

Introduced by Senator Corbett

February 17, 2011

An act to add Article 3 (commencing with Section 42450.1) to Chapter 8 of Part 3 of, and Article 5 (commencing with Section 44220) to Chapter 3 of Part 4 of, Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 515, as introduced, Corbett. Recycling: product stewardship: batteries: universal waste management facilities.

(1) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires retailers of rechargeable batteries to have in place a system for the acceptance and collection of rechargeable batteries.

The bill would require, by September 30, 2012, a producer or the household battery stewardship organization created by one or more producers of a household battery to submit a household battery stewardship plan to the department, which would be required to include specified elements. The bill would allow a registered hazardous waste transporter to elect to submit a household battery stewardship plan to the department on behalf of one or more producers and would require a hazardous waste transporter making that election to comply with the provisions of the bill applicable to a household battery stewardship organization.

The bill would require the department to review a household battery stewardship plan submitted to the department and deem the plan either complete or incomplete within 45 days after receipt.

The bill would prohibit a producer, wholesaler, or retailer, on and after January 1, 2014, from selling a household battery unless the plan

for that battery is deemed complete by the department. The act would require a producer or the household battery stewardship organization to implement the household battery program pursuant to the household battery stewardship plan, including achieving a specified collection rate. The bill would require each producer or household battery stewardship organization implementing a household battery stewardship plan to prepare and submit to the department an annual report describing the activities carried out pursuant to the household battery stewardship plan.

The bill would require a producer or household battery stewardship organization submitting a household battery stewardship plan to pay the department a plan review fee, as determined by the department, when submitting the plan to the department and to pay an administrative fee, as determined by the department, when submitting the annual report. The bill would provide for the imposition of administrative civil penalties upon a producer that does not comply with the bill's requirements or a wholesaler or retailer selling household batteries in violation of the bill. The bill would create the Household Battery Stewardship Account in the existing Integrated Waste Management Fund and would require that the fees be deposited into that account and that the penalties be deposited into the Household Battery Stewardship Penalty Subaccount that the bill would create in that account. The bill would authorize the fees and penalties to be expended, upon appropriation by the Legislature, to cover the department's program implementation costs and would authorize all funds collected or received by the department under the program, except for the fees, to be expended as incentives to enhance recyclability and redesign efforts and to reduce environmental and safety impacts of household batteries.

(2) Existing law requires the Department of Toxic Substances Control (DTSC) to exercise enforcement and regulatory authority with regard to the hazardous waste accepted at a facility that accepts both hazardous waste and other solid waste.

This bill would require DTSC, upon the request of an applicant for a project to construct, expand, or retrofit a solid waste facility to process, collect, or recycle a universal waste, as defined, to appoint an administrative liaison to serve as the applicant's single point of contact, and to provide other information and assistance.

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) In early 2006, all household batteries were classified by the
4 state as universal waste and prohibited from being disposed of in
5 solid waste landfills. Under state law, “household batteries” means
6 batteries made of mercury, alkaline, carbon-zinc, and
7 nickel-cadmium, and other batteries typically generated as
8 household waste, including, but not limited to, batteries used in
9 hearing aids, cameras, watches, computers, calculators, flashlights,
10 lanterns, standby and emergency lighting, portable radios,
11 television sets, meters, toys, and clocks, but excluding lead-acid
12 batteries, batteries that are sold in a “covered electronic device,”
13 as defined in Section 42463 of the Public Resources Code, and
14 batteries that are not easily removable or are not intended or
15 designed to be removed from the products, other than by the
16 manufacturer.

17 (b) Effective July 1, 2006, state law prohibited most retailers
18 from selling rechargeable batteries in the state unless they have a
19 system in place for collecting used rechargeable batteries from
20 consumers.

21 (c) Approximately 80 percent of batteries sold in this state are
22 alkaline batteries and are not covered under the retail take-back
23 requirements.

24 (d) Local governments throughout the state are responsible for
25 the collection and management of household batteries, and to
26 manage this hazardous waste, these local governments and
27 taxpayers pay a range of between eight hundred dollars (\$800) per
28 ton to two thousand seven hundred dollars (\$2,700) per ton, or
29 tens of millions of dollars each year.

