

AMENDED IN ASSEMBLY OCTOBER 8, 2010

AMENDED IN ASSEMBLY JULY 7, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 524

Introduced by Senator ~~Correa~~ Cogdill
(Principal coauthor: Assembly Member Gilmore)

February 27, 2009

~~An act to add and repeal Section 42173 of the Public Resources Code, relating to solid waste. An act relating to transportation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, ~~Correa~~ Cogdill. ~~Solid waste: auto shredder residue. Transportation funds.~~

Existing law, pursuant to Article XIXB of the California Constitution, requires a specified portion of the sales tax on gasoline to be transferred from the General Fund to the Transportation Investment Fund for allocation to the state transportation improvement program, city and county streets and roads, and the Public Transportation Account. In order for a city or a county to receive a streets and roads allocation from the Transportation Investment Fund, it is required to annually expend from its general fund for street, road, and highway purposes an amount not less than the annual average of its expenditures from its general fund for those purposes during the 1996–97, 1997–98, and 1998–99 fiscal years. Existing law provides that if a city or county fails

to comply with this maintenance of effort requirement in a particular fiscal year, it may alternatively comply by expending in that year and the following fiscal year a combined total amount that is not less than the amount otherwise required to be expended in the 2 fiscal years.

This bill would, notwithstanding those provisions, provide that the County of Fresno would have until June 30, 2015, to meet the maintenance of effort requirement applicable to counties in order to receive a streets and roads allocation from the Transportation Investment Fund for the 2009–10 fiscal year.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Fresno.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. The act requires the California Integrated Waste Management Board (board), in consultation with specified entities, including the Department of Toxic Substances Control, to evaluate the use of recycling residue, which is defined as nonhazardous residue or residue treated to be nonhazardous that is a direct result of a metals recovery operation for the express purposes of recycling, for use as solid waste landfill cover materials or for use as extenders for currently used cover material.~~

~~Existing law, by regulation, authorizes auto shredder waste that is treated as required by regulation to be used as alternative daily cover if specified requirements are met.~~

~~This bill would require the Secretary for Environmental Protection, on or before February 1, 2010, subject to the availability of funding, to establish an auto shredder residue working group, comprised of representatives of the board, the department, the State Air Resources Board, the State Water Resources Control Board, members of the auto shredder industry, landfill operators, members of the public health and environmental communities, and other interested stakeholders. The bill would require the working group to review and evaluate the existing practice of using treated auto shredder residue as alternative daily cover, determine the effects of the department's proposed revocation of the current regulatory classification of treated auto shredder residue and resulting prohibitions on its use as alternative daily cover, determine whether the current regulatory classification of treated auto shredder~~

~~residue poses a threat to human health and the environment, identify the constituents in auto shredder residue that could pose health and safety or environmental problems when used as alternative daily cover in accordance with applicable regulations, recommend approaches to work with the auto industry to manufacture vehicles that produce less hazardous waste at end-of-life, and recommend changes to statute, regulation, or agency practice, if any, based on the working group's analysis.~~

~~The bill would require the secretary, on or before December 31, 2010, to report to the Legislature on the findings of the working group. The bill would require the department, when reviewing policies and procedures for management of automobile shredder waste, to determine if the current regulatory classification of treated auto shredder residue and subsequent uses poses a threat to human health and the environment and to seek input from various state agencies and stakeholders.~~

~~The requirements of the bill would become inoperative on July 1, 2011, and would be repealed on January 1, 2012.~~

~~Vote: majority²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

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

1 SECTION 1. *Notwithstanding subdivision (f) of Section 7104.2*
2 *of the Revenue and Taxation Code, the County of Fresno shall*
3 *have until June 30, 2015, to meet the maintenance of effort*
4 *requirement applicable to counties in order to receive a streets*
5 *and roads allocation from the Transportation Investment Fund*
6 *for the 2009–10 fiscal year.*

7 SEC. 2. *The Legislature finds and declares that a special law*
8 *is necessary and that a general law cannot be made applicable*
9 *within the meaning of Section 16 of Article IV of the California*
10 *Constitution because of the California Constitution because of the*
11 *unique transportation funding needs in the County of Fresno.*

12 SEC. 3. *This act is an urgency statute necessary for the*
13 *immediate preservation of the public peace, health, or safety within*
14 *the meaning of Article IV of the Constitution and shall go into*
15 *immediate effect. The facts constituting the necessity are:*

16 *In order to implement the Budget Act of 2010 as quickly as*
17 *possible, it is necessary that this act take effect immediately.*

1 SECTION 1. ~~The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) State and federal law require operators of solid waste landfills~~
4 ~~to cover disposed solid waste with six inches of earthen material~~
5 ~~at the end of each operating day to control disease vectors, fires,~~
6 ~~odors, blowing litter, and scavenging. Certain alternative materials~~
7 ~~are allowed to be used to meet this daily cover requirement.~~

