

**STATUS OF LEGISLATIVE BILLS CONSIDERED BY THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE (TF)
2025-2026 SESSION
May 15, 2025**

- ✓ During this Task Force Meeting members can discuss legislation.
- ✓ TF can propose a recommend a position on a bill and then staff will send the proposed recommendation to CEO-LAIR for review. Bills being considered for a proposed recommendation will be placed on the monthly TF agenda.
- ✓ During the legislative update TF members can identify other bills from the Legislative table they would like to consider for a recommended position.
- ✓ Staff will rely on your guidance and expertise in prioritizing bills and identifying the bills for the TF to recommend formal positions on.
- ✓ CEO-LAIR will review proposed recommendations and provide a Memo of Findings for each proposed recommendation.
- ✓ Once Memo of Findings is received, bill can be placed on TF agenda for a formal recommendation to the Board.
- ✓ After a formal recommendation is approved by TF, Staff will send a letter to the Board with the formal recommendation.

Bill	Author, Last Amended and Hearing Date	Topic	Notes
AB 27	Schiavo Amended March 3, 2025 Scheduled Hearing Date: pending	Personal Income Tax Law: Corporation Tax Law: Chiquita Canyon elevated temperature landfill event: exclusions. (Revenue/tax)	This bill would provide a gross income exclusion for any amount received by a taxpayer on or after March 1, 2024, as compensation for loss, damages, expenses, relocation, suffering, loss in real property value, closing costs with respect to real property, including relator commissions, or inconvenience, including access to the real property, resulting from the "Chiquita Canyon elevated temperature landfill event" for taxable years beginning on or after January 1, 2024, and before January 1, 2029
AB 28	Schiavo Amended May 6, 2025 Scheduled Hearing Date: May 14	Solid waste landfills: subsurface temperatures. (Solid waste)	If temperatures exceed 131°F for over 60 days, operators must file a corrective action plan. Higher temperatures (146°F+ for 60+ days) trigger a multiagency investigation led by CalRecycle to advise on resolution, which must be included in the corrective plan. Further escalation (162°F+ for 60+ days) can lead to a corrective action order. Failure to comply with these requirements or provide timely notice can result in daily penalties up to \$10,000, and significant weekly penalties (up to \$1,000,000) for prolonged high temperatures. Penalties collected will fund a new account for mitigating harm from elevated gas temperatures. Suspended

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			permits can be reinstated once temperatures remain below 131°F for 60 days or more.
AB 70	<p>Aguiar-Curry</p> <p>Amended March 11, 2025</p> <p>Scheduled Hearing Date: pending</p>	<p>Solid waste: organic waste: diversion: biomethane.</p> <p>(SB 1383/Solid waste)</p>	<p>This bill would direct CalRecycle to include pipeline biomethane converted from organic waste as eligible for procurement credit by local jurisdictions by January 1, 2027, and would codify a definition of “pyrolysis,” as the thermal decomposition of material at elevated temperatures in the absence or near absence of oxygen.</p> <p>Aligned with County State Legislative Agenda – as the bill is related to proposals that support procedural innovations or alternative methods to support County-led services, and goals. However, AB 70 may be contrary to existing Board-adopted policy related to proposals that reduce environmental pollutants</p>
AB 1153	<p>Bonta</p> <p>Amended April 22, 2025</p> <p>Scheduled Hearing Date: pending</p>	<p>Solid waste disposal and codisposal site cleanup: illegal disposal site abatement</p> <p>(Illegal dumping)</p>	<p>This bill would authorize CalRecycle, through to provide program funding for removing and disposing of recreational vehicles, for developing enforcement strategies including developing local enforcement teams and illegal dumping enforcement officers.</p> <p>Aligned with County State Legislative Agenda – as the bill is related to proposals that Support alternative funding mechanisms to support County-led projects, services, construction, risk mitigation, and goals; and proposals that Secure funding and expand resources for the development, deployment, improvement, or maintenance of public services</p>
SB 45	<p>Padilla and Blakespear</p> <p>Amended March 5, 2025</p>	<p>Recycling: beverage containers: tethered plastic caps.</p> <p>(Recycling)</p>	<p>This bill would require, starting on January 1, 2027, beverage containers sold in the state, to have a cap that is intended to stay attached to the bottle when it is opened by a consumer. Bottles that have a 70% recycling rate are exempt until January 1, 2028. Containers with a capacity of 2 liters or more and beverage containers that contain beer or other malt beverages, wine or distilled spirits, or 100% fruit juice will be</p>

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	Scheduled Hearing Date: pending		<p>exempt. Would also exempt a refillable plastic beverage container and a beverage manufacturer that sold or transferred 16M or fewer plastic beverage containers.</p> <p>Aligned with County State Legislative Agenda – as the bill is related to proposals that mitigate the effects of climate change and reduce environmental pollutants.</p>
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BILL	AUTHOR	SUBJECT	SUMMARY	County Position/ TF Position
AB 27	Schiavo	Amended March 3, 2024 (Chiquita Canyon) Committee on Appropriations	Personal Income Tax Law: Corporation Tax Law: Chiquita Canyon elevated temperature landfill event: exclusions. Proposed Law: This bill, for taxable years beginning on or after January 1, 2024, and before January 1, 2029, would provide an exclusion from gross income for amounts received, on or after March 1, 2024, as compensation for loss, damages, expenses, relocation, suffering, loss in real property value, closing costs with respect to real property, including relator commissions, or inconvenience, including access to the real property, related to the Chiquita Canyon elevated temperature landfill event in the County of Los Angeles. The bill would include additional information required for any bill authorizing a new tax expenditure.	No Position
AB 28	Schiavo	Amended May 6, 2025 (Landfills) Committee on Appropriations Hearing May 14	Solid waste landfills: subsurface temperatures. Proposed Law: If the gas temperature is 131 degrees Fahrenheit or higher for longer than 60 days, this bill would require the operator of the landfill to take specified action, including filing a corrective action plan. If the gas temperature is 146 degrees Fahrenheit or higher for longer than 60 days, the bill would require additional actions, including, but not limited to, CalRecycle forming and leading a multiagency coordination group to investigate the subsurface elevated landfill gas temperature and provide advice on how to resolve it and the inclusion of that advice in a corrective action plan by the operator or the local enforcement agency. If the gas temperature is 162 degrees Fahrenheit or higher for longer than 60 days, the bill would require additional action, including, but not limited to, issuance of a corrective action order. If an operator of a solid waste landfill fails to incorporate the multiagency coordination group advice into a corrective action plan or fails to provide notice of a sustained gas temperature by the specified due date, the bill would require CalRecycle or a local enforcement agency to impose a penalty not to exceed \$10,000 per day. Would require CalRecycle or local enforcement agency to impose a penalty not to exceed \$1,000,000 for each week that gas temperature is 162 degrees Fahrenheit or higher for longer than 60 days, if specified criteria are met. Would require all penalties to be deposited into the Landfill Subsurface Fire Mitigation Account, which the bill would create, to be used upon appropriation by the Legislature to mitigate harm to a person or community adversely affected by a solid	No Position

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			waste landfill with a gas temperature of 131 degrees Fahrenheit or higher for longer than 60 days. Would require any permit suspended pursuant to these provisions to be reinstated when, among others, gas temperature decreases to below 131 degrees Fahrenheit for 60 days or longer.	
AB 70	Aguiar-Curry	Amended March 11, 2025 (SB 1383 Organic Waste/Procurement) Committee on Appropriations, Suspense File	Solid waste: organic waste: diversion: biomethane. Proposed Law: This bill would define pyrolysis as the thermal decomposition of material at elevated temperatures in the absence or near absence of oxygen. Would also require CalRecycle, no later than January 1, 2027, to amend regulations to include, as a recovered organic waste product attributable to a local jurisdiction's procurement target, pipeline biomethane converted exclusively from organic waste.	No Position
AB 80	Aguiar-Curry	Amended March 12, 2025 (Recycling) Committee on Appropriations, Suspense File	Carpet recycling. Proposed Law: This bill would authorize civil penalties of \$25,000 per day if a violation of any provision is intentional or knowing. Would exempt a covered product from current transport requirements if certain conditions are met, including that it is returned to the producer. The bill would expand approved collection sites to include certain carpet recycling centers, municipal facilities, and retailers. Would require a producer to publish on its internet website, for each of its covered products, the components that constitute more than 1% of the product's weight and any component that is a hazardous chemical, and require a producer responsibility plan to explain how producers will use standardized stamping or some other means to provide a visual mark on the back of a covered product that provides the name of the manufacturer, the date of manufacture, and a listing of face fibers and backing materials contained in the product. The bill would require CalRecycle to adopt the regulations no later than December 31, 2026.	No position
AB 436	Ramson	Amended March 10, 2025 (Composting)	Composting facilities: zoning. Proposed Law: This bill would require, the Office of Land Use and Climate Innovation along with CalRecycle to develop a technical advisory by June 1, 2027,	County & TF: Support

