

AMENDED IN SENATE MAY 1, 2002
AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1882

**Introduced by Senator Alpert
(Coauthor: Senator Perata)**

February 22, 2002

~~An act to add Section 48001.5 to, and to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste, and making an appropriation therefor. An act to add Section 42003 to the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1882, as amended, Alpert. Solid waste: personal care products: recycling.

~~(1) Existing~~

Existing law requires the California Integrated Waste Management Board to administer state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

This bill would require the board ~~to provide grants to local agencies, as defined, for the purposes of funding programs for the recycling and diversion from landfill disposal of personal care products, as defined. The bill would establish the Personal Care Product Recycling Account in the Integrated Waste Management Fund and would continuously appropriate all funds in the account to the board for expenditure by the board to implement these provisions.~~

~~(2) Existing law requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of Equalization, as specified, for all waste disposed of at each disposal site. The fees are deposited in the Integrated Waste Management Account, which may be expended by the board, upon appropriation by the Legislature, for specified purposes regarding the regulation of solid waste.~~

~~This bill would require the board, by January 1, 2003, and on or before January 1 annually thereafter, to determine the percentage of solid waste subject to this fee that consists of personal care products. The bill would require the board to deposit, in the Personal Care Product Recycling Account the amount of the fee that is equal to the percentage determined for the subsequent calendar year in which the fees are collected, on or before January 1, 2004, to file a report with the Legislature that includes certain information relating to disposable products that contain paper and plastic and are worn by persons for the purpose of capturing human waste.~~

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

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

- 1 ~~SECTION 1. Chapter 11 (commencing with Section 42580)~~
 2 ~~SECTION 1. Section 42003 is added to the Public Resources~~
 3 ~~Code, to read:~~
 4 ~~42003. (a) On or before January 1, 2004, the board shall file~~
 5 ~~a report with the Legislature that includes all of the following~~
 6 ~~information relating to disposable products that contain paper and~~
 7 ~~plastic and are worn by persons for the purpose of capturing~~
 8 ~~human waste:~~
 9 ~~(1) The materials in the products, sorted by type and amount of~~
 10 ~~material.~~
 11 ~~(2) The wastes contained in the used products, sorted by type~~
 12 ~~and amount of waste.~~
 13 ~~(3) The amount of solid waste generated in the state due to the~~
 14 ~~use of the products.~~
 15 ~~(4) The environmental impacts due to disposal of the used~~
 16 ~~products in landfill facilities.~~
 17 ~~(5) Any processes available to divert the used products from~~
 18 ~~landfill disposal, including, but not limited to, all of the following:~~
 19 ~~(A) The costs of those processes.~~



1 (B) The environmental impacts of those processes, including,
2 but not limited to, the impacts on the water supply and on water
3 treatment. The assessment of environmental impacts shall include
4 the impacts of collecting, transferring, and processing the used
5 products.

6 (6) All of the following regarding any byproducts that are
7 projected to result from processing the used products:

8 (A) The type and amount of byproducts.

9 (B) The type and amount of byproducts that are projected to be
10 transferred to a landfill or transformation facility.

11 (C) Any existing use for the byproducts, sorted by type, amount,
12 and use.

13 (D) Any planned use for the byproducts, sorted by type,
14 amount, and use.

15 (b) The information required under paragraphs (5) and (6) of
16 subdivision (a) shall include, but need not be limited to,
17 information regarding the diaper recycling facility funded under
18 the Budget Act of 2000 in the City of Santa Clarita.

19 (c) The report required under this section shall include any
20 information relating to the facility described in subdivision (b) that
21 is provided by the City of Santa Clarita or any other entity or any
22 person, as well as information relating to any other facility for the
23 disposal of the used products.

24 is added to Part 3 of Division 30 of the Public Resources Code, to
25 read:

26

27 CHAPTER 11. ~~PERSONAL CARE PRODUCT RECYCLING~~

28

29 ~~42580. The Legislature finds and declares all of the~~
30 ~~following:~~

31 ~~(a) Local agencies have made great strides in recent years in~~
32 ~~their efforts to meet the requirement of a 50 percent rate of~~
33 ~~diversion from the waste stream. However, many are still working~~
34 ~~to meet this requirement.~~

35 ~~(b) Local agencies continue to face difficulty in funding their~~
36 ~~responsibilities, including their responsibility to divert materials~~
37 ~~from the waste stream. The current downturn in the economy and~~
38 ~~the state budget crisis will increase these difficulties.~~

39 ~~(c) Local agencies play an essential role in implementing the~~
40 ~~California Beverage Container Recycling and Litter Reduction~~



1 ~~Act, providing for and often subsidizing curbside recycling and~~
2 ~~diversion programs.~~

3 ~~(d) Personal care products represent a substantial portion of the~~
4 ~~materials that still are collected by curbside recycling and disposed~~
5 ~~of in landfills without a significant effort to divert the materials.~~
6 ~~It is estimated that personal care products represent somewhere~~
7 ~~between one and one half and three percent of the materials~~
8 ~~disposed of in landfills in California. This means that personal care~~
9 ~~products are among the largest single product disposed of in~~
10 ~~landfills in California. Some components of personal care~~
11 ~~products can take over one hundred years to degrade.~~

12 ~~(e) Disposal of personal care products in landfills represents a~~
13 ~~particular environmental risk for California because of the dangers~~
14 ~~posed by leakage from the landfill and during transport.~~

