*
30 *program data for the purpose of the annual report. The information*
31 *shall include:*

32 (1) *A methodology for estimating the amount of lead-acid*
33 *batteries sold in the state and for quantifying the number of used*
34 *lead-acid batteries with California recycling stickers collected*
35 *and recycled in the state.*

36 (2) *A methodology for determining the proportion of lead-acid*
37 *batteries sold in the state by the manufacturers that are members*
38 *of the lead-acid battery recycling organization.*

39 (n) *A description of methods used to coordinate activities with*
40 *other used lead-acid battery collecting and recycling programs,*

1 including nonprofit lead-acid battery recyclers, and other relevant
2 parties, as appropriate, with regard to the proper management or
3 recycling of discarded or abandoned lead-acid batteries for
4 purposes of providing the efficient delivery of services and avoiding
5 unnecessary duplication of effort and expense.

6 (o) Entering into contracts or agreements, which may include
7 contracts and agreements with nonprofit or for-profit recyclers,
8 that are necessary and proper for the lead-acid battery recycling
9 organization to carry out these duties consistent with the terms of
10 this chapter.

11 (p) Establishment of a financial incentive to encourage parties
12 to collect for recycling used lead-acid batteries discarded or
13 illegally dumped in the state.

14 (q) Ensuring, to the maximum extent possible, that urban and
15 rural local governments and participating solid waste facilities
16 that accept lead-acid batteries are provided with a mechanism for
17 the recovery of illegally disposed used lead-acid batteries that is
18 funded at no additional cost to the local government or solid waste
19 facility.

20 (r) Providing outreach efforts and education to consumers,
21 manufacturers, and retailers, for the purpose of promoting the
22 recycling of used lead-acid batteries and options available to
23 consumers for the free drop-off of used lead-acid batteries.

24 (s) A provision that allows an individual to drop off, at no
25 charge, a lead-acid battery at a lead-acid battery recycling center,
26 permitted solid waste facility, or other municipal facility that
27 accepts lead-acid batteries, and that provides for reasonable
28 payment to a municipal or solid waste facility that accepts
29 lead-acid batteries for collecting, storing, transporting, and
30 handling used lead-acid batteries.

31 (t) Ensuring that the impact of Article XIII C of the California
32 Constitution is addressed for local governments participating in
33 the program.

34 (u) A report from the advisory committee, established pursuant
35 to paragraph (3) of subdivision (a) of Section 42422, that includes
36 a summary of the consultative process between the advisory
37 committee and the lead-acid battery recycling organization during
38 the development of the plan, as well as any other information
39 deemed pertinent by the advisory committee to maximizing the
40 recovery and recycling of used lead-acid batteries in the state.

1 (v) *Other information requested by the department that is*
2 *reasonably related to compliance with the recycling plan and that*
3 *the organization can reasonably compile.*

4 42422.4. *The recycling organization, in developing the plan*
5 *pursuant to Section 42422.2, may include market development*
6 *opportunities that would provide incentives to universities and*
7 *research companies to find alternatives to lead.*

8 42422.6. (a) *The department shall review the plan for*
9 *compliance with this chapter and shall approve, disapprove, or*
10 *conditionally approve the plan within 90 days of receipt of the*
11 *plan. If the department fails to act within 90 days of the receipt of*
12 *the plan, the plan shall be deemed approved.*

13 (b) *If the department disapproves the plan pursuant to*
14 *subdivision (a), the department shall explain, in writing, how the*
15 *plan does not comply with this chapter; and the lead-acid battery*
16 *recycling organization shall resubmit a plan to the department. If*
17 *the department finds that the plan as resubmitted by the*
18 *organization does not comply with the requirements of this chapter,*
19 *the lead-acid battery recycling organization shall be deemed not*
20 *in compliance with this chapter until the organization submits a*
21 *plan that the department finds complies with the requirements of*
22 *this chapter. The lead-acid battery recycling organization shall*
23 *not resubmit the plan more than two times to the department.*

24 (c) *The approved plan shall be a public record, except that*
25 *financial, production, or sales data reported to the department by*
26 *the lead-acid battery recycling organization is not public record*
27 *for purposes of the California Public Records Act (Chapter 3.5*
28 *(commencing with Section 6250) of Division 7 of Title 1 of the*
29 *Government Code) and shall not be open to public inspection. The*
30 *department may release financial, production, or sales data in*
31 *summary form only so that the information cannot be attributable*
32 *to a specific manufacturer, retailer, or other entity.*

33 42422.8. *Within 90 days after approval or conditional approval*
34 *by the department of the plan, but no later than January 1, 2019,*
35 *the lead-acid battery recycling organization shall implement the*
36 *approved plan.*

37 42422.9. (a) *On or before January 1, 2021, based on*
38 *methodology contained in the plan and information contained in*
39 *the first annual report, the department, in consultation with the*
40 *organization and after taking into consideration relevant economic*

1 *and practical considerations and other information, shall establish*
2 *and make public the following:*

3 *(1) The state baseline amount of recycling of lead-acid batteries*
4 *with California recycling stickers.*

5 *(2) The state recycling goals for lead-acid batteries with*
6 *California recycling stickers.*

7 *(b) Beginning July 1, 2022, and annually thereafter, the annual*
8 *report required pursuant to Section 42425.2 shall demonstrate the*
9 *lead-acid battery recycling organization's good-faith effort to*
10 *comply with the state lead-acid battery recycling goals established*
11 *pursuant to this section.*

12 *(c) On or before July 1, 2023, and every four years thereafter,*
13 *the department shall review, including reviewing for consistency*
14 *with Section 41780.01, and update, as necessary, the baseline*
15 *amount and goals to ensure that the program advances the state*
16 *recycling goal.*

17
18 *Article 3. Budget*
19

20 *42423. On or before July 1, 2018, and on or before July 1*
21 *annually thereafter, the lead-acid battery recycling organization*
22 *shall prepare and submit to the department a proposed used*
23 *lead-acid battery recycling program budget for the following*
24 *calendar year that includes all of the following:*

25 *(a) Anticipated revenues and costs of implementing the program,*
26 *including related programs, projects, contracts, and administrative*
27 *expenses.*

28 *(b) A recommended funding level sufficient to cover the plan's*
29 *budgeted costs and to operate the lead-acid battery recycling*
30 *program over a multiyear period in a prudent and responsible*
31 *manner.*

32 *(c) The amount of the lead-acid battery recycling charge and*
33 *an itemization of the costs of the program.*

34 *42423.2. (a) On or before October 1, 2018, and annually*
35 *thereafter, the department shall approve or disapprove a final*
36 *used lead-acid battery recycling program budget. If the department*
37 *fails to act or does not disapprove a final used lead-acid battery*
38 *recycling program budget, the budget shall be deemed approved.*

39 *(b) (1) If the department disapproves the budget, the department*
40 *shall explain, in writing, how the budget does not comply with this*

1 article, and the lead-acid battery recycling organization shall
2 submit a revised budget addressing the department's written
3 reasons for its decision within 30 days of the disapproval.