30 (e) Because other types of recycling programs have proven to
31 have limited success, state and regional governments in Europe
32 and Canada have adopted producer responsibility programs to
33 redirect the responsibility for the end-of-life management of
34 discarded hazardous and hard-to-manage products from local
35 governments and retailers primarily to producers.

36 (f) After many public hearings and discussions, the former
37 California Integrated Waste Management Board adopted an overall

1 Framework for an Extended Producer Responsibility (EPR)
2 guidance document as a policy priority in January 2008.

3 (g) The program established by this act is intended to reduce
4 costs to local government, to harmonize the state's producer
5 responsibility obligations with other national and international
6 programs, and to enhance the protection of public health and
7 environment through safer product design, use, and end-of-life
8 management.

9 (h) The plan review fee and the administrative fee imposed
10 pursuant to Section 42450.10 of the Public Resources Code are
11 regulatory fees within the meaning of paragraph (3) of subdivision
12 (b) of Section 3 of Article XIII A of the California Constitution,
13 as the fees are imposed solely for the purpose of recovering the
14 reasonable regulatory costs to the Department of Resources
15 Recycling and Recovery incident to investigating, inspecting, and
16 auditing the fee payer, and the enforcement costs thereof, and with
17 respect to reviewing the battery stewardship plan, and the annual
18 reports and enforcing Article 3 (commencing with Section 42450.1)
19 of Chapter 8 of Part 3 of Division 30 of the Public Resources Code.

20 SEC. 2. Article 3 (commencing with Section 42450.1) is added
21 to Chapter 8 of Part 3 of Division 30 of the Public Resources Code,
22 to read:

23

24 Article 3. Product Stewardship for Household Batteries

25

26 42450.1. For purposes of this article, and unless the context
27 otherwise requires, the definitions in this article govern the
28 construction of this article.

29 (a) “Brand” means a name, symbol, word, or mark that identifies
30 a household battery, rather than its components, and attributes the
31 household battery to the owner or licensee of the brand as the
32 producer.

33 (b) “Collection rate” means a quantitative measure established
34 in each household battery stewardship plan that establishes the
35 amount of household batteries required to be collected by the
36 household battery stewardship system for that household battery
37 by an established date. The collection rate is included as a
38 component of the product goals for a household battery. The
39 collection rate shall be calculated by weight and shall distinguish
40 between nonrechargeable household batteries and rechargeable

1 household batteries, but not by the individual producer of each
2 battery.

3 (c) “Department” means the Department of Resources Recycling
4 and Recovery.

5 (d) (1) “Household battery” has the same meaning as defined
6 in subdivision (c) of Section 42450, but shall not include any of
7 the following:

8 (A) A battery that is sold in a covered electronic device, as
9 defined in Section 42463.

10 (B) A battery that is not easily removable or is not intended or
11 designed to be removed from the product, other than by the
12 manufacturer.

13 (2) “Household battery” includes both the class of
14 nonrechargeable household batteries and the class of rechargeable
15 household batteries.

16 (e) “Household battery stewardship organization” means an
17 organization appointed by one or more producers to act as an agent
18 on behalf of the producer to design, submit, and administer a
19 household battery stewardship plan pursuant to this article.

20 (f) “Household battery stewardship plan” or “plan” means a
21 plan written by an individual producer, a household battery
22 stewardship organization, or a hazardous waste transporter
23 registered pursuant to Section 25163 of the Health and Safety
24 Code, on behalf of one or more producers, that includes all of the
25 information required by Section 42450.2.

26 (g) “Nonrechargeable battery” means a household battery that
27 is not designed to be recharged for repeated use.

28 (h) “Producer” shall be determined, with regard to a household
29 battery that is sold, offered for sale, or distributed in the state, as
30 meaning one of the following:

31 (1) The person who manufactures the household battery and
32 who sells, offers for sale, or distributes that household battery in
33 the state under that person’s own name or brand.

