

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY MAY 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1103

Introduced by Assembly Member Dodd

February 27, 2015

An act to amend Section 42649.8 ~~of of~~, and to add Sections 42649.88, 42649.89, 42649.9, 42649.91, and 42649.92 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1103, as amended, Dodd. Solid waste: organic waste.

Existing law, on and after April 1, 2016, requires a business that generates a certain amount of organic waste to arrange for recycling services specifically for organic waste, and requires each city, county, or regional agency approved by the Department of Resources Recycling and Recovery to implement an organic waste recycling program designed to divert organic waste generated by those businesses, except as specified. Existing law defines the term “organic waste” for purposes of those provisions to include food waste and food-soiled paper waste.

~~This bill would also define the terms “food-soiled paper” and “food waste” for purposes of those provisions.~~ *require a person who transports a certain amount of food waste to be registered by the department, except as specified. The bill would require a registered transporter to maintain a record of food waste transported that contains specified documents and information, and to certify, under penalty of perjury, to the accuracy of the record. By expanding the application of the crime of perjury, the bill would impose a state-mandated local program. The*

bill would authorize the department to impose fees on registered transporters for vehicles used to transport food waste for the department’s reasonable regulatory costs in administering these provisions regulating the diversion of food waste, as specified. The bill would require food waste transporters and facilities to report specified information to the department at least quarterly, including, among other things, the quantity of food waste transported or received, as applicable. The bill would subject a registered transporter of food waste to a civil penalty, payable to the department, for a violation of these provisions. The bill would require a jurisdiction or other local governmental agency to inspect vehicles that are used by transporters to transport food waste. By imposing additional duties on local governmental agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. (a) *The Legislature finds and declares that a*
 2 *statewide system of accounting for the diversion of food waste*
 3 *through the implementation and enforcement of statewide*
 4 *standards for hauling, processing, and transferring of food waste*
 5 *is critical to protect public health and safety, to reduce the disposal*
 6 *of food waste in landfills, and to improve the environment through*
 7 *the reduction of greenhouse gases. According to the State Air*
 8 *Resources Board’s May 2015 Short-Lived Climate Pollutant*
 9 *Reduction Strategy concept paper, “The strategy will consider*
 10 *measures to meet a goal of diverting 90 percent of organics from*
 11 *landfills through source reduction and organics recycling by*
 12 *2025.”*

1 (b) *It is the intent of the Legislature that food waste material*
2 *be managed in a manner that is consistent statewide and that tracks*
3 *the movement of food waste through a regulated system to*
4 *significantly improve the state’s ability to do both of the following:*

5 (1) *Quantify progress toward greenhouse gas reduction goals*
6 *statewide.*

7 (2) *Report diversion levels for determining progress toward the*
8 *state’s current 75 percent recycling goal.*

9 **SECTION 1.**

10 *SEC. 2.* Section 42649.8 of the Public Resources Code is
11 amended to read:

12 42649.8. For purposes of this chapter, the following terms shall
13 apply:

14 (a) “Business” means a commercial or public entity, including,
15 but not limited to, a firm, partnership, proprietorship, joint stock
16 company, corporation, or association that is organized as a
17 for-profit or nonprofit entity, or a multifamily residential ~~dwelling.~~
18 *dwelling, and including federal, state, county, and municipal*
19 *entities, special districts, schools, and colleges.*

20 (b) “Commercial waste generator” means a business subject to
21 subdivision (a) of Section 42649.2.