4 (2) The department, within 30 days from the date the lead-acid
5 battery recycling organization submits a revised budget, shall
6 approve or disapprove a final used lead-acid battery recycling
7 program budget. If the department fails to act or does not
8 disapprove a final program budget within those 30 days, the budget
9 shall be deemed approved.

10 42423.4. (a) The department shall notify the lead-acid battery
11 recycling organization of the department's costs that are directly
12 related to implementing and enforcing this chapter relating to the
13 lead-acid battery recycling organization's activities. This may
14 include the direct costs associated with regulatory development
15 prior to submittal of the plan required pursuant to Section 42422.2.
16 The total amount shall not exceed the department's direct costs to
17 implement and enforce this chapter.

18 (b) On or before July 1, 2019, and once every three months
19 thereafter, and within the fiscal year ending June 30, the lead-acid
20 battery recycling organization shall reimburse the department for
21 costs the department incurs of which the organization is notified
22 pursuant to subdivision (a).

23 (c) The department shall deposit all moneys submitted pursuant
24 to this section into the Used Lead-Acid Battery Recycling Fund,
25 which is hereby established in the State Treasury. Upon
26 appropriation by the Legislature, moneys in the fund shall be
27 expended by the department to administer and enforce this chapter,
28 as well as reimburse any outstanding loans made from other funds
29 used to finance startup costs of the department's activities pursuant
30 to this chapter. The funds collected pursuant to this section shall
31 not be expended for any other purpose.

32
33 Article 4. Lead-Acid Battery Recycling Charge
34

35 42424. (a) The lead-acid battery recycling organization shall
36 set the amount of the lead-acid battery recycling charge that shall
37 be added to the purchase price of a lead-acid battery at the point
38 of sale and include the charge amount in the annual budget.

39 (b) The lead-acid battery recycling charge shall meet all of the
40 following:

1 (1) *It shall be based on the value of lead.*

2 (2) *It shall be no more than twenty dollars (\$20) and no less*
3 *than fifteen dollars (\$15).*

4 (3) *It shall be a flat rate and not a percentage of the purchase*
5 *price of the lead-acid battery.*

6 (c) *The recycling organization shall not set more than two*
7 *different charges to accommodate lead-acid battery size*
8 *differentials.*

9 (d) *If the amount of the lead-acid battery recycling charge*
10 *changes pursuant to subdivision (e), the recycling organization*
11 *shall notify retailers and any other entities that collect the recycling*
12 *charge.*

13 (e) (1) *In the first 12 months during which the lead-acid battery*
14 *recycling charge is collected, the lead-acid battery recycling*
15 *organization may change the amount of the lead-acid battery*
16 *recycling charge, in accordance with subdivision (b), and shall*
17 *provide no less than 90 days' notice to the public of any change*
18 *in the amount of the charge.*

19 (2) *After one year from the date when the collection of the*
20 *lead-acid battery recycling charge commences, the lead-acid*
21 *battery recycling organization may change the amount of the*
22 *charge, in accordance with subdivision (b), but the lead-acid*
23 *battery recycling organization shall not change the amount of the*
24 *charge more frequently than annually and shall provide no less*
25 *than 180 days' notice to the public before the change in the amount*
26 *of the charge takes effect.*

27 (f) *The amount of the charge shall be included in the annual*
28 *program budget for approval by the department.*

29 42424.1. (a) *On a quarterly basis, a manufacturer, recycler,*
30 *retailer, or distributor shall submit all moneys collected pursuant*
31 *to this article, minus the amount disbursed to consumers for the*
32 *return of lead-acid batteries with California recycling stickers*
33 *pursuant to Section 42427, to the recycling organization along*
34 *with any additional paperwork required by the department.*

35 (b) (1) *The recycling organization shall remit to the state one*
36 *dollar (\$1) from the sale of each lead-acid battery with a California*
37 *recycling sticker to be deposited in the Lead-Acid Battery Cleanup*
38 *Fund, which is hereby created. Money in the Lead-Acid Battery*
39 *Cleanup Fund shall be continuously appropriated, without regard*
40 *to fiscal year, to the Department of Toxic Substances Control for*

1 *the cleanup of areas of the state that have been contaminated by*
2 *the production, recycling, or improper disposal of lead-acid*
3 *batteries and activities described in Article 11 (commencing with*
4 *Section 42431).*

5 *(2) The balance in the Lead-Acid Battery Cleanup Fund shall*
6 *not be more than one hundred million dollars (\$100,000,000). If*
7 *the balance in the Lead-Acid Battery Cleanup Fund reaches one*
8 *hundred million dollars (\$100,000,000), notice shall be given to*
9 *the organization, and a retailer of lead-acid batteries and other*
10 *collectors of the lead-acid battery recycling charge shall decrease*
11 *the amount of the lead-acid battery recycling charge by one dollar*
12 *(\$1) and the recycling organization shall suspend remitting moneys*
13 *pursuant to paragraph (1). When the fund reaches thirty million*
14 *dollars (\$30,000,000), notice shall be given to the organization,*
15 *and the retailer or collector of the recycling charge shall increase*
16 *the lead-acid battery recycling charge by one dollar (\$1) and the*
17 *recycling organization shall resume remitting moneys pursuant*
18 *to paragraph (1).*

19 *42424.2. (a) Commencing 90 days after the date the*
20 *department approves or conditionally approves the plan pursuant*
21 *to Section 42422.6, each manufacturer, recycler, retailer, or*
22 *distributor that sells a lead-acid battery to a consumer or to the*
23 *ultimate end user of the lead-acid battery in the state shall add the*
24 *charge to the purchase price of the lead-acid battery.*

25 *(b) In each transaction described in subdivision (a), the charge*
26 *shall be clearly visible as a separate line item on the invoice,*
27 *receipt, or functionally equivalent billing document provided by*
28 *the retailer to the consumer.*

29 *(c) The lead-acid battery recycling organization shall develop*
30 *reimbursement criteria to enable retailers to recover administrative*
31 *costs associated with collecting the charge.*

32 *(d) The lead-acid battery recycling organization shall determine*
33 *the rules and procedures that are necessary and proper to*
34 *implement the collection of the charge in a fair, efficient, and*
35 *lawful manner.*

36 *42424.4. (a) The lead-acid battery recycling organization may*
37 *conduct an audit of the parties that are required to remit the charge*
38 *to the lead-acid battery recycling organization to verify that the*
39 *charges paid are proper and accurate and to ensure all parties*

1 required by this chapter to pay or collect the charge are paying
2 or collecting the proper amount.

3 (b) An audit conducted pursuant to this section shall be carried
4 out in accordance with generally accepted auditing practices and
5 shall be limited in scope to confirming whether the charge has
6 been properly collected on all sales of lead-acid batteries to
7 consumers in the state.

8 (c) For purposes of conducting audits pursuant to this section,
9 the lead-acid battery recycling organization shall hire independent
10 third-party auditors.

11 (d) If the lead-acid battery recycling organization conducts an
12 audit pursuant to this section, the organization shall provide a
13 copy of the audit to the department.