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BILL	AUTHOR	SUBJECT	SUMMARY	County Position/ TF Position
		Committee on Appropriations	detailing best practices for siting composting facilities. Upon revising land use elements after the advisory is posted, cities, counties, and city and county entities must consider incorporating best practices, sample general plan, and model ordinance reflected in the technical advisory and to consider updating the land use element to identify areas where composting facilities may be appropriate as an allowable use by January 1, 2029.	
AB 473	Wilson	Introduced February 6, 2025 (Recyclability) Committee on Appropriations, Suspense File	Environmental advertising: recyclability. Proposed Law: This bill would require, before January 1, 2027, that a product or packaging that is a covered material be considered recyclable in the state if the producer is approved by a producer responsibility organization (PRO) to participate in that organization. On or after January 1, 2027, and before January 1, 2032, the bill would require that a product or packaging that is a covered material be considered recyclable in the state if the producer complies with the requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act.	No position
AB 762	Irwin	Amended March 28, 2025 (Ban Toxic Products) Committee on Business and Professions 2-Year Bill	Disposable, battery-embedded vapor inhalation device: prohibition. Proposed Law: This bill would prohibit, beginning January 1, 2026, a person from selling, distributing, or offering for sale a new or refurbished disposable, battery-embedded vapor inhalation device in this state. The bill would define a “disposable, battery-embedded vapor inhalation device” to mean a vaporization device that is not designed or intended to be reused. Would authorize a city, a county, a city and county, or the state, to enforce the above-described disposable, battery-embedded vapor inhalation device prohibition and to impose civil liability on a person or entity in violation of the prohibition in specified fine amounts, including \$500 for the first violation.	No position
AB 864	Ward	Amended April 21, 2025 (Hazardous Waste)	Hazardous waste: solar photovoltaic modules. Proposed Law: This bill would exempt solar photovoltaic modules not identified as hazardous waste and treated as universal waste from state hazardous waste regulations, if transferred to a designated recycler for legitimate recycling. The bill	No position

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BILL	AUTHOR	SUBJECT	SUMMARY	County Position/ TF Position
		Committee on Appropriations	would make the universal waste designation applicable to a solar photovoltaic module that is intended for recycling and cannot otherwise be resold, reused, or refurbished only until DTSC adopts regulations implementing alternative management standards for solar photovoltaic modules. Would also designate a solar photovoltaic module that can be resold, reused, or refurbished as surplus material.	
AB 973	Hoover	Amended April 22, 2025 (Recyclability) Committee on Appropriations	Recycling: trash bags: plastic packaging and products. Proposed Law: This bill would repeal the current program for the recycling of rigid plastic packaging containers and replace it with a new program for recycling plastic packaging and products. Requires, on or before July 1, 2026, and annually thereafter, a manufacturer of a covered product to pay an annual registration charge and to register with CalRecycle. Requires a manufacturer to provide certain information during registration; would subject a manufacturer that is not in compliance with the registration requirement to an administrative civil penalty of not more than \$5,000 for each day of a violation. The bill would, on and after January 1, 2029, require a manufacturer to include, as part of its annual registration, proof of third-party certification of the postconsumer recycled content of each of its covered products. Requires a manufacturer to meet certain annual minimum postconsumer recycled content percentages for covered products. Authorizes CalRecycle to grant a waiver for up to 2 years, upon application, from these requirements. Would require CalRecycle to assess an administrative civil penalty for a violation on a per-pound basis for each pound of virgin material that was used by a manufacturer in its products instead of the minimum postconsumer recycled content and to deposit all penalties and fines paid into the Rigid Container Account, which this bill would continue in existence, to assist local governmental agencies to develop and implement collection and processing systems for the recycling of materials that are subject to the program, for the development of markets for these materials, and for CalRecycle's actual and reasonable costs of implementing the program.	No position
AB 1153	Bonta	Amended April 22, 2025 (Illegal dumping)	Solid waste disposal and codisposal site cleanup: illegal disposal site abatement.	County: Support

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BILL	AUTHOR	SUBJECT	SUMMARY	County Position/ TF Position
		Committee on Appropriations, Suspense File	Proposed Law: This bill would authorize CalRecycle, to provide program funding to public entities to abate illegal disposal sites for removing and disposing of recreational vehicles and for enforcement strategies including developing local enforcement teams and illegal dumping enforcement officers.	
AB 1304	Schultz	Amended April 3, 2025 (Paint Recovery) Committee on Appropriations, Suspense File	Paint product recovery program: paint recovery: education and outreach. Proposed Law: This bill would require paint manufacturers to develop and implement a program to recover, reuse, and recycle postconsumer paint. The bill would define “paint recovery” to mean the process of collecting and transporting leftover paint for the purpose of reuse, processing, or recycling to reduce its environmental impact and disposal costs. Furthermore, would require the development and updating of education and outreach materials, require a stewardship plan’s education and outreach efforts to also promote the proper use and handling of paint products, and require efforts to include investment in the training of workforce in the state by working with CA apprenticeship programs for training apprentices and journey-level painters.	No position
SB 45	Padilla	Amended March 5, 2025 (Bottle Bill/recyclability) Committee on Appropriations, Suspense File	Recycling: beverage containers: tethered plastic caps. Proposed Law: This bill would require, starting on January 1, 2027, beverage containers sold in the state, to have a cap that is tethered to the container intended to stay attached to the bottle when it is opened by a consumer. Bottles that have a 70% recycling rate are exempt until January 1, 2028. Containers with a capacity of 2 liters or more and beverage containers that contain beer or other malt beverages, wine or distilled spirits, or 100% fruit juice will be exempt. Would also exempt a refillable plastic beverage container and a beverage manufacturer that sold or transferred 16M or fewer plastic beverage containers.	No position
SB 279	McNerney	Amended May 12, 2025 (Composting) Committee on Appropriations	Solid waste: compostable materials. Proposed Law: This bill would revise the total amount of feedstock and compost onsite to not exceed 500 cubic yards instead of the 100 cubic yards and 750 sq ft restrictions. Composting of agricultural materials and residues from large-scale biomass management events at specific agricultural facilities is classified as an	

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			excluded activity and is not subject to solid waste facility regulations. This bill would allow these medium-sized operations (between 500 and 12,500 cubic yards) to accept up to 10% food waste for 5 years without needing a full permit, as long as they meet certain rules. Would authorize those composting operations to give away or sell up to 5,000 cubic yards of compost product annually.	
SB 404	Caballero	Amended April 21, 2025 (Hazardous Waste) Committee on Appropriations, Suspense File	Hazardous materials: metal shredding facilities. Proposed Law: This bill would repeal current provisions and implement a comprehensive regulatory framework for metal shredding facilities. Prohibits owners or operators from operating such facilities without a permit from the Department of Toxic Substances Control (DTSC) or being classified as having a permit. The bill would require, before a decision is made to approve or deny the application, DTSC to hold a public meeting or solicit comment from the community on the completed application materials. The bill requires DTSC to formulate a procedure for notifying the community about potential risks related to metal shredding facilities, especially concerning releases of light fibrous materials, by July 1, 2027. The bill would require DTSC to post information provided by owners and operators regarding a metal shredding facility on their website in a manner that is readily accessible to the public, with the exception of information related to trade secrecy or business confidentiality. Requires DTSC to impose an annual fee on all metal shredding facilities subject to the provisions of this bill and DTSC to adopt regulations necessary to administer the fee and adopt necessary regulations to administer the fee and authorize DTSC to adopt the regulations using the same emergency procedures.	TF: Support
SB 501	Allen	Amended April 7, 2025 (HHW EPR) Committee on Appropriations, Suspense File	Household Hazardous Waste Producer Responsibility Act. Proposed Law: This bill would establish a producer responsibility program for products containing household hazardous waste and would require a producer responsibility organization (PRO) to ensure the safe and convenient collection and management of covered products at no cost to consumers or local governments. The bill would define “covered product” to mean a consumer product that is ignitable, toxic, corrosive, or reactive, or that meets other specified criteria. The bill would require a producer of a covered product to register with the PRO, which would be required to develop and implement a producer responsibility plan for the collection,	County: Support