22 ~~(e) “Food-soiled paper” includes, but is not limited to, food~~
23 ~~soiled napkins, towels, egg cartons, pizza boxes, waxed or unwaxed~~
24 ~~cardboard or paper food and beverage containers or wrappers,~~
25 ~~paper bags, coffee filters, tea bags, and plates and cups that do not~~
26 ~~have a plastic coating.~~

27 ~~(d)~~

28 (c) “Food waste” means discarded putrescible solid, semisolid,
29 and liquid food, including, but not limited to, fruit, vegetables,
30 cheese, meat, bones, poultry, seafood, bread, rice, pasta, oils, and
31 herbs, and any other putrescible matter produced from human food
32 production and preparation activities. ~~Food waste includes~~
33 ~~food-soiled paper. Food waste does not include materials required~~
34 ~~to be handled pursuant to Chapter 5 (commencing with Section~~
35 ~~19200) of Part 3 of Division 9 of the Food and Agricultural Code.~~

36 (d) “Individual self-hauler” means a self-hauler with only one
37 transporter vehicle that transports not more than one cubic yard
38 of food waste per week from not more than one location.

1 (e) “Organic waste” means food waste, green waste, landscape
 2 and pruning waste, nonhazardous wood waste, and food-soiled
 3 paper waste that is mixed in with food waste.

4 (f) “Organic waste generator” means a business subject to
 5 subdivision (a) of Section 42649.81.

6 (g) “Rural jurisdiction” means a jurisdiction that is located
 7 entirely within one or more rural counties, or a regional agency
 8 comprised of jurisdictions that are located within one or more rural
 9 counties.

10 (h) “Rural county” means a county that has a total population
 11 of less than 70,000 persons.

12 (i) “Self-hauler” means a business that hauls *more than one*
 13 *cubic yard of its own food waste or hauls food waste from more*
 14 *than one location*, rather than contracting for that ~~service~~ *service*,
 15 and “self-haul” means to act as a self-hauler.

16 (j) “*Transporter vehicle*” means a vehicle that transports and
 17 delivers food waste to an approved processing facility, and that
 18 is operated by a business required to be registered pursuant to
 19 Section 42649.89.

20 SEC. 3. Section 42649.88 is added to the Public Resources
 21 Code, to read:

22 42649.88. Any facility that is permitted or authorized by law
 23 to receive food waste may participate in the diversion of food waste
 24 pursuant to this chapter.

25 SEC. 4. Section 42649.89 is added to the Public Resources
 26 Code, to read:

27 42649.89. (a) Except as expressly provided herein, it is
 28 unlawful for any business to transport more than one cubic yard
 29 of food waste per week or to transport food waste from more than
 30 one location without being registered by the department as a
 31 transporter of food waste. The following are exempt from the
 32 registration and related requirements of this section:

33 (1) Licensed renderers lawfully operating pursuant to Chapter
 34 5 (commencing with Section 19200) of Part 3 of Division 9 of the
 35 Food and Agricultural Code.

36 (2) Transporters of agricultural byproducts destined for final
 37 disposition on land in a manner that is specifically authorized by
 38 the State Water Resources Control Board, or a Regional Water
 39 Quality Control Board, provided such final disposition does not
 40 adversely affect public health and safety or the environment.

1 (b) The department may impose fees on registered transporters
2 of food waste and individual self-haulers for transporter vehicles
3 for the reasonable regulatory costs to the department to administer
4 the provisions of this chapter regulating the diversion of food
5 waste, not to exceed the following:

6 (1) Except as specified in paragraph (2), three hundred dollars
7 (\$300) for each transporter vehicle.

8 (2) One hundred dollars (\$100) for the transporter vehicle of
9 an individual self-hauler.

10 (c) A registered transporter shall procure and maintain
11 insurance coverage against claims for injuries to persons or
12 damages to property that may arise from, or in connection with,
13 the performance of the work of the transporter. A registered
14 transporter shall maintain commercial liability, commercial
15 automobile liability, workers' compensation, and pollution liability
16 insurance policies, in an amount and type as determined by the
17 department, which amount shall be no less than one million dollars
18 (\$1,000,000). A registered transporter lawfully operating pursuant
19 to a franchise, contract, license, or permit issued by a local agency
20 shall be deemed to have satisfied the requirements of this
21 subdivision.