14 42424.6. (a) Except as provided in Section 42424.1, the
15 lead-acid battery recycling organization shall deposit the charges
16 and other moneys collected by the lead-acid battery recycling
17 organization pursuant to this chapter in accounts that are
18 maintained and disbursed by the organization.

19 (b) The lead-acid battery recycling organization may enter into
20 a joint venture, agreements, or contracts with third parties,
21 including, but not limited to, corporations, partnerships, nonprofit
22 entities, and governmental agencies, to undertake activities on the
23 lead-acid battery recycling organization's behalf that are
24 consistent with this chapter.

25
26 Article 5. Records, Audits, and Annual Report
27

28 42425. (a) The lead-acid battery recycling organization shall
29 keep minutes, books, and records that clearly reflect the activities
30 and transactions of the organization.

31 (b) (1) The accounting books of the lead-acid battery recycling
32 organization shall be audited at the organization's expense by an
33 independent certified public accountant retained by the
34 organization at least once each calendar year.

35 (2) The audit shall include, but is not limited to, the recycling
36 organization's program results and the number of lead-acid
37 batteries with California recycling stickers that have been returned
38 pursuant to Article 7 (commencing with Section 42427) in
39 comparison to the number of lead-acid batteries sold in the state.

1 (c) *The lead-acid battery recycling organization shall arrange*
2 *for each audit conducted since the prior annual report to be*
3 *delivered to the department, along with the annual report required*
4 *pursuant to Section 42425.2. The department shall review each*
5 *audit for compliance with this chapter and consistency with the*
6 *plan created pursuant to this chapter. The department shall notify*
7 *the lead-acid battery recycling organization of any compliance*
8 *issues or inconsistencies. The lead-acid battery recycling*
9 *organization may obtain copies of the audits upon request. The*
10 *department shall not disclose any confidential proprietary*
11 *information in an audit.*

12 (d) *The department may conduct its own audit if it determines*
13 *that an audit is necessary to enforce the requirements of this*
14 *chapter and that audits conducted pursuant to subdivision (b) are*
15 *not adequate for this purpose.*

16 42425.2. *On or before July 1, 2020, and each year thereafter,*
17 *the lead-acid battery recycling organization shall submit to the*
18 *department and make publicly available on its Internet Web site*
19 *a report that includes, for the preceding calendar year, all of the*
20 *following:*

21 (a) *The lead-acid battery recycling organization's costs and*
22 *revenues.*

23 (b) *The quantity of discarded used lead-acid batteries with*
24 *California recycling stickers collected for recycling in the program.*

25 (c) *The quantity of used lead-acid batteries with California*
26 *recycling stickers collected for recycling from different types of*
27 *collection points.*

28 (d) *The quantity of materials recycled, disaggregated by*
29 *material.*

30 (e) *The uses for the recycled materials, disaggregated by*
31 *material.*

32 (f) *The quantity of materials disposed of without recycling.*

33 (g) *A description of methods used, and the best management*
34 *practices, to collect, transport, and process used lead-acid batteries*
35 *in this state.*

36 (h) *In the first report pursuant to this section, examples of*
37 *educational materials that were provided to consumers during the*
38 *program's first year, and, in subsequent years, any changes to*
39 *those materials.*

1 (i) *The total volume, number, and weight of used lead-acid*
2 *batteries with California recycling stickers collected, recycled,*
3 *and reused in this state during the preceding calendar year,*
4 *including any conversion factor used to determine the number of*
5 *lead-acid batteries recovered.*

6 (j) *A report by the advisory committee, established pursuant to*
7 *paragraph (3) of subdivision (a) of Section 42422 that includes a*
8 *summary of the consultative process between the advisory*
9 *committee and the lead-acid battery recycling organization relating*
10 *to the ongoing implementation of the plan, as well as any other*
11 *information deemed pertinent by the advisory committee to*
12 *maximizing the recovery and recycling of used lead-acid batteries*
13 *in the state.*

14 (k) *For reports submitted on and after April 1, 2023, a*
15 *demonstration of good-faith effort with the state lead-acid battery*
16 *recycling goals established pursuant to Section 42422.9.*

17 (l) (1) *Any modifications or revisions to the lead-acid battery*
18 *recycling plan including those required pursuant to Section*
19 *42422.2, necessary to achieve the state lead-acid battery recycling*
20 *goals established pursuant to Section 42422.9.*

21 (2) *Any proposed modifications or revisions to the lead-acid*
22 *battery recycling plan shall be submitted to the department and*
23 *are subject to the department review process prescribed in Section*
24 *42422.6.*

25 (3) *Within 90 days after approval or conditional approval by*
26 *the department, the lead-acid battery recycling organization shall*
27 *implement the revised plan.*

28 (m) *Other information relevant to compliance with the plan.*
29 42425.4. *No later than 60 days after the date the department*
30 *receives the annual report, the department shall notify the lead-acid*
31 *battery recycling organization of any deficiencies in the report.*
32 *No later than 60 days after receiving this notice from the*
33 *department, the lead-acid battery recycling organization shall*
34 *provide additional information, or modify or make corrections in*
35 *the report, in response to the department's notification.*

Article 6. *Lead-Acid Battery Recycling*

42426. (a) *On or before July 1, 2020, and annually thereafter, a person that is engaged in business as a recycler shall submit a report to the department that includes the following:*

(1) *The number of lead-acid batteries with California recycling stickers received and recycled in the state during the preceding calendar year.*

(2) *Other information deemed necessary by the department that is reasonably related to compliance with this chapter and that can be reasonably compiled.*

(b) *For purposes of determining the used lead-acid battery recycling rate, on or before July 1, 2020, and annually thereafter, the operator of a solid waste landfill facility within the state shall report to the department, if requested, in a form and manner determined by the department, regarding the number of used lead-acid batteries with California recycling stickers received by that facility that were recycled or disposed of in the preceding calendar year.*

(c) *The department shall make the information provided pursuant to this section available to interested parties and to the public.*

Article 7. *California Lead-Acid Battery Consumer Recycling Program*

42427. (a) *On and after the same date a manufacturer, recycler, retailer, or distributor described in Section 42424.2 is required to add the recycling charge to the purchase price of a lead-acid battery, that manufacturer, recycler, retailer or distributor shall affix a California recycling sticker, as determined by the department, to each lead-acid battery at the point of sale. Every lead-acid battery sold in California on and after that date shall be labeled with that California recycling sticker.*

(b) (1) *Except as provided in paragraph (2), a consumer who returns a lead-acid battery with a California recycling sticker to a manufacturer, retailer, or other entity that sells lead-acid batteries to the ultimate user shall be given a refund of the recycling charge minus three dollars (\$3).*

(2) If at the time the consumer returns a lead-acid battery the recycling organization is not remitting one dollar (\$1) into the Lead-Acid Battery Cleanup Fund, as described in paragraph (2) of subdivision (b) of Section 42424.1, the refund shall be the recycling charge minus two dollars (\$2).

(3) One dollar (\$1) of the three dollars (\$3) described in paragraph (1) shall be used as the one dollar (\$1) remitted to the Lead-Acid Battery Cleanup Fund pursuant to Section 42424.1. The remaining two dollars (\$2) shall be used by the lead-acid battery recycling organization for administration and implementation of the program.