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			transportation, and the safe and proper management of covered products. The bill would require DTSC to adopt regulations to implement the program with an effective date no earlier than July 1, 2028.	
SB 561	Blakespear	Amended April 7, 2025 (HHW EPR) Committee on Appropriations, Suspense File	Hazardous waste: Emergency Distress Flare Safe Disposal Act. Proposed Law: This bill would create a manufacturer responsibility program for the safe and proper management of emergency distress flares. Would define “covered product” to include certain pyrotechnic devices that meet the criteria for household hazardous waste. Requires a manufacturer of a covered product, individually or through a manufacturer responsibility organization, to develop and implement a manufacturer responsibility plan for the collection, transportation, and the safe and proper management of covered products. Establishes a process and timeline for DTSC to review and approve, disapprove, or conditionally approve a plan and for the implementation of an approved plan. Would require, on or before January 1, 2027, DTSC to adopt regulations to implement the act. Requires a manufacturer or manufacturer responsibility organization to prepare and submit to DTSC and make publicly available an annual report describing the activities carried out pursuant to the plan and to pay DTSC all actual and reasonable regulatory costs for DTSC to implement and enforce the act. Would establish the Marine Flare Recovery Fund in the State Treasury and would require the charges collected by DTSC to be deposited into that account for expenditure to cover DTSC’s cost to implement and enforce the act and to repay the use of specified funds. This bill would prohibit a manufacturer, retailer, dealer, importer, or distributor from selling, distributing, offering for sale, or importing a covered product in or into the state that contains perchlorate.	No position
SB 615	Allen	Amended April 7, 2025 (HHW EPR) Committee on Appropriations, Suspense File	Vehicle traction batteries. Proposed Law: This bill would require a battery supplier to be responsible for ensuring the responsible end-of-life management of a vehicle traction battery if it is removed from a vehicle that is still in service or if the vehicle traction battery is offered or returned to its battery supplier, and reporting information regarding the sale, transfer, or receipt of a vehicle traction battery or module to DTSC. Would impose related duties on a secondary user and a secondary handler ensuring the	No position

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BILL	AUTHOR	SUBJECT	SUMMARY	County Position/ TF Position
			responsible end-of-life management for a vehicle traction battery or returning a vehicle traction battery to the battery supplier, and reporting information regarding the sale, transfer, or receipt of a vehicle traction battery or module to DTSC. Requires an auctioneer and salvage disposal auction to report similar information regarding a vehicle traction battery. Requires the battery supplier to pay DTSC's actual and reasonable regulatory costs to implement and enforce the provisions of the bill. Establishes the Vehicle Traction Battery Recovery Fund (fund) in the State Treasury, requires DTSC to deposit all moneys received from the battery supplier into the fund to implement and enforcement. Would authorize the Director of Finance to make a loan from the Greenhouse Gas Reduction Fund to the fund to meet regulatory and startup costs of DTSC's activities.	
SB 682	Allen	Amended May 6, 2025 (PFAS) Committee on Appropriations Hearing on May 19	Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances. Proposed Law: This bill would, on and after January 1, 2027, prohibit a person from distributing, selling, or offering for sale a cleaning product, cookware, dental floss, juvenile product, food packaging, or ski wax, that contains intentionally added PFAS except for previously used products and as otherwise preempted by federal law. On and after January 1, 2040, prohibits a person from distributing, selling, or offering for sale certain products that contain intentionally added PFAS, including, but not limited to, refrigerants, solvents, propellants, and clean fire suppressants unless DTSC has determined that the use of PFAS in the product is currently unavoidable use. Would also, on and after January 1, 2035, prohibit a person from distributing, selling, or offering for sale any other product that contains intentionally added PFAS unless DTSC has determined that the use of PFAS in the product is a currently unavoidable use; the bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use.	No Position

AMENDED IN ASSEMBLY MARCH 3, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 27

Introduced by Assembly Member Schiavo
(Coauthors: Assembly Members Bennett, Calderon, Hart, and
Jackson)
(Coauthors: Senators Allen and Stern)

December 2, 2024

An act to add Sections 17157.5 and 24309.9 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 27, as amended, Schiavo. Personal Income Tax Law: Corporation Tax Law: Chiquita Canyon elevated temperature landfill event: exclusions.

The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally define “gross income” as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income.

This bill, for taxable years beginning on or after January 1, 2024, *and before January 1, 2029*, would provide an exclusion from gross income for amounts received, on or after March 1, 2024, as compensation for specified costs and losses related to the Chiquita Canyon elevated temperature landfill event in the County of Los Angeles, as provided.

Existing law requires a bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives the tax expenditure will achieve, detailed performance indicators, and data collection requirements.

This bill would include additional information required for any bill authorizing a new tax expenditure.

This bill would take effect immediately as a tax levy.

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

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

1 SECTION 1. Section 17157.5 is added to the Revenue and
2 Taxation Code, to read:

3 17157.5. (a) For taxable years beginning on or after January
4 1, 2024, *and before January 1, 2029*, gross income does not include
5 any Chiquita Canyon elevated temperature event payment amount
6 received by a taxpayer.

7 (b) For purposes of this section:

8 (1) “Chiquita Canyon elevated temperature landfill event” means
9 the elevated temperature landfill event, beginning on May 1, 2022,
10 that occurred beneath the Chiquita Canyon Landfill in the County
11 of Los Angeles, California.

12 (2) “Chiquita Canyon elevated temperature landfill event
13 payment” means any amount received by a taxpayer on or after
14 March 1, 2024, as compensation for loss, damages, expenses,
15 relocation, suffering, loss in real property value, closing costs with
16 respect to real property, including realtor commissions, or
17 inconvenience, including access to real property, resulting from
18 the Chiquita Canyon elevated temperature landfill event, if the
19 amount was provided by either of the following:

20 (A) A federal, state, or local governmental agency.

21 (B) Waste Connections, Inc., any subsidiary, insurer, or agent
22 of Waste Connections, Inc., or any person related to Waste
23 Connections, Inc.

24 (c) The taxpayer shall provide, upon request by the Franchise
25 Tax Board, documentation of the Chiquita Canyon elevated
26 temperature event payment amount in the form and manner
27 requested by the Franchise Tax Board.

28 (d) For the purpose of complying with Section 41 in regards to
29 the exclusion provided by this section and Section 24309.9, the
30 Legislature finds and declares as follows:

31 (1) The specific goal, purpose, and objective of the tax exclusion
32 is to provide essential relief to individuals who have suffered loss,

1 damages, expenses, relocation, suffering, and inconvenience
2 resulting from the Chiquita Canyon elevated temperature landfill
3 event.

4 (2) The performance indicators for the Legislature to use in
5 determining if the exclusion achieves the stated goal, purpose, and
6 objective shall be the number of taxpayers that excluded Chiquita
7 Canyon elevated temperature event payment amounts from gross
8 income, and the aggregate amount of related payments arising out
9 of the Chiquita Canyon elevated temperature landfill event.

10 (e) *This section shall become inoperative on December 1, 2029.*

11 SEC. 2. Section 24309.9 is added to the Revenue and Taxation
12 Code, to read:

13 24309.9. (a) For taxable years beginning on or after January
14 1, 2024, *and before January 1, 2029*, gross income does not include
15 any Chiquita Canyon elevated temperature landfill event payment
16 amount received by a taxpayer.

17 (b) For purposes of this section:

18 (1) “Chiquita Canyon elevated temperature landfill event” means
19 the elevated temperature landfill event, beginning on May 1, 2022,
20 that occurred beneath the Chiquita Canyon Landfill in the County
21 of Los Angeles, California.

22 (2) “Chiquita Canyon elevated temperature landfill event
23 payment” means any amount received by a taxpayer on or after
24 March 1, 2024, as compensation for loss, damages, expenses,
25 relocation, suffering, loss in real property value, closing costs with
26 respect to real property, including realtor commissions, or
27 inconvenience, including access to real property, resulting from
28 the Chiquita Canyon elevated temperature landfill event, if the
29 amount was provided by either of the following:

30 (A) A federal, state, or local governmental agency.

31 (B) Waste Connections, Inc., any subsidiary, insurer, or agent
32 of Waste Connections, Inc., or any person related to Waste
33 Connections, Inc.

34 (c) The taxpayer shall provide, upon request by the Franchise
35 Tax Board, documentation of the Chiquita Canyon elevated
36 temperature landfill event payment amount in the form and manner
37 requested by the Franchise Tax Board.

38 (d) *This section shall become inoperative on December 1, 2029.*

1 SEC. 3. This act provides for a tax levy within the meaning of
2 Article IV of the California Constitution and shall go into
3 immediate effect.

