

California Environmental Protection Agency
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

Tuesday, March 17, 1998
1:30 p.m.

State Capitol
Senate Committee Hearing Room 113
Sacramento, CA 95814

meeting of the

LEGISLATION AND PUBLIC EDUCATION
COMMITTEE

Robert C. Frazee, Interim Chairman
Wesley Chesbro, Member

REVISED AGENDA

Note:

- *Agenda items may be taken out of order.*
- *If written comments are submitted, please provide 15 two-sided copies in advance of the Committee meeting and include on the first page of the document the date, the name of the committee meeting, the agenda item number, and the name of the person submitting the document.*
- *Unless otherwise indicated, Committee meetings will be held in the CIWMB Hearing Room, 8800 Cal Center Drive, Sacramento, CA.*
- *Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.*
- *To request special accommodations for those persons with disabilities, please contact the Committee Secretary at (916) 255-2177.*

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call Piper Miguelgorry, Committee Secretary, at (916) 255-2177.

1. UPDATE ON PUBLIC EDUCATION ACTIVITIES FROM THE DIVERSION, PLANNING, AND LOCAL ASSISTANCE DIVISION (ORAL PRESENTATION)
2. UPDATE ON OFFICE OF PUBLIC AFFAIRS ACTIVITIES (ORAL PRESENTATION)
3. CONSIDERATION OF STATE LEGISLATION
4. OPEN DISCUSSION
5. ADJOURNMENT

Notice:

The Board or the Committee may hold a closed session to discuss the following: confidential tax returns, trade secrets, or other confidential or proprietary information of which public disclosure is prohibited by law; the appointment or employment of a public employee; or litigation under authority of Government Code Sections 11126 (a)(1), (c)(3), (15), and (e), respectively.

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Request Line: (916) 255-2563/FAX (916) 255-2602
Patti Bertram, Administrative Assistant: (916) 255-2156

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET. THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS AS FOLLOWS:
[HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)

California Integrated Waste Management Board

Legislation and Public Education Committee

March 17, 1998

AGENDA ITEM 3

ITEM:

CONSIDERATION OF STATE LEGISLATION

I. SUMMARY

This item presents analyses of four bills for the Committee's consideration. In addition, the Committee may wish to consider any legislation presently before the California Legislature, as described in the Status Report of Priority Legislation, which is attached.

II. PREVIOUS COMMITTEE ACTION

SB 698 (Rainey): Plastic Trash Bags. At the May 1997 Board meeting, the Board took a neutral position on the May 13, 1997 version of the bill. Since the bill has been recently amended, SB 698 is back before the LPEC.

III. OPTIONS FOR THE COMMITTEE

Committee members may wish to recommend a position to the full Board on the state legislation before them or postpone recommendations until a later date. Attachment 1 describes actions commonly taken by the Legislation and Public Education Committee in making recommendations to the full Board on pending State or federal legislation.

IV. STAFF RECOMMENDATION

The Legislative and External Affairs Office suggests that the Committee recommend positions, or provide staff with direction, on the State legislation before them.

V. ANALYSIS

Analyses have been prepared this month for the following bills:

AB 1699 (Ortiz) Air pollution: rice straw burning. AB 1699 would amend the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991, Chapter, 787, Statutes of 1991 (AB 1378, Connelly), by modifying the determination of daily limits on acres burned and establishing the concept of marginal burn days in the Sacramento Valley Air Basin. Additionally, the bill would require the California Department of Food and Agriculture (CDFA), in cooperation with the State Energy Resources Conservation and Development Commission, the California Integrated Waste Management Board (CIWMB) and the State Air Resources Board (ARB) to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses.

AB 2181 (Firestone) Solid waste: Tires. AB 2181 would clarify the definition of "each day of violation" with regard to accepting waste tires at an unpermitted waste tire facility and knowingly directing or transporting waste tires to an unpermitted waste tire facility. Would establish separate penalties for negligent and intentional violations of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law. Would require that the size of individual pieces of shredded tires deposited in landfills not exceed two inches in length in order to encourage the availability of waste tires for productive end use and to remove any economic bias that favors landfill deposition of shredded waste tires.

AB 2353 (Olberg) Surety insurers. AB 2353 would authorize a state agency to impose additional or more stringent requirements upon an admitted surety insurer if they are required for the state agency to comply with federal law. In addition, this bill would require that any such requirement be complied with before the admitted surety insurer is deemed sufficient. AB 2353 is sponsored by the CIWMB.

SB 698 (Rainey) Plastic trash bags. SB 698, an urgency measure, would eliminate the current 30 percent recycled material use requirement in trash bags 0.75 mil and greater and replace it with two compliance options from which manufacturers may choose. Additionally, the bill would delete the exemption for adhesive, heat-affixed strap bags. Further, the bill would require the California Integrated Waste Management Board (CIWMB) to conduct a survey of manufacturers subject to this proposed legislation and report to the Legislature on its findings by October 1, 2001.

VI. FUNDING INFORMATION

Not applicable

VII. ATTACHMENTS

1. Description of actions commonly taken by the Committee.
2. Bill analyses for the following bills:
 - A. AB 1699 (Ortiz)
 - B. AB 2181 (Firestone)
 - C. AB 2353 (Olberg)
 - D. SB 698 (Rainey)
3. Status Report of Priority Bills.

VIII. APPROVALS

Prepared By: Barbara Peavy *Barbara Peavy* Phone: 255-2417

Prepared By: _____ Phone: _____

Reviewed By: Gregson Porteous *Gregson W. Porteous* Phone: 255-2415

ATTACHMENT 1

Description of actions commonly taken by the Committee.

Legislation and Public Education Motions

- ◆ Recommend a position. This means the LPEC is recommending a position to the full Board for its consideration. The LPEC may recommend the bill for the Board's consent calendar, *provided* all LPEC members agree on a position and agree that the bill is not controversial and does not merit further discussion at the Board meeting. Commonly used positions are:
 - ◆ **Support.** This indicates that LPEC recommends CIWMB's unconditional support for the legislation.
 - ◆ **Support if amended.** This indicates that LPEC recommends that the CIWMB support the legislation, provided it is amended. If the author of the legislation does not accept the amendments, the CIWMB will not have a position and may re-evaluate the bill to determine if another position is warranted.
 - ◆ **Oppose.** This indicates that LPEC recommends that the CIWMB unconditionally oppose the legislation – that is, that no amendments are available to remove the CIWMB's concerns.
 - ◆ **Oppose unless amended.** This indicates that LPEC recommends that the CIWMB oppose the legislation until appropriate amendments are made to address the CIWMB's concerns. If the CIWMB amendments are taken, CIWMB will not have a position for the bill and may re-evaluate the legislation.
 - ◆ **Neutral.** This indicates that LPEC recommends that the CIWMB adopt a neutral position regarding the legislation because the bill does not impose any policy or fiscal impacts of concern to the CIWMB's policies or programs.
 - ◆ **Neutral if amended.** This indicates that LPEC recommends that the CIWMB adopt a neutral position regarding the legislation but nonetheless request amendments (usually minor, technical changes).
 - ◆ **Defer to another agency.** This indicates that LPEC recommends that the CIWMB not take a position on the legislation but rather suggest that another agency should more appropriately adopt a position on the bill.
- ◆ Hold in Committee. This means that the LPEC is not prepared to forward the bill to the full Board for a position.
- ◆ Forward to the CIWMB without recommendation. This means that LPEC has reviewed and discussed the legislation but chooses not to recommend a position to the full Board.

California Integrated Waste Management Board

Legislation and Public Education Committee

March 17, 1998

AGENDA ITEM 3

Revised analyses on:

- AB 1699 (Ortiz), as amended March 9, 1998
- SB 698 (Rainey), as amended March 9, 1998

REVISED

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board California Integrated Waste Management Board	Author Ortiz	Bill Number AB 1699
Sponsor Author	Related Bills AB 84 (Woods) AB 2632 (Thomson) AB 2652 (Cardoza) SB 381 (Thompson)	Date Amended March 9, 1998

BILL SUMMARY

AB 1699 would amend the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991, Chapter, 787, Statutes of 1991 (AB 1378, Connelly), by requiring the State Air Resources Board (ARB) to establish a fine particulate matter monitoring program in cooperation with districts in and adjacent to the Sacramento Valley. Additionally, the bill would require the California Department of Food and Agriculture (CDFA), in cooperation with the State Energy Resources Conservation and Development Commission, the California Integrated Waste Management Board (CIWMB) and the ARB to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses.

BACKGROUND

According to the author, rice straw smoke represents a public health problem for the Sacramento area. While the law generally requires reduced levels of acres of rice fields that are burned, rice straw continues to be burned, which causes smoke-related public health problems. The author introduced this bill to: (1) eliminate burning on days when there is a possibility of causing smoke problems; (2) require air pollution officers to notify the public officers when burning will be allowed; (3) require the State Air Resources Board to recommend improvements in the regulation and enforcement of local burning activities for local air boards; and (4) get State agencies' assistance with creation of markets for rice straw.

Departments That May Be Affected		
State Air Resources Board, California Department of Food and Agricultural, State Energy Resources and Development Commission, California Integrated Waste Management Board		
Committee Recommendation	Committee Chair	Date

Management of Rice Straw

The Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 required progressive reductions in the number of acres where rice straw burning is allowed. By the year 2000, 125,000 acres, or 25 percent of each grower's land, whichever was less, could be burned to control stem rot and other plant diseases. In 1997, Chapter 745 (SB 318, Thompson) was enacted, which temporarily revised the schedule that limits the burning of rice straw in the Sacramento Valley Air Basin. Chapter 745 specified the number of acres that may be burned annually for five years. Additionally, Chapter 745 revised the conditions governing the burning of rice straw for disease control and provided loan guarantees and cost-sharing grants to promote alternative uses of rice straw. We note that the mandated reduction of acres burned will likely increase the potential for more rice straw to be disposed in landfills near rice-growing areas.

Chapter 991, Statutes of 1996 (AB 3345, Bustamante) requires the CIWMB, by December 31, 1998, to conduct a feasibility study on expanding the use of agricultural and forest waste in the production of commercial products. According to the sponsor, the purpose of this statute is to identify the economic benefits of the productive use of agricultural and forest waste in the development of commercial products composed of these recycled materials. The sponsor believes that the study will help engender stronger pro-recycling political support from areas and communities where it does not presently exist. The CIWMB is in the process of preparing this report.

Chapter 787 (Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991) established an advisory committee whose responsibilities included the development of a list of priority goals and feasible and cost-effective alternatives to rice straw burning. In their 1995 report to the Legislature on the rice burning phase down, over 50 alternatives to field burning were identified. Most, if not all of these alternatives, were deemed economically infeasible on any large scale.

The Rice Straw Burning Alternatives Committee reports that the annual production of rice straw is approximately 1.5 million tons. Currently, only a small portion of the total agricultural waste generated every year is disposed in California's landfills. Most of this waste either is burned in the field, burned in wood waste powerplants or left in the field. The primary potential commercial uses include chip and fiberboard, paper products, wallboard and paneling, rice straw bales, compost, solid fuel for power generation, animal feed and bedding, and ethanol and methanol for fuels.

RELATED BILLS

Four bills related to AB 1699 have been introduced during the 1997/98 Legislative Session:

- AB 84 (Woods) would have defined "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost. Additionally, AB 84 would have implemented a pilot program for State agencies to provide price preferences for products manufactured with residues from agricultural cropping activities. AB 84 was vetoed by the Governor.

- AB 2632 (Thomson) would require the ARB and the CDFA to conduct a study of the feasibility of converting rice straw to ethanol fuels. AB 2632, introduced on February 23, 1998, has been referred to the Assembly Rules Committee for policy committee assignment.
- AB 2652 (Cardoza) would permit the San Joaquin Valley Unified Air Pollution Control District to develop guidelines, which are to be submitted to the ARB, to allocate the amount of agricultural burning that may be authorized on any day in the San Joaquin Valley air basin, without regard to whether the day is designated as a nonburning day. Additionally, the bill would require the ARB to promulgate the guidelines without alteration. AB 2652, introduced on February 23, 1998, has been referred to the Assembly Rules Committee for policy committee assignment.
- Chapter 745 (SB 318, Thompson, Statutes of 1997) temporarily revised the schedule that limits the burning of rice straw in the Sacramento Valley Air Basin. Additionally, the bill revised the conditions governing the burning of rice straw for disease control and provided loan guarantees and cost-sharing grants to promote alternative uses of rice straw. The intent of the bill was to shift more of the burning to the spring months when the meteorological conditions in the Sacramento Valley are better for pollutant transport and dispersion.

EXISTING LAW

State law:

1. Specifies the number of acres that may be burned annually and establishes a maximum number of acres that may be burned, in specified fall months, through the year 2002 (Health and Safety Code [HSC] §41865 [c] [1]):

Year	Maximum Annual Burn Acres	Maximum Fall Burn Acres
1998	240,000	90,000
1999	240,000	82,000
2000	240,000	74,000
2001	240,000	66,000
2002	240,000	60,000

2. At the conclusion of the five-year revised schedule, burn levels will revert to the existing schedule at the conditional burning stage (2000 point), i.e., in 2003 and thereafter, the lesser of 25 percent or 125,000 acres may be burned, with burning eligibility subject to a "conditional burning permit (HSC §41865 [I]);
3. Revises the definition of "administrative burning" to include burning on rice research facilities, not to exceed 2000 acres (HSC §41865 [k]);

4. Allows an exemption from the burning limitation for:
 - a. "Extraordinary circumstances," pursuant to a determination by the Air Resources Board (ARB) and the Department of Food and Agriculture (CDFA) (HSC §41865 [j]);
 - b. "Administrative burning" along roads, ditches or levees adjacent to a rice field (HSC §41865 [k]);
5. Requires the ARB, in consultation with the CDFA, the advisory committee, and the Department of Commerce, to develop an implementation plan and a schedule to achieve diversion of not less than 50 percent of rice straw produced toward off-farm uses by the year 2002 (HSC §41865 [m]);
6. Defines "off-farm uses" to include, but are not limited to, the production of energy and fuels, construction materials, pulp and paper and livestock fees (HSC §41865 [m]);
7. Requires the ARB and the CDFA to jointly report to the Legislature on the progress of the phase down of, and the identification and implementation of alternatives to, rice straw burning by September 1, 1999 (HSC §41865 [n]);
8. Requires the report to be updated biennially and transmitted to the Legislature not later than September 1 of each odd-numbered year (HSC §41865 [n]);
9. Establishes a \$5 million fund, administered by ARB, to provide cost-sharing grants of up to 50 percent to develop demonstration projects for technologies that use rice straw (HSC §39752);
10. Requires ARB and local air pollution control agencies, to the extent that resources are available, to:
 - a. Improve management of citizen complaints; and
 - b. Respond more quickly to help maximize burning days when meteorological conditions are best suited for smoke dispersion; (HSC 41865 [u]);
11. Requires ARB and CDFA to jointly establish an advisory committee to assist with the identification and implementation of alternatives to rice straw burning field (HSC §41865 §[l]); and.
12. Requires the CIWMB to conduct, by December 31, 1998, a feasibility study on expanding the use of agricultural waste and forest waste in the production of commercial products and to transmit the study to the Governor and the Legislature by December 31, 1998 (Public Resources Code §42003).

ANALYSIS

AB 1699 would:

1. Require the ARB to establish a fine particulate matter monitoring program in cooperation with districts in and adjacent to the Sacramento Valley, which would achieve the following:
 - a. Evaluate the contributions made by the burning of rice straw to fine particulate matter levels in and adjacent to the Sacramento Valley on a seasonal and episodic basis;
 - b. Establish a program to provide daily forecasts of fine particulate matter effects from rice straw burning smoke in and adjacent to the Sacramento Valley;
 - c. Make daily reports to the public (as soon as this is reasonably possible) of the previous day's fine particulate matter levels in and adjacent to the Sacramento Valley; and
 - d. Report the status of monitoring and forecasting programs, and an assessment of the air quality impacts of rice straw burning in each of the required legislative reports, as specified, on rice straw;
2. Define "fine particulate matter: as particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers;
3. Require the ARB to prepare and submit a report and make recommendations for improving the local regulation and enforcement of laws governing rice straw burning in the Sacramento Valley Air Basin by January 1, 2000;
4. Require the ARB and the Sacramento Valley air pollution control districts to provide advance written public notice of rice straw burning days, which must be provided on the Internet and to the local news media; and
5. Require the CDFA, in cooperation with the State Energy Resources Conservation and Development Commission, the CIWMB and the ARB, to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses, as specified, no later than September 1, 1999.

COMMENTS

Waste Diversions and Environmental Benefits. The CIWMB is supportive of activities aimed not only at preventing residues from agricultural cropping activities from being landfilled, but also providing the basis for new enterprise development particularly in rural counties throughout California. The CIWMB has supported numerous rice straw projects including a rice straw bale soundwall and the use of this material in paper product applications. Further by finding alternative uses for residues from agricultural cropping activities, particularly rice straw, there is the added benefit that this material will not be disposed in solid waste landfills and more importantly, fewer

rice fields will be burned, which will greatly decrease air pollution, thereby enhancing the health and safety of the public.

Required Reports on Use of Rice Straw. AB 1699 requires the CDFA in cooperation with the CIWMB, the ARB, and the State Energy Resources Conservation and Development Commission, to submit to the Legislature by September 1, 1999, recommendations for ensuring consistent and predictable quantities of rice straw for cost-effective alternative uses. These recommendations must be consistent with the goals for the development of alternative uses established by the Rice Straw Burning Alternatives Advisory Committee. The recommendations as well as the analysis performed to develop the recommendations should assist the CIWMB's Recycling Market Development Zone program to develop markets for agricultural and other wood waste residues. Additionally, the recommendations are to be consistent with the implementation plan and schedule for the 50 percent diversion mandate of Chapter 745 (SB 318, Thompson, Statutes of 1997). The Chapter 745 implementation plan is being prepared by ARB, CDFA, and the Alternatives Advisory Committee and is due to be completed by September 1, 1998.

Chapter 991 (AB 3345, Bustamante, Statutes of 1996) required the CIWMB to do a feasibility study on expanding the use of agricultural waste and forest waste in the production of commercial products. The CIWMB is required to transmit this study to the Governor and the Legislature by January 1, 2000. The requirements of this statute were not excluded by Chapter 970 (AB 116, Speier, Statutes of 1996), which provided for a moratorium on certain reports to the Legislature and the Governor.

The development of legislative recommendations will probably be similar to the Cal/EPA work on biomass cost-shifting strategies. In that project, the various stakeholders proposed strategies, which were considered in public workshops with Cal/EPA staff compiling and analyzing the strategies. Staff prepared the legislative report, *Cost-Shifting Strategies for the Biomass Industry*, which was required by Chapter 854 (AB 1890, Brulte, Statutes of 1996). Each of the proposed strategies was discussed in the report.

CIWMB's Responsibilities in AB 1699. The CDFA has primary responsibility for the preparation of the recommendations. The language in AB 1699 describes the development of the recommendations as a study. This is probably a statement of the work that must be done. Most of the background research and analysis has either already been done by the Alternatives Advisory Committee in its 1995 and 1997 reports or will have been performed in the Chapter 745 (Thompson, SB 318, Statutes of 1997) and Chapter 991 (AB 3345, Bustamante, Statutes of 1996) studies, which are currently underway. The CIWMB's role will be to participate in the process. The expended workload would be no more than one-fifth to one-quarter of an associate analyst's time from about November 1998 to August/September 1999. During that time there will be a couple of four-to-six week periods of intensive activity. During these periods the assigned analyst may be spending 50 percent of his/her time on this project.

Rice Straw Disposed in Landfills. Historically, rice straw has not been disposed in landfills. According to the Air Resources Board and Department of Food and Agriculture 1995 Report to the Legislature, "Approximately 95 percent of the unburned rice straw was incorporated into the soil by additional field activities (with or without flooding). Some growers have provided baled straw for testing in a variety of manufacturing operations and straw-to-energy processes." This statement

supports the CIWMB's 1990 waste generation data that indicates that very little (69,898 tons/year - approximately .2 percent of the total waste disposed statewide) crop residue (all types of crops) is disposed in landfills. This information verifies that traditionally landfilling has not been a disposal option employed by farmers, which is probably a reflection of disposal costs.

SUGGESTED AMENDMENT

The author may wish to consider the following technical amendment:

On page 12, lines 17 and 18, of the March 9, 1998 version of AB 1699, the bill refers to "the requirements of paragraph (2) of subdivisions (l) and (m) of Section 41865 of the Health and Safety Code."

There is no paragraph 2 of subdivision (m).

LEGISLATIVE HISTORY

AB 1699 was introduced on January 26, 1998. The bill is set to be heard before the Assembly Natural Resources Committee on March 16, 1998.

Support: Sierra Club
 American Lung Association of California

Opposition: None received.

FISCAL AND ECONOMIC IMPACT

AB 1699 would impose minor absorbable fiscal costs (.25 PY) on the Integrated Waste Management Account. The CIWMB would have a one-time reporting requirement along with other State agencies. The workload impact would be minimal, as the bulk of information necessary to comply with this proposal is either available from completed studies or will be available upon completion of those studies referenced in this analysis, which are already underway.

AB 1699 could have a significant positive economic impact for rice growers if the study identifies new ways that rice straw can be economically used in manufacturing processes. The study and report requested by this legislation may not only reduce the cost of disposal by diverting rice straw waste from landfills, but could also provide the basis for new enterprise development throughout California. Further, by finding alternative uses for rice straw, there is the added benefit that fewer rice fields will be burned, which will greatly decrease air pollution, thereby improving the health and safety of the public. Finally, this could result in a significant, as yet unquantifiable cost avoidance, in the arena of public health.

REVISED

REGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

Board California Integrated Waste Management Board	Author Rainey	Bill Number SB 698
Sponsor First Brands, Inc.	Related Bills AB 2555 (Aroner)	Date Amended March 9, 1998

BILL SUMMARY

SB 698 would eliminate the current 30 percent recycled material use requirement for trash bags 0.75 mil and greater and replace it with two compliance options from which manufacturers may choose. Additionally, the bill would delete the exemption for adhesive, heat-affixed strap bags. Further, the bill would require the California Integrated Waste Management Board (CIWMB) to conduct a survey of manufacturers subject to this proposed legislation and report to the Legislature on its findings by October 1, 2001.

BACKGROUND

SB 698 is sponsored by First Brands, Inc., a manufacturer of plastic trash bags. First Brands believes that California law requiring 20 percent and 30 percent postconsumer plastic in trash bags is inappropriately difficult to implement. First Brands asserts that these levels of postconsumer plastic cause poor quality bags that consumers are unwilling to purchase. Additionally, First Brands asserts that, to satisfy California law while maintaining market share, it must bear additional costs to manufacture and inventory a product line for California and a separate product line for the rest of the country.

Bill Previously Heard Before CIWMB. The CIWMB took a neutral position on SB 698, as amended May 13, 1997. Since that time, the bill has been amended twice.

Departments That May Be Affected		
Trade and Commerce Agency, Department of General Services		
Committee Recommendation	Committee Chair	Date

RELATED BILLS

Related legislation includes AB 2555 (Aroner), sponsored by the Californians Against Waste. AB 2555 would require each producer and packager of plastic packaging material types, as defined, to ensure that on and after January 1, 2003, not more than 50 percent of its plastic packaging materials sold or offered for sale in California becomes waste, that on and after January 1, 2006, not more than 35 percent becomes waste, and, that on and after January 1, 2010, not more than 20 percent becomes waste. The bill was introduced on February 23, 1998 and has been referred to the Assembly Rules Committee for policy committee assignment.