(c) A consumer who returns a lead-acid battery without a California recycling sticker shall not be given a refund.

42427.2. If the total amount of refunds given out by an entity exceeds the total amount of recycling charge collected by the entity, the entity shall receive moneys from the recycling organization in the amount of the difference.

42427.4. An entity that sells or distributes a lead-acid battery in California to the ultimate user shall accept a used lead-acid battery regardless if the lead-acid battery has a California recycling sticker.

42427.6. A retailer that sells a used lead-acid battery to a manufacturer shall remit 75 percent of the sale price of the used lead-acid battery to the lead-acid battery recycling organization for deposit into the Lead-Acid Battery Cleanup Fund.

Article 8. Enforcement

42428. (a) On or before March 1, 2018, and annually thereafter, the department shall post on its Internet Web site a list of manufacturers and recyclers that are in compliance with this chapter.

(b) A manufacturer or recycler that is not listed on the department's Internet Web site pursuant to this section, but demonstrates compliance with this chapter before the next notice is required to be posted pursuant to this section, may request a certification letter from the department stating the manufacturer or recycler is in compliance. The manufacturer or recycler that receives the letter shall be deemed to be in compliance with this chapter.

1 (c) A retailer that distributes or sells a lead-acid battery shall
2 monitor the department's Internet Web site to determine if the
3 manufacturer or recycler is in compliance with this chapter. A
4 retailer otherwise in compliance with this chapter shall be deemed
5 in compliance with the chapter if, on the date the retailer ordered
6 or purchased a lead-acid battery, or within 120 calendar days
7 before or after that date, the manufacturer or recycler was listed
8 as compliant on the department's Internet Web site, unless it is
9 shown the retailer was actually aware of the manufacturer's or
10 recycler's noncompliance.

11 (d) A retailer may sell or distribute lead-acid batteries through
12 sales to the public if those batteries were initially ordered or
13 purchased from a manufacturer or recycler when the manufacturer
14 or recycler was in compliance with the requirements of this chapter
15 or the retailer is deemed compliant in regard to those batteries
16 pursuant to subdivision (c).

17 (e) The sale, distribution, or offering for sale of any lead-acid
18 battery in stock prior to the commencement of the collection of the
19 lead-acid battery recycling charge pursuant to this chapter shall
20 be deemed to be in compliance with this chapter.

21 (f) If the department determines a manufacturer or recycler is
22 not in compliance with this chapter, the department shall remove
23 the manufacturer or recycler from the department's Internet Web
24 site pursuant to this section and the manufacturer or recycler shall
25 not sell a lead-acid battery in the state until the department
26 determines the manufacturer or recycler is in compliance with this
27 chapter.

28 42428.2. (a) The department may impose an administrative
29 civil penalty on any manufacturer, lead-acid battery recycling
30 organization, recycler, or retailer that is in violation of this
31 chapter. The amount of the administrative civil penalty shall not
32 exceed one thousand dollars (\$1,000) per day, but if the violation
33 is intentional, knowing, or reckless, the department may impose
34 an administrative civil penalty of not more than ten thousand
35 dollars (\$10,000) per day.

36 (b) The department shall not impose a penalty on the lead-acid
37 battery recycling organization pursuant to this section for a failure
38 to comply with this chapter if the organization demonstrates it
39 received false or misleading information from a member of the

1 organization or another party that was the direct cause of its
2 failure to comply.

3 (c) The department shall deposit all penalties collected pursuant
4 to this section into the Lead-Acid Battery Recovery and Recycling
5 Penalty Account, which is hereby created in the Used Lead-Acid
6 Battery Recycling Fund. Upon appropriation by the Legislature,
7 moneys deposited into the Lead-Acid Battery Recovery and
8 Recycling Penalty Account shall be expended by the department
9 to administer and enforce this chapter, including offsetting the
10 costs incurred by the department as specified in subdivision (a) of
11 Section 42423.4.

12 42428.4. Upon a written finding that a manufacturer, lead-acid
13 battery recycling organization, recycler, or retailer has not met a
14 material requirement of this chapter, in addition to any other
15 penalties authorized under this chapter, the department may take
16 any of the following actions, after affording the manufacturer,
17 organization, recycler, or retailer a reasonable opportunity to
18 respond to or rebut the finding, to ensure compliance with the
19 requirements of this chapter:

20 (a) Revoke the lead-acid battery recycling organization's plan
21 approval or require the lead-acid battery recycling organization
22 to resubmit the plan.

23 (b) Remove the manufacturer or recycler from the department's
24 Internet Web site and list of compliant manufacturers and
25 recyclers, as specified in Section 42428.

26 (c) Require additional reporting requirements relating to
27 compliance with the material requirement identified by the
28 department.

29 42428.6. (a) A manufacturer, recycler, retailer, and lead-acid
30 battery recycling organization shall do both of the following:

31 (1) Upon request, provide the department with reasonable and
32 timely access, as determined by the department and as authorized
33 pursuant to Title 13 (commencing with Section 1822.50) of Part
34 3 of the Code of Civil Procedure, to its facilities and operations,
35 as necessary to determine compliance with this chapter.

36 (2) Upon request, provide the department with relevant records
37 necessary to determine compliance with this chapter.

38 (b) The records required by this chapter shall be maintained
39 and accessible for three years. All reports and records provided

1 to the department pursuant to this chapter shall be provided under
2 penalty of perjury.

3 (c) The department may take disciplinary action against a
4 manufacturer, recycler, retailer, or lead-acid battery recycling
5 organization if the manufacturer, recycler, retailer, or lead-acid
6 battery recycling organization fails to provide the department with
7 the access required pursuant to this section, including, but not
8 limited to, imposing penalties pursuant to Section 42428.2 and
9 posting an immediate notice on the department's Internet Web site
10 pursuant to Section 42428 that the manufacturer or recycler is no
11 longer in compliance with this chapter.

12
13 Article 9. Emergency Regulatory Authority
14

15 42429. (a) (1) The department may adopt emergency
16 regulations to implement this chapter with regard to establishing
17 a process for the submission and approval of the used lead-acid
18 battery recovery and recycling plan, pursuant to Section 42422.6,
19 and for the submission and approval of the proposed used lead-acid
20 battery recycling program budget, pursuant to Sections 42423 and
21 42423.2.

22 (2) The department shall not adopt regulations pursuant to this
23 section with regard to any other provision of this chapter.

24 (3) This section does not limit the department's authority to
25 adopt regulations pursuant to Section 40502.

26 (b) The emergency regulations adopted pursuant to this section
27 shall be adopted in accordance with Chapter 3.5 (commencing
28 with Section 11340) of Part 1 of Division 3 of Title 2 of the
29 Government Code, and for the purposes of that chapter, including
30 Section 11349.6 of the Government Code, the adoption of these
31 regulations is an emergency and shall be considered by the Office
32 of Administrative Law as necessary for the immediate preservation
33 of the public peace, health, safety, and general welfare.
34 Notwithstanding Chapter 3.5 (commencing with Section 11340)
35 of Part 1 of Division 3 of Title 2 of the Government Code, any
36 emergency regulations adopted by the department pursuant to this
37 section shall be filed with the Office of Administrative Law.