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ASSEMBLYWOMAN **PILAR SCHIAVO**

AB 27 – Chiquita Canyon Tax Levy

Summary

Since 2022 residents of Val Verde and Castaic have been suffering from toxic gasses emanating from burning waste underground the Chiquita Canyon Landfill. Under current law, any compensation residents receive to assist with relocation or home upgrades must be reported as income and taxed accordingly. Assembly Bill 27 will exclude any compensation residents receive from 2024 onward from state income tax.

Background

The Chiquita Canyon Landfill opened in 1972 and its operations permit recently renewed in 2017. In 2022, temperatures underneath piles of waste began to rise. Shortly afterward a fire began smoldering and producing leachate, a black sludge-like substance. Leachate has been seeping out since and continues to contaminate the surrounding areas.

Widespread reports of health impacts started to arise in early 2023. Residents have been experiencing headaches, nausea, vertigo, difficulty breathing and numerous nosebleeds; all of which are symptoms of benzene poisoning. In early 2024 a cancer cluster was discovered on a street that is within a couple hundred feet of the landfill.

The health concerns and consistent reporting of a gas smell sparked an investigation from the South Coast Air Quality Management District. In late 2023 leachate was discovered, deemed an issue, and all hazardous waste began to be diverted to alternative facilities properly suited to dispose of it.

Although there has been assistance, residents are still reluctant to accept it because they fear the additional funds will change their gross income and potentially make them ineligible for Cal-Fresh, Medi-cal or disability benefits.

Current Law

(RTC § 17131) establishes items specifically excluded from gross income.

This Bill

AB 27 will provide an exclusion from gross income for compensation related to the Chiquita Canyon elevated temperature landfill event.

Support

For More Information

Carlos Gutierrez

Office of Assemblywoman Schiavo

Carlos.E.Gutierrez@asm.ca.gov or (916) 319-2338

AMENDED IN ASSEMBLY MAY 6, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Schiavo
(Coauthors: Assembly Members Bennett and Hart)
(Coauthor: Senator Stern)

December 2, 2024

An act to add Section 43031 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Schiavo. Solid waste landfills: subsurface temperatures.

(1) The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste, as defined. The act authorizes the department to certify a local enforcement agency and requires the department and certified local enforcement agencies to perform specified functions with regard to the regulation of solid waste management, including issuing and enforcing solid waste facility permits. The act prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided.

~~(1) The~~

The California Global Warming Solutions Act of 2006 charges the State Air Resources Board with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emission of greenhouse gases. The act requires the state board

to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions, as provided.

Pursuant to that authority, the state board adopted regulations governing methane emissions from solid waste landfills. The regulations require an owner or operator of those landfills to install and operate a gas collection and control system that is routed to a gas control device, as provided. The regulations define “gas control device” to mean a device used to dispose of or treat collected landfill gas, including, but not limited to, an enclosed flare. The regulations require a flare to be equipped *and be monitored* with continuous recording temperature sensors.

~~The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste, as defined. The act authorizes the department to certify a local enforcement agency and requires the department and certified local enforcement agencies to perform specified functions with regard to the regulation of solid waste management, including issuing and enforcing solid waste facility permits. The act prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided.~~

~~This bill would require an operator of a solid waste landfill to continuously monitor temperature sensors on flares for landfill gas temperature and to provide temperature sensor data on its internet website and to its local enforcement agency, as specified. If~~

~~If the gas temperature is 131 degrees Fahrenheit or higher for longer than 60 days, the this bill would require the operator of the landfill to take specified actions, including filing a corrective action plan, and would require the local enforcement agency and the county to provide specified notifications: plan. If the gas temperature is 146 degrees Fahrenheit or higher for longer than 60 days, the bill would require additional actions, including, but not limited to, the Department of Resources Recycling and Recovery forming and leading a multiagency coordination group to investigate the sustained subsurface elevated landfill gas temperature and provide advice on how to resolve it: it and the inclusion of that advice in a corrective action plan by the operator or the local enforcement agency, as specified. By requiring a local enforcement agency to perform additional duties, the bill would impose a state-mandated local program. If the gas temperature is 162 degrees Fahrenheit or higher for longer than 60 days, the bill would require~~

additional actions, including, but not limited to, the ~~suspension or revocation of permits required to operate the landfill. By requiring local entities to perform additional duties, the bill would impose a state-mandated local program.~~ *issuance of a corrective action order. The bill would make it a crime to provide a false certification that a violation subject to a corrective action order is corrected. By expanding the scope of a crime, the bill would impose a state-mandated local program.*

If an operator of a solid waste landfill fails to ~~provide~~ *incorporate the multiagency coordination group advice into* a corrective action plan or fails to provide notice of a sustained gas temperature by the specified due date, the bill would require the department or a local enforcement agency to impose a penalty not to exceed \$10,000 per ~~day and would authorize the suspension or revocation of permits required to operate the landfill.~~ *day.* The bill would require the department or local enforcement agency to impose a penalty not to exceed \$1,000,000 for each week that gas temperature is 162 degrees Fahrenheit or higher for longer than ~~60 days.~~ *60 days, if specified criteria are met.* The bill would require all penalties to be deposited into the Landfill Subsurface Fire Mitigation Account, which the bill would create, to be used upon appropriation by the Legislature to mitigate harm to a person or community adversely affected by a solid waste landfill with a gas temperature of 131 degrees Fahrenheit or higher for longer than 60 days. The bill would require any permit suspended ~~or revoked~~ pursuant to these provisions to be reinstated when, among others, gas temperature decreases to below 131 degrees Fahrenheit for 60 days or longer.

This bill would require an operator of a solid waste landfill to reimburse public entities for their costs, as specified.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

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

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

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

1 SECTION 1. Section 43031 is added to the Public Resources
2 Code, to read:

3 43031. (a) For purposes of this section, the following
4 definitions apply:

5 (1) "Gas temperature" is the temperature of underground landfill
6 gas as reported by a temperature sensor.

7 (2) "Landfill gas" has the same meaning as provided in Section
8 95475 of Title 17 of the California Code of Regulations.

9 (3) "MSW landfill" means a municipal solid waste landfill, as
10 defined by Section 95475 of Title 17 of the California Code of
11 Regulations.

12 (4) "Operator" has the same meaning as provided in Section
13 95475 of Title 17 of the California Code of Regulations.

14 (5) "Resolution" means all of the following have occurred:

15 ~~(A) An event described in subdivision (c), (d), or (e) A~~
16 ~~subsurface elevated temperature event~~ occurs, followed by gas
17 temperature decreasing to below 131 degrees Fahrenheit for 60
18 days or longer, so that ~~an event described in subdivision (e) a~~
19 ~~subsurface elevated temperature event~~ no longer exists.

20 ~~(B) For an event a subsurface elevated temperature event~~
21 ~~described in subdivision (d) or (e), the multiagency coordination~~
22 ~~group described in paragraph (3) of subdivision (d) completes its~~
23 ~~investigation; monitoring of the event.~~

24 (C) The operator of the MSW landfill provides notice to
25 residents surrounding the MSW landfill to inform them of the gas
26 temperature decrease.

27 (6) "Subsurface elevated temperature event" means an elevated
28 landfill gas temperature that persists for longer than 60 days, as
29 described in subdivision (c), (d), or (e).

30 ~~(6)~~

1 (7) "Temperature sensor" means a continuous recording
2 temperature sensor on a flare, as required by subparagraph (A) of
3 paragraph (2) of subdivision (b) of Section 95464 of Title 17 of
4 the California Code of Regulations.

5 (b) The operator of a MSW landfill shall ~~do all of the following:~~
6 *monitor landfill gas temperature in accordance with regulations*
7 *adopted by the State Air Resources Board, as described in*
8 *subdivision (i).*

9 ~~(1) Continuously monitor a temperature sensor for gas~~
10 ~~temperature.~~

11 ~~(2) On a monthly basis, provide to the local enforcement agency~~
12 ~~gas temperature data for each temperature sensor for the prior~~
13 ~~month.~~

14 ~~(3) Post the data described in paragraph (2) on its internet~~
15 ~~website on the same day the operator provides the data to the local~~
16 ~~enforcement agency.~~

17 (c) If the gas temperature is 131 degrees Fahrenheit or higher
18 for longer than 60 days, then all of the following shall be done:

19 (1) Within 48 hours, the operator shall notify the local
20 enforcement agency ~~of the sustained gas temperature, and the~~
21 ~~department of the subsurface elevated temperature event.~~

22 (2) Within 14 days, the operator shall file with the local
23 enforcement agency ~~and the department both the actions it has~~
24 ~~taken in response to the sustained gas temperature and its~~
25 ~~investigation plan, subsurface elevated temperature event and the~~
26 ~~root cause analysis prepared pursuant to Section 60.36f of Title~~
27 ~~40 of the Code of Federal Regulations.~~

