

AMENDED IN SENATE MAY 8, 2007
AMENDED IN SENATE MARCH 26, 2007

SENATE BILL

No. 898

Introduced by Senator Simitian

February 23, 2007

~~An act to amend Sections 18015 and 48021 of, and to add Chapter 2.7 (commencing with Section 48210) to Part 7 of Division 30 of, An act to add Section 63.7 to the Harbors and Navigation Code, and to amend Sections 18015 and 48012 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as amended, Simitian. Beverage containers: solid waste cleanup: marinas and harbors.

(1) Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters. The Division of Recycling of the Department of Conservation is required to maintain a list of abbreviations used on those labels.

This bill would additionally include, in the list of codes, "0" or "PLA," which indicates bottles or containers made with polylactic acid.

(2) Under the California Integrated Waste Management Act of 1989, the California Integrated Waste Management Board is required to initiate a program for the cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites, as defined, where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. The act authorizes the board to expend

a portion of the funds appropriated for the program for grants to public entities to abate illegal disposal sites, and specifies that for purposes of that authorization, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

This bill would specify that the authorization to use a grant for any other activity that mitigates the impact of solid waste, concerns solid waste that would otherwise be disposed into the municipal storm sewer. The bill would also specify that the ongoing program established to prevent recurring solid waste disposal into the municipal storm sewer is required to be established by the public entity.

(3) *The Department of Boating and Waterways is required, among other things, to acquire, construct, develop, and improve small craft harbors, related facilities, and connecting waterways.*

~~(3) This~~

~~This bill would additionally require the board Department of Boating and Waterways to recommend, in coordination with the Department of Boating and Waterways board, the California Coastal Commission, and the Department of Fish and Game, guidelines and programs for the removal and disposal of derelict fishing gear, and programs to improve waste management of derelict fishing gear by marina and vessel operators in marinas and harbors.~~

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. Section 63.7 is added to the Harbors and*
- 2 *Navigation Code, to read:*
- 3 *63.7. (a) For purposes of this section, “derelict fishing gear”*
- 4 *includes lost or abandoned fishing nets, fishing lines, and other*
- 5 *commercial and recreational fishing equipment.*
- 6 *(b) The department shall recommend, in coordination with the*
- 7 *California Coastal Commission, the California Integrated Waste*
- 8 *Management Board, and the Department of Fish and Game, both*
- 9 *of the following:*

1 (1) Guidelines and programs for the removal and disposal of
2 derelict fishing gear.

3 (2) Programs to improve waste management of derelict fishing
4 gear by marina and vessel operators in marinas and harbors.

5 **SECTION 1.**

6 *SEC. 2.* Section 18015 of the Public Resources Code is
7 amended to read:

8 18015. (a) All rigid plastic bottles and rigid plastic containers
9 sold in California on and after January 1, 1992, shall be labeled
10 with a code that indicates the resin used to produce the rigid plastic
11 bottle or rigid plastic container. Rigid plastic bottles or rigid plastic
12 containers with labels and basecaps of a different material shall
13 be coded by their basic material. The code shall consist of a number
14 placed inside a triangle, and letters placed below the triangle. The
15 triangle shall be equilateral, formed by three arrows with the apex
16 of each point of the triangle at the midpoint of each arrow, rounded
17 with a short radius. The pointer (arrowhead) of each arrow shall
18 be at the midpoint of each side of the triangle with a short gap
19 separating the pointer from the base of the adjacent arrow. The
20 triangle, formed by the three arrows curved at their midpoints shall
21 depict a clockwise path around the code number. The numbers
22 and letters used shall be as follows:

23 1 = PETE (polyethylene terephthalate)

24 2 = HDPE (high density polyethylene)

25 3 = V (vinyl)

26 4 = LDPE (low density polyethylene)

27 5 = PP (polypropylene)

28 6 = PS (polystyrene)

29 7 = OTHER (includes multilayer)

30 0 = PLA (polylactic acid)

31 (b) A "7" shall appear below the resin abbreviation when the
32 bottle or container is composed of more than one layer of that
33 resin.

34 (c) The Division of Recycling of the Department of
35 Conservation shall maintain a list of abbreviations used on labels
36 pursuant to subdivision (a) and shall provide a copy of that list to
37 any person upon request.

38 ~~**SEC. 2.**~~

39 *SEC. 3.* Section 48021 of the Public Resources Code is
40 amended to read:

1 48021. (a) In prioritizing the sites for cleanup pursuant to
2 Section 48020, the board shall consider the degree of risk to public
3 health and safety and the environment posed by conditions at a
4 site, the ability of the site owner to clean up the site without
5 monetary assistance, the ability of the board to clean up the site
6 adequately with available funds, maximizing the use of available
7 funds, and other factors as determined by the board.

8 (b) (1) In administering the program authorized by Section
9 48020, the board may expend funds directly for cleanup, provide
10 loans to parties who demonstrate the ability to repay state funds,
11 and provide partial grants to public entities, to assist in site cleanup.

12 (2) The board may expend funds directly for the cleanup of a
13 publicly owned site only if the board determines that the public
14 entity lacks resources or expertise to timely manage the cleanup
15 itself.

16 (3) In addition to the criteria specified in subdivision (a), in
17 considering partial grants that provide greater than 50 percent of
18 the funds directly for cleanup, the board shall consider the amount
19 of contributions of moneys or in-kind services from the applicant;
20 the availability of other appropriate funding sources to remediate
21 the site; the degree of public benefit; the presence of innovative
22 and cost-effective programs to abate or prevent solid waste
23 problems to be addressed by the grants; and other factors as
24 determined by the board.

25 (c) (1) In addition to the expenditures specified in subdivision
26 (b), the board may expend a portion of the funds appropriated for
27 the program to abate illegal disposal sites.

28 (2) For the purposes of this subdivision, the board may provide
29 grants to public entities.

30 (3) Where funds are provided by the board to address illegal
31 disposal sites within a jurisdiction, the local enforcement agency
32 shall provide ongoing enforcement to prevent recurring illegal
33 disposal at the site.

34 (4) For the purposes of this subdivision, an activity to remove
35 or abate solid waste disposed into a municipal storm sewer is
36 eligible to receive a partial grant, if the grant is used for solid waste
37 cleanup, solid waste abatement, or any other activity that mitigates
38 the impact of solid waste that otherwise would be disposed into
39 the municipal storm sewer, and an ongoing program is established

1 by the public entity to prevent recurring solid waste disposal into
2 the municipal storm sewer.

3 (d) In developing and implementing the program, the board
4 shall consult with certified local enforcement agencies and the
5 regional water boards.

6 ~~SEC. 3. Chapter 2.7 (commencing with Section 48210) is added~~
7 ~~to Part 7 of Division 30 of the Public Resources Code, to read:~~

8

9 ~~CHAPTER 2.7. MARINAS AND HARBORS WASTE MANAGEMENT~~

10

11 ~~48210. For purposes of this chapter, "derelict fishing gear"~~
12 ~~includes lost or abandoned fishing nets, fishing lines, and other~~
13 ~~commercial and recreational fishing equipment.~~

14 ~~48211. The board shall recommend, in coordination with the~~
15 ~~Department of Boating and Waterways and the Department of Fish~~
16 ~~and Game, both of the following:~~

17 ~~(a) Guidelines and programs for the removal and disposal of~~
18 ~~derelict fishing gear.~~

19 ~~(b) Programs to improve waste management by marina and~~
20 ~~vessel operators in marinas and harbors.~~