Article 10. Antitrust Immunity

42430. (a) Except as provided in subdivision (c), an action specified in subdivision (b) that is taken by a lead-acid battery recycling organization or its members that relates to any of the following is not a violation of the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), the Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code), or the Unfair Competition Law (Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code).

(b) Subdivision (a) shall apply to all of the following elements of the plan and actions taken by the lead-acid battery recycling organization, manufacturer, or recycler:

(1) The creation, implementation, or management of a plan approved by the department pursuant to Article 2 (commencing with Section 42422) and the selection of the types or quantities of used lead-acid batteries recycled or otherwise managed pursuant to a plan, as described in Article 2 (commencing with Section 42422).

(2) The cost and structure of an approved plan.

(3) The establishment, administration, collection, or disbursement of the charges associated with funding the implementation of this chapter.

(c) Subdivision (a) shall not apply to an agreement that does any of the following:

(1) Fixes a price of or for lead-acid batteries, except for an agreement related to costs or charges associated with participation in a plan approved or conditionally approved by the department and otherwise in accordance with this chapter.

(2) Fixes the output of production of lead-acid batteries.

(3) Restricts the geographic area in which, or customers to whom, lead-acid batteries will be sold.

Article 11. Cleanup and Corrective Action of Sites
Contaminated by Lead-Acid Batteries

42431. If the state loans money from the General Fund to the Toxic Substances Control Account during the 2016–17 fiscal year

1 *for the cleanup of lead contamination in the state, the following*
2 *shall apply:*

3 (a) *Money from the Lead-Acid Battery Cleanup Fund may be*
4 *used towards repaying the loan.*

5 (b) *Any moneys designated as repayment of the loan shall be*
6 *credited to that loan, but shall be available to be loaned to the*
7 *Toxic Substances Control Account for the purposes of cleaning*
8 *up additional contamination by lead-acid batteries.*

9 ~~SECTION 1. Section 25160.8 of the Health and Safety Code~~
10 ~~is amended to read:~~

11 ~~25160.8. (a) For purposes of this section, the following~~
12 ~~definitions shall apply:~~

13 (1) ~~“CESQG wastes” means hazardous waste generated by a~~
14 ~~conditionally exempt small quantity generator, as defined in~~
15 ~~subdivision (a) of Section 25218.1.~~

16 (2) ~~“Door-to-door household hazardous waste collection~~
17 ~~program” or “household hazardous waste residential pickup~~
18 ~~service” has the same meaning as defined in subdivision (c) of~~
19 ~~Section 25218.1.~~

20 (3) ~~“Household hazardous waste” has the same meaning as~~
21 ~~defined in subdivision (c) of Section 25218.1.~~

22 (4) ~~“Public agency” has the same meaning as defined in~~
23 ~~subdivision (j) of Section 25218.1.~~

24 (5) ~~“Registered hazardous waste transporter” or “transporter”~~
25 ~~means a person who holds a valid registration issued by the~~
26 ~~department pursuant to Section 25163.~~

27 (b) ~~In lieu of the requirements imposed upon a generator~~
28 ~~pursuant to subdivision (b) of Section 25160 and the regulations~~
29 ~~adopted by the department pursuant to Section 25161, a registered~~
30 ~~hazardous waste transporter operating a door-to-door household~~
31 ~~hazardous waste collection program or household hazardous waste~~
32 ~~residential pickup service may use the manifesting procedure~~
33 ~~specified in subdivision (c) if the transporter complies with the~~
34 ~~requirements of subdivisions (d) and (e).~~

35 (c) ~~A registered hazardous waste transporter operating a~~
36 ~~door-to-door household hazardous waste collection program or~~
37 ~~household hazardous waste residential pickup service shall comply~~
38 ~~with all of the following manifesting procedures when transporting~~
39 ~~household hazardous waste:~~

1 ~~(1) A separate manifest shall be completed by each vehicle~~
2 ~~driver with respect to each transport vehicle operated by that driver~~
3 ~~for each date.~~

4 ~~(2) The transporter shall complete both the generator's section~~
5 ~~and the transporter's section of the manifest in the following~~
6 ~~manner:~~

7 ~~(A) In completing the generator's section of the manifest, the~~
8 ~~transporter shall use the name, identification number, address, and~~
9 ~~telephone number of the public agency operating the door-to-door~~
10 ~~household hazardous waste collection program.~~

11 ~~(B) In completing the transporter's section of the manifest, the~~
12 ~~transporter shall use the transporter's own name, identification~~
13 ~~number, terminal address, and telephone number.~~

14 ~~(C) The generator's and transporter's sections shall be completed~~
15 ~~prior to commencing each day's collection. The driver may sign~~
16 ~~for the generator.~~

17 ~~(3) (A) The transporter shall attach legible receipts to the front~~
18 ~~of the manifest for each quantity of household hazardous waste~~
19 ~~that is received from a household. The receipts shall be used to~~
20 ~~determine the total volume of household hazardous waste in the~~
21 ~~vehicle.~~

22 ~~(B) After the household hazardous waste is delivered, the~~
23 ~~receipts shall be maintained with the transporter's copy of the~~
24 ~~manifest.~~

25 ~~(C) The transporter shall provide a copy of the manifest to the~~
26 ~~public agency authorizing the door-to-door household hazardous~~
27 ~~waste collection program.~~

28 ~~(D) A public agency shall retain each manifest submitted~~
29 ~~pursuant to this paragraph for at least three years. The public~~
30 ~~agency shall also retain the manifest during the course of any~~
31 ~~unresolved enforcement action regarding a regulated activity or~~
32 ~~as requested by the department or a certified unified program~~
33 ~~agency.~~

34 ~~(4) Each receipt specified in paragraph (3) shall have the~~
35 ~~residential address from which the household hazardous waste was~~
36 ~~received, the date received, the manifest number, the volume or~~
37 ~~quantity of household hazardous waste received, the type of~~
38 ~~household hazardous waste received, the public agency name and~~
39 ~~phone number, and the driver's signature.~~

1 ~~(5) The transporter shall enter the total volume or quantity of~~
2 ~~each type of household hazardous waste transported on the manifest~~
3 ~~at the change of each date, change of driver, or change of transport~~
4 ~~vehicle. The total volume or quantity shall be the cumulative~~
5 ~~amount of each type of household hazardous waste collected from~~
6 ~~the generators listed on the individual receipts.~~

7 ~~(6) The transporter shall submit a generator copy of the manifest~~
8 ~~to the department within 30 days of each shipment.~~

9 ~~(7) The transporter shall retain a copy of the manifest and all~~
10 ~~receipts for each manifest at a location within the state for three~~
11 ~~years. This transporter shall also retain the manifest during the~~
12 ~~course of any unresolved enforcement action regarding a regulated~~
13 ~~activity or as requested by the department or a certified unified~~
14 ~~program agency.~~