28 ~~(3) Within 14 days of notice to the local enforcement agency~~
29 ~~from the operator, both of the following shall be done:~~

30 ~~(A) The local enforcement agency shall alert the department of~~
31 ~~the sustained gas temperature and shall provide the operator's~~
32 ~~investigation report to the department.~~

33 ~~(B) The county shall send to residents a notice regarding the~~
34 ~~sustained gas temperature. The notice shall include a United States~~
35 ~~Environmental Protection Agency fact sheet on elevated gas~~
36 ~~temperature. The county shall send monthly updates to residents~~
37 ~~surrounding the MSW landfill until resolution.~~

38 (3) *Within 30 days, and on a monthly basis thereafter, the*
39 *operator shall report the average weekly temperatures recorded*

1 *by each temperature monitor at the MSW landfill to the local*
2 *enforcement agency.*

3 (4) ~~(A) Within 45 days, the operator shall file a corrective action~~
4 ~~plan with the local enforcement agency.~~ *agency and the*
5 *department.*

6 ~~(B) Within 14 days of receipt of the corrective action plan, the~~
7 ~~local enforcement agency shall send the corrective action plan to~~
8 ~~the department.~~

9 (d) In addition to the requirements in subdivision (c), if the gas
10 temperature is 146 degrees Fahrenheit or higher for longer than
11 60 days, all of the following shall be done:

12 (1) Within 48 hours, the operator shall notify the local
13 enforcement agency ~~of the sustained gas temperature.~~ *and the*
14 *department of the subsurface elevated temperature event.*

15 ~~(2) Within seven days, the operator shall notify the department~~
16 ~~of the sustained gas temperature.~~

17 (2) *Within 30 days, and on a monthly basis thereafter, the*
18 *operator shall post on its internet website the data described in*
19 *paragraph (3) of subdivision (c).*

20 (3) Within 90 days, a multiagency coordination group shall
21 conduct and conclude an investigation into the ~~sustained gas~~
22 ~~temperature subsurface elevated temperature event~~ and provide
23 advice on how to achieve resolution. A state agency shall provide
24 any resources required by the multiagency coordination group to
25 complete its investigation and to achieve resolution. The
26 department shall form and lead the multiagency coordination group
27 comprising all of the following:

28 (A) The California Environmental Protection Agency.

29 (B) The California regional water quality control board with
30 jurisdiction over the MSW landfill.

31 (C) The department.

32 (D) The Department of Toxic Substances Control.

33 (E) The local enforcement agency.

34 (F) The State Air Resources Board.

35 (G) The State Department of Public Health.

36 (H) The United States Environmental Protection Agency.

37 (4) The operator shall *incorporate the advice provided by the*
38 *multiagency coordination group into its corrective action plan*
39 *and take corrective action as advised by the multiagency*
40 *coordination group's investigation described in paragraph (3). The*

1 operator shall then submit a revised corrective action plan to the
2 local enforcement agency and the department. If the local
3 enforcement agency determines that the revised corrective action
4 plan does not comply with the minimum standards adopted by the
5 multiagency working group and the advice provided by the
6 multiagency coordination group, the local enforcement agency
7 shall amend the revised corrective action plan to incorporate the
8 minimum standards and advice. If the operator does not meet
9 deadlines provided in the multiagency coordination group's advice,
10 then the local enforcement agency may suspend or revoke the
11 operator's permits to operate the MSW landfill. fully implement
12 the corrective action plan, as revised and amended, or comply
13 with any timelines in the corrective action plan, as revised and
14 amended, the operator shall be subject to penalties pursuant to
15 subdivision (g).

16 (5) The multiagency coordination group shall continue to
17 monitor the situation and advise until resolution.

18 (6) The operator shall send residents located within two miles
19 of the MSW landfill a notice regarding the sustained elevated gas
20 temperature. The notice shall include a United States
21 Environmental Protection Agency fact sheet on elevated gas
22 temperature. The operator shall send monthly updates, including,
23 but not limited to, the sustained elevated gas temperature, the
24 actions the operator has taken to address the sustained elevated
25 gas temperature, and other relevant information to residents
26 located within two miles of the MSW landfill, until resolution.

27 (7) The Office of Environmental Health Hazard Assessment
28 shall conduct a community health impact study to identify potential
29 health risks to the surrounding community consistent with the
30 Community Assessment for Public Health Emergency Response
31 Toolkit, established by the federal Centers for Disease Control
32 and Prevention.

33 (e) In addition to the requirements in subdivisions (c) and (d),
34 if the gas temperature is 162 degrees Fahrenheit or higher for
35 longer than 60 days, then all of the following shall be done:

36 (1) Within 48 hours, the operator shall notify the local
37 enforcement agency of the sustained gas temperature, and the
38 department of the subsurface elevated temperature event.

39 (2) If the local enforcement agency has been designated to
40 proclaim a local emergency pursuant to Section 8630 of the

1 Government Code, it ~~shall~~ *may* proclaim a local emergency. If the
2 local enforcement agency has not been designated to proclaim a
3 local emergency, it ~~shall~~ *may* request a local emergency be
4 proclaimed by the appropriate city, county, or city and county
5 pursuant to Section 8630 of the Government Code.

6 (3) (A) *Within 14 days, the local enforcement agency or the*
7 *department shall issue a corrective action order to the operator*
8 *consistent with the requirements of Article 1 (commencing with*
9 *Section 45000) of Chapter 1 of Part 5.*

10 (B) *Failure to comply with a corrective action order shall result*
11 *in penalties pursuant to Article 3 (commencing with Section 45010)*
12 *of Chapter 1 of Part 5.*

13 ~~(3)~~

14 (4) *Within 14 days, if the local enforcement agency or the*
15 *department determines that the subsurface elevated temperature*
16 *event poses an imminent and substantial risk to the public health,*
17 *safety, or environment of the surrounding community, the local*
18 *enforcement agency or the department shall may suspend or revoke*
19 *the operator's permits to operate the MSW landfill. landfill until*
20 *it determines that the imminent threat or substantial risk is*
21 *resolved.*

22 (f) A local enforcement agency shall maintain constant
23 communication with the department to ensure there is a ~~prepared~~
24 *corrective action* plan in place for the ~~sustained gas temperatures~~
25 ~~described in subdivisions (c), (d), and (e): subsurface elevated~~
26 *temperature event.*

27 (g) (1) ~~The~~ *In addition to any other remedies provided by law,*
28 *the department or local enforcement agency may suspend or revoke*
29 *the operator's permit to operate the MSW landfill and shall impose*
30 *a an administrative civil penalty not to exceed ten thousand dollars*
31 *(\$10,000) per day for failing to comply with any of the following:*

32 (A) ~~Paragraph (1) or (2)~~ *(1), (2), or (3) of subdivision (c).*

33 ~~(B) Subparagraph (A) of paragraph (4) of subdivision (c).~~

34 ~~(C)~~

35 ~~(B)~~ *Paragraph (1) or (2) (1), (2), or (4) of subdivision (d).*

36 ~~(D)~~

37 *(C) Paragraph (1) of subdivision (e).*

38 (2) The department or local enforcement agency shall impose
39 a penalty not to exceed one million dollars (\$1,000,000) for each
40 week that a ~~sustained gas temperature described in subdivision (c)~~

1 ~~exists.~~ *subsurface elevated temperature event described in*
2 *subdivision (e) persists if the department determines that the*
3 *subsurface elevated event poses an immediate and substantial risk*
4 *to the public health, safety, or environment of the surrounding*
5 *community and that the operator's gross negligence has caused*
6 *either of the following:*

7 (A) *The subsurface elevated temperature event.*

8 (B) *A failure to achieve resolution of the subsurface elevated*
9 *temperature event.*

10 (3) All penalties collected pursuant to this section shall be
11 deposited into the Landfill Subsurface Fire Mitigation Account,
12 which is hereby created. Upon appropriation by the Legislature,
13 moneys in the Landfill Subsurface Fire Mitigation Account shall
14 be available for expenditure by the department to mitigate harm
15 to a person or community adversely affected by ~~an event described~~
16 ~~in subdivision (c), (d), or (e).~~ *a subsurface temperature event.* The
17 department shall prioritize use of penalty moneys to a person or
18 community adversely affected by ~~an event~~ *a subsurface*
19 *temperature event* at the MSW landfill for which the penalty was
20 imposed.

21 ~~Part~~ *Except as provided in paragraph (3) of subdivision (e),*
22 *Part 5 (commencing with Section 45000) does not apply to this*
23 *section.*

24 (h) (1) The department and local enforcement agency shall
25 comply with Article 2 (commencing with section 44305) of Chapter
26 4 when suspending ~~or revoking~~ a permit pursuant to this section.