34 (2) If there is no person who sells, offers for sale, or distributes
35 the household battery in the state under the person’s own name or
36 brand, the producer of the household battery is the owner or
37 licensee of a trademark or brand under which the household battery
38 is sold or distributed in the state, whether or not the trademark is
39 registered.

1 (3) If there is no person who is a producer of the household
2 battery for purposes of paragraphs (1) and (2), the producer of that
3 household battery is the person who imports the household battery
4 into the state for sale or distribution.

5 (i) “Product stewardship” means requiring the producer of a
6 household battery, and all other entities involved in the distribution
7 chain of a household battery, to share in the responsibility of
8 reducing the life-cycle impact of the household battery and its
9 packaging, including requiring the producer who makes design
10 and marketing decisions for the household battery to bear the
11 primary responsibility for this reduction.

12 (j) “Product goal” means those qualitative or quantitative goals
13 determined by the producer to address and measure source
14 reduction, material content, packaging, and end-of-life
15 management.

16 (k) “Program” means the system for the collection,
17 transportation, recycling, and disposal of household batteries
18 pursuant to a completed household battery stewardship plan that
19 is financed and managed or provided by an individual producer,
20 collectively by one or more producers or by a hazardous waste
21 transporter pursuant to paragraph (2) of subdivision (a) of Section
22 42450.2.

23 (l) (1) “Rechargeable household battery” means a household
24 battery that consists of one or more voltaic or galvanic cells, which
25 are electrically connected to produce electric energy, that is
26 designed to be recharged for repeated use and that weighs less than
27 10 pounds.

28 (2) “Rechargeable household battery” includes a battery pack
29 that combines one or more rechargeable household batteries and
30 weighs, in total, less than 10 pounds.

31 (3) “Rechargeable household battery” does not include a battery
32 of any size used to start an internal combustion engine or as the
33 principal electrical power source for a vehicle or boat.

34 (m) “Recycling rate” means a quantitative measure that
35 establishes the amount of collected household batteries that is
36 recycled as compared to the total amount of household batteries
37 that is collected, including the amount of the household batteries
38 that is discarded for reuse, energy recovery, or safe disposal.

39 (n) “Reporting period” means the period commencing January
40 1 and ending on December 31 of the same calendar year.

1 (o) “Retailer” means a person that offers new household batteries
2 in a retail sale, as defined in Section 6007 of the Revenue and
3 Taxation Code, including a retail sale at retail through any means,
4 including remote offerings such as sales outlets, catalogs, or an
5 Internet Web site.

6 (p) “Reuse rate” means a quantitative measure that establishes
7 the amount of collected household batteries that is reused as
8 compared to the total amount of household batteries that is
9 collected, including the amount of household batteries that is
10 discarded by recycling, energy recovery, or safe disposal.

11 (q) “Sell” or “sales” means any transfer of title of a household
12 battery for consideration, including a remote sale conducted
13 through a sale outlet, catalog, or Internet Web site or similar
14 electronic means, but does not include a lease.

15 (r) “Wholesaler” means a person that offers new household
16 batteries for sale in this state in a sale that is not a retail sale, as
17 defined in Section 6007 of the Revenue and Taxation Code, and
18 for which the household battery is intended to be resold.

19 42450.2. (a) (1) On or before September 30, 2012, each
20 producer or the household battery stewardship organization for
21 producers of household batteries shall submit a household battery
22 stewardship plan to the department.

23 (2) A hazardous waste transporter registered pursuant to Section
24 25163 of the Health and Safety Code may elect to submit a
25 household battery stewardship plan to the department on behalf
26 of one or more producers, and, if so, the hazardous waste
27 transporter shall submit the household battery stewardship plan to
28 the department on or before September 30, 2012, and shall comply
29 with the provisions of this article that apply to a household battery
30 stewardship organization, including, but not limited to, the
31 requirements of subdivisions (b) and (c) and payment of the fees
32 specified in Section 42450.10.

