

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2127**

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**Introduced by Assembly Member ~~Plescia~~ Members *Tran and Plescia***

February 21, 2006

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*An act to add and repeal Section 25150.9 of the Health and Safety Code, relating to hazardous waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2127, as amended, ~~Plescia~~ *Tran*. Hazardous waste: alkaline batteries.

Existing law defines the term batteries, for purposes of the hazardous waste control laws, as primary or secondary batteries, including nickel-cadmium, alkaline, carbon-zinc, and other batteries generated as waste, that are not subject to the federal Resources Conservation and Recovery Act of 1976 (RCRA). Existing law authorizes the Department of Toxic Substances Control to exempt, by regulation, from the hazardous waste control laws, specified hazardous waste management activities until January 1, 2008, including hazardous waste batteries, if those wastes are identified as a universal waste and meet other specified requirements. Existing law authorizes the California Integrated Waste Management Board to conduct a study on the disposal and recyclability of household batteries.

*This bill would define terms, would provide that alkaline batteries produced by a household incidental to owning or leasing and maintaining a place of residence are not hazardous waste, and would authorize those alkaline batteries to be managed as nonhazardous*

*solid waste, if disposed of in a solid waste landfill facility that is issued a solid waste facilities permit to accept solid waste. The bill would also allow alkaline batteries produced by a conditionally exempt small quantity universal waste generator to be managed as nonhazardous solid waste, if those alkaline batteries are disposed in a solid waste, landfill facility that is issued a solid waste facilities permit to accept solid waste and the generator complies with the applicable requirements regarding universal waste, except as specified. The bill would repeal these exemptions on January 1, 2008, unless a later enacted statute deletes or extends that date.*

The bill would require the California Integrated Waste Management Board and the ~~Department of Water Resources~~ *State Water Resources Control Board*, by July 1, 2007, to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts.

The bill would also require the Office of the Legislative Analyst, by July 1, 2007, to evaluate the cost of developing an infrastructure to collect used alkaline batteries as a non-RCRA hazardous waste from consumers and the likely financial impact on California consumers, if they are required to fund the development of that infrastructure through a deposit, fee, or other form of imposed cost.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:  
3 (a) The Department of Toxic Substances Control has adopted  
4 regulations establishing standards for the management of  
5 universal waste, as found in Chapter 23 (commencing with  
6 Section 66273.1) of Division 4.5 of Title 22 of the California  
7 Code of Regulations, known as the “Universal Waste Rule,” that  
8 requires the recycling of alkaline batteries as a hazardous waste  
9 under state law, even though the waste is not subject to the  
10 federal Resource Conservation and Recovery Act of 1976  
11 (RCRA; 42 U.S.C. Sec. 6901 and following).

1 (b) These universal waste rule regulations provided a four-year  
2 exemption, until February 8, 2006, for three million household  
3 generators and one million small quantity generators, after which  
4 alkaline batteries are required to be recycled at a cost estimated  
5 by the department to be between seven dollars (\$7) and  
6 thirty-eight dollars (\$38) per generator, for a total cost between  
7 twenty-eight million dollars (\$28,000,000) and one hundred  
8 fifty-two million dollars (\$152,000,000) annually.

9 (c) Furthermore, as stated in the informative digest of the  
10 universal waste rule regulations, “No battery recyclers currently  
11 operate in California. Most batteries will be sent out of state for  
12 recycling.”

13 (d) In a memorandum dated January 10, 2006, the Department  
14 of Toxic Substances Control announced that it would “not extend  
15 the temporary disposal exemptions that allow households and  
16 Conditionally Exempt Small Quantity Universal Waste  
17 Generators (CESQUWG) to dispose of some hazardous wastes,  
18 including alkaline batteries, into the trash.” Therefore, on and  
19 after February 8, 2006, households and small businesses are  
20 prohibited from disposing of alkaline batteries in the solid waste  
21 stream for disposal in a permitted solid waste landfill facility, but  
22 are required to take spent alkaline batteries to collection points  
23 that have yet to be developed.