27 (2) A permit suspended ~~or revoked~~ pursuant to this section shall
28 be reinstated upon resolution.

29 (i) *The State Air Resources Board shall establish mandatory*
30 *requirements for the monitoring of landfill gas temperature as*
31 *part of its regulations on methane emissions from municipal solid*
32 *waste landfills (Subarticle 6 (commencing with Section 95460) of*
33 *Article 4 of Subchapter 10 of Chapter 1 of Division 3 of Title 17*
34 *of the California Code of Regulations) to identify and mitigate*
35 *subsurface elevated temperature events.*

36 (j) *On or before January 1, 2027, the multiagency working*
37 *group shall establish guidelines for the identification and*
38 *management of subsurface elevated temperature events and*
39 *minimum standards for a corrective action plan. When developing*
40 *the guidelines and minimum standards, the multiagency working*

1 group shall consider federal and other state standards,
2 recommendations, and guidance and information provided by
3 stakeholders with expertise in the operation and management of
4 solid waste facilities and the management of subsurface elevated
5 temperature events.

6 (i)

7 (k) An operator shall reimburse each of the following for the
8 actual and reasonable costs they incur pursuant to this section:

9 (1) The department.

10 (2) A local enforcement agency.

11 (3) A county.

12 (4) Any other state or local agency.

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~a local agency or school district has the authority to levy service~~
16 ~~charges, fees, or assessments sufficient to pay for the program or~~
17 ~~level of service mandated by this act, within the meaning of Section~~
18 ~~17556 of the Government Code.~~

19 *SEC. 2. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution for certain*
21 *costs that may be incurred by a local agency or school district*
22 *because, in that regard, this act creates a new crime or infraction,*
23 *eliminates a crime or infraction, or changes the penalty for a crime*
24 *or infraction, within the meaning of Section 17556 of the*
25 *Government Code, or changes the definition of a crime within the*
26 *meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

28 *However, if the Commission on State Mandates determines that*
29 *this act contains other costs mandated by the state, reimbursement*
30 *to local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*



ASSEMBLYWOMAN PILAR SCHIAVO

AB 28 – Landfill Safety Act

Summary

Assembly Bill 28 enhances the monitoring, reporting, and transparency of elevated temperature events at landfills in an effort to avoid future severe public health emergencies.

Background

Landfill operators are required to conduct integrated surface monitoring for methane emissions on a quarterly basis. Wellheads leading below the surface are equipped with vacuums to extract any excess methane. A temperature-monitoring device is required to observe and report any heat levels that may exceed the limit.

If a temperature reading exceeds the allowed limit, the owner or operator must do the following:

- Date, location and value of exceedance must be recorded.
- Exceedance must be marked on topographic map
- Corrective action such as repair or well vacuum adjustments.
- Location must be re-monitored within ten calendar days.

Once temperature limits are exceeded, landfills can become elevated temperature landfills (ETLFs) which can cause gas composition, noxious odors, seeping leachate and the release of carcinogens into the surrounding environment.

Contributing factors to ETLFs are combinations of improper waste stream and landfill management practices. Poor drainage through buried waste can cause an excess of moisture resulting in an ETLF. Ashes, dust, aluminum, iron and steel production are examples of waste stream combinations that may lead to elevated temperatures.

The Chiquita Canyon landfill in Castaic is currently an ETLF and has been smoldering for almost 2 years. What started as a 40-acre fire has grown to an almost 100-acre fire within the last year. The landfill has caused a noxious and poisonous gas to spread into the surrounding communities, affecting all residences within a five-mile radius. Many

have been diagnosed with cancer and suffer from symptoms such as nosebleeds, migraines, difficulty breathing, vertigo and more.

Current Law

(HSC § 38560) Requires the California Air Resources Board to adopt regulations to achieve methane and other greenhouse gas emission reductions at landfills, among other sites.

This Bill

AB 28 requires landfill operators to take proactive and precautionary measures to avoid elevated temperatures at their sites. If temperatures climb above 131° for over 60 consecutive days, operators must:

1. Take action to investigate temperature rise
2. Alert local enforcement agencies and surrounding residents
3. File a corrective action plan within 14 days of first exceedance.
4. If temperatures continue to rise, a multi-agency coordination team must be assembled to investigate and direct corrective actions.

Failure to comply may lead to operators losing their permits and fines from the local enforcement agencies.

Support

For More Information

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AMENDED IN ASSEMBLY MARCH 11, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 70

Introduced by Assembly Member Aguiar-Curry

December 11, 2024

An act to *amend Section 42652.5 of, and to add Section 40178 to* to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL’S DIGEST

AB 70, as amended, Aguiar-Curry. Solid waste: ~~pyrolysis~~. *organic waste: diversion: biomethane.*

~~The~~

(1) *The* California Integrated Waste Management Act of 1989 generally regulates solid waste disposal, management, and recycling. The act requires each city, county, and regional agency to develop a source reduction and recycling element of an integrated waste management plan. The act requires that element to include a 50% solid waste diversion requirement, as specified, and provides that up to 10% may be achieved through biomass conversion under certain conditions, with biomass conversion defined as the production of heat, fuels, or electricity by certain means from specified materials. One of the conditions for using biomass conversion to satisfy a portion of the solid waste diversion requirement is that pyrolysis not be included in the source reduction and recycling element. Pyrolysis is not defined for that purpose or for other purposes in the act.

This bill would define pyrolysis as the thermal decomposition of material at elevated temperatures in the absence or near absence of oxygen.

(2) Existing law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations, as specified, to achieve the reduction in the organic waste disposed of in landfills. The department's regulations provide for, among other things, the calculation by the department of recovered organic waste product procurement targets for each local jurisdiction and a list of eligible recovered organic waste products for purposes of the procurement targets.

This bill would require the department, no later than January 1, 2027, to amend those regulations to include, as a recovered organic waste product attributable to a local jurisdiction's procurement target, pipeline biomethane converted exclusively from organic waste, as specified.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Climate scientists agree that reducing methane and other
- 4 short-lived climate pollutants is the most urgent climate solution
- 5 because it benefits the climate right away while fossil fuel
- 6 reductions take decades or centuries to begin to benefit the climate.
- 7 (2) Methane is a powerful climate super pollutant that causes
- 8 84 times more damage to the climate than carbon dioxide over a
- 9 20-year time period.
- 10 (3) Methane and black carbon are also harmful air pollutants
- 11 that damage public health, agricultural productivity, and more.
- 12 (4) Reducing methane emissions provides significant and
- 13 immediate benefits to the climate and to public health.
- 14 (5) Existing state law requires a 40-percent reduction in
- 15 methane emissions by 2030 and diversion of 75 percent of organic
- 16 landfill waste because landfills emit a significant percentage of
- 17 California's methane emissions.
- 18 (6) Diverted organic waste can be converted to beneficial
- 19 products, including renewable energy, compost, and mulch, which
- 20 benefit the climate and air quality, while providing jobs and
- 21 economic development.

1 (7) *According to the Legislative Analyst’s Office and the State*
2 *Air Resources Board, investments in organic waste diversion*
3 *projects are among the most cost-effective of all climate*
4 *investments, reducing carbon emissions at a small fraction of the*
5 *cost of most climate programs.*

6 (8) *According to the Little Hoover Commission, the Department*
7 *of Resources Recycling and Recovery must take several steps to*
8 *accelerate organic waste diversion to meet the methane reduction*
9 *and landfill diversion requirements of state law.*

10 (b) *It is the intent of the Legislature to accelerate the diversion*
11 *and beneficial reuse of organic landfill waste to meet the*
12 *requirements of Section 39730.6 of the Health and Safety Code.*

13 (c) *It is the intent of the Legislature to support the adoption of*
14 *additional policies and incentives that maximize the climate, public*
15 *health, environmental, economic, and community benefits of*
16 *organic waste diversion and reuse.*

17 **SECTION 1.**

18 **SEC. 2.** Section 40178 is added to the Public Resources Code,
19 to read:

20 40178. “Pyrolysis” means the thermal decomposition of
21 material at elevated temperatures in the absence or near absence
22 of oxygen.

23 **SEC. 3.** Section 42652.5 of the Public Resources Code is
24 amended to read:

25 42652.5. (a) The department, in consultation with the State
26 Air Resources Board, shall adopt regulations to achieve the organic
27 waste reduction goals for 2020 and 2025 established in Section
28 39730.6 of the Health and Safety Code. The regulations shall
29 comply with all of the following:

30 (1) May require local jurisdictions to impose requirements on
31 generators or other relevant entities within their jurisdiction and
32 may authorize local jurisdictions to impose penalties on generators
33 for noncompliance.