EXISTING LAW

State law:

1. Requires every manufacturer of plastic trash bags .75 mil and thicker to ensure that at least 20% and, on and after January 1, 1997, at least 30% of the material used in those plastic bags is recycled plastic postconsumer material (RPPCM) (Public Resources Code [PRC] §42291).
2. Authorizes bag manufacturers to certify to the CIWMB if sufficient quantities or quality of postconsumer plastic is not available (PRC §42291).
3. Requires bag manufacturers to annually certify to the CIWMB that they have complied with the minimum content requirements (PRC §42293).
4. Requires wholesalers of plastic trash bags sold in California to certify to the CIWMB the name and physical location of each manufacturer from whom it purchases plastic trash bags (PRC §42294).
5. Authorizes manufacturers of bags that use adhesive, heat-affixed straps to petition the CIWMB for a variance from the minimum content requirements (PRC §42298).

ANALYSIS

SB 698 would:

1. Define "manufacturer" as a person who manufactures plastic trash bags for sale in California;
2. Define "plastic trash bag" as a bag that is manufactured for intended use as a container to hold, store, or transport materials to be discarded, composted, or recycled, including, but not limited to, garbage bags, composting bags, lawn and leaf bags, can-liner bags, kitchen bags, compactor bags, and recycling bags;

3. Provide that a plastic trash bag does not include a grocery sack or any other bag that is manufactured for intended use as a container to hold, store, or transport food;
4. Provide that a plastic trash bag does not include any plastic bag that is used for the purpose of containing either hazardous or medical waste;
5. Define "postconsumer material" as a finished product that would normally be disposed of as solid waste, having completed its intended end-use and product life cycle;
6. Provide that "postconsumer material" does not include manufacturing and fabrication scrap;
7. Define "regulated bag" as a plastic trash bag of 0.70 mil or greater thickness that is intended for sale in California;
8. Define "wholesaler" as any person who purchases plastic trash bags from a manufacturer for resale in California;
9. Provide, until January 1, 1998, that every manufacturer that manufactures plastic trash bags of .75 mil or greater thickness for sale in California shall ensure that at least 30% of the material used in those plastic trash bags is RPPCM;
10. Provide, after January 1, 1998, the manufacturer's required use of a RPPCM shall be determined by either:
 - a. Ensuring that its plastic trash bags intended for sale in California contain a quantity of RPPCM equivalent to at least 10% of the weight of the regulated bags; or
 - b. Ensuring that at least 30% of the weight of the material used in all of its plastic products intended for sale in California is RPPCM.
11. Delete requirements that plastic trash bag manufacturers ensure that those bags contain at least 20 percent postconsumer plastic by January 1996 and at least 30 percent postconsumer plastic by January 1997, but would leave in place the requirement that bags 1 mil or greater in thickness contain at least 10 percent postconsumer plastic;
12. Until January 1, 2001, require the CIWMB to provide plastic bag manufacturers with a credit of 1.2 pounds for every 1 pound of postconsumer plastic purchased from a California supplier;
13. Commencing March 1, 1999, and annually thereafter, require the trash bag manufacturers to certify to the CIWMB that they have complied with the required use of RPPCM;

14. Require the CIWMB, on or before October 1, 2001, to survey trash bag manufacturers to:
 - a. Identify the name and physical location of suppliers certified by manufacturers;
 - b. Identify the quality of RPPCM provided by suppliers within California and the quality of the material provided by suppliers outside of California;
 - c. Provide recommendations regarding RPPCM content requirements based on the availability of that material;
 - d. Identify gauge thickness of all regulated bags; and
 - e. Determine national production versus production of a separate line for California;
15. Require the CIWMB to annually publish on or before July of every year, a list of any suppliers, manufacturers, or wholesalers who have failed to comply with this law;
16. Make ineligible for award of a State contract or subcontract, or the modification of an existing State contract, any company that fails to comply with this proposed statute;
17. Prevent any State agency from soliciting offers from, awarding contracts to, or modifying any existing State contract with any company that fails to comply with this proposed statute; and
18. Delete language that authorizes manufacturers of trash bags that use adhesive, heat-affixed straps to petition the CIWMB for a variance from the minimum content requirements.

COMMENTS

Purpose of Minimum Content Law Governing Plastic Trash Bags. The CIWMB's primary interest is the overall market for recycled plastic. The overall purpose of State minimum content law governing plastic trash bags is to foster a market for recycled plastic thereby, reducing the amount of plastic disposed in solid waste landfills.

Manufacturer Discretion Over Use of RPPCM in Trash Bags. Current law does not require the use of postconsumer plastic in every regulated trash bag, and the CIWMB has interpreted the requirement to apply to each manufacturer's annual aggregate production of plastic trash bags. Therefore, manufacturers have the discretion to use postconsumer plastic in any regulated trash bag, provided the manufacturer uses the minimum amount of postconsumer plastic during each calendar year. Regulation of minimum content applies to bags 0.75 mil or thicker that are for sale in California. Thinner bags and bags sold outside of California are not subject to the minimum use requirement.

Manufacturer Certifications. The CIWMB requires manufacturers to submit annual certifications by March 1 following the reporting year. Trash bag manufacturers certify that they have used the minimum amount of postconsumer plastic to manufacture the regulated bags

sold in California. Wholesalers certify from whom they have purchased regulated trash bags and from where they were shipped into California. Exemptions from the use requirements are available to manufacturers if postconsumer plastic was not available within a reasonable time period, as defined in regulation, or if available postconsumer plastic did not meet quality standards established by the CIWMB. Chapter 821, Statutes of 1995 (AB 1851, Sher) exempted trash bags with heat-affixed straps for calendar year 1996 and created a variance process for such bags for calendar year 1997 and beyond.

Certification reports indicate:

- For the 1993 reporting period, 23 manufacturers certified having used 1,904 tons of postconsumer material (non-blended, 100% postconsumer content). Only one out of the 23 manufacturers did not meet the 10% use requirement in effect for 1993.
- For the 1994 reporting period, 41 manufacturers submitted certifications. Only one out of the 41 manufacturers did not meet the 30% use requirement in effect for 1994.
- For the 1995 reporting period, 41 manufacturers certified having used 5,350 tons of postconsumer material (non-blended, 100% postconsumer content). Of the 41 manufacturers submitting certifications, only 19 are regulated manufacturers. Of those regulated manufacturers, 15 complied with the 30% use requirement in effect for 1995, including the two largest manufacturers.
- For the 1996 reporting period, 45 manufacturers reported using 7,366 tons of RPPCM. Of the 45, 29 sold regulated trash bags; 25 complied with the 20% use requirement in effect for 1996.

Manufacturer Exemptions. No company has claimed an exemption based on poor quality or unavailability of postconsumer plastic. One company is seeking a public hearing to request an exemption for their bags with heat-affixed straps for 1997. For the 1993 and 1994 reporting periods, one company certified that it had not met the RPPCM use requirement. This number increased for the 1995 certification due to the increase from 10% to 30% in the RPPCM use requirement.

Elimination of the 30 Percent Requirement. This version of SB 698 would eliminate the current 30 percent use requirement in trash bags 0.75 mil and greater and replaces it with two compliance options from which manufacturers may choose:

- a. Ensure that its plastic trash bags intended for sale in California contain a quantity of RPPCM equal to at least 10 percent of the weight of the regulated trash bags, OR,
- b. Ensure that at least 30 percent of the material used in all of its plastic products intended for sale in California is RPPCM.

Proposed Amendment to Benefit Trash Bag Manufacturers. It is believed that at the 10 percent use requirement, trash bag manufacturers are more likely to make one product line for the entire country

containing 10 percent RPPCM, rather than a special "California line" to meet the mandates, which creates the possibility that the market demand for RPPCM may increase.

CIWMB Requirements. This bill would require the CIWMB to conduct a survey of specified manufacturers to gather five items of information. Of these five items, two can be acquired with minimum effort (these are defined in numbers 14(a) and (b) of the analysis section of this analysis). However, the remaining three items (defined in numbers 14(c), (d) and (e) of the analysis section) would be subjective and therefore could result in inconsistent information being collected as each manufacturer would likely have differing perspectives on both the availability of materials and types of production. Based on past experience, the cost to develop a survey document to gather this type of information will be costly and, due to the speculative nature of the information, its validity would be questionable. The report on this survey is required to be transmitted to the Legislature by October 1, 2001.

Additionally, SB 698 would require the CIWMB to annually publish on or before July a list of any suppliers, manufacturers, or wholesalers who have failed to comply with this law. We note that while certification has been an accepted practice, verification within existing resources could be extremely costly and therefore, likely impossible.

SUGGESTED AMENDMENTS

According to the author's office it is contemplated that this bill may be amended to include an urgency clause. Therefore, there is the possibility that SB 698 could become law prior to the end of the fiscal year. Attempting to notify manufacturers of the new use requirement and ensuring they have the ability to attain compliance under the new provisions proposed in this bill could prove challenging. Therefore, it may be better to make the changes effective January 1, 1999 rather than try to change the use requirement mid-year.

LEGISLATIVE HISTORY

SB 698 was introduced February 25, 1997. The bill passed (6-1) the Senate Environmental Quality Committee on April 21, 1997; passed the Senate Floor (27-0) on May 27, 1998 and failed passage before the Assembly Natural Resources Committee (4-1) on July 7, 1997. The author was granted reconsideration. SB 698 is set for hearing in the Assembly Natural Resources Committee on March 16, 1998.

Support: First Brands, Inc. (sponsor)
 Tenneco Packaging
 Poly-America

Opposition: None on file.

FISCAL AND ECONOMIC IMPACT

SB 698 would have an overall fiscal cost of \$40,000 (1/4 PY) to the CIWMB:

- A one-time cost of \$20,000 cost (1/4 PY) to the CIWMB for rewriting regulations governing manufacturing reporting of use of postconsumer plastic in trash bags. This cost would be \$10,000 in FY 98/99 and \$10,000 in FY 99/00. These costs would be borne by the Integrated Waste Management Account.
- An annual \$20,000 (1/4 PY) to the CIWMB to revise the certification form and the development, conducting and reporting on the survey. Again, these costs would be borne by the Integrated Waste Management Account.

As a result of the successful diversion of solid waste from California's landfills, the Integrated Waste Management Account is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.

Board	Author	Bill Number
California Integrated Waste Management Board	Ortiz	AB 1699
Sponsor	Related Bills	Date Amended
Author	AB 84 (Woods) AB 2632 (Thomson) AB 2652 (Cardoza) SB 381 (Thompson)	As Introduced January 26, 1998

BILL SUMMARY

AB 1699 would amend the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991, Chapter, 787, Statutes of 1991 (AB 1378, Connelly), by modifying the determination of daily limits on acres burned and establishing the concept of marginal burn days in the Sacramento Valley Air Basin. Additionally, the bill would require the California Department of Food and Agriculture (CDFA), in cooperation with the State Energy Resources Conservation and Development Commission, the California Integrated Waste Management Board (CIWMB) and the State Air Resources Board (ARB) to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses.

BACKGROUND

According to the author, rice straw smoke represents a public health problem for the Sacramento area. While the law generally requires reduced levels of acres of rice fields that are burned, rice straw continues to be burned, which causes smoke-related public health problems. The author introduced this bill to: (1) eliminate burning on days when there is a possibility of causing smoke problems; (2) require air pollution officers to notify the public officers when burning will be allowed; (3) require the State Air Resources Board to recommend improvements in the regulation and enforcement of local burning activities for local air boards; and (4) get State agencies assistance with creation of markets for rice straw.

Departments That May Be Affected		
State Air Resources Board, California Department of Food and Agricultural, State Energy Resources and Development Commission, California Integrated Waste Management Board		
Committee Recommendation	Committee Chair	Date
		3-4

Management of Rice Straw:

The Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 required progressive reductions in the number of acres where rice straw burning is allowed. By the year 2000, 125,000 acres, or 25 percent of each grower's land, whichever was less, could be burned to control stem rot and other plant diseases. In 1997, Chapter 745 (SB 318, Thompson) was enacted, which temporarily revised the schedule that limits the burning of rice straw in the Sacramento Valley Air Basin. Chapter 745 specified the number of acres that may be burned annually for five years. Additionally, Chapter 745 revised the conditions governing the burning of rice straw for disease control and provided loan guarantees and cost-sharing grants to promote alternative uses of rice straw. We note that the mandated reduction of acres burned will likely increase the potential for more rice straw to be disposed in landfills near rice-growing areas.

Chapter 991, Statutes of 1996 (AB 3345, Bustamante) requires the CIWMB, by December 31, 1998, to conduct a feasibility study on expanding the use of agricultural and forest waste in the production of commercial products. According to the sponsor, the purpose of this statute is to identify the economic benefits of the productive use of agricultural and forest waste in the development of commercial products composed of these recycled materials. The sponsor believes that the study will help engender stronger pro-recycling political support from areas and communities where it does not presently exist. The CIWMB is in the process of preparing this report.

Chapter 787 (Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991) established an advisory committee whose responsibilities included the development of a list of priority goals and feasible and cost-effective alternatives to rice straw burning. In their 1995 report to the Legislature on the rice burning phase down, over 50 alternatives to field burning were identified. Most, if not all of these alternatives, were deemed economically infeasible on any large scale.

The Rice Straw Burning Alternatives Committee reports that the annual production of rice straw is approximately 1.5 million tons. Currently, only a small portion of the total agricultural waste generated every year is disposed in California's landfills. Most of this waste either is burned in the field, burned in wood waste powerplants or left in the field. The primary potential commercial uses include chip and fiberboard, paper products, wallboard and paneling, rice straw bales, compost, solid fuel for power generation, animal feed and bedding, and ethanol and methanol for fuels.

RELATED BILLS

Four bills related to AB 1699 have been introduced during the 1997/98 Legislative Session:

- AB 84 (Woods) would have defined "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost. Additionally, AB 84 would have implemented a pilot program for State agencies to provide price preferences for products manufactured with residues from agricultural cropping activities. AB 84 was vetoed by the Governor.

- AB 2632 (Thomson) would require the ARB and the CDFA to conduct a study of the feasibility of converting rice straw to ethanol fuels. AB 2632, introduced on February 23, 1998, has been referred to the Assembly Rules Committee for policy committee assignment.
- AB 2652 (Cardoza) would permit the San Joaquin Valley Unified Air Pollution Control District to develop guidelines, which are to be submitted to the ARB, to allocate the amount of agricultural burning that may be authorized on any day in the San Joaquin Valley air basin, without regard to whether the day is designated as a nonburning day. Additionally, the bill would require the ARB to promulgate the guidelines without alteration. AB 2652, introduced on February 23, 1998, has been referred to the Assembly Rules Committee for policy committee assignment.
- Chapter 745 (SB 318, Thompson, Statutes of 1997) temporarily revised the schedule that limits the burning of rice straw in the Sacramento Valley Air Basin. Additionally, the bill revised the conditions governing the burning of rice straw for disease control and provided loan guarantees and cost-sharing grants to promote alternative uses of rice straw. The intent of the bill was to shift more of the burning to the spring months when the meteorological conditions in the Sacramento Valley are better for pollutant transport and dispersion.

EXISTING LAW

State law:

1. Specifies the number of acres that may be burned annually and establishes a maximum number of acres that may be burned, in specified fall months, through the year 2002 (Health and Safety Code [HSC] §41865 [c] [1]):

Year	Maximum Annual Burn Acres	Maximum Fall Burn Acres
1998	240,000	90,000
1999	240,000	82,000
2000	240,000	74,000
2001	240,000	66,000
2002	240,000	60,000

2. At the conclusion of the five-year revised schedule, burn levels will revert to the existing schedule at the conditional burning stage (2000 point), i.e., in 2003 and thereafter, the lesser of 25 percent or 125,000 acres may be burned, with burning eligibility subject to a "conditional burning permit (HSC §41865 [I]);
3. Revises the definition of "administrative burning" to include burning on rice research facilities, not to exceed 2000 acres (HSC §41865 [k]);

4. Allows an exemption from the burning limitation for:
 - a. "Extraordinary circumstances," pursuant to a determination by the Air Resources Board (ARB) and the Department of Food and Agriculture (CDFA) (HSC §41865 [j]);
 - b. "Administrative burning" along roads, ditches or levees adjacent to a rice field (HSC §41865 [k]);
5. Requires the ARB, in consultation with the CDFA, the advisory committee, and the Department of Commerce, to develop an implementation plan and a schedule to achieve diversion of not less than 50 percent of rice straw produced toward off-farm uses by the year 2002 (HSC §41865 [m]);
6. Defines "off-farm uses" to include, but are not limited to, the production of energy and fuels, construction materials, pulp and paper and livestock fees (HSC §41865 [m]);
7. Requires the ARB and the CDFA to jointly report to the Legislature on the progress of the phase down of, and the identification and implementation of alternatives to, rice straw burning by September 1, 1999 (HSC §41865 [n]);
8. Requires the report to be updated biennially and transmitted to the Legislature not later than September 1 of each odd-numbered year (HSC §41865 [n]);
9. Establishes a \$5 million fund, administered by ARB, to provide cost-sharing grants of up to 50 percent to develop demonstration projects for technologies that use rice straw (HSC §39752);
10. Requires ARB and local air pollution control agencies, to the extent that resources are available, to:
 - a. Improve management of citizen complaints; and
 - b. Respond more quickly to help maximize burning days when meteorological conditions are best suited for smoke dispersion; (HSC 41865 [u]);
11. Requires ARB and CDFA to jointly establish an advisory committee to assist with the identification and implementation of alternatives to rice straw burning field (HSC §41865 §[l]); and.
12. Requires the CIWMB to conduct, by December 31, 1998, a feasibility study on expanding the use of agricultural waste and forest waste in the production of commercial products and to transmit the study to the Governor and the Legislature by December 31, 1998 (Public Resources Code §42003).

ANALYSIS

AB 1699 would:

1. Require the ARB and the air pollution control officers in the Sacramento Valley Air Basin, in making a determination regarding the maximum allowable acres to be burned each day, to consider specific factors relating to rice straw burning and, to reduce, to the maximum extent possible, the number of allowable acres to be burned on any day the ARB and the air pollution control officers determine to be a marginal burn day;
2. Define "marginal burn day" as any day during which the ARB and the air pollution control officers in the Sacramento Valley Air Basin determine that, based on predicted air quality levels and meteorological conditions, public health impacts, and other reliable scientific evidence that rice straw burning will generate unhealthful levels of smoke in the atmosphere, and create a significant hazard to the public's health;
3. Require the ARB to prepare and submit a report and make recommendations for improving the local regulation and enforcement of laws governing rice straw burning in the Sacramento Valley Air Basin by January 1, 2000;
4. Require the ARB and the Sacramento Valley air pollution control districts to provide advance public notice of rice straw burning days, which must be provided on the Internet and to the local news media; and
5. Require the CDFA, in cooperation with the State Energy Resources Conservation and Development Commission, the CIWMB and the ARB, to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses, as specified, no later than September 1, 1999.

COMMENTS

Waste Diversions and Environmental Benefits. The CIWMB is supportive of activities aimed not only at preventing residues from agricultural cropping activities from being landfilled, but also providing the basis for new enterprise development particularly in rural counties throughout California. The CIWMB has supported numerous rice straw projects including a rice straw bale soundwall and the use of this material in paper product applications. Further by finding alternative uses for residues from agricultural cropping activities, particularly rice straw, there is the added benefit that this material will not be disposed in solid waste landfills and more importantly, fewer rice fields will be burned, which will greatly decrease air pollution, thereby enhancing the health and safety of the public.

Required Reports on Use of Rice Straw. AB 1699 requires the CDFA in cooperation with the CIWMB, the ARB, and the State Energy Resources Conservation and Development Commission, to submit to the Legislature by September 1, 1999, recommendations for ensuring consistent and predictable quantities of rice straw for cost-effective alternative uses. These recommendations must be consistent with the goals for the development of alternative uses established by the Rice Straw

Burning Alternatives Advisory Committee. The recommendations as well as the analysis performed to develop the recommendations should assist the CIWMB's Recycling Market Development Zone program to develop markets for agricultural and other wood waste residues. Additionally, the recommendations are to be consistent with the implementation plan and schedule for the 50 percent diversion mandate of Chapter 745 (SB 318, Thompson, Statutes of 1997). The Chapter 745 implementation plan is being prepared by ARB, CDFA, and the Alternatives Advisory Committee and is due to be completed by September 1, 1998.

Chapter 991 (AB 3345, Bustamante, Statutes of 1996) required the CIWMB to do a feasibility study on expanding the use of agricultural waste and forest waste in the production of commercial products. The CIWMB is required to transmit this study to the Governor and the Legislature by January 1, 2000. The requirements of this statute were not excluded by Chapter 970 (AB 116, Speier, Statutes of 1996), which provided for a moratorium on certain reports to the Legislature and the Governor.

The development of legislative recommendations will probably be similar to the Cal/EPA work on biomass cost-shifting strategies. In that project, the various stakeholders proposed strategies, which were considered in public workshops with Cal/EPA staff compiling and analyzing the strategies. Staff prepared the legislative report, *Cost-Shifting Strategies for the Biomass Industry*, which was required by Chapter 854 (AB 1890, Brulte, Statutes of 1996). Each of the proposed strategies was discussed in the report.

CIWMB's Responsibilities in AB 1699. The CDFA has primary responsibility for the preparation of the recommendations. The language in AB 1699 describes the development of the recommendations as a study. This is probably a statement of the work that must be done. Most of the background research and analysis has either already been done by the Alternatives Advisory Committee in its 1995 and 1997 reports or will have been performed in the Chapter 745 (Thomson, SB 318, Statutes of 1997) and Chapter 991 (AB 3345, Bustamante, Statutes of 1996) studies, which are currently underway. The CIWMB's role will be to participate in the process. The expended workload would be no more than one-fifth to one-quarter of an associate analyst's time from about November 1998 to August/September 1999. During that time there will be a couple of four-to-six week periods of intensive activity. During these periods the assigned analyst may be spending 50 percent of his/her time on this project.

Rice Straw Disposed in Landfills. Historically, rice straw has not been disposed in landfills. According to the Air Resources Board and Department of Food and Agriculture 1995 Report to the Legislature, "Approximately 95 percent of the unburned rice straw was incorporated into the soil by additional field activities (with or without flooding). Some growers have provided baled straw for testing in a variety of manufacturing operations and straw-to-energy processes." This statement supports the CIWMB's 1990 waste generation data that indicates that very little (69,898 tons/year - approximately .2 percent of the total waste disposed statewide) crop residue (all types of crops) is disposed in landfills. This information verifies that traditionally landfilling has not been a disposal option employed by farmers, which is probably a reflection of disposal costs.

SUGGESTED AMENDMENT

The author may wish to consider the following technical amendment:

On page 11, lines 29 and 30, of the introduced version of AB 1699, the bill refers to "the requirements of paragraph (2) of subdivisions (l) and (m) of Section 41865 of the Health and Safety Code."

There is no paragraph 2 of subdivision (m).

LEGISLATIVE HISTORY

AB 1699 was introduced on January 26, 1998. The bill is set to be heard before the Assembly Natural Resources Committee on March 16, 1998.

Support: Sierra Club
 American Lung Association of California

Opposition: None received.

FISCAL AND ECONOMIC IMPACT

AB 1699 would impose minor absorbable fiscal costs (.25 PY) on the Integrated Waste Management Account. The CIWMB would have a one-time reporting requirement along with other State agencies. The workload impact would be minimal, as the bulk of information necessary to comply with this proposal is either available from completed studies or will be available upon completion of those studies referenced in this analysis, which are already underway.

AB 1699 could have a significant positive economic impact for rice growers if the study identifies new ways that rice straw can be economically used in manufacturing processes. The study and report requested by this legislation may not only reduce the cost of disposal by diverting rice straw waste from landfills, but could also provide the basis for new enterprise development throughout California. Further, by finding alternative uses for rice straw, there is the added benefit that fewer rice fields will be burned, which will greatly decrease air pollution, thereby improving the health and safety of the public. Finally, this could result in a significant, as yet unquantifiable cost avoidance, in the arena of public health.