33 (b) A producer, group of producers, or household battery
34 stewardship organization shall consult with stakeholders during
35 the development of the household battery stewardship plan,
36 including soliciting stakeholder comments and responding to
37 stakeholder comments prior to submitting the household battery
38 stewardship plan.

39 (c) Each household battery stewardship plan shall include, at a
40 minimum, all of the following elements:

1 (1) Contact information for all participating producers.

2 (2) The collection rate for the household batteries subject to the
3 plan, which shall be calculated for each class of household batteries
4 subject to the plan, in the following manner, except as provided
5 in Section 42450.4:

6 (A) On and after January 1, 2015, the collection rate shall be
7 25 percent of the average number of household batteries that are
8 sold in the state during the previous three calendar years by the
9 producers who are subject to that plan.

10 (B) On and after January 1, 2017, the collection rate shall be
11 45 percent of the average number of household batteries that are
12 sold in the state during the previous three calendar years by the
13 producers who are subject to that plan.

14 (C) On January 1, 2018, and annually thereafter, the producer
15 shall demonstrate to the department that it has achieved continuous
16 meaningful improvement in the collection rate.

17 (3) A description of all of the following elements:

18 (A) Brands of the household batteries covered by the plan and
19 if the brand is a rechargeable household battery or a
20 nonrechargeable household battery.

21 (B) The manner in which the product goals will be achieved.

22 (C) The annual schedule for achievement of the collection rate
23 for each class of household batteries covered by the plan consistent
24 with the requirements of paragraph (2).

25 (D) The number and type of convenient collection opportunities
26 free of charge for consumers in all counties of the state, including
27 those supporting the retailer collection of used rechargeable
28 household batteries required by Section 42453.

29 (E) Reuse rate and recycling rate for the household batteries
30 manufactured by the producer.

31 (F) Roles and responsibilities of key participants in the
32 household battery distribution chain.

33 (G) Procedures to be used for notifying retailers and wholesalers
34 of the program.

35 (H) The manner in which existing collection points and
36 programs can be identified and maximized to achieve the required
37 collection rates.

38 (4) (A) The financing method selected to sustainably fund the
39 implementation of the plan for achieving the identified collection
40 rates as described in the plan, pursuant to paragraph (2).

1 (B) The financing method shall not include a separate and
2 distinct fee at the point of purchase.

3 (5) Education and outreach activities to maximize collection
4 rates.

5 (6) A producer or household battery stewardship organization
6 shall contact cities, counties, districts, and regional agencies, in
7 whose jurisdictions the program will be implemented, to do either,
8 or both, of the following:

9 (A) Reimburse the local public agency for the mutually agreed
10 upon cost of collecting household batteries.

11 (B) Provide the local public agency with the location, hours,
12 and contact information for the convenient collection points for
13 household batteries that are located within the county where the
14 local agency is located and are consistent with the plan.

15 42450.3. A household battery stewardship program shall be
16 considered in compliance with this article if it achieves the
17 collection rate for each class of household batteries covered by the
18 plan as required by paragraph (2) of subdivision (c) of Section
19 42450.2. If only one class of household batteries achieves its
20 collection rate required by paragraph (2) of subdivision (c) of
21 Section 42450.2, that portion of the program governing that class
22 of household batteries shall be considered in compliance with the
23 plan.

24 42450.4. A producer may petition the department for an
25 adjustment to the collection rate. The department may grant an
26 adjustment to the collection rate only if the department determines
27 there are documented exigent circumstances that are beyond the
28 control of the producer or household battery stewardship
29 organization.

30 42450.5. (a) The department shall review a plan within 45
31 days after the date the plan is received and either deem the plan
32 complete or incomplete. If the department does not deem the plan
33 complete, the department shall notify the producer or organization
34 that submitted the plan of the deficiencies and the producer or
35 organization shall revise and resubmit the plan within 45 days after
36 receiving the notification. If the department deems the plan
37 complete, the department shall, within 45 days after receipt, notify
38 the producer or organization that the submitted plan is complete.

1 (b) The department shall make all household battery stewardship
2 plans submitted to the department available to the public on the
3 department's Internet Web site.