22 (d) A transporter vehicle shall be inspected on a regular basis,
23 at a frequency and in accordance with standards developed by the
24 department, by the jurisdiction or other local governmental entity
25 permitting the transporter's operation. The inspection shall
26 include, but is not limited to, the vehicle's cleanliness, whether
27 the vehicle is watertight, whether the food waste is properly
28 contained, and whether the vehicle has been inspected pursuant
29 to Section 34501.12 of the Vehicle Code. A transporter lawfully
30 operating pursuant to a franchise, contract, license, or permit
31 issued by a local agency shall be deemed to have satisfied the
32 requirements of this subdivision.

33 (e) A registered transporter shall comply with state or local
34 laws or requirements, including a local ordinance or agreement,
35 applicable to the collection, handling, or recycling of solid waste.

36 SEC. 5. Section 42649.9 is added to the Public Resources Code,
37 to read:

38 42649.9. (a) A registered transporter shall maintain a record
39 of transported food waste to document that food waste did not
40 remain on the premises of the generator for more than seven days,

1 consistent with, and subject to the exceptions provided in, Section
2 17331 of Title 14 of the California Code of Regulations, and was
3 handled in accordance with the provisions of this chapter, as
4 specified in regulations to be adopted pursuant to subdivision (e).

5 (b) The record shall include a receipt indicating the acceptance
6 of the material at a permitted or approved facility, the quantity of
7 the material, and the jurisdiction of origin of the food waste. The
8 transporter shall certify, under penalty of perjury, that the record
9 is accurate.

10 (c) A registered transporter shall submit an electronic report
11 to the department, at least quarterly, containing all information
12 required to be reported pursuant to subdivision (b) of Section
13 42649.91.

14 (d) A registered transporter shall maintain all records required
15 pursuant to this section for a minimum of three years.

16 (e) The department may adopt regulations requiring practices
17 and procedures that are reasonable and necessary to provide an
18 accounting of food waste transported, handled, processed, or
19 disposed. The regulations shall not impose an unreasonable burden
20 on the transporting, safe handling, processing, and disposal of
21 food waste.

22 SEC. 6. Section 42649.91 is added to the Public Resources
23 Code, to read:

24 42649.91. (a) The department shall compile a list of permitted
25 and approved facilities authorized to accept food waste and shall
26 also notify facilities and registered transporters of the requirements
27 relating to transportation of food waste by posting the information
28 on the department's Internet Web site.

29 (b) The department shall require a registered transporter or
30 facility that transports or receives food waste, as applicable, to
31 report information to the department at least quarterly concerning
32 the transportation and receipt of food waste, including all of the
33 following:

34 (1) The name of the transporter or facility.

35 (2) The jurisdiction of origin of the food waste.

36 (3) The quantity of the food waste transported or received in
37 weight or volume.

38 (4) The date and time the food waste was transported or
39 received.

1 (5) *The license plate number of the vehicle used for*
2 *transportation.*

3 (6) *Any other information required by the department.*

4 *SEC. 7. Section 42649.92 is added to the Public Resources*
5 *Code, to read:*

6 *42649.92. Any person who refuses or fails to submit*
7 *information required by regulations adopted pursuant to Sections*
8 *42649.88 to 42649.91, inclusive, is liable to the department for a*
9 *civil penalty of not less than five hundred dollars (\$500) and not*
10 *more than five thousand dollars (\$5,000) for each violation of a*
11 *separate provision or, for continuing violations, for each day that*
12 *the violation continues.*

13 *SEC. 8. No reimbursement is required by this act pursuant to*
14 *Section 6 of Article XIII B of the California Constitution for certain*
15 *costs that may be incurred by a local agency or school district*
16 *because, in that regard, this act creates a new crime or infraction,*
17 *eliminates a crime or infraction, or changes the penalty for a crime*
18 *or infraction, within the meaning of Section 17556 of the*
19 *Government Code, or changes the definition of a crime within the*
20 *meaning of Section 6 of Article XIII B of the California*
21 *Constitution.*

22 *However, if the Commission on State Mandates determines that*
23 *this act contains other costs mandated by the state, reimbursement*
24 *to local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*