Board	Author	Bill Number
California Integrated Waste Management Board	Firestone	AB 2181
Sponsor	Related Bills	Date Amended
Author	AB 228 (Migden), AB 964 (Bowen)	As Introduced

BILL SUMMARY

AB 2181 would clarify the definition of "each day of violation" with regard to accepting waste tires at an unpermitted waste tire facility and knowingly directing or transporting waste tires to an unpermitted waste tire facility. Would establish separate penalties for negligent and intentional violations of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law. Would require that the size of individual pieces of shredded tires deposited in landfills not exceed two inches in length in order to encourage the availability of waste tires for productive end use and to remove any economic bias that favors landfill deposition of shredded waste tires.

BACKGROUND

AB 2181 is sponsored by the author, who wishes to promote the productive use of waste tires. In 1997 Assemblyman Firestone authored AB 375, a comprehensive tire bill that would have (1) raised the tire fee and made it payable by motor vehicle manufacturers and tire wholesalers, (2) established a tire recycling reimbursement program, (3) required all state agencies to give a purchase preference to asphalt pavement containing recycled rubber, (4) prescribed minimum combined state agency utilization requirements for asphalt pavement containing recycled rubber, and (5) addressed several violation and enforcement issues. AB 375 failed passage on the Assembly Floor (20-41) on June 2, 1997, and was granted reconsideration and moved to the Assembly Inactive File where it died after failing to move out of the Assembly by the January 31, 1998 deadline. According to Assemblyman Firestone's office, AB 2181 will be much more narrow in focus.

The California Tire Recycling Act (Public Resources Code [PRC] §42860-42895), Waste Tire program (PRC §42800-42859), and Tire Hauler Registration program (PRC §42950-42967) require the California Integrated Waste Management Board (CIWMB) to administer a tire recycling program and a waste tire facility and hauler regulatory program. The goal of these programs is to promote and develop alternatives to the landfill disposal of whole waste tires

Departments That May Be Affected		
California Integrated Waste Management Board		
Committee Recommendation	Committee Chair	Date
		3-11

and protect the public health and safety and the environment with regard to waste tire facilities and haulers. Within the Act, PRC Section 42885 created the California Tire Recycling Management Fund, which is used to support tire recycling and regulatory activities. Revenues in the fund are generated by a fee of \$0.25 on each new tire sold (approximately \$4.5 million projected in Fiscal Year 1997-98). In addition, the CIWMB has a program to encourage the use of retreaded tires and recycled materials in paving materials.

California generates the largest number of tires annually and has the smallest recycling fee in the United States. There are insufficient markets to handle the annual flow of waste tires and even fewer opportunities to utilize legacy tires. Legacy tires are those which have been stockpiled over the years in the hope that they would someday have positive value, and for which there is no recycling fee associated. Legacy tires are more difficult to find markets for because of their generally unclean state, and are sometimes intermingled with debris and other waste materials.

On March 31, 1997, the Assembly Natural Resources Committee held an oversight hearing on California's tire disposal and recycling system. At that hearing, the CIWMB testified that there are more than 30.5 million waste or used tires produced in California annually. Additionally, the CIWMB estimates that there are currently more than 30 million tires stockpiled throughout the state in legal and illegal piles. California waste tire facilities also receive approximately 4-5 million tires exported annually from other states such as Oregon, Arizona, and Utah.

Approximately 15 million tires go into landfills or monofills or are disposed of illegally. Only 20 million waste or used tires are put to productive use or exported annually in this state. Waste tire generation in California is growing by approximately 2% annually.

RELATED BILLS

AB 228 (Migden) would add abandonment of tires to the circumstances under which a person can be convicted of a crime. It would also allow the CIWMB to obtain access to a site, for purposes of remediation, where tires are unlawfully housed when the situation presents a significant threat to public health or the environment. Finally, it would allow a city, county, or city and county to request designation as an enforcement authority from the CIWMB, and allow penalties collected to go to the city, county, or city and county. AB 228 passed the Assembly (46-30) on January 28, 1998 and has been referred to the Senate Environmental Quality Committee (no hearing date set). The CIWMB has taken a "support" position on AB 228.

AB 964 (Bowen) would require the California Integrated Waste Management Board (CIWMB) to specify in any contract it enters into for waste tire pile cleanup that the contractor provide a productive end use for all tires that are cleaned up. Additionally, the bill would require the CIWMB, upon the request of the contractor, to permit a portion of the waste tires, not to exceed 25% of the waste tire pile that the CIWMB determines by resolution to be too old or contaminated to be put to a productive end use, to be disposed of by landfilling or monofilling. Further, AB 964 would require the CIWMB, as part of its annual Budget request, to allocate among the various purposes authorized by the paving materials statute, the total funds requested for grants, loans, and contracts under the tire recycling program. AB 964 passed the Assembly (48-24) on January 28, 1998 and has been referred to the Senate Environmental Quality Committee (no hearing date set). The CIWMB has not taken a position on AB 964.

EXISTING LAW

State law:

1. Requires any person who accepts waste tires at a major waste tire facility which has not yet been issued a permit or knowingly directs or transports waste tires to a major waste tire facility which has not been issued a permit, upon conviction, to be punished by a fine of not less than \$1,000 or more than \$10,000 for each day of violation, by imprisonment in county jail for not more than one year, or by both fine and imprisonment (PRC §42825).
2. Requires any person who accepts waste tires at a minor waste tire facility which has not been issued a permit or knowingly directs or transports waste tires to a minor waste tire facility which has not been issued a permit, upon conviction, to be punished by a fine of not less than \$500 or more than \$5,000 for each day of violation, by imprisonment in the county jail for not more than one year, or by both fine and imprisonment (PRC §42835).
3. Requires any person who intentionally or negligently violates any CIWMB permit, rule, regulation, standard or requirement issued or adopted to be liable for a civil penalty not to exceed \$10,000 for each violation or, for continuing violations, for each day that the violation continues (PRC §42850).

ANALYSIS

AB 2181 would:

1. Clarify the definition of "each day of violation" for any person who accepts waste tires at an unpermitted major or minor waste tire facility or any person who knowingly directs or transports waste tires to an unpermitted major or minor waste tire facility. Define "each day of violation" as each day on which a violation continues, unless the person has filed a report with the CIWMB disclosing the violation and is in compliance with any order regarding the waste tires issued by the CIWMB, a hearing officer, or a court of jurisdiction;
2. Establish that the penalty, for any person who *negligently* violates any provision of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law (Chapter 16, commencing with §42800), shall be a fine of not less than \$500 nor more than \$5,000 for each violation, or for continuing violations, for each day that the violation continues;
3. Establish that the penalty, for any person who *intentionally* violates any provision of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law (Chapter 16, commencing with §42800), shall be a fine not to exceed \$10,000 for each day of violation, by imprisonment in the county jail for not more than one year, or by both; and
4. Require that the size of individual pieces of shredded tires deposited in landfills shall not exceed two inches in length in order to promote the availability of waste tires for

productive end use and to remove any economic bias that favors landfill deposition of shredded waste tires. Would state that productive end use does not include landfill deposition of shredded tires.

COMMENTS

Most of AB 2181 Similar to AB 375 of 1997. The provisions of AB 2181, except for the section dealing with the size of individual pieces of shredded tires deposited in landfills, would replicate sections of Assemblyman Firestone's AB 375 that focused on enforcement against violators of waste tire law. AB 375, a much more comprehensive tire bill, failed passage on the Assembly Floor (20-41) on June 2, 1997, and was granted reconsideration and moved to the Assembly Inactive File where it died after failing to move out of the Assembly by the January 31, 1998 deadline.

Size of Shredded Tires. AB 2181 would specify that the size of individual pieces of shredded tires deposited in landfills shall not exceed two inches in length in order to promote availability of waste tires for productive end use and to remove any economic bias that favors the depositing of shredded tires in landfills. This section also specifies that the deposition of shredded tires in landfills does not constitute productive end use. It is currently cheaper to take tires to a landfill because they only have to be halved, quartered or baled before disposing of them, whereas for most productive end uses such as crumb rubber and molded rubber products, they must be shredded. According to Modesto Energy Limited Partnership, who asked for this section of AB 2181, they want to encourage better uses than landfill disposal for waste tires.

Violations and Law Enforcement. AB 2181 would strengthen enforcement provisions allowing for more efficient prosecution of violators. The bill would increase the penalties for acceptance of waste tires at an unpermitted waste tire facility or for directing tires to an unpermitted waste tire facility by defining "each day of violation." The definition includes not only each day the tires are accepted or transported to the unpermitted site, but also includes each day the waste tires remain at the facility. Each day they remain at the site is considered a separate, additional violation unless the person has filed a report with the CIWMB disclosing the violation and is in compliance with any order regarding the waste tires issued by the CIWMB, a hearing officer or a court. AB 2181 would also create a separate violation penalty which includes jail time for "intentionally" violating any requirement related to major or minor waste tire facility permits. These tougher penalties are helpful to the CIWMB and district attorneys as a means of enforcing the law. Jail time, in particular, may be more of a deterrent to unscrupulous tire haulers than fines.

Generator Responsibilities. The only real weakness in AB 2181's enforcement provisions would be the wording that states "any person...who *knowingly* directs or transports" waste tires to a major or minor waste tire facility which has not been issued a permit shall be punished by a fine or a prison sentence. This provision would allow a generator to plead ignorance about the fate of its scrap tires once they leave its facility. In the competitive tire business, ignorance allows some generators to gain an economic advantage by use of unscrupulous haulers with little chance of repercussion. However, if the recently implemented scrap tire hauler regulations were modified to require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's

manifest, then the generator could no longer plead innocence to improper disposal. All ethical tire dealers would likely favor this modification because it will discourage their less ethical counterparts from gaining a competitive advantage through improper disposal. The manifest should identify the disposal facility, its permit number and expiration date. This system has worked effectively in Texas. AB 2181 should be revised to require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's manifest.

SUGGESTED AMENDMENTS

Require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's manifest.

LEGISLATIVE HISTORY

AB 2181 was introduced on February 19, 1998. It is currently at the Assembly Desk, awaiting committee assignment.

Support: California District Attorneys Association
Los Angeles District Attorneys Association
Modesto Energy Limited Partnership (MELP)

Opposition: None received

FISCAL AND ECONOMIC IMPACT

By increasing penalties for persons who intentionally violate any provision of waste tire law, permit, rule, regulation, standard, or requirement, AB 2181 could bring increased revenues to the CIWMB tire program.

**AMENDMENTS TO AB 2181 (FIRESTONE)
AS INTRODUCED**

On page 4, line 13, insert:

Section 42961.5 of the Public Resources Code is amended to read:

42961.5. The board shall develop a waste tire manifest system for registered waste tire haulers that complies with all of the following conditions:

(a) The board shall develop a waste tire manifest form that shall be completed and shall accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

(b) The manifest form shall be signed by the generator, the waste tire hauler, and the processing, collection, storage, or disposal facility. Each party shall retain one copy of the manifest form.

(c) If waste tires are transported from a collection center, a new manifest shall be used until the waste tires reach a final processing, collection, storage, or disposal facility.

(d) Once tires have reached their final waste tire or disposal facility destination, a copy of the generator's manifest shall be returned by mail to the generator.

~~(d)~~ (e) No transporter shall receive waste tires and no person or facility shall accept waste tires for processing, collection, storage, or disposal without a properly completed manifest form, with the exception that the processor may accept waste tires that are delivered by a waste tire hauler without a manifest, if the processor reports the name of the waste tire hauler and the vehicle license number to the board.

~~(e)~~ (f) A waste tire hauler shall not transport any waste tires without having at all times, in the vehicle transporting the waste tires, a copy of the manifest for the waste tires, which shall be presented upon demand of an authorized representative of the board.

~~(f)~~ (g) Each party required to sign a manifest shall maintain it for three years and shall make it available for review during regular business hours.

Board	Author	Bill Number
California Integrated Waste Management Board	Olberg	AB 2353
Sponsor California Integrated Waste Management Board (Lead Agency), State Water Resources Control Board, Department of Toxic Substances Control	Related Bills	Date Amended As Introduced January 20, 1998

BILL SUMMARY

AB 2353 would authorize a state agency to impose additional or more stringent requirements upon an admitted surety insurer if they are required for the state agency to comply with federal law. In addition, this bill would require that any such requirement be complied with before the admitted surety insurer is deemed sufficient.

BACKGROUND

This proposal is co-sponsored by the California Integrated Waste Management Board (CIWMB), the State Water Resources Control Board (SWRCB) and the Department of Toxic Substances Control (DTSC). The CIWMB is acting as the lead agency.

The purpose of the three agencies in sponsoring this bill is to allow the CIWMB, SWRCB, and the DTSC to require that an admitted surety insurer be listed in Circular 570 of the U.S. Department of the Treasury, in compliance with federal surety requirements, in order for the three agencies to maintain compliance with the federal Resource Conservation and Recovery Act (RCRA) - Subtitle D (CIWMB/SWRCB) and Subtitle C (DTSC) program authority, which has been delegated to each agency by the federal government.

The CIWMB and the SWRCB administer the California solid waste landfill program in lieu of the federal Environmental Protection Agency (EPA) pursuant to federal delegation (40 CFR Part 258 - Subtitle D) while the DTSC administers the California hazardous waste program in lieu of EPA pursuant to federal delegation (40 CFR Part 271, Subtitle C). In order to continue the administration of these programs, these agencies must maintain conformance with federal law.

Departments That May Be Affected California Integrated Waste Management Board, State Water Resources Control Board, Department of Toxic Substances Control		
Committee Recommendation	Committee Chair	Date 3-16

One aspect of both the Subtitle D and Subtitle C programs is the provision that operators of solid or hazardous waste facilities provide financial assurance to the administering state agencies. The financial mechanism must demonstrate that adequate funds are available to provide for the closure and post-closure maintenance and/or to fund the costs of corrective action at the respective solid waste facility and provide for closure and postclosure maintenance costs of hazardous waste treatment, storage and disposal facilities. One type of financial mechanism that is acceptable under the Subtitle D and C programs is the surety bond.

The federally accepted minimum for a surety bond covering the closure and postclosure maintenance of solid waste disposal facilities as well as for hazardous waste treatment, storage, and disposal facilities have been determined by and set within the requirements of the U.S. Department of the Treasury for surety companies to issue bonds on federal projects. This minimum standard is that the surety company be among those listed as holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies in Circular 570 of the U.S. Department of the Treasury which is published in the Federal Register on July 1 of each year.

Chapter 379, Statutes of 1992 (SB 1502, Davis) amended the Code of Civil Procedure at §995.660 and §995.670 such that any governmental agency can not object to any surety company issuing a bond, so long as the surety company meets the requirements of the California Department of Insurance.

However, the federal EPA Subtitle D and C programs that have been delegated to the CIWMB, SWRCB, and DTSC require that surety companies meet the federal requirements (identified above), which are more stringent than those required by the California Department of Insurance.

Thus, the enactment of Chapter 379 placed the CIWMB, SWRCB, and the DTSC, as well as any other state agencies managing federal programs that accept surety bonds, in a conflicting situation. If the agencies accept a surety bond issued in accordance with California statute (Chapter 379) they are in compliance with state law but are out of compliance with the requirements of their federal EPA delegated program. Conversely, if the agencies accept the bonds issued in accordance with federal statute, they are in compliance with their federal EPA delegated program and out of compliance with California statute (Chapter 379).

EXISTING LAW

Federal law:

1. The financial responsibility requirements of Title 40 of the Code of Federal Regulations, Part 258, Subpart G, §258.74(b) and Parts 264 and 265 were adopted to provide minimum nationwide standards for protecting human health and the environment under RCRA Subtitle C and D criteria. The §258.74(b) requirements state that the surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties in Circular 570 of the U.S. Department of the Treasury on Federal bonds.

State law:

1. Requires that an admitted surety insurer submit prescribed documents to a court or officer if an objection is made to the sufficiency of the insurer on a bond or if the bond is required to be approved (Code of Civil Procedure §995.660).
2. States that if the admitted surety insurer submits the prescribed documents and:
 - a. if it appears that the bond was duly executed;
 - b. that the insurer is authorized to transact surety insurance in the state; and
 - c. that its assets exceed its liabilities in an amount equal to or in excess of the amount of the bond;

Then, the insurer is sufficient and shall be accepted or approved as surety on the bond, subject to §12090 of the Insurance Code (Code of Civil Procedure §995.660).

3. Prohibits a state or local agency from imposing further requirements on an admitted surety insurer whenever an objection is made to the sufficiency of the admitted surety insurer on the bond or if the bond is to be approved (Code of Civil Procedure §995.670).

EXISTING REGULATIONS

Solid waste surety bond regulations:

1. The surety bond regulations for both the California Integrated Waste Management Board (CIWMB) and the State Water Resources Control Board (SWRCB) were relocated to the newly adopted Title 27, California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 6, Subchapter 3, Article 2, §22244. The Title 27 regulations contain joint CIWMB and SWRCB requirements for solid waste landfills. The CIWMB/SWRCB surety bond regulatory requirements were patterned after the California Department of Toxic Substances Control (DTSC) and the U.S. EPA hazardous waste treatment, storage, and disposal facility requirements.

Hazardous waste surety bond regulations:

1. Surety bond regulations for hazardous waste facilities administered by the Department of Toxic Substances Control (DTSC) are specified in Title 22, CCR, Division 4.5, §66264.143, 66264.147, 66265.143, and 66265.147.

ANALYSIS

AB 2353 would:

1. Authorize a state agency to impose additional or more stringent requirements upon an admitted surety insurer if the requirements are required in order for the state agency to comply with federal law.
2. Require that any such requirement be complied with before the admitted surety insurer is deemed sufficient.

COMMENTS

Imposition of additional requirements by a state agency. The change proposed by this proposal would allow the CIWMB, SWRCB, and DTSC which administer the federal EPA Subtitle D and C programs to require admitted surety insurers to comply with federal law, thus allowing these agencies to comply with existing agency programs and policies. In addition, this would ensure continued compliance by all three agencies with the Resource Conservation and Recovery Act (RCRA) Subtitle D (CIWMB/SWRCB) and Subtitle C (DTSC) program authority which has been delegated to each agency by the federal government.

Eliminate ambiguity and different standards, which create confusion for surety insurers and solid and hazardous waste facility owners. The fact that state law does not allow state agencies to conform to federal law for the federal EPA Subtitle D and C programs is confusing to surety companies, as well as solid and hazardous waste facility operators. The CIWMB has received numerous inquiries from surety companies asking why the agency won't approve surety bonds from companies that meet only the California Department of Insurance requirements, as well as from facility owners who indicate they could obtain surety bonds at a lower price from the California approved surety insurers. Staff has explained the agency federal program requirements and the potential liabilities that facility owners or the agency may face from persons initiating a lawsuit were the agency to accept a bond from a firm not listed on the federal Circular 570. This bill would eliminate the ambiguity, differences and confusion as well as allow state agencies to require admitted surety insurers to conform to federal law.

LEGISLATIVE HISTORY

AB 2353 was introduced on February 20, 1998 and was referred to the Assembly Rules Committee for policy committee assignment. There is no scheduled hearing date for this bill.

Support: Browning-Ferris Industries
 Norcal Waste Systems, Inc.

Oppose: None at this time.

FISCAL AND ECONOMIC IMPACT

AB 2353 would have no fiscal impact on the CIWMB. Because enactment of AB 2353 would allow the CIWMB, SWRCB, and the DTSC to conform their surety requirements to federal law, the probability of challenges of State agency actions, as well as the potential costs associated with litigating those actions, should be minimized. The clarification of state agency authority as it relates to admitted surety requirements would result in a less confusing, time-consuming and potentially a less costly regulatory process for both surety companies and solid and hazardous waste facility operators.

Board	Author	Bill Number
California Integrated Waste Management Board	Rainey	SB 698
Sponsor	Related Bills	Date Amended
First Brands, Inc.	AB 2555 (Aroner)	As proposed to be amended.

BILL SUMMARY

SB 698, an urgency measure, would eliminate the current 30 percent recycled material use requirement for trash bags 0.75 mil and greater and replace it with two compliance options from which manufacturers may choose. Additionally, the bill would delete the exemption for adhesive, heat-affixed strap bags. Further, the bill would require the California Integrated Waste Management Board (CIWMB) to conduct a survey of manufacturers subject to this proposed legislation and report to the Legislature on its findings by October 1, 2001.

BACKGROUND

SB 698 is sponsored by First Brands, Inc., a manufacturer of plastic trash bags. First Brands believes that California law requiring 20 percent and 30 percent postconsumer plastic in trash bags is inappropriately difficult to implement. First Brands asserts that these levels of postconsumer plastic cause poor quality bags that consumers are unwilling to purchase. Additionally, First Brands asserts that, to satisfy California law while maintaining market share, it must bear additional costs to manufacture and inventory a product line for California and a separate product line for the rest of the country.

Bill Previously Heard Before CIWMB. The CIWMB took a neutral position on SB 698, as amended May 13, 1997. Since that time, the bill has been amended twice.

RELATED BILLS

Related legislation includes AB 2555 (Aroner), sponsored by the Californians Against Waste. AB 2555 would require each producer and packager of plastic packaging material types, as defined, to ensure that on and after January 1, 2003, not more than 50 percent of its plastic

Departments That May Be Affected		
Trade and Commerce Agency, Department of General Services		
Committee Recommendation	Committee Chair	Date
		3-21

packaging materials sold or offered for sale in California becomes waste, that on and after January 1, 2006, not more than 35 percent becomes waste, and, that on and after January 1, 2010, not more than 20 percent becomes waste. The bill was introduced on February 23, 1998 and has been referred to the Assembly Rules Committee for policy committee assignment.

EXISTING LAW

State law:

1. Requires every manufacturer of plastic trash bags .75 mil and thicker to ensure that at least 20% and, on and after January 1, 1997, at least 30% of the material used in those plastic bags is recycled plastic postconsumer material (RPPCM) (Public Resources Code [PRC] §42291).
2. Authorizes bag manufacturers to certify to the CIWMB if sufficient quantities or quality of postconsumer plastic is not available (PRC §42291).
3. Requires bag manufacturers to annually certify to the CIWMB that they have complied with the minimum content requirements (PRC §42293).
4. Requires wholesalers of plastic trash bags sold in California to certify to the CIWMB the name and physical location of each manufacturer from whom it purchases plastic trash bags (PRC §42294).
5. Authorizes manufacturers of bags that use adhesive, heat-affixed straps to petition the CIWMB for a variance from the minimum content requirements (PRC §42298).