4 (c) A producer shall notify the department 30 days before
5 instituting a significant or material change to a household battery
6 stewardship plan.

7 (d) On or before July 1, 2013, and on or before July 1 annually
8 thereafter, the department shall post on its Internet Web site a
9 listing of the brands of household batteries for which the producer
10 is in compliance with this article.

11 42450.6. On and after January 1, 2014, a producer, wholesaler,
12 or retailer shall not offer a household battery for sale in this state
13 or offer a household battery for promotional purposes in this state
14 unless one of the following applies:

15 (a) The plan submitted by the producer or household battery
16 stewardship organization of that household battery has been
17 deemed complete by the department pursuant to Section 42450.5.

18 (b) A plan submitted by a hazardous waste transporter on behalf
19 of the producer of that household battery pursuant to paragraph
20 (2) of subdivision (a) of Section 42450.2 is deemed complete by
21 the department.

22 42450.7. Upon receiving notification from the department
23 pursuant to Section 42450.5 that a plan is complete, the producer
24 or the household battery stewardship organization shall do all of
25 the following:

26 (a) Implement the plan, including, but not limited to, achieving
27 the collection rate specified in the plan.

28 (b) Pay the administrative fees imposed pursuant to subdivision
29 (b) of Section 42450.10.

30 (c) Submit the annual report required by Section 42450.9.

31 42450.8. (a) A wholesaler or a retailer that distributes or sells
32 household batteries shall monitor the department's Internet Web
33 site to determine if the sale of a producer's household batteries is
34 in compliance with this article.

35 (b) A retailer shall have 90 days from the date a noncompliant
36 brand is posted on the department's Internet Web site to sell the
37 remaining stock of those noncompliant household batteries or to
38 remove the product from sale. An enforcement action shall not be
39 taken against a retailer pursuant to this article with regard to that
40 noncompliant brand until after that 90-day period has expired.

1 42450.9. (a) On or before April 1, 2014, and every subsequent
2 year thereafter, each producer or household battery stewardship
3 organization implementing a plan shall prepare and submit to the
4 department an annual report describing the activities carried out
5 pursuant to the plan during the previous calendar year. The annual
6 report shall include, but is not limited to, all of the following:

7 (1) The extent to which each element of the plan specified in
8 subdivision (c) of Section 42450.2 is attained, including, but not
9 limited to, achieving the collection rate specified in the plan.

10 (2) The actions that the producer will take during the next
11 reporting period to meet the product goals specified in the plan
12 that have not been met.

13 (3) A report of the total sales data for household batteries sold
14 in the state for the previous three calendar years.

15 (4) Independently audited financial statements that detail the
16 financing method selected to sustainably fund the implementation
17 of the plan for achieving the identified collection rates as described
18 in the plan, pursuant to paragraph (2) of subdivision (c) of Section
19 42450.2.

20 (b) The department shall review an annual report submitted
21 pursuant to this section and shall deem it complete if the
22 department determines the report contains the information required
23 by this section.

24 (c) If the department does not act on a report within 45 days of
25 receipt, the report shall be deemed to be complete.

26 (d) The department shall make all reports submitted to the
27 department pursuant to this section available to the public on the
28 department's Internet Web site.

29 (e) If the collection rate for the household batteries subject to
30 the plan meets the collection rate specified in subparagraph (B) of
31 paragraph (2) of subdivision (c) of Section 42450.2, the report
32 shall be submitted once every two years.

33 42450.10. (a) (1) A producer or household battery stewardship
34 organization that submits a battery stewardship plan to the
35 department shall pay a plan review fee to the department pursuant
36 to this subdivision.

37 (2) The department shall set the plan review fee at an amount
38 so that the total amount of plan review fees received by the
39 department is no more than necessary to cover the reasonable costs
40 of reviewing and enforcing the plan. The department may establish

1 a variable plan review fee based on relevant factors, including, but
2 not limited to, the proportion of household batteries produced by
3 the feepayer as compared to the total amount of batteries produced
4 by all producers or household battery stewardship organizations
5 submitting a household battery stewardship plan. The department
6 shall establish the fee so that the manner in which the fee is
7 allocated bears a fair and reasonable relationship to the
8 department's costs in reviewing a plan.