15 ~~(8) (A) The transporter shall submit all copies of the manifest~~
16 ~~to the designated facility.~~

17 ~~(B) A representative of the designated hazardous waste facility~~
18 ~~that receives the household hazardous waste shall sign and date~~
19 ~~the manifest, return two copies to the transporter, retain one copy,~~
20 ~~and send the original to the department within 30 days of receipt.~~

21 ~~(C) In lieu of submitting a copy of each manifest used, the~~
22 ~~facility operator may submit an electronic report to the department~~
23 ~~that meets the requirements of Section 25160.3.~~

24 ~~(D) If an out-of-state receiving facility is not required to submit~~
25 ~~the signed manifest copy to the department pursuant to Section~~
26 ~~25160 or 25161, the transporter, acting on behalf of the generator,~~
27 ~~shall submit a copy of the manifest signed by the receiving~~
28 ~~hazardous waste facility to the department pursuant to paragraph~~
29 ~~(3) of subdivision (b) of Section 25160.~~

30 ~~(9) A transporter shall comply with all other requirements of~~
31 ~~Sections 25160 and 25161, unless expressly exempted pursuant~~
32 ~~to this section.~~

33 ~~(d) A registered hazardous waste transporter operating a~~
34 ~~door-to-door household hazardous waste collection program or~~
35 ~~household hazardous waste residential pickup service shall comply~~
36 ~~with all of the following requirements:~~

37 ~~(1) A separate manifest shall be initiated for each jurisdiction,~~
38 ~~such as from each city or each county, from which household~~
39 ~~hazardous waste is collected, using the identification number of~~

1 the public agency operating the door-to-door household hazardous
2 waste collection program in that jurisdiction.

3 ~~(2) (A) Only used oil, latex paint, and antifreeze that are~~
4 ~~household hazardous wastes that are collected from individual~~
5 ~~residents may be separately bulked on the vehicle, if the original~~
6 ~~containers are appropriately managed.~~

7 ~~(B) A transporter collecting household hazardous wastes from~~
8 ~~multiple jurisdictions may consolidate those wastes at the time~~
9 ~~they are collected only if there is a written agreement among all~~
10 ~~of the jurisdictions and the transporter that wastes from multiple~~
11 ~~jurisdictions may be consolidated.~~

12 ~~(3) The transporter operating the door-to-door household~~
13 ~~hazardous waste collection program or household hazardous waste~~
14 ~~residential pickup service shall not collect CESQG wastes or mix~~
15 ~~household hazardous waste with CESQG wastes in the same~~
16 ~~vehicle or at the same time as conducting the residential~~
17 ~~door-to-door household hazardous waste collection or household~~
18 ~~hazardous waste residential pickup service.~~

19 ~~(4) (A) The transporter shall conduct all door-to-door or~~
20 ~~residential pickup operations to minimize potential harm to the~~
21 ~~public, operators, haulers, and the environment.~~

22 ~~(B) All associated collection personnel, contractors, and~~
23 ~~emergency response personnel who will be handling the hazardous~~
24 ~~waste shall use all required personal protective and safety~~
25 ~~equipment during operating hours, as specified in Title 8 of the~~
26 ~~California Code of Regulations.~~

27 ~~(C) The transporter shall allow only those persons trained in~~
28 ~~hazardous waste management, including personnel loading or~~
29 ~~unloading waste from transport vehicles, to handle the household~~
30 ~~hazardous waste.~~

31 ~~(D) The transporter shall make available, upon request, to local,~~
32 ~~state, or federal agencies, the job titles, job descriptions, and~~
33 ~~personnel training records maintained for each person handling~~
34 ~~hazardous waste, in the same manner as a hazardous waste facility~~
35 ~~operator, as specified in subdivision (d) of Section 66264.16 of~~
36 ~~Title 22 of the California Code of Regulations.~~

37 ~~(e) (1) A transporter operating a door-to-door household~~
38 ~~hazardous waste collection program or household hazardous waste~~
39 ~~residential pickup service using the manifesting procedure specified~~
40 ~~in this section shall submit quarterly reports to the department~~

1 days after the end of each quarter. The transporter shall submit the
2 first quarterly report on October 31, 2012, covering the July to
3 September 2012 period, and the transporter shall submit a report
4 every three months thereafter. Except as otherwise specified in
5 paragraph (2), the quarterly report shall be submitted in an
6 electronic format provided by the department.

7 (2) A transporter that uses the manifesting procedure specified
8 in this section for less than 1,000 tons per calendar year may apply
9 to the department to continue submitting paper format reports.

10 (3) For each transporter's name, terminal address, and
11 identification number, the quarterly report shall include the
12 following information for each generator for each manifest:

13 (A) The name of the public agency authorizing the door-to-door
14 household hazardous waste collection program or household
15 hazardous waste residential pickup service for each manifest.

16 (B) The date of the shipment.

17 (C) The manifest number.

18 (D) The volume or quantity of each waste stream received, its
19 California and RCRA waste code, and the waste stream category
20 listed.

21 (4) The department shall make all of the information in the
22 quarterly reports submitted pursuant to this subdivision available
23 to the public through its usual means of disclosure.

24 (f) This section shall remain in effect only until January 1, 2020,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2020, deletes or extends that date.

27 SEC. 2. Section 25218.1 of the Health and Safety Code is
28 amended to read:

29 25218.1. For purposes of this article, the following terms have
30 the following meanings:

31 (a) "Conditionally exempt small quantity generator" or
32 "CESQG" means a business concern that meets the criteria
33 specified in Section 261.5 of Title 40 of the Code of Federal
34 Regulations.

35 (b) "Curbside household hazardous waste collection program"
36 means a collection service authorized by a public agency that is
37 operated in accordance with Section 25163 and subdivision (d) of
38 Section 25218.5 and that collects one or more of the following
39 types of household hazardous waste:

40 (1) Latex paint.

~~(2) Used oil.~~

~~(3) Used oil filters.~~

~~(4) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.~~

~~(e) “Door-to-door household hazardous waste collection program” or “household hazardous waste residential pickup service” means a household hazardous waste service that meets all of the following requirements:~~

~~(1) The program or service is operated by a public agency or its contractor.~~

~~(2) The program or service is operated in accordance with subdivision (e) of Section 25218.5.~~

~~(3) (A) The program or service 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 of the following:~~

~~(i) An authorized household hazardous waste collection facility.~~

~~(ii) A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.~~

~~(B) Clause (ii) of subparagraph (A) shall become inoperative on and after January 1, 2022.~~

~~(d) “Household” means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.~~

~~(e) “Household hazardous waste” means hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.~~

~~(f) “Household hazardous waste collection facility” means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste, and its operation may include accepting hazardous waste from conditionally exempt small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities include permanent household hazardous waste collection facilities, as defined in subdivision (h), temporary household hazardous waste collection facilities, as defined in subdivision (p), recycle-only household hazardous waste collection facilities, as~~

1 defined in subdivision (n), curbside household hazardous waste
2 collection programs, as defined in subdivision (b), door-to-door
3 household hazardous waste collection program or household
4 hazardous waste residential pickup service, as defined in
5 subdivision (c), and mobile household hazardous waste collection
6 facilities, as defined in subdivision (g):

7 (g) “Mobile household hazardous waste collection facility”
8 means a portable structure within which a household hazardous
9 waste collection facility is operated and that meets all of the
10 following conditions:

11 (1) The facility is operated not more than four times in any one
12 calendar year at the same location.