ANALYSIS

SB 698 would:

1. Define "manufacturer" as a person who manufactures plastic trash bags for sale in California;
2. Define " plastic trash bag" as a bag that is manufactured for intended use as a container to hold, store, or transport materials to be discarded, composted, or recycled, including, but not limited to, garbage bags, composting bags, lawn and leaf bags, can-liner bags, kitchen bags, compactor bags, and recycling bags;
3. Provide that a plastic trash bag does not include a grocery sack or any other bag that is manufactured for intended use as a container to hold, store, or transport food;
4. Provide that a plastic trash bag does not include any plastic bag that is used for the purpose of containing either hazardous or medical waste;

5. Define "postconsumer material" as a finished product that would normally be disposed of as solid waste, having completed its intended end-use and product life cycle;
6. Provide that "postconsumer material" does not include manufacturing and fabrication scrap;
7. Define "regulated bag" as a plastic trash bag of 0.70 mil or greater thickness that is intended for sale in California;
8. Define "wholesaler" as any person who purchases plastic trash bags from a manufacturer for resale in California;
9. Provide, until January 1, 1998, that every manufacturer that manufactures plastic trash bags of .75 mil or greater thickness for sale in California shall ensure that at least 30% of the material used in those plastic trash bags is RPPCM;
10. Provide, after January 1, 1998, the manufacturer's required use of a RPPCM shall be determined by either:
 - a. Ensuring that its plastic trash bags intended for sale in California contain a quantity of RPPCM equivalent to at least 10% of the weight of the regulated bags; or
 - b. Ensuring that at least 30% of the weight of the material used in all of its plastic products intended for sale in California is RPPCM.
11. Delete requirements that plastic trash bag manufacturers ensure that those bags contain at least 20 percent postconsumer plastic by January 1996 and at least 30 percent postconsumer plastic by January 1997, but would leave in place the requirement that bags 1 mil or greater in thickness contain at least 10 percent postconsumer plastic;
12. Until January 1, 2001, require the CIWMB to provide plastic bag manufacturers with a credit of 1.2 pounds for every 1 pound of postconsumer plastic purchased from a California supplier;
13. Commencing March 1, 1999, and annually thereafter, require the trash bag manufacturers to certify to the CIWMB that they have complied with the required use of RPPCM;
14. Require the CIWMB, on or before October 1, 2001, to survey trash bag manufacturers to:
 - a. Identify the name and physical location of suppliers certified by manufacturers;
 - b. Identify the quality of RPPCM provided by suppliers within California and the quality of the material provided by suppliers outside of California;

- c. Provide recommendations regarding RPPCM content requirements based on the availability of that material;
 - d. Identify gauge thickness of all regulated bags; and
 - e. Determine national production versus production of a separate line for California;
15. Require the CIWMB to annually publish on or before July of every year, a list of any suppliers, manufacturers, or wholesalers who have failed to comply with this law;
 16. Make ineligible for award of a State contract or subcontract, or the modification of an existing State contract, any company that fails to comply with this proposed statute;
 17. Prevent any State agency from soliciting offers from, awarding contracts to, or modifying any existing State contract with any company that fails to comply with this proposed statute; and
 18. Delete language that authorizes manufacturers of trash bags that use adhesive, heat-affixed straps to petition the CIWMB for a variance from the minimum content requirements.

COMMENTS

Purpose of Minimum Content Law Governing Plastic Trash Bags. The CIWMB's primary interest is the overall market for recycled plastic. The overall purpose of State minimum content law governing plastic trash bags is to foster a market for recycled plastic thereby, reducing the amount of plastic disposed in solid waste landfills.

Manufacturer Discretion Over Use of RPPCM in Trash Bags. Current law does not require the use of postconsumer plastic in every regulated trash bag, and the CIWMB has interpreted the requirement to apply to each manufacturer's annual aggregate production of plastic trash bags. Therefore, manufacturers have the discretion to use postconsumer plastic in any regulated trash bag, provided the manufacturer uses the minimum amount of postconsumer plastic during each calendar year. Regulation of minimum content applies to bags 0.75 mil or thicker that are for sale in California. Thinner bags and bags sold outside of California are not subject to the minimum use requirement.

Manufacturer Certifications. The CIWMB requires manufacturers to submit annual certifications by March 1 following the reporting year. Trash bag manufacturers certify that they have used the minimum amount of postconsumer plastic to manufacture the regulated bags sold in California. Wholesalers certify from whom they have purchased regulated trash bags and from where they were shipped into California. Exemptions from the use requirements are available to manufacturers if postconsumer plastic was not available within a reasonable time period, as defined in regulation, or if available postconsumer plastic did not meet quality standards established by the CIWMB. Chapter 821, Statutes of 1995 (AB 1851, Sher) exempted trash bags with heat-affixed straps for calendar year 1996 and created a variance process for such bags for calendar year 1997 and beyond.

Certification reports indicate:

- For the 1993 reporting period, 23 manufacturers certified having used 1,904 tons of postconsumer material (non-blended, 100% postconsumer content). Only one out of the 23 manufacturers did not meet the 10% use requirement in effect for 1993.
- For the 1994 reporting period, 41 manufacturers submitted certifications. Only one out of the 41 manufacturers did not meet the 30% use requirement in effect for 1994.
- For the 1995 reporting period, 41 manufacturers certified having used 5,350 tons of postconsumer material (non-blended, 100% postconsumer content). Of the 41 manufacturers submitting certifications, only 19 are regulated manufacturers. Of those regulated manufacturers, 15 complied with the 30% use requirement in effect for 1995, including the two largest manufacturers.
- For the 1996 reporting period, 45 manufacturers reported using 7,366 tons of RPPCM. Of the 45, 29 sold regulated trash bags; 25 complied with the 20% use requirement in effect for 1996.

Manufacturer Exemptions. No company has claimed an exemption based on poor quality or unavailability of postconsumer plastic. One company is seeking a public hearing to request an exemption for their bags with heat-affixed straps for 1997. For the 1993 and 1994 reporting periods, one company certified that it had not met the RPPCM use requirement. This number increased for the 1995 certification due to the increase from 10% to 30% in the RPPCM use requirement.

Elimination of the 30 Percent Requirement. This version of SB 698 would eliminate the current 30 percent use requirement in trash bags 0.75 mil and greater and replaces it with two compliance options from which manufacturers may choose:

- a. Ensure that its plastic trash bags intended for sale in California contain a quantity of RPPCM equal to at least 10 percent of the weight of the regulated trash bags, OR,
- b. Ensure that at least 30 percent of the material used in all of its plastic products intended for sale in California is RPPCM.

Proposed Amendment to Benefit Trash Bag Manufacturers. It is believed that at the 10 percent use requirement, trash bag manufacturers are more likely to make one product line for the entire country containing 10 percent RPPCM, rather than a special "California line" to meet the mandates, which creates the possibility that the market demand for RPPCM may increase.

CIWMB Requirements. This bill would require the CIWMB to conduct a survey of manufacturers subject to this section to collect five items of information. While two of the items can be gathered relatively easily, the other three would very difficult. Collecting that information would involve the creation and distribution of a survey which in and of itself can be time intensive. CIWMB staff has much experience with surveys and attempting to collect this type of information often proves very

costly and not very accurate or complete. The report on this survey is required to be transmitted to the Legislature by October 1, 2001.

Additionally, SB 698 would require the CIWMB to annually publish on or before July a list of any suppliers, manufacturers, or wholesalers who have failed to comply with this law. We note that while certification has been an accepted practice, verification within existing resources would be extremely costly and therefore, likely impossible.

SUGGESTED AMENDMENTS

Because SB 698 is an urgency statute, there is the possibility that this proposal could become law mid-year. It may be better to make the changes effective January 1, 1999 rather than try to change the use requirement mid-year. Attempting to notify manufacturers of the new use requirement and ensuring they have the ability to attain compliance under the new provisions could prove challenging.

LEGISLATIVE HISTORY

SB 698 was introduced February 25, 1997. The bill passed (6-1) the Senate Environmental Quality Committee on April 21, 1997; passed the Senate Floor (27-0) on May 27, 1998 and failed passage before the Assembly Natural Resources Committee (4-1) on July 7, 1997. The author was granted reconsideration. SB 698 is set for hearing in the Assembly Natural Resources Committee on March 16, 1998.

Support: First Brands, Inc. (sponsor)

Opposition: None on file.

FISCAL AND ECONOMIC IMPACT

SB 698 would have an overall fiscal cost of \$40,000 (1/4 PY) to the CIWMB:

- A one-time cost of \$20,000 cost (1/4 PY) to the CIWMB for rewriting regulations governing manufacturing reporting of use of postconsumer plastic in trash bags. This cost would be \$10,000 in FY 98/99 and \$10,000 in FY 99/00. These costs would be borne by the Integrated Waste Management Account.
- An annual \$20,000 (1/4 PY) to the CIWMB to revise the certification form and the development, conducting and reporting on the survey. Again, these costs would be borne by the Integrated Waste Management Account.

As a result of the successful diversion of solid waste from California's landfills, the Integrated Waste Management Account is experiencing declining revenues due to decreased tipping fees. For this reason, less money is available to implement CIWMB programs. Enactment of this legislation could result in less funding for other vital CIWMB programs.



Legislative and External Affairs Office Status Report of Priority Bills

State Legislation
1997/98 Session

Federal Legislation
105th Congress

March 9, 1998

TABLE OF CONTENTS

	Page
State Legislation.....	1
Assembly Bills	1
Senate Bills.....	8
Chaptered Bills	14
Vetoed Bills.....	20
Dead Bills	24
State Legislation Subject Index.....	31
Federal Legislation	37
House of Representatives	37
U.S. Senate	45
Federal Legislation Subject Index	50 3-27

**Legislative and External Affairs Office
Status Report of Priority Bills
March 9, 1998**

Assembly Bills

Bill No: AB 117 (Escutia) *Sponsor: Author*
Subject: **Solid Waste: Demolition or Construction Debris**
Intro: Would prohibit, commencing April 1, 1999, the operation of a solid waste facility or
1/13/97 operation that handles demolition and construction debris, except as authorized by
Amended: Integrated Waste Management Act (Act) or regulations adopted by the CIWMB. The bill
7/3/97 would require the CIWMB to adopt tiered regulations by October 1, 1998, which adopt State
minimum standards for the operation of these facilities.
Status: Set to be heard before the Senate Environmental Quality Committee on 7/7/97; taken off
Calendar; held in the Senate Environmental Quality Committee on 7/15/97.

Bill No: AB 228 (Midgen) *Sponsor: Author*
Subject: **Solid Waste: Tires**
Intro: Would add abandonment of tires to the circumstances under which a person can be
2/5/97 convicted of a crime. AB 228 would also allow the CIWMB to obtain access to a site where
Amended: tires are unlawfully housed when the situation presents a significant threat to public health
1/22/98 and the environment. Finally, it would allow the CIWMB to designate any city, county, or
city and county, upon request thereby, to exercise enforcement authority and allow
penalties collected to go to the city, county, or city and county.
Status: Referred to the Senate Environmental Quality Committee.

Bill No: AB 376 (Baca) *Sponsor: Author*
Subject: **Public Contracts**
Intro: Would require specified public contracts awarded by Caltrans of \$50,000 or over, annually
2/19/97 adjusted to reflect the consumer price index, to be awarded through a publicized
Amended: competitive bidding process involving sealed bids, with each contract being awarded to the
5/30/97 lowest qualified bidder.
Status: Set to be heard before the Senate Transportation Committee on 3/3/98; taken off calendar.

Bill No: AB 964 (Bowen) *Sponsor: Author*
Subject: **Solid Waste: Tires**
Intro: Would require the CIWMB to specify in any contract it enters into for waste tire pile cleanup
2/27/97 that the contractor provide a productive end use for all tires that are cleaned up.
Amended: Additionally, the bill would require the CIWMB, upon the request of the contractor, to permit
1/16/98 a portion of the waste tires (not to exceed 25% of the waste tire pile that the CIWMB
determines by resolution to be too old or contaminated to be put to a productive end use),
to be disposed of by landfilling or monofilling. Further, AB 964 would require the CIWMB,
as part of its annual Budget request, to allocate among the various purposes authorized by
the paving materials statute, the total funds requested for grants, loans, and contracts
under the tire recycling program.
Status: Passed the Assembly Floor (48-24) on 1/28/98; referred to the Senate Rules Committee for
policy committee assignment.

Bill No: AB 1195 (Torlakson) *Sponsor: Author*
Subject: Hazardous Substances: Liability
Intro: Under the Hazardous Substance Account Act, would require a statement of the reasons for allocating responsibility to each respective potentially responsible party, and an analysis of that allocation, including, but not limited to, specified factors pertaining to the amount of hazardous substance for which the potentially responsible party may be responsible, the degree of the toxicity of the hazardous substance, the degree of involvement of the potential responsible party, and the potentially responsible party's degree of care and cooperation with government officials.
2/28/97
Amended: 4/21/97
Status: Referred to the Senate Judiciary Committee.

Bill No: AB 1497 (Brown) *Sponsor: Author*
Subject: State Agencies: Leasing Real Property
Intro: Would authorize any state department, board, or commission, subject to approval by DGS, to lease any real property for storage, warehouse, or office purposes, provided that the lease term does not exceed three years and the annual rental does not exceed \$50,000.
2/28/97
Amended: 1/6/98
Status: Passed the Assembly Floor (79-0) on 1/28/98; referred to the Senate Rules Committee for policy committee assignment.

Bill No: AB 1513 (Cardoza) *Sponsor: Thermo-Eco-Teck*
Subject: Income and Bank and Corporation Taxes: Biomass Power
Intro: Would state intent of the Legislature to develop and implement methods of providing financial assistance to the biomass power industry; provided that the value of the public benefits substantially exceeds the costs of assistance to the industry.
2/28/97
Amended: 7/23/97
Status: Passed the Senate Revenue and Taxation Committee (8-0) on 7/16/97; referred to the Senate Appropriations Committee.

Bill No: AB 1637 (Aguilar) *Sponsor: Author*
Subject: Administrative Costs: State Government
Intro: Would require the DOF to certify annually to the Controller that no State entity or State agency withholds more than 5% of any Federal funds, as administrative costs when administering or allocating Federal funds.
1/5/98
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.

Bill No: AB 1656 (Ducheny) *Sponsor: Assembly Budget Committee*
Subject: 1998-99 Budget
Intro: Would make an appropriation for support of State government for the 1998-99 fiscal year.
1/13/98
Status: Urgency Measure.
Referred to Assembly Budget Committee

Bill No: AB 1664 (Murray) *Sponsor: Author*
Subject: State Contracts: Participation Goals
Intro: Would provide for statewide participation goals of not less than 30% for small business enterprises with respect to professional bond services and State contracts, generally.
1/12/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: AB 1699 (Ortiz) *Sponsor: Author*
Subject: Air Pollution: Rice Straw Burning
Intro: Would require the ARB and the air pollution control officers in the Sacramento Valley Air Basin, in making a determination regarding the maximum allowable acres to be burned each day, to consider specified factors relating to rice straw burning, and, to reduce, to the maximum extent possible, the number of allowable acres to be burned on any day that the ARB and the air pollution control officers determine to be a marginal burn day. Additionally, the bill would require the DFA, in cooperation with the State Energy Resources Conservation and Development Commission, the CIWMB, and the ARB, to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses, containing specified information, by September 1, 1999.
1/26/98
Status: Set to be heard before the Assembly Natural Resources Committee on 3/16/98.

Bill No: AB 1743 (Runner) *Sponsor: Author*
Subject: Rim of the Valley Trail Corridor: Boundary Revisions
Intro: Would expand park properties in the Santa Monica Mountains (Santa Monica Mountains Conservancy) to include Elsmere and Whitney Canyons and their adjacent watersheds.
Status: Set to be heard before the Assembly Natural Resources Committee on 3/16/98.

Bill No: AB 1799 (Migden) *Sponsor: City and County of San Francisco*
Subject: Unlawful Dumping: Increased Fines
Intro: Would increase the fines for unlawful dumping for first and subsequent convictions of the offense.
2/10/98
Status: Referred to the Assembly Public Safety Committee.

Bill No: AB 1859 (Ackerman) *Sponsor: Department of General Services*
Subject: Public Works: Insurance and Surety Requirements
Intro: Would authorize a State or public agency to utilize owner-controlled or wrap-up insurance programs if specified conditions are met and would provide that safety requirements for a public works project subject to owner-controlled or wrap-up insurance programs may be developed jointly between a State or public agency and the prime contractor.
2/13/98
Status: Referred to the Assembly Local Government Committee.

Bill No: AB 1912 (Ashburn) *Sponsor: Coalition for Preservation of Private Property Rights*
Subject: Attorneys' Fees: Prevailing Public Entities
Intro: Would permit the court to award attorneys' fees to a public entity if the public entity is the prevailing party in an action and if the court finds that an award is appropriate in the interest of justice.
2/17/98
Status: Referred to the Assembly Judiciary Committee.

- Bill No: **AB 2067 (Cunneen) Sponsors: Romic Environmental Technologies Corporation, WMX Technologies, Evergreen Oil and Safety Kleen**
- Subject: **Hazardous Waste: State Agency Procurement**
- Intro: Among other things would define "recycling" for purposes of the hazardous waste control laws, and would exempt, from the generator fee, recyclable materials that are transported offsite for a permitted hazardous waste facility for purposes of recycling at that facility. Additionally, the bill would require all State agencies to purchase refined automotive lubricant, recycled antifreeze, recycled solvents, and recycled paint. Further, the bill would require, fitness and quality being equal, that all State agencies purchase specified types of recycled products, when the recycled product is available at a cost no greater than the cost of nonrecycled products, including building and construction materials, outdoor furnishings, indoor furnishings, and landscaping materials.
- 2/18/98
- Status: Referred to the Assembly Environmental Safety and Toxic Materials Committee.
- Bill No: **AB 2179 (Assembly Legislative Ethics Committee) Sponsor: Assembly Legislative Ethics Committee**
- Subject: **State Agencies: Ethics Orientation**
- Intro: Would require each State agency to offer at least semiannually, and certain State officials and employees to attend once every two years, an orientation course on the relevant ethics statutes and regulations that govern the official conduct of State officials.
- 2/19/98
- Status: Referred to the Assembly Rules Committee for policy committee assignment.
- Bill No: **AB 2181 (Firestone) Sponsor: Author**
- Subject: **Solid Waste: Tires**
- Intro: Would impose civil and criminal penalties for violation of waste tire law and would specify that the size of individual pieces of shredded tires deposited in landfills shall not exceed two inches in length.
- 2/19/98
- Status: Referred to the Assembly Rules Committee for policy committee assignment.
- Bill No: **AB 2237 (Escutia) Sponsor: Author**
- Subject: **Environmental Protection: Loans and Grants: Environmental Risks Versus Benefits: Selection Criterion**
- Intro: Would require an environmental agency in determining whether to make a loan or grant to a person, public agency, or private business or organization that will be used for purposes relating to the protection, development, enhancement, or conservation of natural resources, to require that an environmental risks versus benefits analysis be included as part of a loan or grant application.
- 2/19/98
- Status: Referred to the Assembly Rules Committee for policy committee assignment.
- Bill No: **AB 2273 (Woods) Sponsor: California Biomass Energy Alliance**
- Subject: **Electric Utility Rates: Cost-Shifting: Reports**
- Intro: Would require the Secretary of Cal/EPA, in consultation with relevant State and Federal agencies, boards, and commissions, and with representatives of the solid-fuel biomass industry, to prepare and submit to the Legislature a semiannual report, in accordance with a prescribed schedule, on the existence, status, and progress of any public policy measures for cost-shifting developed pursuant to those provisions.
- 2/19/98
- Status: Referred to the Assembly Rules Committee for policy committee assignment.

Status of Priority Bills

March 9, 1998

Page 5

Bill No: **AB 2309 (Bowen) Sponsor: Author**
Subject: **Recycling Reports: Beverage Containers: Cullet**
Intro: Among other things, would additionally require the report under the beverage container act
2/19/98 to include recommendations regarding enhancing mobile recycling opportunities and a
report on the progress towards achieving maximum use of recycled materials in beverage
container manufacturing.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2353 (Olberg) Sponsor: California Integrated Waste Management Board**
Subject: **Surety Insurers**
Intro: Would authorize a State agency to impose additional or more stringent requirements upon
2/20/98 the insurer if they are adopted in order for the State agency to comply with Federal law and
would require that any such requirement be complied with before the insurer is deemed
sufficient.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2420 (Olberg) Sponsor: California-Nevada Soft Drink Association**
Subject: **Processing Fees**
Intro: Among other things, this bill would require the DOC to set the recycling cost for PET
2/20/98 containers as \$770 per ton and would delete the repeal of the existing processing fee
calculation provisions.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2432 (Bowen) Sponsor: Author**
Subject: **State Buildings: Bids**
Intro: Would provide that DGS, on or before January 1, 2000, shall required all bids submitted for
2/20/98 the construction or renovation of State buildings that are used, in whole or in part, for State
offices and are constructed by the State or in conjunction with any local or Federal agency,
government, or department, to include specified provisions regarding energy efficiency, the
use of recycled materials, and the consultation of public resources. Further, the bill would
require DGS to adopt appropriate regulations on or before July 15, 1999, to implement
these provisions.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2480 (Prenter) Sponsor: Author**
Subject: **Economic Development: Funding Source "Hotline"**
Intro: Would provide for the establishment and maintenance in State government of an
2/20/98 information data base and telephone "hotline" within an unspecified State agency, for the
purpose of informing businesses and local governments and agencies about grants, loans,
and other sources of funding and assistance that may be available to them.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2503 (Goldsmith) Sponsor: Author**
Subject: **State Agencies: Continuation**
Intro: Would provide that every State agency, except for agencies directly administered by an
2/20/98 elected State officer or an elected governing board or any agency established by the
California Constitution, that existed in State government on or before January 1, 1998, is
abolished on January 1, 2005, unless the Legislature, by statute, authorizes continuation of
the agency prior to that date.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2521 (Wayne) Sponsor: California Association of Environmental Health Administrators**

Subject: **Solid Waste: Research and Development**

Intro: Would include with the authorization for the CIWMB to conduct research and development programs in cooperation with universities and colleges, that the CIWMB make this information available to the public through the CIWMB Internet website.

2/20/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2531 (Cardoza) Sponsor: Stanislaus County**

Subject: **Solid Waste: Transformation Facilities**

Intro: Would provide that if the transformation takes place at the City of Commerce, City of Long Beach, or the County of Stanislaus transformation facility, the 50% diversion requirement may include up to 25% through transformation for cities, counties, or regional agencies that used these facilities or before January 1, 1998, subject to specified conditions.

2/20/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2555 (Aroner) Sponsor: Author**

Subject: **Solid Waste: Plastic Packaging Utilization**

Intro: Would require each producer and packager of plastic packaging material types, as defined, to ensure that on and after January 1, 2003, not more than 50 percent of its plastic packaging materials types sold or offered for sale in California becomes waste, that on and after January 1, 2006, not more than 35 percent becomes waste, and, that on and after January 1, 2010, not more than 20 percent becomes waste.

2/23/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2625 (Richter) Sponsor: Author**

Subject: **Training in Government**

Intro: Would establish the California Representative Government Institute in State government to develop and carry out a program of continuing education and training for incoming and currently serving Members of the Legislature, administrative appointees, and business and academic leaders.

2/23/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2644 (Oller) Sponsor: Browning Ferris Industries (BFI)**

Subject: **Solid Waste Enterprise: Liability**

Intro: Would prohibit a local agency from requiring a solid waste enterprise to assume liability for the local agency's failure to meet the solid waste diversion requirements imposed by the California Integrated Waste Management Act of 1989, unless that local agency demonstrates that the local agency's failure to meet those diversion requirements was proximately caused by the solid waste enterprise.

2/23/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Bill No: **AB 2677 (Richter) Sponsor: Browning-Ferris Industries (BFI)**

Subject: **Solid Waste Enterprise: Liability**

Intro: Would prohibit a local agency from requiring a solid waste enterprise to assume any of the local agency's liability for any action relating to handling solid waste, unless the local agency demonstrates that the local agency's liability was proximately caused by the solid waste enterprise.

2/23/98
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Status of Priority Bills

March 9, 1998

Page 7

Bill No: **AB 2673 (Machado) Sponsor: Author**
Subject: **Recycling: Postfilled Glass**
Intro: Would require the DOC to reduce the minimum percentage requirement by crediting toward
2/23/98 that requirement the tons of postfilled glass used in California for secondary end uses, as
defined, or otherwise diverted, as defined, from the California waste stream.
Status: Referred to the Assembly Rules Committee for policy committee assignment

Bill No: **ACA 35 (Goldsmith) Sponsor: Author**
Subject: **Legislature: Overturning Administrative Records**
Intro: Would authorize the Legislature, by concurrent resolution, to reject and thereby render void
2/20.98 any regulation adopted or amend by a State administrative agency.
Status: Referred to the Assembly Rules Committee for policy committee assignment.