9 (3) The fee shall be due to the department upon submittal of the
10 plan.

11 (b) (1) A producer or household battery stewardship
12 organization required to submit an annual report pursuant to this
13 article shall pay an annual administrative fee to the department
14 pursuant to this subdivision.

15 (2) The department shall set the annual administrative fee in an
16 amount that is no more than necessary to cover the reasonable
17 costs of reviewing annual reports and enforcing this article. The
18 department may establish a variable annual administrative fee
19 based on relevant factors, including, but not limited to, the
20 proportion of household batteries produced by the feepayer, as
21 compared to the total amount of household batteries produced by
22 all producers or household battery stewardship organizations
23 submitting an annual report, and whether the producer is submitting
24 a plan every two years as specified in subdivision (e) of Section
25 42450.9. The department shall establish the fee so that the manner
26 in which the fee is allocated bears a fair and reasonable relationship
27 to the department's costs in reviewing the annual reports and
28 enforcing this article.

29 (3) The fee shall be due to the department upon submittal of the
30 annual report.

31 (c) The total amount of fees collected pursuant to this section
32 shall not exceed the amount necessary to recover costs incurred
33 by the department in connection with the administration and
34 enforcement of the requirements of this article.

35 42450.11. (a) The Household Battery Stewardship Account
36 and the Household Battery Stewardship Penalty Subaccount are
37 hereby established in the Integrated Waste Management Fund.

38 (b) All fees collected pursuant to this article shall be deposited
39 in the Household Battery Stewardship Account and may be

1 expended by the department, upon appropriation by the Legislature,
2 to cover the department's costs to implement this article.

3 (c) All penalties collected pursuant to this article shall be
4 deposited in the Household Battery Stewardship Penalty
5 Subaccount and may be expended by the department, upon
6 appropriation by the Legislature, to cover the department's costs
7 to implement this article.

8 (d) All funds that are collected or received by the department
9 pursuant to this article, other than the fees specified in subdivision
10 (b), may be expended as incentives to enhance reuse, recyclability,
11 and redesign efforts and to reduce environmental and safety impacts
12 of household batteries.

13 42450.12. (a) If, after holding a public hearing, the department
14 finds that a producer has failed to make a good faith effort to
15 comply with this article, including, but not limited to, failing to
16 submit a plan pursuant to Section 42450.2 or failing to submit an
17 annual report pursuant to Section 42450.9, the department shall
18 issue a compliance order with a schedule for achieving compliance.

19 (b) If, after issuing an order and schedule for compliance
20 pursuant to subdivision (a), the department finds that the producer
21 has failed to make a good faith effort to comply with this article,
22 the department may impose an administrative civil penalty of five
23 thousand dollars (\$5,000) per day until the producer achieves
24 compliance.

25 (c) For purposes of this section, "good faith effort" means all
26 reasonable and feasible efforts by a producer or the program
27 implementing a plan deemed complete by the department towards
28 implementing the requirements of this article, including, but not
29 limited to, meeting the collection rate specified in the plan.

30 (d) If a household battery stewardship organization or hazardous
31 waste transporter submits a plan on behalf of a producer pursuant
32 to Section 42450.2, which plan is deemed complete by the
33 department, and the department finds the program established by
34 the plan has made a good faith effort to implement this article, the
35 department shall not deem the producer to have failed to make a
36 good faith effort to implement this article.

37 42450.13. (a) The department may impose an administrative
38 civil penalty not to exceed one thousand dollars (\$1,000) per day
39 against a wholesaler or retailer that violates Section 42450.6.

1 (b) A wholesaler or retailer that removes from sale any
2 household battery within 90 days of discovery that it is not in
3 compliance with this article shall not be deemed to be in violation
4 of Section 42450.6.

5 (c) Prior to enforcing any penalty pursuant to this section, the
6 department shall issue a compliance order to the wholesaler or
7 retailer selling the household battery allowing 30 days from the
8 date of the compliance order to cease sales of the household battery.