15 ~~(f) The use of the fees imposed upon the disposal of solid waste~~
16 ~~in an amount that is equivalent to the amount of personal care~~
17 ~~products disposed in solid waste facilities pursuant to Section~~
18 ~~48001.5 would not result in the imposition of a tax within the~~
19 ~~meaning Article XIII A of the California Constitution, because the~~
20 ~~amount and nature of the fee has a fair and reasonable relationship~~
21 ~~to the adverse environmental burdens imposed by the disposal of~~
22 ~~those products and there is a sufficient nexus between the fees~~
23 ~~imposed and the use of those fees to support the diversion of these~~
24 ~~products from landfills.~~

25 ~~42581. For the purposes of this chapter, the following terms~~
26 ~~have the following meanings, unless the context clearly requires~~
27 ~~otherwise:~~

28 ~~(a) “Account” means the Personal Care Product Recycling~~
29 ~~Account established under Section 42582 in the Integrated Waste~~
30 ~~Management Fund.~~

31 ~~(b) “Local agency” means any city, county, city and county,~~
32 ~~district, regional agency as defined in Section 40181, or other~~
33 ~~agency of local government that provides or regulates solid waste~~
34 ~~handling services.~~

35 ~~(c) “Personal care product” means a disposable product~~
36 ~~composed of plastic and paper materials that is worn by persons~~
37 ~~of any age for the purpose of capturing human waste. “Personal~~
38 ~~care product” does not include any feminine hygiene product.~~

39 ~~42582. The Personal Care Product Recycling Account is~~
40 ~~hereby established in the Integrated Waste Management Fund.~~



1 ~~Notwithstanding Section 13340 of the Government Code, all~~
2 ~~funds in the account are hereby continuously appropriated to the~~
3 ~~board, without regard to fiscal years, for expenditure by the board~~
4 ~~to implement this chapter.~~

5 ~~42583. The board shall provide grants to local agencies for the~~
6 ~~purpose of funding programs for the recycling and diversion from~~
7 ~~landfill disposal of personal care products. The recycling and~~
8 ~~diversion programs shall meet all of the following conditions:~~

9 ~~(a) Require the collection and separation of personal care~~
10 ~~products from the waste stream in the following amounts:~~

11 ~~(1) Thirty percent or more during the first year of operation.~~

12 ~~(2) Fifty percent or more during the second year of operation.~~

13 ~~(3) Eighty percent or more during the third and any subsequent~~
14 ~~year of operation.~~

15 ~~(b) Require the separation of personal care products from the~~
16 ~~waste stream at either the point of waste collection or at a facility~~
17 ~~established for the purpose of sorting and separating materials that~~
18 ~~would otherwise be disposed of in a landfill.~~

19 ~~(c) Provide for collection at residences and institutions.~~

20 ~~(d) Require the materials collected and separated to be~~
21 ~~processed so that human waste is in a condition that allows~~
22 ~~treatment by the local entity's sewage treatment facilities or allows~~
23 ~~marketing to businesses that can use the by-product in the course~~
24 ~~of their business in conformity with all laws and regulations~~
25 ~~covering the use of human waste by-products.~~

26 ~~(e) Require the materials collected and separated to be~~
27 ~~processed so that the plastic and paper will be of a quality and type~~
28 ~~that may be used in the manufacturing of new products and that~~
29 ~~meets all applicable laws relating to the use of recycled plastic and~~
30 ~~paper.~~

31 ~~42584. (a) The amount of any grant provided may not exceed~~
32 ~~75 percent of the total annual costs of the program. The board shall~~
33 ~~set the actual percentage that may be funded in a manner that~~
34 ~~ensures that all qualified applicants receive an equitable share of~~
35 ~~the total funds available in the account.~~

36 ~~(b) Prior to awarding any grant, the board shall require the local~~
37 ~~agency to certify that both of the following are true:~~

38 ~~(1) In each of the immediately preceding three years, the local~~
39 ~~agency has met or has been within five percentage points of~~



1 ~~meeting the 50 percent solid waste diversion requirement in~~
2 ~~Section 41780.~~

3 ~~(2) The local agency has in operation a program for diversion~~
4 ~~and recycling of personal care products that meets the~~
5 ~~requirements of Section 42583, or will have that program in~~
6 ~~operation within three months of approval of funding.~~

7 ~~SEC. 2. Section 48001.5 is added to the Public Resources~~
8 ~~Code, to read:~~

9 ~~48001.5. (a) For purposes of this section, “personal care~~
10 ~~product” has the same meaning as defined in subdivision (c) of~~
11 ~~Section 42581.~~

12 ~~(b) On or before January 1, 2003, and on or before January 1~~
13 ~~thereafter, the board shall determine the percentage of solid waste~~
14 ~~subject to the fee specified in Section 48000 that consists of~~
15 ~~personal care products.~~

16 ~~(c) Notwithstanding Section 48005, the board shall deposit, in~~
17 ~~the Personal Care Product Recycling Account established~~
18 ~~pursuant to Section 42852, the amount of the fee imposed pursuant~~
19 ~~to Section 48000 that is equal to the percentage determined~~
20 ~~pursuant to subdivision (b) for the subsequent calendar year in~~
21 ~~which the fees are collected.~~