Senate Bills

Bill No: **SB 2 (Thompson) Sponsor: Author**
Subject: **Parks and Resources Improvement**
Intro: Would address the critical need for park, recreation, and conservation areas. Urgency
Amended: Measure.
1/28/98
Status: Referred to the Assembly Natural Resources Committee and the Assembly Water, Parks
and Wildlife Committee.

Bill No: **SB 130 (Thompson) Sponsor: Senate Budget Committee**
Subject: **1997-98 Budget**
Intro: Would make an appropriation for support of State government for the 1997-98 fiscal year.
1/9/97 Urgency Measure.
Amended:
5/28/97
Status: Referred to the Assembly Budget Committee.

Bill No: **SB 143 (Kopp) Sponsor: Author**
Subject: **Records**
Intro: Would provide for public inspection of public records and copying of all forms, as specified.
1/13/97 The bill would clarify that nothing shall limit the ability of elected members or officers of any
Amended: State or local agency to access public records permitted by law in the administration of their
1/20/98 duties.
Status: Double-referred to the Assembly Governmental Organization Committee and the Assembly
Judiciary Committee.

Bill No: **SB 213 (Kopp) Sponsor: Author**
Subject: **Legal Services: State**
Intro: Would authorize the Attorney General to limit or condition the purpose and length of State
1/28/97 agency use of legal counsel other than the Department of Justice attorneys in judicial
Amended: proceedings, in addition to merely approving or denying such use.
1/16/98
Status: Referred to the Assembly Insurance Committee.

Bill No: **SB 216 (Brulte) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would make technical changes in provisions relating to the restructuring of the electrical
1/29/97 services industry.
Amended:
5/20/97
Status: Referred to the Assembly Utilities and Commerce Committee.

Status of Priority Bills

March 9, 1998

Page 9

Bill No: **SB 412 (Peace) Sponsor: Author**
Subject: **State Contracts: Conflict of Interest**
Intro: Would apply existing conflict of interest provisions generally applicable to State
2/18/97 procurement contracts to electronic data processing (EDP) and telecommunications
Amended: procurements. Urgency Measure.
1/22/98
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic
Development Committee.

Bill No: **SB 436 (Sher) Sponsor: Author**
Subject: **Solid Waste: Beverage Containers: Programs**
Intro: Would require the CIWMB, in consultation with the DOC, to prepare and submit to the
2/18/97 Legislature a report, not later than July 1, 1998, identifying any duplication or overlap
between CIWMB and DOC programs pertaining to public information and education, local
government review and assistance, and recycled materials market development. Urgency
Measure.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 598 (Sher) Sponsor: Author**
Subject: **Environmental Audits**
Intro: Would define the term "environmental audit" and would make related legislative findings and
2/24/97 declarations.
Amended:
4/9/97
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 658 (Sher) Sponsor: Author**
Subject: **Environmental Protection: Peer Review Processes: Report**
Intro: Would require Cal/EPA to annually prepare and submit to the appropriate policy and fiscal
2/25/97 committees of the Legislature that review environmental protection bills a report on the
Amended: status of the implementation of those scientific peer review processes that contain specified
1/6/98 information relating to rules that are subject to peer review.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **SB 681 (O'Connell) Sponsor: Author**
Subject: **Beverage Containers: Reporting**
Intro: Would change the reporting period for redemption and recycling rates from six months to
2/25/97 one year. Additionally, the bill would change the definition of the glass beverage container
Amended: recycling rate to include refillable glass beverage containers in both the numerator and
1/20/98 denominator of the rate, which will slightly alter current DOC practices.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: SB 698 (Rainey) *Sponsor: First Brands*
Subject: Plastic Trash Bags
Intro: Would, until January 1, 2001, require every manufacturer that manufactures plastic trash bags of 0.75 mil or greater thickness, sold in California during specified calendar years, to make prescribed calculations pertaining to the total weight of plastic trash bags sold in California, to determine the recycled postconsumer material factor for the manufacturer for the next calendar year and to certify to the CIWMB that it used the prescribed amount. The bill would require the CIWMB, for every pound of postconsumer material purchased from a source of postconsumer material for use in the manufacture of plastic trash bags, to credit the manufacturer so certifying with having used 1.2 pounds of postconsumer material toward compliance with the certification requirements. The bill would require the CIWMB to submit a report to the Legislature by April 1, 2000, on, among other things, recommendations regarding recycled plastic postconsumer material content requirements based on the availability of that material. Urgency Measure.
2/25/97
Amended: 6/23/97
Status: Failed passage before the Assembly Natural Resources Committee (4-1) on 7/7/97; author granted reconsideration; set to be heard before the Assembly Natural Resources Committee on 3/16/98.

Bill No: SB 715 (Sher) *Sponsor: Author*
Subject: Environmental Quality
Intro: Would require the Office of Planning and Research, as part of its existing public assistance and information program to establish and maintain a central repository for the collection, storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices of determination, and notices of completion and make the notices available through the Internet. Additionally, the bill would make policy changes to CEQA.
2/25/97
Amended: 5/27/97
Status: Double-referred to the Assembly Natural Resources Committee and the Assembly Televising the Assembly and Information Technology Committee.

Bill No: SB 988 (Sher) *Sponsor: Author*
Subject: Solid Waste Management
Intro: Would repeal the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant Program Act of 1990 administered by the CIWMB. Additionally the bill would enact certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act, including provisions that would, among other things, require the CIWMB to: 1) coordinate activities and functions with all other State agencies in information gathering; 2) encourage the purchase of recycled oil products, and 3) encourage the procurement of rerefined automotive and industrial oils for all State and local uses.
2/27/97
Status: Referred to the Assembly Natural Resources Committee.

Bill No: SB 1047 (Sher) *Sponsor: Author*
Subject: Environmental Protection: Regulatory Implementation
Intro: Would enact the California Environmental Protection Agency Regulatory Implementation Act of 1997 without substantive provisions. Urgency Measure.
2/27/97
Amended: 1/5/98
Status: Double-referred to the Assembly Natural Resources Committee and the Assembly Televising the Assembly Committee.

Status of Priority Bills

March 9, 1998

Page 11

Bill No: SB 1175 (Sher) *Sponsor: Author*
Subject: Oil Recycling
Intro: Would require the purchaser of lubricating oil that is exempt from the \$.16 per gallon amount
2/28/97 to give the seller of that oil an exemption certificate declaring that the oil is intended for use
Amended: in a manner that makes the oil exempt from the fee.
5/20/97
Status: Referred to the Assembly Floor Inactive File on 9/4/97.

Bill No: SB 1196 (Leslie) *Sponsor: Alpine County*
Subject: Solid Waste Management: Plan: Countywide Siting Element
Intro: Would exempt Alpine County from the requirement for a countywide siting element and a
2/28/97 summary plan content requirements until January 1, 2001, so long as Alpine County meets
Amended: specified requirements.
7/21/97
Status: Sent to the Assembly Floor Inactive File on 8/29/97.

Bill No: SB 1304 (O'Connell) *Sponsor: State Controller's Office*
Subject: State Budget: Zero-Based Budgeting
Intro: Would establish a task force during the 1998-1999 and 1999-2000 fiscal years to develop a
2/28/97 program of training and education to facilitate zero-based budgeting for the 2000-2001 fiscal
year.
Status: Passed the Assembly Governmental Organization Committee (12-0) on 7/14/97; referred to
the Assembly Budget Committee.

Bill No: SB 1364 (Ayala) *Sponsor: Author*
Subject: Open Meetings: State Bodies
Intro: Would make it a misdemeanor for a member of a State body to attend a meeting of that body
1/5/98 in violation of the Bagley-Keene Open Meeting Act with knowledge of the fact that the
meeting is in violation of the act.
Status: Referred to the Senate Organization Committee.

Bill No: SB 1386 (Leslie) *Sponsor: Author*
Subject: State Computer Technology: Information Gathering
Intro: Would require every State agency that maintains or operates an Internet website that utilizes
1/7/98 a device, identifier or other data base application to collect personal information about,
compile the usage patterns of, or track the movements of any user who accesses the
website, to disclose plain English specified information on the website, including notice to the
user accessing the website that he or she has the option of avoiding the collection of
personal information.
Status: Referred to Senate Governmental Organization Committee.

Bill No: SB 1391 (Thompson) *Sponsor: Author*
Subject: 1998-99 Budget
Intro: Would make an appropriation for support of State government for the 1998-99 fiscal year.
1/12/98 Urgency Measure.
Status: Referred to the Senate Budget Committee.

Status of Priority Bills

March 9, 1998

Page 12

- Bill No: **SB 1426 (Johannessen) Sponsor: Author**
Subject: **State Auditor**
Intro: Would require the State Auditor to examine and prepare a report to the Legislature on all State governmental revenue sources to determine how funds that are raised are actually expended
1/26/98
Status: Referred to the Senate Governmental Organization Committee.
- Bill No: **SB 1609 (Ayala) Sponsor: Author**
Subject: **State Forms: Public Access Telephone Number**
Intro: Would require each State form to include on the form a public access telephone number of the State agency charged with administering the form.
2/12/98
Status: Referred to the Senate Rules Committee for policy committee assignment.
- Bill No: **SB 1649 (Senate Local Government Committee) Sponsor: Senate Local Government Committee**
Subject: **Local Government Omnibus Bill of 1998**
Intro: Among other things, the bill would state that "fee-producing infrastructure project" or "fee-producing infrastructure facility" means that the operation of the infrastructure project or facility will be paid for by the persons or entities benefited by or utilizing the project or facility.
2/13/98
Urgency Measure.
Status: Referred to the Senate Local Government Committee.
- Bill No: **SB 1812 (Hughes) Sponsor: Glass Packing Institute**
Subject: **Postfilled Glass: Processing Fees**
Intro: Among other things, would require the DOC to reduce the minimum percentage requirement by crediting the number of the tons of postfilled glass used in California for secondary end uses or otherwise diverted from the State's solid waste stream as being included in the measurement of tons of postfilled glass used in the manufacturing of glass food, drink, and beverage containers.
2/18/98
Status: Referred to the Senate Rules Committee for policy committee assignment.
- Bill No: **SB 1824 (Calderon) Sponsor: Author**
Subject: **Used Oil: Recycling**
Intro: Would revise the definitions of the terms "used oil" and "recycled oil."
2/19/98
Status: Referred to the Senate Rules Committee for policy committee assignment.
- Bill No: **SB 1924 (McPherson) Sponsor: Author**
Subject: **Hazardous Waste: Dry Cell Batteries**
Intro: Would exclude from regulation as a non-RCRA hazardous waste and from the requirements concerning spent batteries, a spent dry cell battery containing zinc electrodes, as defined, if the spent dry cell battery is disposed of in a specified manner or is accumulated for recycling, subject to specified requirements.
2/19/98
Status: Referred to the Senate Environmental Quality Committee.
- Bill No: **SB 2052 (O'Connell) Sponsor: Author**
Subject: **Beverage Containers: Processing and Handling Fees**
Intro: Among other things, this bill would repeal the requirement for the DOC to pay curbside programs a specified per-container rate as of January 1, 2004.
2/20/98
Status: Referred to the Senate Natural Resources and Wildlife Committee.

Status of Priority Bills

March 9, 1998

Page 13

Bill No: **SB 2103 (Haynes) Sponsor: BKK Corporation**
Subject: **City of West Covina: Water Utility: Successor**
Intro: Would prohibit any purchaser or lessee of, or successor to, the water utility of the City of
2/20/98 West Covina from prohibiting, taxing, or otherwise restricting the importation, conveyance, or
sale by a retail water supplier of recycled water to, or the use of that water by, a closed
hazardous waste and solid waste facility.
Status: Referred to the Senate Rules Committee for policy committee assignment.

Bill No: **SB 2119 (Hurtt) Sponsor: Unknown**
Subject: **Public Records: Internet Access**
Intro: Would required State and local agencies that are required or directed by the Legislature to
2/20/98 prepare and submit a report to the Legislature, to place the report on the Internet and to
notify the Legislature by electronic mail via the Internet.
Status: Referred to the Senate Governmental Organization Committee.

Bill No: **SB 2172 (Sher) Sponsor: Author**
Subject: **Solid and Hazardous Waste Classification**
Intro: Would enact the California Solid and Hazardous Waste Classification Reform Act of 1998
2/20/98 and would make a statement of legislative findings and declarations regarding the
identification, classification, and regulation of solid and hazardous waste.
Status: Referred to the Senate Rules Committee for policy committee assignment.

Bill No: **SCA 13 (O'Connell) Sponsor: State Controller's Office**
Subject: **State Budget: Zero-Based Budgeting**
Intro: Would amend the California Constitution to require that the budget submitted by the
3/17/97 Governor to the Legislature for the 2000-2001 fiscal year, and each subsequent fiscal year,
be developed pursuant to zero-based budgeting for each State agency and set forth
performance standards to be applied to those State agencies, together with a mechanism for
evaluating whether those standards are satisfied in order to ascertain the effectiveness and
efficiency of each of those agencies.
Status: Passed the Assembly Governmental Organization Committee (11-0) on 7/14/97; referred to
the Assembly Elections, Reapportionment and Constitutional Amendments Committee.

Bill No: **SCR 15 (Peace) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring: Public Utilities Commission Reform**
Intro: Would create the Joint Oversight Committee on Electricity Restructuring and Reform to
2/5/97 oversee, until June 30, 1998, the implementation of AB 1890, SB 960, and SB 1322, relating
Amended: to electrical restructuring and PUC reform.
2/20/97
Status: Passed the Senate Floor (35-0) on 2/27/97; referred to Assembly Rules Committee for policy
committee assignment.

Chaptered Bills

- Bill No:** AB 107 (Ducheny) *Sponsor: Assembly Budget Committee*
Subject: 1997-98 Budget
Intro: Makes appropriations for support of State government for the 1997-98 fiscal year. Urgency Measure.
1/9/97
Amended: 8/11/97
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 282, Statutes of 1997.*
- Bill No:** AB 170 (Papan) *Sponsor: Citicorp*
Subject: Claims Against the State
Intro: Enacts the California Prompt Payment Act, which specifies that certain provisions regarding claims against the State may not be waived, altered, or limited by the State agency with respect to a contract entered into on or after January 1, 1998, or the person or business contracting on or after that date with the State agency. This bill provides that these provisions are not to be construed to require a person or business contracting with a State agency to have to submit a claim or invoice for payment of an interest penalty fee.
1/28/97
Amended: 7/1/97
Status: Chaptered by the Secretary of State on 8/26/97; *Chapter 360, Statutes of 1997.*
- Bill No:** AB 178 (Gallegos) *Sponsor: Wynn Oil Company*
Subject: Vehicles: Automotive Products.
Intro: Allows the DFA to grant a variance from the ASTM chloride standard for recycled automotive engine coolants or antifreeze.
1/29/97
Amended: 9/8/97
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 634, Statutes of 1997.*
- Bill No:** AB 206 (Hertzberg) *Sponsor: Author*
Subject: Citizen Complaint Act of 1997
Intro: Enacts the Citizen Complaint Act of 1997, which requires State agencies, including the California State University, that maintain Internet web sites to make plain-language complaint forms available on their Internet web sites by July 1, 1998, or within 6 months of the establishment of a web site, so that residents of the State can register complaints or comment about the performance of a State agency or about individuals licensed by the State agency.
2/4/97
Amended: 7/25/97
Status: Chaptered by the Secretary of State on 9/22/97; *Chapter 416, Statutes of 1997.*
- Bill No:** AB 475 (Pringle) *Sponsor: California Chamber of Commerce*
Subject: Office of Permit Assistance: Reports
Intro: Requires the Cal/EPA, the Resources Agency, and BOE to submit to the OPA, in the TCA, an annual report of the total dollar amount of fees or charges collected or assessed by each agency and subdivision, starting with calendar year 1999, with all other State agencies to commence reporting in calendar year 2000. Cal/EPA, in consultation with OPA, other State agencies, and the Joint Legislative Audit Committee is required to develop a reporting form no later than July 31, 1998.
2/24/97
Amended: 7/24/97
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 719, Statutes of 1997.*

- Bill No:** AB 847 (Wayne) *Sponsor: Appliance Recycling Centers of America*
Subject: Discarded Major Appliances: Materials Requiring Special Handling: Hazardous Waste
Intro: Provides that a hazardous waste generator is any person who removes from a major
2/27/97 appliance any material that requires special handling and is a hazardous waste. It requires
Amended: the DTSC or its enforcement agency to incorporate the regulation of materials that require
8/25/97 special handling and are hazardous wastes into existing inspection and enforcement
activities. The bill requires the DTSC to transmit a copy of the *Appliance Recycling Guide*,
published by the CIWMB, and any other materials determined to be necessary to ensure
compliance with the management of hazardous wastes removed from discarded
appliances, to specified persons and agencies.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 884, Statutes of 1997.*
- Bill No:** AB 968 (Knox) *Sponsor: Author*
Subject: Air Pollution: Fine Particles: Monitoring Program
Intro: Requires the ARB to conduct an expanded and revised program of monitoring airborne fine
2/27/97 particles smaller than 2.5 microns in diameter (PM 2.5), and report annually by January 1 to
Amended: the Legislature on the status and results of the program.
9/2/97
Status: Chaptered by the Secretary of State on 9/29/97; *Chapter 518, Statutes of 1997.*
- Bill No:** AB 1097 (Brown) *Sponsor: Assembly Governmental Organization Committee*
Subject: Open Meetings
Intro: Deletes the repeal date of the law that authorizes a State body to hold an open or closed
2/27/97 meeting by teleconference.
Status: Chaptered by the Secretary of State on 7/8/97; *Chapter 52, Statutes of 1997.*
- Bill No:** AB 1571 (Ducheny) *Sponsor: Author*
Subject: Budget Act of 1997: Augmentations
Intro: Among other things, provides \$2.5 million from the General Fund to the Rice Straw
3/17/97 Demonstration Project Fund to fund apportionment by the ARB for research, development,
Amended: or demonstration projects on alternative uses of rice straw. Urgency Measure.
9/12/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 928, Statutes of 1997.*
- Bill No:** AB 1587 (Committee on Budget) *Sponsor: Author*
Subject: Education Finance
Intro: Among other things, provides \$1 million from the General Fund to the Superintendent of
3/17/97 Public Instruction for allocation to school districts in the 1997-98 fiscal year to ensure
Amended: children's safety on school playgrounds and reduce playground injuries by upgrading,
8/28/97 refurbishing, or replacing school playgrounds and playground facilities. Grants are to be
awarded in consultation with the DHS and CIWMB (use of recycled materials for equipment).
Urgency Measure.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 889, Statutes of 1997.*
Line Item Although the Governor signed this legislation, he line-item vetoed the section relating to the
Veto by \$1 million allocation to school districts for upgrading playground facilities. In his signature
Governor: letter, the Governor stated that, "...Districts have received sufficient one-time revenues to
fund this need from local resources."

Status of Priority Bills

March 9, 1998

Page 16

Bill No: **SB 90 (Sher) Sponsor: Author**
Subject: **Energy Resources: Renewable Energy Resources: Funding**
Intro: Requires electrical corporations to forward revenues derived from the renewable resource
12/18/96 technology fee to the CEC for deposit in the Renewable Resource Trust Fund and into
Amended: accounts in the Fund. Portions of the Fund would be continuously appropriated to the CEC
9/11/97 for production incentive payments to biomass, landfill gas, digester gas, whole-waste tires,
and municipal waste-to-energy facilities.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 905, Statutes of 1997.*

Bill No: **SB 95 (Ayala) Sponsor: Author**
Subject: **Open Meetings**
Intro: Conforms the Bagley-Keene Open Meeting Act, which applies to State bodies, with the
12/19/96 Ralph M. Brown Act, which governs meetings of legislative bodies of local agencies.
Amended:
8/25/97
Status: Chaptered by the Secretary, of State on 10/12/97; *Chapter 949, Statutes of 1997.*

Bill No: **SB 252 (Kelley) Sponsor: Regional Council of Rural Counties**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Requires the Energy Resources Conservation and Development Commission to submit a
2/4/97 report to the Regional Council of Rural Counties, and to the Chairs of the Senate Energy,
Amended: Utilities and Communications Committee and the Assembly Utilities and Commerce
7/9/97 Committee, by July 1, 1998, on recommendations for legislation relating to aggregation of
electrical purchases by small rural counties. Urgency Measure.
Status: Chaptered by the Secretary of State on 9/25/97; *Chapter 479, Statutes of 1997.*

Bill No: **SB 318 (Thompson) Sponsor: California Farm Bureau Federation, California Rice
Industry Association and Rice Producers of California**
Subject: **Air Pollution: Rice Straw Burning**
Intro: Specifies the number of acres that may be burned in specified spring and fall months
2/11/97 through the year 2000, and would revise the conditions and procedures that apply after the
Amended: year 2000. The ARB is required to administer a demonstration program for the
9/8/97 development of new rice straw technologies through the awarding of grants from the Rice
Straw Demonstration Project Fund.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 745, Statutes of 1997.*

Bill No: **SB 320 (Senate Housing and Land Use Committee) Sponsor: Committee**
Subject: **Housing and Land Use Omnibus Act of 1997**
Intro: Corrects technical and code cleanup problems discovered by builders, planners, and
2/11/97 housing advocates with the State statutes that affect housing, land use, and redevelopment
Amended: issues. The bill includes legislative intent regarding the authority of local agencies when
9/4/97 rice straw-bales are used as an alternative construction method.
Status: Chaptered by the Secretary of State on 9/29/97; *Chapter 580, Statutes of 1997.*

Bill No: **SB 458 (Peace) Sponsor: Author**
Subject: **State Agencies: Mail: Disclosure of Personal Information**
Intro: Prohibits a State agency, including the California State University, from sending any
7/1/97 outgoing United States mail to an individual that contains personal information about the
Amended: individual unless the personal information is contained within sealed correspondence and
9/5/97 cannot be viewed from the outside of that sealed correspondence.
Status: Chaptered by the Secretary of State on 10/6/97, *Chapter 685, Statutes of 1997.*

Bill No: SB 492 (Rosenthal) *Sponsor: Author*
Subject: State Agencies and Regulatory Boards: Internet.
Intro: Requires specified boards, programs and departments within the Department of Consumer Affairs and the Department of Real Estate, on or before January 1, 1999, to provide public information on the Internet, including, but not limited to, information relative to suspensions and revocations of licenses issued by the State agency or regulatory board and other related enforcement actions taken against persons, businesses, or facilities subject to licensure or regulation by a State agency or regulatory board. The bill would not effect the CIWMB because it is not one of the specified agencies required by the bill to post information on its Internet site.
2/20/97
Amended: 7/22/97
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 661, Statutes of 1997.*

Bill No: SB 504 (Johnston) *Sponsor: Author*
Subject: Administrative Law: Written Communication
Intro: Requires, as part of the Administrative Procedure Act, that interested parties submitting written communications to a State agency in quasi-judicial proceedings indicate the name of the person who paid for the production of that communication. The bill authorizes a State agency to refuse or ignore a written communication submitted by attorneys in a quasi-judicial proceeding unless the written communication clearly indicates the client in the proceeding.
2/20/97
Amended: 6/16/97
Status: Chaptered by the Secretary of State 8/4/97, *Chapter 192, Statutes of 1997.*

Bill No: SB 660 (Sher) *Sponsor: Author*
Subject: Hazardous Waste Management: Hazardous Waste Management: Hazardous Substance Response Actions: Fees
Intro: Enacts the Environmental Cleanup and Fee Reform Act of 1997 that would, among other things, restructure and simplify the existing hazardous waste fee system.
2/25/97
Amended: 9/10/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 870, Statutes of 1997.*