13 (2) The facility is operated not more than three consecutive
14 weeks within a two-month period at the same location.

15 (3) Upon the termination of operations, all equipment, materials,
16 and waste are removed from the site within 144 hours.

17 (h) “Permanent household hazardous waste collection facility”
18 means a permanent or semipermanent structure at a fixed location
19 that meets both of the following conditions:

20 (1) The facility is operated at the same location on a continuous,
21 regular schedule.

22 (2) The hazardous waste stored at the facility is removed within
23 one year after collection.

24 (i) “Person authorized by the public agency” means an employee
25 of a public agency or a person from whom services are contracted
26 by the public agency.

27 (j) “Public agency” means a state or federal agency, county,
28 city, or district.

29 (k) “Quality assurance plan” means a written protocol prepared
30 by a public agency that is designed to ensure that reusable
31 household hazardous products or materials, as defined in
32 subdivision (o), that are collected by a household hazardous waste
33 collection program are evaluated to verify that product containers,
34 contents, and labels are as they originated from the products’
35 manufacturers. The public agency or a person authorized by the
36 public agency, as defined in subdivision (i), shall design the
37 protocol to ensure, using its best efforts with the resources
38 generally available to the public agency, or the person authorized
39 by the public agency, that products selected for distribution are
40 appropriately labeled, uncontaminated, and appear to be as they

1 originated from the product manufacturers. A quality assurance
2 plan shall identify specific procedures for evaluating each container
3 placed in a recycling or exchange program. The quality assurance
4 plan shall also identify those products that shall not be accepted
5 for distribution in a recycling or exchange program. Unacceptable
6 products may include, but are not limited to, banned or unregistered
7 agricultural waste, as defined in subdivision (a) of Section 25207.1,
8 and products containing polychlorinated biphenyls (PCB), asbestos,
9 or dioxin.

10 (l) “Recipient” means a person who accepts a reusable household
11 hazardous product or material at a household hazardous waste
12 collection facility operating pursuant to this article.

13 (m) “Recyclable household hazardous waste material” means
14 any of the following:

15 (1) Latex paint.

16 (2) Used oil.

17 (3) Used oil filters.

18 (4) Antifreeze.

19 (5) Spent lead-acid batteries.

20 (6) Household hazardous waste that is designated as a universal
21 waste pursuant to this chapter or the regulations adopted by the
22 department, except a universal waste for which the department
23 determines, by regulation, that there is no readily available
24 authorized recycling facility capable of accepting and recycling
25 that waste.

26 (n) “Recycle-only household hazardous waste collection facility”
27 means a household hazardous waste collection facility that is
28 operated in accordance with Section 25218.8 and accepts for
29 recycling only recyclable household hazardous waste materials.

30 (o) “Reusable household hazardous product or material” means
31 a container of household hazardous product, or a container of
32 hazardous material generated by a conditionally exempt small
33 quantity generator, that has been received by a household hazardous
34 waste collection facility operating pursuant to this article and that
35 is offered for distribution in a materials exchange program to a
36 recipient, as defined in subdivision (l), in accordance with a quality
37 assurance plan, as defined in subdivision (k).

38 (p) “Temporary household hazardous waste collection facility”
39 means a household hazardous waste collection facility that meets
40 both of the following conditions:

1 ~~(1) The facility is operated not more than once for a period of~~
2 ~~not more than two days in any one month at the same location.~~

3 ~~(2) Upon termination of operations, all equipment, materials,~~
4 ~~and waste are removed from the site within 144 hours.~~

5 ~~SEC. 3. Section 25218.5 of the Health and Safety Code is~~
6 ~~amended to read:~~

7 ~~25218.5. (a) (1) Except as provided in paragraph (2),~~
8 ~~hazardous waste transported to a household hazardous waste~~
9 ~~collection facility shall be transported by any of the following:~~

10 ~~(A) The individual or CESQG who generated the waste.~~

11 ~~(B) A curbside household hazardous waste collection program.~~

12 ~~(C) A mobile household hazardous waste collection facility, a~~
13 ~~temporary household hazardous waste collection facility, or a~~
14 ~~recycle-only household hazardous waste collection facility.~~

15 ~~(D) A door-to-door household hazardous waste collection~~
16 ~~program.~~

17 ~~(E) A household hazardous waste residential pickup service.~~

18 ~~(F) A registered hazardous waste transporter carrying hazardous~~
19 ~~waste generated by a CESQG.~~

20 ~~(G) A registered hazardous waste transporter carrying hazardous~~
21 ~~waste from a solid waste landfill loadcheck program or a transfer~~
22 ~~station loadcheck program under agreement with the household~~
23 ~~hazardous waste collection facility.~~

24 ~~(H) A registered hazardous waste transporter, under agreement~~
25 ~~with the household hazardous waste collection facility, operating~~
26 ~~under a contract with a public agency to transport hazardous wastes~~
27 ~~that were disposed of in violation of this chapter, and that are being~~
28 ~~removed by, or are being removed under the oversight of, the~~
29 ~~public agency, if the hazardous wastes were not originally disposed~~
30 ~~of in violation of this chapter by that public agency.~~

31 ~~(2) Spent batteries that are received and transported pursuant~~
32 ~~to Section 25216.1 may be transported to a household hazardous~~
33 ~~waste collection facility from a collection location or an~~
34 ~~intermediate collection location.~~

35 ~~(3) Notwithstanding Section 25218.4, a registered hazardous~~
36 ~~waste transporter or mobile household hazardous waste collection~~
37 ~~facility transporting hazardous waste to a household hazardous~~
38 ~~waste collection facility shall comply with subdivisions (a) and~~
39 ~~(c) of Section 25163 and paragraph (1) of subdivision (d) of Section~~
40 ~~25160.~~

~~(b) An individual transporting household hazardous waste generated by that individual and a CESQG transporting hazardous waste generated by the CESQG to a household hazardous waste collection facility shall meet all of the following conditions:~~

~~(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a CESQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.~~

~~(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.~~

~~(C) A CESQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:~~

~~(i) The hazardous waste being transported was generated by that CESQG.~~

~~(ii) The CESQG contacts the household hazardous waste collection facility prior to each delivery to confirm that the facility will accept the hazardous waste.~~

~~(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the CESQG prior to each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.~~

~~(iv) The CESQG or employees of the CESQG transport the hazardous waste in a vehicle owned and operated by the CESQG.~~

~~(2) The household hazardous waste and CESQG hazardous waste that is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.~~

~~(3) Different household hazardous wastes or different CESQG hazardous wastes shall not be mixed within a container before or during transport.~~

1 ~~(4) If the hazardous waste is an extremely hazardous waste or~~
2 ~~an acutely hazardous waste, the total amount transported by a~~
3 ~~CESQG shall not exceed 2.2 pounds.~~