34 (2) (A) Shall include requirements intended to meet the goal
35 that not less than 20 percent of edible food that is currently
36 disposed of is recovered for human consumption by 2025.

37 (B) The department shall evaluate ways to maximize the local
38 benefits of edible food recovery programs, and explore
39 circumstances in which recovered food may be more suitable for
40 use in local animal feed operations.

1 (3) Shall not establish a numeric organic waste disposal limit
2 for individual landfills.

3 (4) Shall evaluate ways to incentivize carbon farming that
4 advances healthy soils.

5 (5) May include different levels of requirements for local
6 jurisdictions and phased timelines based upon their progress in
7 meeting the organic waste reduction goals for 2020 and 2025
8 established in Section 39730.6 of the Health and Safety Code. The
9 department shall base its determination of progress on relevant
10 factors, including, but not limited to, reviews conducted pursuant
11 to Section 41825, the amount of organic waste disposed compared
12 to the 2014 level, per capita disposal rates, the review required by
13 Section 42653, and other relevant information provided by a local
14 jurisdiction.

15 (6) (A) May include penalties to be imposed by the department
16 for noncompliance. If penalties are included, they shall not exceed
17 the amount authorized pursuant to Section 41850.

18 (B) Notwithstanding any other law, administrative civil penalties
19 for a local jurisdiction that fails to procure a quantity of recovered
20 organic waste products that meets or exceeds its recovered organic
21 waste product procurement target established by the department
22 pursuant to Section 18993.1 of Title 14 of the California Code of
23 Regulations shall be imposed pursuant to the following schedule:

24 (i) On or after January 1, 2023, each jurisdiction shall procure
25 a quantity of recovered organic waste products that meets or
26 exceeds 30 percent of its recovered organic waste product
27 procurement target.

28 (ii) On or after January 1, 2024, each jurisdiction shall procure
29 a quantity of recovered organic waste products that meets or
30 exceeds 65 percent of its recovered organic waste product
31 procurement target.

32 (iii) On or after January 1, 2025, each jurisdiction shall procure
33 a quantity of recovered organic waste products that meets or
34 exceeds 100 percent of its recovered organic waste product
35 procurement target.

36 (7) Shall take effect on or after January 1, 2022, except the
37 imposition of penalties pursuant to paragraph (1) shall not take
38 effect until two years after the effective date of the regulations.

39 (8) For purposes of determining a jurisdiction's recovered
40 organic waste procurement target pursuant to Section 18993.1 of

1 Title 14 of the California Code of Regulations, the jurisdiction's
2 population shall not include the number of residents included in
3 low population or elevation waivers granted by the department
4 pursuant to Section 18984.12 of Title 14 of the California Code
5 of Regulations.

6 (9) Recognizing the continued economic and logistical
7 challenges of organic waste recycling and procurement in rural
8 jurisdictions, a jurisdiction in possession of a rural exemption
9 pursuant to subdivision (c) of Section 18984.12 of Title 14 of the
10 California Code of Regulations, as that section read on January 1,
11 2024, shall remain exempt from complying with the organic waste
12 collection services requirements specified in Article 3
13 (commencing with Section 18984) of, and the procurement
14 requirements specified in Article 12 (commencing with Section
15 18993.1) of, Chapter 12 of Division 7 of Title 14 of the California
16 Code of Regulations until January 1, 2037. The department shall
17 adopt regulations to establish a process to renew the exemptions
18 after that date for periods of up to five years.

19 (10) Specify that bear bins are not required to comply with the
20 lid color requirements established by Chapter 12 (commencing
21 with Section 18981.1) of Division 7 of Title 14 of the California
22 Code of Regulations.

23 (11) The department may, in its discretion, create an adjusted
24 recovered organic waste product procurement target schedule, not
25 to exceed the requirements of the schedule set forth in this
26 subdivision, which shall be exempt from the Administrative
27 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
28 Part 1 of Division 3 of Title 2 of the Government Code).

29 (12) *No later than January 1, 2027, the department shall amend*
30 *subdivision (f) of Section 18993.1 of Title 14 of the California*
31 *Code of Regulations to include in the recovered organic waste*
32 *products that a jurisdiction may procure to comply with Article*
33 *12 (commencing with Section 18993.1) of Chapter 12 of Division*
34 *7 of Title 14 of the California Code of Regulations pipeline*
35 *biomethane converted exclusively from organic waste, as defined*
36 *and described in Article 10 (commencing with Section 650) of*
37 *Chapter 3 of Part 1 of Division 1 of the Public Utilities Code.*

38 (b) A local jurisdiction may charge and collect fees to recover
39 the local jurisdiction's costs incurred in complying with the
40 regulations adopted pursuant to this section.

(c) A local jurisdiction facing continuing violations of the regulations adopted pursuant to subdivision (a) that commence during the 2022 calendar year may submit to the department a notification of intent to comply, as described in this section. Upon approval by the department, and implementation by the local jurisdiction, of a notification of intent to comply that meets the requirements of subdivision (e), a local jurisdiction may be eligible for both of the following:

(1) Administrative civil penalty relief for the 2022 calendar year pursuant to subdivision (d).

(2) A corrective action plan pursuant to Section 18996.2 of Title 14 of the California Code of Regulations.

(d) (1) For violations of the regulations that are disclosed in a notification of intent to comply that is approved by the department as meeting the requirements of subdivision (e), the department shall waive administrative civil penalties under paragraph (6) of subdivision (a) during the 2022 calendar year if, and administrative civil penalties shall not accrue under paragraph (6) of subdivision (a) during the 2022 calendar year if, the local jurisdiction implements the proposed actions according to the schedule proposed pursuant to paragraph (4) of subdivision (e).

(2) For violations that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023. Those administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with the terms of a corrective action plan pursuant to Section 18996.2 of Title 14 of the California Code of Regulations.

(3) If a local jurisdiction fails to adhere to the proposed actions and schedule described in a notification of intent to comply pursuant to paragraph (4) of subdivision (e), the department may revoke its approval of the notification of intent to comply and impose administrative civil penalties for violations occurring during the 2022 calendar year retroactive to the date of violation.

(4) Notwithstanding any proposed actions and schedule provided by a local jurisdiction in an approved notification of intent to comply pursuant to paragraph (4) of subdivision (e), the department may instead address through a corrective action plan any violations disclosed in that notification that may take more than 180 days to correct. Under those circumstances, the proposed actions and

1 schedule provided pursuant to an approved notification of intent
2 to comply pursuant to paragraph (4) of subdivision (e) shall control
3 until a corrective action plan is finalized.

4 (e) The department shall approve a notification of intent to
5 comply if the department determines the notification meets the
6 requirements of this subdivision. A notification of intent to comply
7 shall be in writing, adopted by formal resolution by the governing
8 body of the local jurisdiction, and filed with the department no
9 later than March 1, 2022. The notification of intent to comply shall
10 include, at a minimum, all of the following:

11 (1) A description, with specificity, of the continuing violations.

12 (2) A detailed explanation of the reasons, supported by
13 documentation, why the local jurisdiction is unable to comply.

14 (3) A description of the impacts of the COVID-19 pandemic
15 on compliance.

16 (4) A description of the proposed actions the local jurisdiction
17 will take to remedy the violations within the timelines established
18 in Section 18996.2 of Title 14 of the California Code of
19 Regulations with a proposed schedule for doing so. The proposed
20 actions shall be tailored to remedy the violations in a timely
21 manner.

22 (f) The department shall respond in writing to a local jurisdiction
23 within 45 business days of receiving a notification of intent to
24 comply with an approval, disapproval, request for additional
25 information, or timeline for a decision on approval or disapproval.
26 If the department disapproves the notification of intent to comply
27 due to the notification not meeting the requirements of subdivision
28 (e), the department shall include in the response a justification for
29 the disapproval.

30 (g) Notwithstanding Section 18996.2 of Title 14 of the California
31 Code of Regulations, the department may establish any maximum
32 compliance deadline in a corrective action plan that it determines
33 to be necessary and appropriate under the circumstances for the
34 correction of a violation of the regulations adopted pursuant to
35 subdivision (a).

36 (h) A local jurisdiction may be credited for the procurement of
37 recovered organic waste products without executing a direct service
38 provider agreement with end users of recovered organic waste
39 products if all of the following conditions are met:

1 (1) The use of the recovered organic waste product by any entity
2 is a result of the jurisdiction's adoption or enforcement of
3 ordinances, regulations, resolutions, or policies.

4 (2) The jurisdiction complied with all other recordkeeping and
5 reporting requirements related to procurement targets, including
6 verification, as determined by the department, that an entity is
7 procuring on behalf of the jurisdiction.