Bill No: SB 675 (Costa) *Sponsor: Browning and Ferris Industries*
Subject: Air Pollution: Odors
Intro: Extends, until four years from the effective date of this bill, current provisions in law which delegate primary regulatory responsibility for compost facility odors to local enforcement agencies (LEAs). The bill requires an air district to report compost facility odor complaints to a LEA within 24 hours or by the next working day. SB 675 requires: 1) the CIWMB to convene a working group on or before April 1, 1998, to assist in the implementation of the exemption; 2) the CIWMB and the working group to take specified actions by April 1, 1999; and 3) the CIWMB to implement, by January 1, 2000, recommendations of the working group that the CIWMB determines to be appropriate. Urgency Measure.
2/25/97
Amended: 9/2/97
Status: Chaptered by the Secretary of State on 10/8/97; *Chapter 788, Statutes of 1997.*

Bill No: SB 1034 (Maddy) *Sponsor: Bioclean Industries*
Subject: **Health Facilities and Services: Medical Waste: Trauma Scene Waste Management**
Intro: Enacts the Trauma Scene Waste Management Act to regulate businesses that clean up
2/27/97 locations contaminated by blood or other specified bodily fluids. The bill requires the DHS to
Amended: regulate the waste management activities of these businesses, requires these businesses to
8/29/97 register with DHS and requires DHS to generate a list of registered companies, which would
be available to all local health officers and administrators. Additionally, SB 1034 provides
that the Office of Statewide Health Planning and Development have plan review
responsibilities for the construction or alteration of surgical clinics and chronic dialysis clinics.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 732, Statutes of 1997.*

Bill No: SB 1066 (Sher) *Sponsors: City of San Jose, League of California Cities and*
Subject: **Californians Against Waste**
Solid Waste: Market Development
Intro: Authorizes the CIWMB to grant single or multiyear extensions to achieve the goals of the
2/27/97 Integrated Waste Management Act (Chapter 1095, Statutes of 1989). The bill requires the
Amended: CIWMB to consider specified circumstances in deciding whether to grant an alternative
9/8/97 source reduction, recycling, and composting requirement. It requires the Market
Development Plan developed by the CIWMB to include efforts to encourage and promote
cooperative, regional programs to expand markets for recycled materials, and include
activities to address problems and opportunities that are unique to rural, urban, and
suburban areas of the state. SB 1066 requires the CIWMB to develop a plan to provide
assistance to local agencies in the implementation of cost-effective programs that provide a
quality supply of recycled materials for markets. The bill authorizes the CIWMB to develop a
program to increase the use of compost products in agricultural applications. It requires the
CIWMB, the TCA, and the Treasurer to coordinate activities that will leverage financing for
market development projects and encourage joint activities to strengthen markets for
recycled materials. SB 1066 requires the CIWMB to assist market development efforts by
local agencies and the private sector, to use data resources collected from recycling,
composting and disposal activities, or from other sources, and to provide periodic information
on the recovery and availability of recycled materials. Finally, the bill requires the CIWMB,
by September 1, 1998, to submit a report to the Governor and the Legislature that details
specified matters regarding regulations and procedures concerning recycling by state
agencies.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 672, Statutes of 1997.*

Bill No: SB 1273 (Hurt) *Sponsor: Author*
Subject: **State Agencies: Electronic Mail**
Intro: Authorizes State agencies, including the CIWMB, to send notices and other material by
2/28/97 electronic mail, at the request of the recipient. The bill authorizes a State agency to require
Amended: that direct costs incurred by the agency involving the electronic transmission of requested
9/10/97 information shall be paid by the requester.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 687, Statutes of 1997.*

Bill No: SB 1305 (Sher) *Sponsor: Author*
Subject: Public Utilities
Intro: Establishes a program under which entities offering electric services disclose accurate, reliable, and simple to understand information on the generation attributes of the electricity
2/28/97
Amended: that they propose to sell. The bill requires the Energy Resources Conservation and
9/8/97 Development Commission, in conjunction with the ARB and affected air districts, to issue a report to the Legislature assessing air emission effects of electric utility restructuring by June 1, 1999.
Status: Chaptered by the Secretary of State on 10/9/97; *Chapter 796, Statutes of 1997.*

Bill No: SB 1320 (Sher) *Sponsor: Author*
Subject: Environmental Protection
Intro: Requires Cal/EPA or Cal/EPA boards, offices, and departments to enter into agreements
2/28/97 with external scientific entities for review of the scientific basis for proposed regulations that
Amended: are designed to protect public health or the environment. The bill requires boards, offices,
8/11/97 and departments to amend proposed regulations in accordance with the comments of the
scientific entity or explain the scientific foundation for agency actions that are contrary to the
comments of the scientific entity. Budget trailer bill.
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 295, Statutes of 1997.*

Bill No: SB 1330 (Lockyer) *Sponsor: Cattlemen's Association*
Subject: Solid Waste: Farm and Ranch Cleanup and Abatement: Grant Program
Intro: Requires the CIWMB to create a program of grants to cities and counties to cover the costs
2/28/97 of cleaning up solid waste illegally disposed on farm or ranch property.
Amended:
9/12/97
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 875, Statutes of 1997.*

Vetoed Bills

Bill No: AB 84 (Woods) *Sponsor: California Rice Industry Association & Rice Producers Association*

Subject: State Contracts: Recycled Products Preferences

Intro: Would have required State agencies to give a price preference, not to exceed 10 percent, to products manufactured with rice straw. Additionally, the bill would have required the CIWMB to implement this price preference program by July 1, 1998. The CIWMB could not expend more than \$110,000 from the Integrated Waste Management Fund to implement this program, of which no more than \$10,000 is allowed for administrative costs for the program. This program would have become inoperative on the date that the CIWMB has expended \$100,000 for funding claims. Additionally, AB 84 would have required the DGS to require the persons with whom they contract to use, to the maximum extent economically feasible in the performance of the contract work, these products.

Status: Vetoed by the Governor on 10/10/97.

Veto Message: In his veto message, the Governor stated that, "...While the intent of the bill may have merit, I am concerned that the bill may be premature. Last year, I signed AB 3345 (Chapter 991, 1996) which requires the Waste Board to complete a study on uses of agricultural wastes, including rice straw, by January 1, 2000. I believe that any new program involving the use of agricultural wastes should await completion of that study. In addition, there appears to be no basis to elevate rice straw products to a higher status for price preferences, as past price preferences claims programs have not been successful. Further, the bill would result in a significant unfunded cost to the Waste Board which would adversely impact existing high-priority programs such as permitting, enforcement and education."

Bill No: AB 179 (Bowen) *Sponsor: Author*

Subject: Public Records

Intro: Would have provided for public inspection of public records and copying in all forms, and would have specified that electronic access to identifiable public records shall not be construed to permit public access to records held by the DMV or the CHP. The bill would have expressly stated that an elected member or officer of any State or local agency is entitled to access to public records of that agency on the same basis as any other person. The bill would have limited the authorization to apply for judicial relief under the California Public Records Act to persons who submitted a written request for a public record and that request was denied or the agency to which the request was directed has failed to respond in a timely manner.

Status: Vetoed by the Governor on 10/12/97.

Veto Message: In his veto message, the Governor stated that, "...This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record is provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it "unreasonable."

Additionally the Governor stated, "...Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done."

Bill No: AB 705 (Strom-Martin) *Sponsor: Californians Against Waste*
Subject: State Recycling
Intro: Would have required, upon the request of a local agency, that any State agency declare to
2/26/97 what extent it intends to utilize programs or facilities established by the local agency for the
Amended: handling, diversion, and disposal of solid waste. If the State agency did not intend to utilize
9/5/97 those established programs or facilities the bill would have required the State agency to
identify sufficient disposal capacity for waste that is not source reduced, recycled, or
composted. Additionally, AB 705 would have reenacted provisions of law that required all
State agencies to purchase certain recycled products if they meet quality and cost
considerations. The bill would have included building and construction materials, outdoor
furniture, and landscaping materials within the definition of recycled products for purposes of
procurement requirements for State agencies.

Status: Vetoed by the Governor on 10/4/97.
Veto In his veto message, the Governor stated that, "...this bill states that upon the request of the
Message: local agency, any state agency shall declare to what extent it intends to utilize programs or
facilities established by the local agency for the disposal of solid waste. If the state agency
declines to utilize the locally established program or facility, it is required to identify sufficient
disposal capacity for its resulting waste. Although this immediately follows the intent
language about state and local agencies working together, this section provides nearly
unlimited authority for local agencies to require a state agency to respond to this
burdensome request. As written, the provision is broad, undefined in critical areas, and
displays a lack of respect for the overall sovereignty of state agencies and a lack of
understanding of state agency operations and of relevant codes and regulations."

Bill No: AB 1055 (Villaraigosa) *Sponsor: Author*
Subject: Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials
Intro: Would have enacted the Playground Safety and Recycling Act of 1997. The Act would have
2/27/97 established, until July 1, 2001, the playground safety and recycling grant program
Amended: administered by SDE, in consultation with DHS. The purpose of AB 1055 was to provide
9/9/97 grants to local agencies to upgrade and improve local playgrounds. Additionally, the bill
would have provided as a condition for a local agency to be eligible for grant funds, that
funds would be used for the improvement or replacement of playground equipment or
facilities through the use of recycled materials. Urgency Measure.

Status: Vetoed by the Governor on 10/12/97.
Veto In his veto message, the Governor stated that, "...A state-funded grant program is
Message: unnecessary. Playground facilities are an integral plan of the school infrastructure. Any
installation, upgrades, repairs, or replacements may be done in the course of regular
operations, based upon the individual school's priorities, and utilizing funding already
provided through a variety of sources."

Bill No: AB 1157 (Wayne) *Sponsor: Author*
Subject: Hazardous Waste: Variance
Intro: Would have required the DTSC to issue a public notice not less than 30 days immediately
2/28/97 preceding the date of the proposed granting of the hazardous waste variance, unless the
Amended: issuance of the variance was immediately required to protect human health or the
7/18/97 environment.
Status: Vetoed by the Governor on 9/21/97.
Veto In his veto message, the Governor stated that, "...enactment of AB 1157 would increase
Message: costs for businesses by unnecessarily impeding business operations for an additional 30
days, without providing any demonstrated level of health and safety benefits beyond the
existing requirements."

Bill No: AB 1293 (Bowen) *Sponsor: Author*
Subject: Geographic Information Systems
Intro: Would have enacted the Strategic Geographic Information Investment Act of 1997. It would
2/28/97 have required the Resources Agency to establish a Geographic Information Systems Panel
Amended: (GISP) responsible for implementing a grant program and the Geographic Information Grant
9/5/97 Fund (GIGF) to serve as an alternative source of funds for public agencies to create and
maintain geographic information data bases.
Status: Vetoed by the Governor on 10/10/97.
Veto
Message: In his veto message, the Governor stated that, "...Among other concerns, it is counter-
intuitive to create an advisory panel with seven or more members, pay their travel and per
diem and call the action government efficiency. This is particularly true when most of the
goals of this program are achievable under existing law. In short, this bill is unnecessary and
creates an infrastructure to accomplish what can be done in its absence."

Bill No: SB 74 (Kopp) *Sponsor: California Newspaper Publishers Association*
Subject: Records
Intro: Would have provided for public inspection of public records and copying of all forms, as
12/12/96 specified. The bill would have clarified that nothing shall limit the ability of elected members
Amended: or officers of any State or local agency to access public records permitted by law in the
8/11/97 administration of their duties.
Status: Vetoed by the Governor on 9/12/97.
Veto
Message: In his veto message, the Governor stated that, "... This bill creates a new inflexible mandate
by requiring the agency to provide the electronic data in the form requested, unless it is
"unreasonable" to do so, without ever defining the breadth of that exemption, thereby
leaving it open to litigation. A request that an electronic record is provided in a particular
form may require additional expense, burden, and time to segregate the public data from the
exempt data, but the bill provides no guidance whether or to what extent that additional
burden makes it 'unreasonable.' Agencies should make available to the public all documents
to which public access is granted. But we need not add costs and rigidity to these
obligations by specifying the form in which it will be done."

Bill No: SB 451 (Watson) *Sponsor: California State Bar*
Subject: Land Use: General Plans: Environmental Equity
Intro: Would have required the local governments' general plans to provide for the general location
2/19/97 of commercial and industrial land uses that are regulated because of handling of hazardous
Amended: materials to avoid concentrating these uses in close proximity to schools or residential
8/27/97 communities and to provide for the fair treatment of people, regardless of race, culture or
income level.
Status: Vetoed by the Governor on 9/28/97.
Veto
Message: In his veto message, the Governor stated that, "... The process to site and develop a solid
and/or hazardous waste facility is an intensive exercise in environmental documentation,
geographical consideration, public hearings, and state and local permitting procedures. The
law presently contains an abundance of planning requirements, including provision of
extensive public hearings to address environmental and other land use planning concerns
that include and exceed those contained in this bill. Specifically, regular periodic amendment
of local community general plans is required by law to be made in compliance with the
extensive projects of CEQA. This bill will add nothing of practical value to the present
extensive and rigorous protections and planning requirements demanded by existing law."

Bill No: SB 1113 (Solis) *Sponsor: Author*
Subject: Environmental Quality: Minority and Low-Income Populations
Intro: Would have required the Office of Planning and Research, by January 1, 2000, to
2/28/97 recommend changes to the CEQA guidelines to provide for the identification and mitigation
Amended: by public agencies of disproportionately high and adverse environmental effects of projects
7/11/97 on minority populations and low-income populations. The bill would have required the
Secretary of Resources Agency to certify and adopt those recommended changes by
January 1, 2000.
Status: Vetoed by the Governor on 10/4/97.
Veto In his veto message, the Governor stated that, "...The state environmental laws do not
Message: provide separate, less stringent requirements, or lower standards in minority and low-income
communities. Environmental laws are, and should remain, color-blind. The California
Environmental Quality Act was not designed to be used as a tool for a social movement.
The California Environmental Quality Act is a cumbersome process and any changes made
to it should be to streamline the current process, not add new requirements that will only
negatively affect the economy and the people of this state."

Bill No: SB 1179 (Polanco) *Sponsor: Browning and Ferris Industries*
Subject: Solid Waste Enterprise: Indemnity Obligation: Diversion Penalty
Intro: Would have restricted the ability of local government to impose monetary penalties on solid
2/28/97 waste enterprises for the enterprises' failure to meet solid waste diversion mandates
Amended: specified in the Integrated Waste Management Act.
8/28/97
Status: Vetoed by the Governor on 10/13/97.
Veto In his veto message, the Governor stated that, "...To assert that solid waste management
Message: enterprises cannot indemnify losses based upon their own breach without the state's
intervention to negotiate the terms of the agreement is ludicrous on its face. Thousands of
contracts incorporate performance provisions that offer incentives or impose specific
damages. These contracts are routinely drafted and enforced without government
intervention.

When government ventures into the arena of contractual negotiations it is generally to protect an obviously disadvantaged party. In this instance it appears that the state is being asked to protect the industry from itself. Indeed there is significant evidence that the industry is responsible for the proliferation of waste diversion indemnification agreements. Various solid waste management providers have offered to indemnify prospective clients to gain an advantage in a competitive marketplace.

The problem contemplated in SB 1179 is prospective in that no solid waste enterprise has ever been asked to indemnify a local governmental agency for waste diversion penalties because no such penalties have ever been imposed. In addition, my recent signing of SB 1066 (Sher), which authorizes waste diversion variances and time extensions, makes it significantly less likely that diversion penalties will be imposed precipitously.

Nonetheless, it's arguable that local government agencies should be precluded from shifting responsibility for their own failure to comply with state law even to a willing solid waste enterprise.

I would accordingly be willing to consider legislation which clearly, concisely and prospectively provides that a solid waste enterprise may not indemnify a governmental agency by obligating itself to pay waste diversion penalties unrelated to its own performance.

Dead Bills

- * Joint Rule 56: Bills introduced during the first year of the Session, which fail to get out of their House where they were introduced by January 31st of the second year of the Session, are considered dead.

Bill No: **AB 306 (Kaloogian) Sponsor: *Intelligen, Inc.***
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would include microcogeneration as one of the described changes in usage for the
2/14/97 uneconomic costs applied to each customer based on the amount of electricity purchased by the customer from an electrical corporation or alternate supplier of electricity, subject to changes in usage occurring in the normal course of business.
Status: Referred to Assembly Utilities and Commerce Committee; Joint Rule 56 invoked.

Bill No. **AB 362 (Bowen) Sponsor: *Author***
Subject: **Environmental Advertising**
Intro: Would make it unlawful to represent a manufactured or distributed consumer good as
2/19/97 "ozone friendly," biodegradable or photodegradable unless that product meets certain
Amended: definitions. In addition, this bill would specify that if the Federal Trade Commission adopts
5/22/97 trade rules defining environmental marketing terms, these rules could be used in lieu of the definitions in this bill. Finally, it would require a product labeled as "recycled" to list the amount of postconsumer waste the product contains without specified percentages.
Status: Failed passage before the Assembly Appropriations Committee on 5/7/97; reconsideration granted; failed passage before the Assembly Appropriations Committee on 5/21/97; reconsideration granted; failed passage before the Assembly Appropriations Committee (6-8) on 5/28/97; Joint Rule 56 invoked.

Bill No: **AB 375 (Firestone) Sponsor: *Author***
Subject: **Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs**
Intro: Would require an amount equal to 50 cents to be paid by each motor vehicle manufacturer
2/19/97 and each tire wholesaler for every new tire that is sold, used, or transferred in California;
Amended: and would establish a tire recycling reimbursement program until June 30, 2002. The bill
5/27/97 would require all State agencies to give a purchase preference to asphalt pavement containing recycled rubber, and would prescribe minimum combined State agency utilization requirements for asphalt pavement containing recycled rubber. AB 375 would require the CIWMB, as part of its annual budget request, to allocate funds requested for grants, loans, and contracts under the tire recycling program. Finally, the bill would require a two-thirds vote of the Legislature because the charge levied against tire wholesalers and motor vehicle manufacturers would be classified as a State tax.
Status: Failed passage on the Assembly Floor (20-41) on 6/2/97; author granted reconsideration; sent to the Assembly Floor Inactive File; *Joint 56 Rule invoked.

Bill No: **AB 529 (Baldwin) Sponsor: *Author***
Subject: **State Funds**
Intro: Would provide that specified Budget Act revenues shall be deposited in the General Fund
2/24/97 and not be expended unless the Legislature authorizes that expenditure in the Budget Act
Amended: or in other legislation for the performance of special audits and investigations by the State
5/5/97 Auditor.
Status: Failed passage before the Senate Governmental Organization Committee (4-5) on 6/17/97; reconsideration granted; failed passage before the Senate Governmental Organization Committee (2-3) on 7/1/97.

Status of Priority Bills

March 9, 1998

Page 25

Bill No: **AB 733 (Washington) Sponsor: California State Bar**
Subject: **Hazardous Materials: Hazardous and Solid Waste: Public Education**
Intro: Would require the Director of DTSC to develop for grades K-12 a public education program,
2/26/97 providing curricula on hazardous materials and hazardous and solid waste facilities, and a
Amended: statewide public education campaign to meet those objectives.
1/5/98
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee
on 1/13/98;hearing cancelled at the request of the author.

Bill No: **AB 775 (Martinez) Sponsor: Author**
Subject: **Public Agencies: State Funds**
Intro: Would require a public agency, upon a court determination that it knowingly violated a State
2/26/97 law or local ordinance relating to sexual discrimination, to return any State or local funds
Amended: that it has received but not yet expended and would provide that the public agency is
4/16/97 ineligible to receive additional State or local funds until it is in compliance with the State law
or ordinance.
Status: Failed passage before the Assembly Consumer Protection, Governmental Efficiency, and
Economic Development Committee (3-0) on 4/22/97: author granted reconsideration; Joint
Rule 56 invoked.

Bill No: **AB 1111 (Martinez) Sponsor: Author**
Subject: **Bid Announcements: Criteria and Specifications**
Intro: Would require a public entity, in awarding a contract pursuant to a public bidding process, to
2/27/97 accept the lowest responsible bid that most closely follows the criteria or specifications, or
both, contained within the announcement for bids, or reject all bids and initiate a new
announcement, containing new criteria or specifications, or both, and a new bidding
process.
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic
Development Committee.

Bill No: **AB 1170 (Kaloogian) Sponsor: Author**
Subject: **State Regulatory Agencies Created by Statutes: Review**
Intro: Would require the Bureau of State Audits, by January 1, 2004, to conduct a performance
2/28/97 audit of each State regulatory agency, with specified exceptions. After the audit is
Amended: complete, the bill would require the Bureau to hold a public hearing to review the report and
5/1/97 require a copy of the report to be made available to the Legislature and the Governor.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee.

Bill No: **AB 1179 (Woods) Sponsor: California Biomass Energy Alliance**
Subject: **Watershed Rehabilitation and Restoration: Statewide Plan**
Intro: Among other things, would require CDF, in consultation with relevant Federal, State, and
2/28/97 local agencies, including, but not limited to, the DFG, the SWRCB and the biomass power
Amended: industry, to develop a strategic statewide plan to promote the rehabilitation and restoration
5/5/97 of significant State watersheds.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee on 5/30/97.

Status of Priority Bills

March 9, 1998

Page 26

Bill No: **AB 1273 (Woods) Sponsor: CIWMB**
Subject: **Solid Waste Management**
Intro: Would make a number of technical, definitional, and code clean-up provisions regarding
2/28/97 solid waste management.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 1383 (Aroner) Sponsor: Author**
Subject: **Private Activity Bonds**
Intro: Would require the California Debt Limit Allocation Committee to allocate at least 85 percent
2/28/97 of the State's ceiling on private activity bonds to housing bonds and not more than 10
Amended: percent of the State's ceiling to exempt facility bonds. The bill would authorize the
4/21/97 Committee to reallocate unused portions of the housing bond allocation to other bonds,
including exempt facility bonds.
Status: Set to be heard before the Assembly Banking and Finance Committee on 5/12/97; taken off
Calendar. The author has made this a 2-year bill; Joint Rule 56 invoked.

Bill No: **AB 1393 (Alquist) Sponsor: State Controller's Office**
Subject: **State and Local Government: Performance Audits**
Intro: Would require each State agency and authorize any county, city, city and county, or
2/28/97 community college district, to conduct a performance audit of its activities and operations in
Amended: order to identify opportunities to reduce costs or duplicative of another agency within four
5/1/97 years of the effective date of the bill.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the
Assembly Appropriations Committee on 5/30/97.

Bill No: **AB 1409 (Baugh) Sponsor: Caltrans**
Subject: **Governmental Tort Liability**
Intro: Would revise the definition of dangerous condition for the purposes of governmental tort
2/28/97 liability to apply to a condition of property that creates substantial risk of injury when that
property or adjacent property is used with due care by all persons necessary for that risk of
injury to occur and in a manner in which it is reasonably foreseeable that it will be used.
Status: Set to be heard before the Assembly Judiciary Committee on 1/13/98; taken off Calendar;
Joint Rule 56 invoked.

Bill No: **AB 1512 (Shelley) Sponsor: Californians Against Waste**
Subject: **Beverage Containers: Recycling: Beverages**
Intro: Would expand the types of containers that qualify under the California Beverage Container
2/28/97 Recycling and Litter Reduction Act. The bill would require the DOC on or after March 1,
Amended: 1998, to deposit specified revenue received as the result of the inclusion of newly-defined
5/5/97 beverage containers into the continuously appropriated California Beverage Container
Recycling Fund.
Status: Passed the Assembly Natural Resources Committee (7-4) on 4/21/97; referred to the
Assembly Appropriations Committee; Joint Rule 56 invoked.