4 ~~(e) (1) Except as provided in paragraph (2), the total combined~~
5 ~~volume or weight of latex paint, used oil filters, antifreeze, and~~
6 ~~small batteries transported to a recycle-only household hazardous~~
7 ~~waste collection facility by any one individual shall not exceed a~~
8 ~~total volume of 10 gallons or a total dry weight of 100 pounds. Up~~
9 ~~to two spent lead-acid batteries may be transported at the same~~
10 ~~time and not more than 20 gallons of used oil may be transported~~
11 ~~in the same vehicle if the volume of each individual container does~~
12 ~~not exceed five gallons.~~

13 ~~(2) Paragraph (1) does not apply to spent batteries that are~~
14 ~~collected by a collection location or intermediate collection location~~
15 ~~pursuant to Section 25216.1 and transported to a household~~
16 ~~hazardous waste collection facility.~~

17 ~~(d) A curbside household hazardous waste collection program~~
18 ~~shall meet all of the following conditions:~~

19 ~~(1) Not more than a total combined weight of 10 pounds of used~~
20 ~~oil filters shall be collected from a single residence at one time.~~

21 ~~(2) Not more than five gallons of used oil shall be collected~~
22 ~~from a single residence at one time, and the volume of each~~
23 ~~individual container collected shall not exceed five gallons.~~

24 ~~(3) Not more than five gallons of latex paint shall be collected~~
25 ~~from a single residence at one time, and the volume of each~~
26 ~~individual container collected shall not exceed five gallons.~~

27 ~~(4) Hazardous waste containing mercury shall not be collected~~
28 ~~by a curbside household hazardous waste collection program unless~~
29 ~~the waste is contained in secure packaging that prevents breakage~~
30 ~~and spillage.~~

31 ~~(5) Fluorescent light tubes that are four feet or greater in length~~
32 ~~shall not be collected by a curbside household hazardous waste~~
33 ~~collection program.~~

34 ~~(6) The transported household hazardous waste shall be in closed~~
35 ~~containers and packed in a manner that prevents the containers~~
36 ~~from tipping, spilling, or breaking during transport.~~

37 ~~(7) Different household hazardous wastes shall not be mixed~~
38 ~~within a container before or during transport.~~

1 ~~(e) A door-to-door household hazardous waste collection~~
2 ~~program or household hazardous waste residential pickup service~~
3 ~~shall meet all of the following conditions:~~

4 ~~(1) The transported household hazardous waste shall be in closed~~
5 ~~containers and packed in a manner that prevents the containers~~
6 ~~from tipping, spilling, or breaking during transport.~~

7 ~~(2) Different household hazardous wastes shall not be mixed~~
8 ~~within a container before or during transport.~~

9 ~~(3) (A) A door-to-door household hazardous waste collection~~
10 ~~program or household hazardous waste residential pickup service~~
11 ~~is exempt from the requirements of Section 25160 regarding the~~
12 ~~use of a manifest when transporting household hazardous waste~~
13 ~~collected from individual residences to an authorized hazardous~~
14 ~~waste collection facility. In lieu of a manifest, a receipt shall be~~
15 ~~issued for the household hazardous waste collected from an~~
16 ~~individual residence, and a copy of the receipt shall be retained by~~
17 ~~the public agency for a period of at least three years.~~

18 ~~(B) (i) On and before December 31, 2021, if household~~
19 ~~hazardous waste is transported to a hazardous waste facility, as~~
20 ~~defined in Section 66260.10 of Title 22 of the California Code of~~
21 ~~Regulations, the consolidated manifesting procedures specified in~~
22 ~~Section 25160.8 shall be used by the public agency or its~~
23 ~~contractor.~~

24 ~~(ii) On and after January 1, 2022, the requirements of clause (i)~~
25 ~~shall not be operative.~~

26 ~~(f) Notwithstanding Section 25218.4, a mobile household~~
27 ~~hazardous waste collection facility, a temporary household~~
28 ~~hazardous waste collection facility, or a recycle-only household~~
29 ~~hazardous waste collection facility that transports household~~
30 ~~hazardous waste from the collection facility to a household~~
31 ~~hazardous waste collection facility pursuant to subdivision (a) shall~~
32 ~~comply with subdivisions (a) and (c) of Section 25163 and~~
33 ~~paragraph (1) of subdivision (d) of Section 25160.~~

34 ~~(g) (1) Except as provided in paragraph (2), a door-to-door~~
35 ~~household hazardous waste collection program or household~~
36 ~~hazardous waste residential pickup service shall not be deemed to~~
37 ~~be a household hazardous waste collection facility for purposes of~~
38 ~~this chapter if it is operated in conjunction with an authorized~~
39 ~~household hazardous waste collection facility.~~

1 ~~(2) A door-to-door household hazardous waste collection~~
2 ~~program or household hazardous waste residential pickup service,~~
3 ~~under which household hazardous waste is collected from~~
4 ~~households in one jurisdiction and transported to an authorized~~
5 ~~household hazardous waste collection facility in another~~
6 ~~jurisdiction, shall be deemed a household hazardous waste~~
7 ~~collection facility for purposes of this chapter and shall submit the~~
8 ~~notification required in Section 25218.2 to each CUPA in whose~~
9 ~~jurisdiction the household hazardous waste is collected.~~

10 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
11 ~~Section 6 of Article XIII B of the California Constitution because~~
12 ~~the only costs that may be incurred by a local agency or school~~
13 ~~district will be incurred because this act creates a new crime or~~
14 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
15 ~~for a crime or infraction, within the meaning of Section 17556 of~~
16 ~~the Government Code, or changes the definition of a crime within~~
17 ~~the meaning of Section 6 of Article XIII B of the California~~
18 ~~Constitution.~~

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STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0058
(916) 319-2058
FAX (916) 319-2158

DISTRICT OFFICE
8255 FIRESTONE BLVD., SUITE 203
DOWNEY, CA 90241
(562) 861-5803
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Assembly California Legislature



CRISTINA GARCIA
ASSISTANT MAJORITY FLOOR LEADER
ASSEMBLYMEMBER, FIFTY-EIGHTH DISTRICT

COMMITTEES
GOVERNMENTAL ORGANIZATION
JUDICIARY
NATURAL RESOURCES
UTILITIES AND COMMERCE
WATER PARKS AND WILDLIFE
ASSEMBLY ETHICS COMMITTEE
VICE CHAIR: LEGISLATIVE
WOMAN'S CAUCUS

March 29, 2016

Assembly Rules Committee
Attn: Rich Gordon
1020 N Street
Sacramento, CA

Dear Mr. Gordon:

I respectfully request to add an urgency clause to AB 2153. It is necessary for sections of this legislation to go in to effect immediately to increase the cleanup of toxic materials and prevent additional toxic pollution at the earliest possible time. This act is necessary for the immediate preservation of the public peace, health and safety. If you have any questions please contact Ashley Medina of my staff at (916) 319-2058.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in purple ink that reads "Cristina Garcia".

Cristina Garcia,
Assemblymember, 58th AD