24 (e) There has been no research, study, or evaluation by  
25 California regulators as to whether disposing of used alkaline  
26 batteries into a permitted solid waste landfill facility causes any  
27 harmful effect or environmental degradation to that landfill  
28 facility.

29 (f) Before the state imposes a deposit, fee, or any form of costs  
30 on consumers to fund or subsidize an infrastructure to collect  
31 used alkaline batteries from consumers as a non-RCRA  
32 hazardous waste, a study should be conducted regarding the  
33 issues specified in subdivision (e).

34 *SEC. 2. Section 25150.9 is added to the Health and Safety*  
35 *Code, to read:*

36 *25150.9. (a) For purposes of this section the following*  
37 *definitions shall apply:*

38 *(1) “Alkaline battery” means an alkaline battery generated as*  
39 *a non-RCRA hazardous waste.*

1 (2) “Battery” has the same meaning as defined in Section  
2 66273.9 of Chapter 23 (commencing with Section 66273.1) of  
3 Division 4.5 of Title 22 of the California Code of Regulations.

4 (3) “Conditionally exempt small quantity universal waste  
5 generator” has the same meaning as defined in Section 66273.9  
6 of Chapter 23 (commencing with Section 66273.1) of Division  
7 4.5 of Title 22 of the California Code of Regulations.

8 (4) “Household” means a private residence, but does not  
9 include a hotel, motel, bunkhouse, ranger station, crew quarters,  
10 campground, picnic ground, or day-use recreation facility.

11 (b) Notwithstanding Section 25150.6, an alkaline battery  
12 produced by a household, incidental to owning or leasing and  
13 maintaining a place of residence, is not a hazardous waste for  
14 purposes of this chapter and may be managed as a nonhazardous  
15 solid waste, if the alkaline battery is disposed of in a solid waste  
16 landfill facility that is issued a solid waste facilities permit  
17 pursuant to Division 30 (commencing with Section 40000) of the  
18 Public Resource Code to accept solid waste.

19 (c) Notwithstanding Section 25150.6, an alkaline battery  
20 produced by a conditionally exempt small quantity universal  
21 waste generator may be managed as a nonhazardous solid waste,  
22 if the alkaline battery is disposed of in a solid waste landfill  
23 facility that is issued a solid waste facilities permit pursuant to  
24 Division 30 (commencing with Section 40000) of the Public  
25 Resource Code to accept solid waste, and the generator complies  
26 with the applicable requirements of Chapter 23 (commencing  
27 with Section 66273.1) of Division 4.5 of Title 22 of the California  
28 Code of Regulations, that do not otherwise apply to the  
29 management of an alkaline battery.

30 (d) This section shall remain in effect only until January 1,  
31 2008, and as of that date is repealed, unless a later enacted  
32 statute, that is enacted before January 1, 2008, deletes or extends  
33 that date.

34 ~~SEC. 2.~~

35 SEC. 3. (a) On or before July 1, 2007, the California  
36 Integrated Waste Management Board and the ~~Department of~~  
37 ~~Water Resources~~ State Water Resources Control Board shall  
38 jointly undertake a study, and submit a report to the Legislature,  
39 regarding whether there are any environmental impacts caused  
40 by the random disposal of alkaline batteries, as specified in

1 Section 25216 of the Health and Safety Code, in a permitted  
2 solid waste landfill facility, the extent of the impacts caused by  
3 that disposal, and proposed solutions to mitigate those identified  
4 impacts.

5 (b) On or before July 1, 2007, the Office of the Legislative  
6 Analyst shall evaluate the cost of developing an infrastructure to  
7 collect used alkaline batteries as a non-RCRA hazardous waste  
8 from consumers and the likely financial impact on California  
9 consumers, if they are required to fund the development of that  
10 infrastructure through a deposit, fee, or other form of imposed  
11 cost.

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