8 ~~(b) The California Integrated Waste Management Board has~~
9 ~~adopted regulations allowing treated auto shredder residue to be~~
10 ~~used as alternative cover material. Auto shredder residue is the~~
11 ~~nonmetallic residue that remains after the removal of recyclable~~
12 ~~ferrous and nonferrous metals from shredder feedstock. The~~
13 ~~primary sources of these recyclable metals include end-of-life~~
14 ~~vehicles and common household appliances.~~

15 ~~(c) Treated auto shredder residue has been used as alternative~~
16 ~~daily cover at California's solid waste landfills since the late 1980s.~~
17 ~~In 2008, over 500,000 tons of treated auto shredder residue were~~
18 ~~used as alternative daily cover at California solid waste landfills.~~
19 ~~Studies have been conducted that demonstrate the benefits of using~~
20 ~~treated auto shredder residue as alternative daily cover.~~

21 ~~(d) The Department of Toxic Substances Control has announced~~
22 ~~its intention to alter the current regulatory status of treated auto~~
23 ~~shredder residue. If this action were taken, it could, among other~~
24 ~~things, result in higher landfill costs, increased use of green waste~~
25 ~~as alternative daily cover, significant increases in vehicle miles~~
26 ~~traveled and greenhouse gas emissions, and severe disruption of~~
27 ~~the metal recycling industry in California.~~

28 ~~(e) It is in the best interest of the people of the State of California~~
29 ~~to identify in advance the environmental and economic effects of~~
30 ~~the Department of Toxic Substances Control's proposed alteration~~
31 ~~of the regulatory status quo relating to treated auto shredder~~
32 ~~residue, including, but not limited to, the consequences if the~~
33 ~~residue no longer could be used as alternative daily cover.~~

34 SEC. 2. ~~Section 42173 is added to the Public Resources Code,~~
35 ~~to read:~~

36 ~~42173. (a) On or before February 1, 2010, subject to the~~
37 ~~availability of funding pursuant to subdivision (c), the Secretary~~
38 ~~for Environmental Protection shall establish an auto shredder~~
39 ~~residue working group, comprised of representatives of the board,~~
40 ~~the Department of Toxic Substances Control, the State Air~~

1 Resources Board, the State Water Resources Control Board,
2 members of the auto shredder industry, landfill operators, members
3 of the public health and environmental communities, and other
4 interested stakeholders.

5 (b) The auto shredder residue working group shall do all of the
6 following:

7 (1) Review and evaluate the existing practice of using treated
8 auto shredder residue as alternative daily cover.

9 (2) Determine the effects of the Department of Toxic Substances
10 Control's proposed revocation of the current regulatory
11 classification of treated auto shredder residue and resulting
12 prohibitions on its use as alternative daily cover, including the
13 potential effects of those prohibitions or curtailments on recycling.

14 (3) Determine whether the current regulatory classification of
15 treated auto shredder residue poses a threat to human health or the
16 environment.

17 (4) Identify the constituents in auto shredder residue that could
18 pose health and safety or environmental problems when used as
19 alternative daily cover in accordance with applicable regulations.

20 (5) Recommend approaches to work with the auto industry to
21 manufacture vehicles that produce less hazardous waste at
22 end-of-life.

23 (6) Recommend changes to statute, regulation, or agency
24 practice, if any, based on the results of the working group's
25 analysis.

26 (c) On or before December 1, 2010, the Secretary for
27 Environmental Protection shall report to the Legislature on the
28 findings and recommendations of the auto shredder residue working
29 group.

30 (d) The Department of Toxic Substances Control, when
31 reviewing policies and procedures for management of automobile
32 shredder waste, shall determine whether the current regulatory
33 classification of treated auto shredder residue and subsequent uses
34 poses a threat to human health or the environment and shall seek
35 input from the State Air Resources Board, the State Water
36 Resources Control Board, and stakeholders, including, but not
37 limited to, members of the auto shredder industry, landfill
38 operators, and members of the public health and environmental
39 communities.

1 ~~(e) Notwithstanding subdivisions (a) to (d), inclusive, the~~
2 ~~Secretary for Environmental Protection shall not be required to~~
3 ~~establish an auto shredder residue working group or submit a report~~
4 ~~to the Legislature unless the board has entered into a written~~
5 ~~agreement with one or more nongovernmental members of the~~
6 ~~working group to reimburse the Office of the Secretary for~~
7 ~~Environmental Protection, the board, the Department of Toxic~~
8 ~~Substances Control, the State Air Resources Board, and the State~~
9 ~~Water Resources Control Board for their costs in complying with~~
10 ~~this section.~~

11 ~~(f) This section shall become inoperative on July 1, 2011, and~~
12 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
13 ~~which becomes effective on or before January 1, 2012, deletes or~~
14 ~~extends the dates on which it becomes inoperative and is repealed.~~