9 42450.16. This article does not limit, supersede, duplicate, or
10 otherwise conflict with the authority of the Department of Toxic
11 Substances Control under Section 25257.1 of the Health and Safety
12 Code to fully implement Article 14 (commencing with Section
13 25251) of Chapter 6.5 of Division 20 of the Health and Safety
14 Code, including the authority of the department to include
15 household batteries in its household battery registry.

16 42450.17. (a) Except as provided in subdivision (b), any action
17 taken to increase the recycling of household batteries pursuant to
18 this article by a producer, stewardship organization, or hazardous
19 waste transporter that affects the types or quantities being recycled
20 or the cost and structure of any return program is not a violation
21 of either the Cartwright Act (Chapter 2 (commencing with Section
22 16700) of Part 2 of Division 7 of the Business and Professions
23 Code), or the Unfair Practices Act (Chapter 4 (commencing with
24 Section 17000), of Part 2 of Division 7 of the Business and
25 Professions Code).

26 (b) Subdivision (a) shall not apply to any agreement establishing
27 or affecting the price of household batteries or the output or
28 production of household batteries, or any agreement restricting
29 the geographic area in which, or customers to whom, household
30 batteries will be sold.

31 SEC. 3. Article 5 (commencing with Section 44220) is added
32 to Chapter 3 of Part 4 of Division 30 of the Public Resources Code,
33 to read:

34

35 Article 5. Universal Waste Management Facilities

36

37 44220. For purposes of this article, the following definitions
38 shall apply:

39 (a) “DTSC” means the Department of Toxic Substances Control.

1 (b) “Project” means the construction, expansion, or retrofitting
2 of a solid waste facility to process, collect, or recycle a universal
3 waste.

4 (c) “Universal waste” has the same meaning as defined in
5 Section 25123.8 of the Health and Safety Code.

6 44221. Notwithstanding Section 44103, a project is eligible
7 for the permitting process established by this article if the project
8 meets all of the following requirements, as determined by DTSC:

9 (a) The project complies with the Global Warming Solutions
10 Act (Division 25.6 (commencing with Section 38500) of the Health
11 and Safety Code).

12 (b) The project complies with the California Environmental
13 Quality Act (Division 13 (commencing with Section 21000)).

14 (c) The project is capable of creating long-term, high
15 value-added jobs for Californians while enhancing the state’s
16 commitment to source reduction, recycling, proper handling of
17 universal and hazardous waste, and greenhouse gas reduction.

18 44222. (a) Upon the request of an applicant for a project, the
19 DTSC shall appoint an administrative liaison within DTSC to serve
20 as the applicant’s single point of contact with the DTSC with
21 respect to the requirements of any permit or authorization required
22 by Chapter 6.5 (commencing with Section 25100) of Division 20
23 of the Health and Safety Code.

24 (b) The administrative liaison shall provide information to the
25 applicant regarding the status of, and coordinate the review and
26 decisionmaking process with respect to, the applications and
27 permits required by DTSC for the project.

28 (c) DTSC shall provide all of the following to a project applicant
29 for a permit or authorization required by Chapter 6.5 (commencing
30 with Section 25100) of Division 20 of the Health and Safety Code:

31 (1) A consolidated project information form to collect the
32 information required to complete all permits for the project.

33 (2) A method for tracking the progress of the permit application
34 through the permitting process, including the identification of a
35 staff person responsible for monitoring the permit progress.

36 (3) A process for determining whether the consolidated project
37 information form is complete upon its submission.

38 (4) Timetables for action on the permit application.

1 (5) An expedited appeal process, to ensure fair treatment to the
2 applicant, using existing agencies, staffs, commissions, or boards,
3 where possible.

4 (d) The DTSC shall give the highest priority to a project for
5 which, as of January 1, 2012, an applicant has submitted an
6 application for a permit or authorization required by Chapter 6.5
7 (commence with Section 25100) of Division 20 of the Health and
8 Safety Code.