Bill No: SB 58 (Ayala) *Sponsor: Author*
Subject: State Agencies Legislation
Intro: Would require every State agency that may be significantly affected by a bill to prepare an analysis of the bill and deliver that analysis to the bill's author and each policy committee set to hear that bill no later than seven calendar days prior to the first hearing in that committee.
12/5/96
Status: Set to be heard before the Senate Governmental Organization Committee on 7/7/97; taken off Calendar; Joint Rule 56 invoked.

Bill No: SB 179 (Hughes) *Sponsor: Glass Packaging Institute*
Subject: Processing Fees
Intro: Would make nonsubstantive technical changes in California Beverage Container Recycling and Litter Reduction Act provisions relating to imposition of the processing fee that is effective until January 1, 1999.
1/22/97
Amended: 5/14/97
Status: Referred to the Senate Natural Resources and Wildlife Committee; Joint Rule 56 invoked.

Bill No: SB 209 (Kopp) *Sponsor: California Law Revision Commission*
Subject: Judicial Review: Governmental Agency Actions
Intro: Would repeal and add provisions relating to governing judicial review of decisions of State agencies, local agencies, public corporations, and specified nongovernmental entities (hospital boards, etc.).
1/28/97
Amended: 1/5/98
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: SB 261 (Kopp) *Sponsor: California Law Revision Commission*
Subject: Judicial Review: Government Agency Actions
Intro: Would make judicial review of specified State agency and local agency actions subject to the provisions being added by SB 209 (becomes operative only if SB 209, above, is enacted into law).
2/5/97
Amended: 1/5/98
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: SB 423 (Hurt) *Sponsor: Author*
Subject: Environmental Audit Reports: Privilege: Voluntary Noncompliance Disclosure: Immunity
Intro: Would enact the Environmental Audit Privilege and Voluntary Noncompliance Disclosure Act of 1997.
2/18/97
Status: Failed passage before the Senate Environmental Quality Committee (3-6) on 4/21/97; author granted reconsideration.

Bill No: SB 424 (Hurt) *Sponsor: Author*
Subject: Environmental Quality
Intro: Would require an environmental impact report only on projects that are likely to have a significant effect on the environment.
2/18/97
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97; taken off Calendar; Joint Rule 56 invoked.

Status of Priority Bills

March 9, 1998

Page 28

- Bill No: **SB 647 (Brulte) Sponsor: California Manufacturers Association**
Subject: **Environmental Requirements**
Intro: **Would prohibit the assessment of any civil or administrative sanction against any person who fully discloses a minor violation of an environmental requirement to the regulatory agency having jurisdiction over the matter.**
2/25/97
Status: **Set to be heard before the Senate Environmental Quality Committee on 4/21/97; hearing put over. The author has made this a 2-year bill; Joint Rule 56 invoked.**
- Bill No: **SB 774 (Johannessen) Sponsor: Author**
Subject: **Restoration of Land: Disasters: CEQA Exemption**
Intro: **Would provide that land and any appurtenant structures, as defined, in need of repairs due to any natural or manmade disaster or an emergency are exempt from CEQA and any other environmental review for purposes of restoring the land and any appurtenant structures to the state in which they existed immediately prior to the natural or manmade disaster or emergency if an application for an exemption is made within a specified period of time.**
2/26/97
Status: **Referred to the Senate Environmental Quality Committee; Joint Rule 56 invoked.**
- Bill No: **SB 878 (Karnette) Sponsor: City of Lakewood**
Subject: **Solid Waste: Diversion Requirements: Waste to Energy Credit**
Intro: **Would authorize a city, county, or regional agency to submit to the CIWMB a revised source reduction and recycling element that includes diversion waste credit through waste to energy to be applied toward the 50% diversion requirement if specified conditions are met, including that the waste to energy credit results from utilization of only the facilities in the cities of Commerce and Long Beach and Stanislaus County, as permitted by the CIWMB and as operational on or before January 1, 1990. Urgency Measure.**
2/26/97
Amended: **1/12/98**
Status: **Set to be heard before the Senate Environmental Quality Committee on 1/12/98; held in Committee.**
- Bill No: **SB 906 (Lee) Sponsor: Black Lawyers of the State Bar**
Subject: **Hazardous Waste Management Plans**
Intro: **Among other things, would require the county plan to include an analysis of the expected rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a 10-mile radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals.**
2/27/97
Amended: **4/3/97**
Status: **Set to be heard before the Senate Environmental Quality Committee on 1/12/98; hearing cancelled at the request of the author; Joint Rule 56 invoked.**
- Bill No: **SB 1000 (Rosenthal) Sponsor: Author**
Subject: **Future California Act of 1998**
Intro: **Would, among other things, establish the Future California Act of 1998, a venue to examine the State's future in its many dimensions, including demography, industry, environment, policy, international relations and development.**
2/27/97
Amended: **4/23/97**
Status: **Sent to the Senate Appropriations Committee Suspense File on 5/19/97; held in the Senate Appropriations Committee on 5/29/97.**

Status of Priority Bills

March 9, 1998

Page 29

Bill No: **SB 1018 (Leslie) Sponsor: California Cattlemen's Association**
Subject: **Private Property: Illegal Dumping**
Intro: Would provide that in any case involving illegal dumping or littering of waste material on private property located adjacent to a public road, highway or right-of-way without the consent of the private property owner, the private property owner shall neither be liable for the cost of the cleanup of illegally dumped or littered waste material, nor have the duty to provide for such cleanup.
2/27/97
Status: Referred to the Senate Judiciary Committee; Joint Rule 56 invoked.

Bill No: **SB 1093 (Rainey) Sponsor: Governance Consensus Project**
Subject: **State Budget: Performance Measures**
Intro: Would declare that the State budget shall focus on the results of government services at the State and local levels, that State and local government officials are required to respect existing program evaluation requirements and program performance measures, and that outcome measures are to be realistic and commensurate with the revenue levels for each program. Urgency Measure.
2/28/97
Status: Referred to the Senate Budget and Fiscal Review Committee.

Bill No: **SB 1114 (Solis) Sponsor: Author**
Subject: **Land Use: Development Permits**
Intro: Would require the OPA, in the TCA, to provide information to State and local agencies, as well as to applicants for development projects; to assist them in meeting the requirements of CEQA.
2/28/97
Amended: 4/2/97
Status: Sent to the Senate Floor Inactive File on 5/22/97; Joint Rule 56 invoked.

Bill No: **SB 1117 (Hayden) Sponsor: Author**
Subject: **Environmental Quality: Judicial Review: Public Utilities**
Intro: Would express the intent of the Legislature that judicial reviews of decisions by State agencies, including the PUC, relating to CEQA, conform to the provisions of that act.
2/28/97
Status: Referred to the Senate Rules Committee; Joint Rule 56 invoked.

Bill No: **SB 1157 (Maddy) Sponsor: Department of Conservation**
Subject: **Beverage Containers: Nonprofit Dropoff Programs: Market-Based Recycling**
Intro: Would repeal the California Beverage Container Recycling and Litter Reduction Act as of January 1, 1999. The bill would enact the California Market-Based Beverage Container Recycling and Litter Reduction Act and declare the intent of the Legislature in regards to this new act.
2/28/97
Amended: 4/17/97
Status: Set to be heard before the Senate Natural Resources and Wildlife on 4/22/97; hearing put over; Joint Rule 56 invoked.

Bill No: **SB 1216 (Costa) Sponsor: California Biomass Energy Alliance**
Subject: **Biomass Energy**
Intro: Would make a statement of legislative intent relating to financial assistance to the biomass power industry. Urgency Measure.
2/28/97
Amended: 5/28/97
Status: Passed the Senate Revenue and Taxation Committee (6-0) on 5/21/97; referred to the Senate Appropriations Committee; Joint Rule 56 invoked.

Status of Priority Bills

March 9, 1998

Page 30

Bill No: **SB 1341 (Costa) Sponsor: Author.**
Subject: **Solid Waste: Local Enforcement Agencies: Appeals**
Intro: Would authorize the CIWMB, on appeal, to overturn an enforcement action by a LEA if the
2/28/97 CIWMB finds, based on substantial evidence, that "inaction" on the part of the LEA was
inconsistent with the Integrated Waste Management Act.
Status: Referred to the Senate Environmental Quality Committee; Joint Rule 56 invoked.

State Legislation Subject Index

Agricultural Wastes

AB 1699(Ortiz)	Air Pollution: Rice Straw Burning
SB 318 (Thompson)	Air Pollution: Rice Straw Burning
SB 675 (Costa)	Air Pollution: Odors
SB 1216 (Costa)	Biomass Energy

Audits

AB 1393 (Alquist)	State and Local Government: Performance Audits
SB 423 (Hurt)	Environmental Audit Reports: Privilege: Voluntary Noncompliance Disclosure: Immunity
SB 598 (Sher)	Environmental Audits

Batteries

SB 1924 (McPherson)	Hazardous Waste: Dry Cell Batteries
---------------------	-------------------------------------

California Environmental Quality Act

SB 424 (Hurt)	Environmental Quality
SB 715 (Sher)	Environmental Quality
SB 774 (Johannessen)	Restoration of Land: Disasters: CEQA Exemption
SB 1113 (Solis)	Environmental Quality: Minority and Low-Income Populations
SB 1114 (Solis)	Land Use: Development Permits

Department of Conservation/Bottle Bill

AB 1512 (Shelley)	Beverage Containers: Recycling: Beverages
AB 2309 (Bowen)	Recycling Reports: Beverage Containers: Cullet
AB 2420 (Olberg)	Processing Fees
AB 2673 (Machado)	Recycling: Postfilled Glass
SB 179 (Hughes)	Processing Fees
SB 436 (Sher)	Solid Waste: Beverage Containers: Programs
SB 681 (O'Connell)	Beverage Containers: Reporting
SB 1157 (Maddy)	Beverage Containers: Nonprofit Dropoff Programs
SB 1812 (Hughes)	Postfilled Glass: Processing Fees
SB 2052 (O'Connell)	Beverage Containers: Processing and Handling Fees

Energy

AB 306 (Kaloogian)	Public Utilities: Electrical Restructuring
AB 375 (Firestone)	Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs
AB 1179 (Woods)	Watershed Rehabilitation and Restoration: Statewide Plan
AB 1513 (Cardoza)	Income and Bank and Corporation Taxes: Credit: Agricultural
AB 2273 (Woods)	Electric Utility Rates: Cost-Shifting: Reports
SB 90 (Sher)	Energy Resources: Renewable Energy Resources: Funding
SB 216 (Brulte)	Public Utilities: Electrical Restructuring
SB 252 (Kelley)	Public Utilities: Electrical Restructuring
SB 1117 (Hayden)	Environmental Quality: Judicial Review: Public Utilities
SB 1305 (Sher)	Public Utilities
SCR 15 (Peace)	Public Utilities: Electrical Restructuring: Public Utilities Commission Reform

Enforcement/Permits

AB 968 (Knox)	Air Pollution: Fine Particles: Monitoring Program
AB 1273 (Woods)	Solid Waste Management
AB 1859 (Ackerman)	Public Works: Insurance and Surety Requirements
AB 2353 (Olberg)	Surety Insurers
SB 647 (Brulte)	Environmental Requirements
SB 1018 (Leslie)	Private Property: Illegal Dumping
SB 1179 (Polanco)	Solid Waste Enterprise: Indemnity Obligation: Diversion Penalty
SB 1330 (Lockyer)	Solid Waste: Farm and Ranch Cleanup and Abatement: Grant Program
SB 1341 (Costa)	Solid Waste: Local Enforcement Agencies: Appeals
SB 1649 (Senate Local Government Committee)	Local Government Omnibus Bill of 1998

Environmental Advertising/Advertising

AB 362 (Bowen)	Environmental Advertising
----------------	---------------------------

Facility Siting

SB 451 (Watson)	Land Use: General Plans Environmental Equity
SB 906 (Lee)	Hazardous Waste Management Plans

Fiscal (Budgets, Fees and Revenues)

AB 107 (Ducheny)	1997-98 Budget
AB 529 (Baldwin)	State Funds
AB 775 (Martinez)	Public Agencies: State Funds
AB 1383 (Aroner)	Private Activity Bonds
AB 1571 (Ducheny)	Budget Act of 1997: Augmentations
AB 1587 (Committee on Budget)	Education Finance (Playground Equipment)
AB 1637 (Aguiar)	Administrative Costs: State Government
AB 1656 (Ducheny)	1998-99 Budget
SB 130 (Thompson)	1997-98 Budget
SB 1093 (Rainey)	State Budget: Performance Measures
SB 1304 (O'Connell)	State Budget: Zero-Based Budgeting
SB 1320 (Sher)	Environmental Protection (Budget Trailer Bill)
SB 1391 (Thompson)	1998-99 Budget
SCA 13 (O'Connell)	State Budget: Zero-Based Budgeting

Government Procurement/Waste Management

AB 84 (Woods)	State Contracts: Recycled Products Preferences
AB 705 (Strom-Martin)	State Recycling
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement.

Hazardous Waste

AB 733 (Washington)	Hazardous Materials: Hazardous and Solid Waste: Public Education
AB 1157 (Wayne)	Hazardous Waste: Variance
AB 1195 (Torlakson)	Hazardous Substances: Liability
SB 660 (Sher)	Hazardous Waste Management: Hazardous Substance Response Actions: Fees
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement:

IWM Planning

AB 2531 (Cardoza)	Solid Waste: Transformation Facilities
SB 878 (Karnette)	Solid Waste: Diversion Requirements: Waste to Energy Credit
SB 1066 (Sher)	Solid Waste: Market Development
SB 1196 (Leslie)	Solid Waste Management: Plan: Countywide Siting Element
SB 2103 (Haynes)	City of West Covina: Water Utility: Successor

Legal Issues

AB 170 (Papan)	Claims Against the State
AB 1409 (Baugh)	Governmental Tort Liability
AB 1912 (Ashburn)	Attorneys' Fees: Prevailing Public Entities
SB 209 (Kopp)	Judicial Review: Governmental Agency Actions
SB 213 (Kopp)	Legal Services: State
SB 261 (Kopp)	Judicial Review: Governmental Agency Actions
SB 504 (Johnston)	Administrative Law: Written Communication

Market Development

SB 1066 (Sher)	Solid Waste: Market Development
AB 2237 (Escutia)	Environmental Protection: Loans and Grants: Environmental Risks Versus Benefits: Selection Criterion

Medical Waste

SB 1034 (Maddy)	Health Facilities and Services: Medical Waste: Trauma Scene Waste Management
-----------------	------------------------------------------------------------------------------

Miscellaneous

AB 206 (Hertzberg)	Citizen Complaint Act of 1997
AB 376 (Baca)	Public Contracts
AB 475 (Pringle)	Office of Permit Assistance: Reports
AB 1111 (Martinez)	Bid Announcements: Criteria and Specifications
AB 1170 (Kaloogian)	State Regulatory Agencies Created by Statutes: Review
AB 1497 (Brown)	State Agencies: Leasing Real Property
AB 1664 (Murray)	State Contracts: Participation Goals
AB 2179 (Assembly Legislative Ethics Committee)	State Agencies: Ethics Orientation
AB 2432 (Bowen)	State Buildings: Bids
AB 2480 (Prenter)	Economic Development: Funding Source "Hotline"
AB 2503 (Goldsmith)	State Agencies: Continuation
AB 2521 (Wayne)	Solid Waste: Research and Development
AB 2625 (Richter)	Training in Government
SB 2 (Thompson)	Parks and Resources Improvement
SB 58 (Ayala)	State Agencies Legislation
SB 412 (Peace)	State Contracts: Conflict of Interest
SB 458 (Peace)	State Agencies: Mail: Disclosure of Personal Information
SB 658 (Sher)	Environmental Protection: Peer Review Processes: Report
SB 1000 (Rosenthal)	Future California Act of 1998
SB 1273 (Hurt)	State Agencies: Electronic Mail
SB 1426 (Johannessen)	State Auditor
SB 1386 (Leslie)	State Computer Technology: Information Gathering
SB 1609 (Ayala)	State Forms: Public Access Telephone Number

Open Meetings

AB 1097 (Brown)	Open Meetings
SB 95 (Ayala)	Open Meetings
SB 1364 (Ayala)	Open Meetings: State Bodies.

Plastic

AB 2555 (Aroner)	Solid Waste: Plastic Packaging Utilization
SB 698 (Rainey)	Plastic Trash Bags

Public Records

AB 179 (Bowen)	Public Records
AB 1293 (Bowen)	Geographic Information Systems
SB 74 (Kopp)	Records
SB 143 (Kopp)	Records
SB 492 (Rosenthal)	State Agencies and Regulatory Boards: Internet
SB 2119 (Hurtt)	Public Records: Internet Access

Regulations

ACA 35 (Goldsmith)	Legislature: Overturning Administrative Records
SB 1047 (Sher)	Environmental Protection: Regulatory Implementation

Solid Waste Facilities

AB 1743 (Runner)	Rim of the Valley Trail Corridor: Boundary Revisions
AB 2644 (Oller)	Solid Waste Enterprise: Liability
AB 2677 (Richter)	Solid Waste Enterprise: Liability
SB 2172 (Sher)	Solid and Hazardous Waste Classification

Special Wastes

AB 117 (Escutia)	Solid Waste: Demolition or Construction Debris
AB 178 (Gallegos)	Vehicles: Automotive Products
AB 847 (Wayne)	Discarded Major Appliances: Materials Requiring Special Handling:
	Hazardous Waste:
AB 1055 (Villaraigosa)	Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials
AB 1799 (Migden)	Unlawful Dumping: Increased Fines
SB 320 (Senate Housing & Land Use Committee)	Housing and Land Use Omnibus Act of 1997

Tires

AB 228 (Midgen)
AB 375 (Firestone)
AB 964 (Bowen)
AB 2181 (Firestone)

Solid Waste: Tires
Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs
Solid Waste: Tires
Solid Waste: Tires

Used Oil

SB 988 (Sher)
SB 1175 (Sher)
SB 1824 (Calderon)

Solid Waste Management
Oil Recycling
Used Oil: Recycling

Federal Legislation

House of Representatives

HR 277 (Schumer, D-NY)

Environmental Crimes and Enforcement Act of 1997

Would increase penalties and strengthen enforcement of environmental crimes.

Status: Introduced January 7, 1997; joint referral to the House Committees on Judiciary, Commerce, Agriculture, Resources, and Transportation and Infrastructure.

HR 316 (Solomon, R-NY)

Hazardous Waste Recycling Tax Credit Act of 1997

Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste.

Status: Introduced January 7, 1997; referred to the House Committee on Ways and Means.

HR 360 (Towns, D-NY)

Waste Export and Import Prohibition Act

Would amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste.

Status: Introduced on January 7, 1997; referred to the House Committee on Commerce.

HR 674 (Delay,)

ISTEA Integrity Restoration Act

Would reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) law to authorize funds for construction of highways, and for other purposes.

Status: Introduced on February 11, 1997; referred to House Committee on Transportation and Infrastructure.

HR 688 (Schaefer, Dan, R-CO)

Leaking Underground Storage Tank Trust Fund Amendments Act of 1997

Would amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act.

Status: Introduced on February 11, 1997; joint referral to the House Committees on Commerce; and Ways and Means; cleared for full committee by Finance and Hazardous Materials Subcommittee (by voice vote) on 3/20/97; passed the Floor of the House by voice vote on 4/23/97; referred to the Senate Committee on Environment and Public Works.

HR 712 (DeLauro, D-CT)

National Infrastructure Development Act of 1997

Would facilitate efficient investments and financing of infrastructure projects, including solid waste facilities, and new job creation through the establishment of a National Infrastructure Development Corporation.

Status: Introduced on February 12, 1997; joint referral to the House Committee on Transportation and Infrastructure; the House Committee on Banking and Financial Services, and the House Committee on Ways and Means.

HR 843 (Ford, D-TN)

Location of Hazardous Waste Near Certain Properties, Prohibition

Would prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties.

Status: Introduced on February 26, 1997; referred to the House Committee on Commerce.

HR 873 (Greenwood, R-PA)

Land Recycling Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to limit Federal authority for response action for release subject to State voluntary response program, to provide protection for prospective purchasers of land, and for innocent landowners.

Status: Introduced on February 27, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 942 (Franks, Bob, R-NJ)

Interstate Transportation of Municipal Solid Waste Act of 1997; Municipal Solid Waste Flow Control Act of 1997

Would amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste.

Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 943 (Franks, Bob, R-NJ)

Municipal Solid Waste Flow Control Act of 1997

Would amend the Solid Waste Disposal Act to provide authority for States to control the movement of municipal solid waste to waste management facilities within the boundaries of the State or within the boundaries of political subdivisions of the State.

Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 979 (Kennelly, D-CT)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to increase the amount of private activity that may be issued in each State, and to index such amount for inflation.

Status: Referred to the House Committee on Ways and Means.

HR 996 (Weller, R-IL)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds to finance environmental remediation of contaminated sites.

Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 997 (Weller, R-IL)

Internal Revenue Code of 1986, Amendment

Would amend the Internal Revenue Code of 1986 to allow expensing and rapid amortization of certain environmental remediation expenditures.

Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 1041 (Kennedy, Patrick, D-RI)

Solid Waste Disposal Act, Amendment (Tires)

Would amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drinking water sources and sensitive populations.

Status: Introduced on March 12, 1997; referred to the House Committee on Commerce.

HR 1120 (Dingell, D-MI)

Community Revitalization and Brownfield Cleanup Act of 1997

Would assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes.

Status: Introduced on March 19, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1158 (Frelinghuysen, R-NJ)

Superfund Liability Exemption for Local Educational Agencies Act

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that act of local educational agencies for the amount and toxicity of solid waste generated by those agencies.

Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1199 (Souder, R-IN)

Common Sense Hazardous Waste Facilities Siting and Permitting Act of 1997

Would protect residents and localities from irresponsibly sited hazardous waste facilities.

Status: Introduced on March 20, 1997; referred to the House Committee on Commerce.

HR 1206 (Visclosky, D-IN)

Program of Voluntary Environmental Cleanups by States, Requirement

Would require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low and medium priority sites to protect human health and the environment and promote economic development.

Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1270 (Upton, R-MI)

Nuclear Waste Policy Act of 1982, Amendment

Would amend the Nuclear Waste Policy Act of 1982 to provide for the building of an interim high level nuclear waste storage facility at Yucca Mountain, Nevada.

Status: Introduced on April 10, 1997; joint referral to the House Committee on Commerce, the House committee on Resources, and the House Committee on Transportation and Infrastructure; public mark-up held by the House Energy and Power Subcommittee on July 31, 1997; public mark-up held by the House Committee on Commerce on September 18, 1997; report filed by the House Committee on Commerce on October 1, 1997; ordered reported unfavorably by the House Committee on Resources on October 8, 1997; report filed House Committee on Resources on October 21, 1997; received in the Senate, after passage in the House of Representatives and placed on Senate Legislative Calendar on February 23, 1998..

HR 1346 (Gilchrest, R-MD)

State and Local Government Interstate Waste Control Act of 1997

Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste, and for other purposes.

Status: Introduced on April 16, 1997; referred to the House Committee on Commerce.

HR 1358 (Buyer, R-IN)

Interstate Transportation of Municipal Solid Waste Act of 1997

Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State, and for other purposes.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1359 (Defazio, D-OR)

Public Utility Regulatory Policies Act of 1978, Amendment

Would amend the Public Utilities Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers. Would define "renewable energy" as electricity generated from nontoxic organic waste, biomass, dedicated energy crops, landfill gas, geothermal, solar, tidal and wind resources, except that such term does not include electricity generated from the incineration of municipal solid waste.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1392 (Regula, R-OH)

Brownfields Reuse and Real Estate Development Act

Would require the administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 regarding the liability of landowners and prospective purchasers.

Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1393 (Rivers, D-MI)

Toxic Substances Control Act, Amendment

Would amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls, and for other purposes.

Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1395 (Rothman, D-NJ)

Brownfields and Environmental Cleanup Act of 1997

Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1462 (Visclosky, D-IN)

Pilot Program for Revolving Loans for Cleanup of Brownfield Sites, Establishment

Would authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loans for the environmental cleanup of brownfield sites in distressed areas that have the potential to attract private investment and create local employment.

Status: Introduced on April 24, 1997; referred to the House Committee on Commerce.

HR 1506 (Velazquez, D-NY)

Community Environmental Equity Act

Would amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

Status: Introduced on April 30, 1997; referred to the House Committee on Commerce.

HR 1576 (Stark, D-CA)

Continuation of Operations of the California Urban Environmental Research and Education Center, Provision

Would provide for the continuation of the operations of the California Urban Environmental Research and Education Center.

Status: Introduced on May 8, 1997; joint referral to the House Committee on Education and the Workforce and the House Committee on Science.

HR 1586 (Rivers, D-MI)

National Beverage Container Reuse and Recycling Act of 1997

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

Status: Introduced on May 13, 1997; referred to House Committee on Commerce.

HR 1609 (Molinari, R-NY)

ISTEA Reauthorization Act of 1997; Federal Transit Act of 1997

Would reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.

Status: Introduced on May 14, 1997; joint referral to House Committee on Transportation and Infrastructure and House Committee on Ways and Means.

HR 1697 (Rivers, D-MI)

Impact of NAFTA on Job Loss and the Environment, Assessment

Would assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes.

Status: Introduced on May 21, 1997; referred to the House Committee on Ways and Means.

HR 1839 (White, R-WA)

National Requirements for Titling of Salvage, Nonrepairable, and Rebuilt Vehicles, Establishment

Would establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles. Describes responsibilities of professional automotive recyclers or professional scrap processors.

Status: Introduced on June 10, 1997; joint-referral to the House Committee on Commerce and the House Committee on the Judiciary; public hearing held by Telecommunications, Trade and Consumer Protection Subcommittee on June 26, 1997; cleared for full committee, as amended, by the Telecommunications, Trade and Consumer Protection Subcommittee; report filed by the House Committee on Commerce, discharged from the House Committee on the Judiciary and placed on the House Union Calendar on September 30, 1997; received in the Senate, after passage in the House; referred to the Senate Committee on Commerce, Science, and Transportation.

HR 1960 (Markey, D-MA)

Electric Power Competition and Consumer Choice Act of 1977

Would modernize the Public Utility Holding Company Act of 1935, the Federal Power Act, the Fair Packaging and Labeling Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry. Would provide for electric industry restructuring; would establish pollution standards and a renewable energy credit trading system, and create a safety net for low-income consumers.

Status: Introduced on June 19, 1997; referred to the House Committee on Commerce; public hearing held by House Energy and Power Subcommittee on October 21 and 22, 1997.

HR 2102 (Talent, R-MO)

Hazardous and Solid Waste Amendments of 1984, Amendment

Would amend the Hazardous and Solid Waste Amendments of 1984 to repeal the sunset of the Environmental Protection Agency Office of Ombudsman, and for other purposes.

Status: Introduced on June 26, 1997; referred to the House Committee on Commerce.

HR 2451 (Moran, Jim, D-VA)

Protection of Children from Certain Environmental Pollutants, Provision

Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

Status: Introduced on September 10, 1997; referred to the House Committee on Commerce.

HR 2485 (Stupak, D-MI)

Common Sense Superfund Liability Relief Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief for small parties, innocent landowners, and prospective purchasers.

Status: Introduced on September 16, 1997; joint-referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 2516 (Bond, Kit, R-MO)

Intermodal Surface Transportation Efficiency Act of 1991, Extension

Would extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998. The bill would "advance" states highway and transit money only until a six-year ISTEA reauthorization bill is cleared.

Status: Introduced on September 23, 1997; referred to House Committee on Transportation and Infrastructure; report filed by House Committee on Transportation and Infrastructure (H. Rept. 105-270) on September 25, 1997; Passed the House and referred to the U.S. Senate on October 1, 1997.

HR 2654 (Greenwood, R-PA)

Solid Waste Disposal Act, Amendment

Would amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries.

Status: Introduced on October 9, 1997; referred to the House Committee on Commerce.

HR 2727 (Boehlert, R-NY)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and reform the Superfund program, and for other purposes. Under the bill, generators and transporters of municipal solid waste would be exempted from Superfund's liability scheme. Further, municipal owners and operators of codisposal sites would receive a liability cap of 10 percent for municipalities with populations under 10,000 and 20 percent for those with over 100,000 people.

Status: Introduced on October 23, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means; public mark-up held and recessed by the Water Resources and Environment Subcommittee on March 4, 1998.

HR 2733 (Tauzin, R-LA)

Superfund Recycling Equity Act

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

Status: Introduced on October 24, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2750 (Barcia, D-MI)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

Status: Introduced on October 28, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2910 (Pallone, D-NJ)

Reduction of Risk of Mercury Pollution, Provision

Would reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes.

Status: Introduced on November 7, 1997; joint referral to House Committees on Commerce and Agriculture.

HR 2980 (Allen, D-ME)

National Beverage Container Recycling Initiative Act

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

Status: Introduced on November 9, 1997; referred to House Committee on Commerce.

HR 3000 (Oxley, R-OH)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment

Would exempt any generator or transporter who contributed only municipal solid waste to one of Superfund's National Priority List (NPL) sites; any generators or transporters who contributed small amounts of waste, to an NPL site; and any generator or transporter of waste whose wastes did not contribute significantly—which would be determined by the mobility, toxicity and amount of waste—to the cleanup costs at the site. The bill also would provide exemptions or liability limitations to any person or party that inherited contaminated land, tax-exempt organizations, certain railroad spur owners and certain construction contractors.

Status: Introduced on November 10, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means

HR 3042 (Kolbe, R-AZ)

Environmental Policy and Conflict Resolution Act of 1997

Would amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

Status: Introduced on November 13, 1997; passed the House (voice vote) and referred to the Senate on January 28, 1998; passed the Senate by unanimous consent on January 29, 1998; sent to the President on February 4, 1998; signed by the President and became law on February 11, 1998—Public Law No. 105-156.

HR 3044 (Minge, D-MN)

Distorting Subsidies Limitation Act of 1997

Would amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business and for other purposes. Solid waste disposal facilities would be included under this Act.

Status: Introduced on November 13, 1997; referred to House Committee on Ways and Means.

HR 3065 (Lofgren, D-CA)

New Environmental Monitoring Technologies, Provisions

Would direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies.

Status: Introduced on November 13, 1997; joint referral to House Committees on Science, Commerce, and Transportation and Infrastructure.

HR 3180 (Dooley, D-CA)

Innovate Strategies for Achieving Superior Environmental Performance, Provision

Would provide for innovative strategies for achieving superior environmental performance, and for other purposes.

Status: Introduced on February 11, 1998; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 3262 (Pallone, D-NJ)

Children's Protection and Community Cleanup Act of 1998.

Would reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Status: Introduced on February 25, 1998; Joint referral to the House Committee on Transportation and Infrastructure, the House Committee on Ways and Means, and the House Committee on Commerce.

H. Resolution 119 (Farr, D-CA)

Resolution Requiring Implementation of the Office Waste Recycling Program in the House of Representatives

Would provide for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives.

Status: Introduced on April 16, 1997; referred to the House Committee on House Oversight.

H. Resolution 251 (Farr, D-CA)

Resolution Expressing Support for America Recycles Day

Would express support for the goals of America Recycles Day.

Status: Introduced on September 29, 1997; referred to the House Committee on Commerce.

U.S. Senate

S 8 (Smith, Robert C., R-NH)

Superfund Cleanup Acceleration Act of 1997

Would reauthorize and amend the Comprehensive Environmental Response Liability, and Compensation Act of 1980. The bill would streamline cleanups, delegate authority to states and exempt all generators and transporters at co-disposal landfills, or those that mainly receive municipal solid waste and sewage sludge, for conduct prior to January 1, 1997.

Status: Introduced on January 21, 1997; public hearing held by the Senate Committee on Environment and Public Works on March 4 and 5, 1997.

S 18 (Lautenberg, D-NJ)

Brownfields and Environmental Cleanup Act of 1997

Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs. The bill would authorize \$10 million in grants for states and local governments to inventory and assess brownfield sites. Additionally, it would authorize \$15 million in grants for states to establish and capitalize low interest loan programs to clean up the sites and would limit the potential liability of innocent buyers of brownfields.

Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 104 (Murkowski, R-AK)

Nuclear Waste

Among other things, would establish Yucca Mountain as the site for an interim storage facility and would require EPA to issue standards to protect the public from radioactive leaks from a permanent nuclear waste repository.

Status: Introduced on January 21, 1997; public hearing held in Senate Committee on Energy and Natural Resources on February 5, 1997; reported out of the Senate Committee on Energy and Natural Resources on March 14, 1997; unanimous consent agreement for consideration of the measure on the Senate Floor on April 9, 1997; passed the Senate Floor with of vote of 65-34 on April 15, 1997; referred to the House Of Representatives.

S 215 (Jeffords, R-VT)

National Beverage Container Reuse and Recycling Act of 1997

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers to provide resources for State pollution prevention and recycling programs.

Status: Introduced on January 28, 1997; referred to the Senate Committee on Commerce, Science, and Transportation.

S 237 (Bumpers, D-AR)

Electric Consumers Protection Act of 1997

Would provide for retail competition by December 15, 2000, among electric energy suppliers for the benefit and protection of consumers. Would define "renewable energy" as electricity generated from solar, wind, waste, except municipal waste, biomass, hydroelectric or geothermal resources.

Status: Introduced on January 30, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 297 (Bryan (D-NV))

Nuclear Waste Independent Review Act

Would establish a presidential commission on nuclear waste.

Status: Introduced on February 11, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 384 (Conrad, D-ND)

Solid Waste Disposal Act, Amendment

Would amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State.

Status: Introduced on February 28, 1997; referred to the Senate Committee on Environment and Public Works.

S 399 (McCain, R-AZ)

Environmental Policy and Conflict Resolution Act of 1997

Would amend the Morris K. Udall Scholarship and Excellence in the National Environmental and Native American Public Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

Status: Introduced on March 5, 1997; referred to the Senate Committee on Environment and Public Works; report filed by the Senate Committee on Environment and Public Works on July 31, 1997; passed as amended on the Senate Floor (unanimous consent); received in the House, after passage in the Senate on October 21, 1997.

S 443 (Baucus, D-MT)

State and Local Government Interstate Waste Control Act of 1997

Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 444 (Chafee, R-RI)

Internal Revenue Code of 1986, Amendment (Tires)

Would amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires. Would create the Waste Tire Recycling, Abatement, and Disposal Trust Fund to be made available for recycling, abatement and cleanup of waste tire piles.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Finance.

S 445 (Chafee, R-RI)

Waste Tire Recycling, Abatement, and Disposal Act of 1997

Would amend the Solid Waste Disposal Act to encourage recycling of waste tires and to ablate tire dumps and tire stockpiles.

Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 448 (Robb, D-VA)

Local Government Interstate Waste Control Act

Would amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste.

Status: Introduced on March 17, 1997; referred to the Senate Committee on Environment and Public Works.

S 463 (Coats, R-IN)

Interstate Transportation of Municipal Solid Waste Act of 1997

Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-State solid waste in the Governor's State.

Status: Introduced on March 18, 1997; referred to the Senate Committee on Environment and Public Works.

S 599 (Boxer, D-CA)

Children's Environmental Protection Act

Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

Status: Introduced on April 16, 1997; referred to the Senate Committee on Environment and Public Works.

S 687 (Jeffords, R-VT)

Electric System Public Benefits Protection Act of 1997

Would enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, energy conservation and efficiency, and for other purposes. "Renewable energy" means electricity generated from wind, organic waste (excluding incinerated municipal solid waste), or biomass or geothermal, solar thermal, or photovoltaic source.

Status: Introduced on May 1, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 899 (Dodd, D-CT)

Municipal Solid Waste Disposal Act of 1997

Would amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste.

Status: Introduced on June 12, 1997; referred to the Senate Committee on Environmental and Public Works.

S 951 (Torricelli, D-NJ)

Quiet Communities Act of 1997

Would reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

Status: Introduced on June 24, 1997; referred to the Senate Committee on Environment and Public Works.

S 964 (Murkowski, R-AK)

Property Conveyance in the State of California

Would transfer land in Ward Valley, California, to the State of California, to build a low level nuclear waste dump.

Status: Introduced on June 26, 1997; referred to the Senate Committee on Energy and Natural Resources; public hearing held by the Senate Committee on Energy and Natural Resources on July 22, 1997.

S 1173 (Warner, R-VA)

Intermodal Transportation Act of 1997; Surface Transportation Act of 1997; Transportation Infrastructure Finance and Innovation Act of 1997; Intelligent Transportation Systems Act of 1997

Would authorize funds for surface transportation, construction of highway safety programs and for mass transit programs for six years.

Status: Introduced on September 12, 1997; referred to Senate Committee on Transportation and Infrastructure; Senate Committee on Environment and Public Works; Senate Committee on Commerce, Science, and Transportation; considered on the Senate Floor on October 28, 1997; failed passage because it did not reach the necessary 3/5 majority vote (52-48); placed on Senate Legislative Calendar on October 29, 1997.

S 1176 (Thomas, R-WY)

State and Local Government Participation Act of 1997

Would guarantee that Federal agencies identify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilities under the National Environmental Policy Act.

Status: Introduced on September 15, 1997; referred to the Senate Committee on Environment and Public Works.

S 1317 (Lautenberg, D-NJ)

Environmental Health Protection Act of 1997

Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites.

Status: Introduced on October 24, 1997; referred to Senate Committee on Environment and Public Works.

S 1332 (Enzi, R-WY)

State Environmental Audit Protection Act

Would amend Title 28, United States Code, to recognize and protect State efforts to improve environmental mitigation and compliance through the promotion of voluntary environmental audits, including limited protection from discovery and limited protection from penalties.

Status: Introduced on October 29, 1997; referred to Senate Committee on Environmental and Public Works; hearings adjourned by Senate Committee on Environmental and Public Works on October 30, 1997.

S 1348 (Lieberman, D-CT)

Innovated Environmental Strategies Act of 1997

Would provide for innovative strategies for achieving superior environmental performance.

Status: Introduced on October 30, 1997; referred to Senate Committee on Environment and Public Works.

S 1401 (Bumpers, D-AR)

Transition to Electric Competition Act of 1997

Would provide for the transition to competition among electric energy suppliers for the benefit and protection of consumers, and for other purposes.

Status: Introduced on November 7, 1997; referred to Senate Committee on Energy and Natural Resources.

S 1497 (Lautenberg, D-NJ)

Equity and Public Involvement in Superfund Act of 1997

Would release contributors of ordinary trash in minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

Status: Introduced on November 9, 1997; referred to Senate Committee on Environment and Public Works.

S RES. 116 (Levin, Carl, D-MI)

Resolution Designating "America Recycles Day"

Would designate November 15, 1997, and November 15, 1998, as "America Recycles Day."

Status: Introduced on July 31, 1997; referred to the Senate Committee on Judiciary.

SCR 49 (Levin, Carl, D-MI)

Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"

Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"

Would authorize use of the Capitol Grounds for America Recycles Day national kick-off campaign.

Status: Introduced on July 31, 1997; joint referral to the Senate Committee on Governmental Affairs and the Senate Committee on Rules and Administration.

Federal Legislation Subject Index

Energy

HR 1359 (Defazio, D-OR)	Public Utilities Regulatory Policies Act of 1978, Amendment
HR 1960 (Markey, D-MA)	Electric Competition and Consumer Choice Act of 1997
S 237 (Bumpers, D-AR)	Electric Consumers Protection Act of 1997
S 687 (Jeffords, R-VT)	Electric System Public Benefits Protection Act of 1997
S 1401 (Bumpers, D-AR)	Transition to Electric Competition Act of 1997

Environmental Crimes

HR 277 (Schumer, D-NY)	Environmental Crimes and Enforcement Act of 1997
------------------------	--------------------------------------------------

Hazardous Waste

HR 843 (Ford, D-TN)	Location of Hazardous Waste Near Certain Properties, Prohibition
HR 1158 (Frelinghuysen, R-NJ)	Superfund Liability Exemption for Local Educational Agencies Act
HR 1199 (Souder, R-IN)	Common Sense Hazardous Waste Facilities Siting and Permitting Act of 1997
HR 1393 (Rivers, D-MI)	Toxic Substances Control Act, Amendment
HR 1506 (Velazquez, D-NY)	Community Environmental Equity Act
HR 2750 (Barcia, D-MI)	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment to Require the President to Develop Guidelines for Identification of "Hot Spots" in Hazardous Waste Facilities
S 1317 (Lautenberg, D-NJ)	Environmental Protection Act of 1997

Income Tax Credits

HR 316 (Solomon, R-NY)	Hazardous Waste Recycling Tax Credit Act of 1997
HR 979 (Kennelly, D-CT)	Internal Revenue Code of 1986, Amendment to increase Amount of Private Activity Bonds, Which May Be Issued in Each State
HR 996 (Weller, R-IL)	Internal Revenue Code of 1986, Amendment Regarding Tax-Exempt Bonds to Finance Environmental Remediation Sites
HR 997 (Weller, R-IL)	Internal Revenue Code of 1986, Amendment Regarding Rapid Amortization of Environmental Remediation Expenditures.
HR 3044 (Minge, D-MN)	Distorting Subsidies Limitation Act of 1997

Miscellaneous

HR 712 (DeLauro, D-CT)	National Infrastructure Development Act of 1997
HR 873 (Greenwood, R-PA)	Land Recycling Act of 1997
HR 1576 (Stark, D-CA)	Continuation of Operations for the California Urban Environmental Research and Education Center, Provisions
HR 1697 (Rivers, D-MI)	Impact of NAFTA on Job Loss and the Environment, Assessment
HR 2102 (Talent, R-MO)	Hazardous and Solid Waste Amendments of 1984, Amendment to Repeal Sunset of the Environmental Protection Agency Office of Ombudsman
HR 2451 (Moran, Jim, D-VA)	Protection of Children from Certain Environmental Pollutants, Provision
HR 2485 (Stupak, D-MI)	Common Sense Superfund Liability Relief Act of 1997
HR 3042 (Kolbe, R-AZ)	Environmental Policy and Conflict Resolution Act of 1997
HR 3065 (Lofgren, D-CA)	New Environmental Monitoring Technologies, Provisions
HR 3180 (Dooley, D-CA)	Innovate Strategies for Achieving Superior Environmental Performance, Provision
S 399 (McCain, R-AZ)	Environmental Policy and Conflict Resolution Act of 1997
S 599 (Boxer, D-CA)	Children's Environmental Protection Act
S 951 (Torricelli, D-NJ)	Quiet Communities Act of 1997
S 1176 (Thomas, R-WY)	State and Local Government Participation Act of 1997
S 1332 (Enzi, R-WY)	State Environmental Audit Protection Act
S 1348 (Lieberman, D-CT)	Innovative Environmental Strategies Act of 1997

Nuclear Waste

HR 1270 (Upton, R-MI)	Nuclear Waste Policy Act of 1997
S 104 (Murkowski, R-AK)	Nuclear Waste (Yucca Mountain)
S 297 (Bryan, D-NV)	Nuclear Waste Independent Review Act
S 964 (Murkowski, R-AK)	Property Conveyance in the State of California (Ward Valley)

Recycling-Beverage Containers

HR 1586 (Rivers, D-MI)	National Beverage Container Reuse and Recycling Act of 1997
HR 2980 (Allen, D-ME)	National Beverage Container Recycling Initiative Act
S 215 (Jeffords, R-VT)	National Beverage Container Reuse and Recycling Act of 1997

Recycling-Generally

HR 2733 (Tauzin, R-LA)	Superfund Recycling Equity Act
H. Resolution 119 (Farr, D-CA)	Resolution Requiring Implementation of the Office Waste Recycling Program in the House of Representatives
H. Resolution 251 (Farr, D-CA)	Resolution Expressing Support for America Recycles Day
S. Resolution 116 (Levin, Carl, D-MI)	Resolution Designating "America Recycles Day"
SCR 49 (Levin, Carl, D-MI)	Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"

Solid Waste-Flow Control

HR 942 (Franks, Bob, R-NJ)	Interstate Transportation of Municipal Solid Waste Act of 1997; Municipal Solid Waste Flow Control Act of 1997
HR 943 (Franks, Bob, R-NJ)	Municipal Solid Waste Flow Control Act of 1997
HR 1346 (Gilcrest, R-MD)	State and Local Government Interstate Waste Control Act of 1997
HR 1358 (Buyer, R-IN)	Interstate Transportation of Municipal Solid Waste Act of 1997
HR 2654 (Greenwood, R-PA)	Solid Waste Disposal Act, Amendment to
S 384 (Conrad, N-ND)	Solid Waste Disposal Act, Amendment
S 443 (Baucus, D-MT)	State and Local Government Interstate Waste Control Act of 1997
S 448 (Robb, D-VA)	Local Government Interstate Waste Control Act
S 463 (Coats, R-IN)	Interstate Transportation of Municipal Solid Waste Act of 1997
S 899 (Dodd, D-CT)	Municipal Solid Waste Disposal Act of 1997

Solid Waste-International Import/Export

HR 360 (Townes, D-NY)	Waste Export and Import Prohibition Act
-----------------------	-----------------------------------------

Solid Waste Sites-Cleanup

HR 1120 (Dingell, D-MI)	Community Revitalization and Brownfield Cleanup Act of 1997
HR 1206 (Visclosky, D-IN)	Program of Voluntary Environmental Cleanups by States, Requirement
HR 1392 (Regula, R-OH)	Brownfields Reuse and Real Estate Development Act
HR 1395 (Rothman, D-NJ)	Brownfields and Environmental Cleanup Act of 1997
HR 1462 (Visclosky, D-IN)	Pilot Program for Revolving Loans for Cleanup of Brownfield Sites, Establishment
HR 3262 (Pallone, D-NJ)	Children's Protection and Community Cleanup Act of 1998.
S 18 (Lautenberg, D-NJ)	Brownfields and Environmental Cleanup Act of 1997

Superfund

HR 2727 (Boehlert, R-NY)	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
HR 3000 (Oxley, R-OH)	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
S 8 (Smith, Robert C., R-NH)	Superfund Cleanup Acceleration Act of 1997
S 1497 (Lautenberg, D-NJ)	Equity and Public Involvement in Superfund Act of 1997

Tires

HR 1041 (Kennedy, Patrick, D-RI)	Solid Waste Disposal Act, Amendment to Provide Grants to Move Large Tire Piles
S 444 (Chafee, R-RI)	Internal Revenue Code of 1986, Amendment (Tires)
S 445 (Chafee, R-RI)	Waste Tire Recycling, Abatement, and Disposal Act of 1997

Transportation (Highways)

HR 674 (Delay, R-TX)

HR 1609 (Molinari, R-NY)

HR 2516 (Shuster, R-PA)

S 1173 (Wamer, R-VA)

ISTEA Integrity Restoration Act

ISTEA Reauthorization Act of 1997; Federal Transit Act of 1997

Intermodal Surface Transportation Efficiency Act of 1991, Extension

Intermodal Transportation Act of 1997; Surface Transportation Act of

1997; Transportation Infrastructure Finance and Innovation Act of 1997;

Intelligent Transportation Systems Act of 1997

Underground Storage Tanks

HR 688 (Schaefer, Dan, R-CO)

Leaking Underground Storage Tank Trust Fund Amendments Act of
1997

Vehicles-Salvage

HR 1839 (White, R-WA)

National Requirements for Titling of Salvage, Nonrepairable, and Rebuilt
Vehicles, Establishment