8 (3) The recovered organic waste product is not applied to the
9 recovered organic waste product procurement target of another
10 jurisdiction.

11 (i) (1) A local jurisdiction may count compost produced and
12 procured from the following compost operations, as described in
13 Section 17852 of Title 14 of the California Code of Regulations,
14 as it read on January 1, 2024, towards its recovered organic waste
15 procurement target:

16 (A) Vermicomposting operations.

17 (B) Operations composting green material, agricultural material,
18 food material, and vegetative food material, if the total amount of
19 feedstock and compost onsite at any one time does not exceed 100
20 cubic yards and 750 square feet.

21 (C) Mushroom compost. "Mushroom compost" means the
22 composted growing substrate that remains after a crop has been
23 harvested to completion.

24 (2) Paragraph (1) applies if a local jurisdiction adopts an
25 ordinance or other enforceable mechanism requiring compost and
26 vermicompost procured by the jurisdiction to comply with this
27 subdivision and to be used in a manner that meets the definition
28 of "land application" in subparagraph (A) of paragraph (24.5) of
29 subdivision (a) of Section 17852 of Title 14 of the California Code
30 of Regulations and that meets the pathogen, metals, and physical
31 contamination limits that apply to existing composting facilities.

32 (j) A local jurisdiction may count up to 10 percent of its
33 recovered organic waste product procurement target with both of
34 the following recovered organic waste products:

35 (1) Mulch produced from tree trimming operations conducted
36 by the jurisdiction or a service provider operating under contract
37 to the jurisdiction when applied to landscape areas owned or
38 managed by the jurisdiction or given away to residents, if the local
39 jurisdiction does both of the following:

1 (A) The local jurisdiction provides documentation of the amount
2 of mulch used and distributed, and where it was applied.

3 (B) The local jurisdiction adopts an ordinance or other
4 enforceable mechanism requiring that mulch be used in a manner
5 that meets the definition of “land application” in subparagraph (A)
6 of paragraph (24.5) of subdivision (a) of Section 17852 of Title
7 14 of the California Code of Regulations and that meets the
8 pathogen, metals, and physical contamination limits that apply to
9 existing composting facilities.

10 (2) Edible food recovered in compliance with Section 18991.1
11 of Title 14 of the California Code of Regulations generated from
12 a commercial food generator located within the jurisdiction. The
13 conversion factor to be used to convert tonnage in the annual
14 recovered organic waste product procurement target for each
15 jurisdiction to equivalent amounts of recovered organic waste
16 product shall be one ton of edible food for each ton of organic
17 waste in a recovered organic waste product procurement target.

18 (3) Nothing in this paragraph shall be construed to limit the
19 proportion of recovered organic waste products described in
20 subdivision (f) of Section 18993.1 of Title 14 of the California
21 Code of Regulations, as it read on January 1, 2024, that a
22 jurisdiction can count toward its recovered organic waste
23 procurement target.

24 (k) To count recovered organic waste products listed in
25 subdivisions (i) and (j) toward its recovered organic waste product
26 procurement target, a local jurisdiction shall comply with
27 applicable regulations.

28 (l) (1) Subject to paragraph (2), and until December 31, 2035,
29 the following direct expenditures by a local jurisdiction may count
30 towards its recovered organic waste product procurement target:

31 (A) Investments for community composting operations serving
32 the jurisdiction, including, but not limited to, an investment made
33 to establish or expand a compostable materials handling operation
34 or community composting operation.

35 (B) Equipment that is used only to apply compost or mulch,
36 including, and limited to, compost spreaders, drag harrows,
37 chippers, stump grinders, and blowers, if the jurisdiction uses the
38 equipment to spread compost or mulch in compliance with
39 procurement requirements during the same year that the purchase

1 expense is applied toward its recovered organic waste product
2 procurement target.

3 (C) Development of compost or mulch distribution sites to make
4 free compost and mulch accessible and available to residents.

5 (2) (A) The department may determine, in regulations, the
6 appropriate conversion factors for the direct expenditures in
7 paragraph (1). The expenditures may count for up to 10 percent
8 of a jurisdiction's total procurement target.

9 (B) Prior to the department's adoption of regulations to
10 implement this section, the conversion factor shall be twenty-one
11 dollars and thirty-eight cents (\$21.38) for each ton of organic waste
12 in a product procurement target.

13 (m) (1) One or more local jurisdictions within the same county
14 may determine a local per capita procurement target using
15 information from a local waste characterization study for a period
16 not to exceed five years after the completion of the study. A waste
17 characterization study shall be performed by the local jurisdiction
18 or jurisdictions, which shall apply the results of a study to the total
19 amount of landfill disposal attributed to the local jurisdiction or
20 jurisdictions by the department's Recycling and Disposal Reporting
21 System.

22 (2) A waste characterization study may be used if it meets all
23 of the following criteria:

24 (A) It was performed within the prior five years. This
25 subparagraph does not require a jurisdiction to conduct a local
26 waste characterization study within a specified five-year cycle or
27 to wait for a recalculation of the annual recovered organic waste
28 product procurement target pursuant to subdivision (b) of Section
29 18993.1 of Title 14 of the California Code of Regulations.

30 (B) It includes all categories of organic waste used in the
31 department's most recent waste characterization study that was
32 available at the time the waste characterization local study was
33 performed.

34 (C) It includes a statistically significant sampling of solid waste
35 disposed by the local jurisdiction or jurisdictions for which the
36 local per capita procurement target will be determined.

37 (D) The geographic boundaries within which the study is
38 conducted shall match the geographic boundaries of the jurisdiction
39 or jurisdictions the local per capita procurement target will be
40 applied to.

1 (E) It uses the most recent formula for the per capita
2 procurement target developed by the department.

3 (F) The results of the study are submitted to the department in
4 a form and manner determined by the department.

5 (3) The department may establish in regulations criteria for
6 approving the methodology of a local waste characterization study.

7 (n) Commencing January 1, 2027, a local jurisdiction may
8 procure a quantity of recovered organic waste products that meets
9 or exceeds a five-year recovered organic waste product
10 procurement target if the following conditions are met:

11 (1) On or before January 1, 2027, and on or before January 1
12 every five years thereafter, the jurisdiction's five-year recovered
13 organic waste procurement requirement target is calculated by
14 multiplying the annual procurement target by five. The department
15 may grant a jurisdiction approval to begin the five-year period on
16 any January 1 after January 1, 2027.

17 (2) On or before January 1, 2027, the jurisdiction has notified
18 the department that it intends to comply using a five-year target.

19 (o) In adopting and revising regulations to implement this
20 section, the department may consider both of the following:

21 (1) The development and adoption of a conversion factor for
22 one ton of organic waste and one ton of compost applied locally
23 to count towards a local jurisdiction's organic waste procurement
24 target.

25 (2) Other pathways to prioritize local use of compost.

26 (p) (1) The department may adopt regulations it determines to
27 be necessary to implement and enforce the changes made to this
28 section by Chapter 508 of the Statutes of 2021 as emergency
29 regulations.

30 (2) Emergency regulations adopted pursuant to paragraph (1)
31 shall be adopted in accordance with Chapter 3.5 (commencing
32 with Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code, and for purposes of that chapter, including
34 Section 11349.6 of the Government Code, the adoption of these
35 regulations is an emergency and shall be considered by the Office
36 of Administrative Law as necessary for the immediate preservation
37 of the public peace, health, safety, and general welfare.
38 Notwithstanding Chapter 3.5 (commencing with Section 11340)
39 of Part 1 of Division 3 of Title 2 of the Government Code,
40 emergency regulations adopted by the department pursuant to

1 paragraph (1) shall be filed with, but not be repealed by, the Office
2 of Administrative Law and shall remain in effect until January 1,
3 2024.

4 (q) In order to reduce emissions from solid waste facilities that
5 may be a potential source of methane emissions, the department,
6 in conjunction with the California Pollution Control Financing
7 Authority and the California Infrastructure and Economic
8 Development Bank, may provide information to the owners and
9 operators of those facilities about financing that may be available
10 to fund facility improvements to increase the capture, or reduce
11 the escape, of methane emissions.

12 (r) Consistent with the decisions in *Scott v. Bd. of Equalization*
13 (1996) 50 Cal.App.4th 1597 and *Schettler v. County of Santa Clara*
14 (1977) 74 Cal.App.3d 990, the free provision, or granting of
15 incentive payments for use, of compost or mulch by a jurisdiction
16 constitutes a public purpose resulting in the public benefits of
17 reducing greenhouse gas emissions, increasing soil productivity
18 and water retention, and facilitating diversion of organic waste
19 and so shall not be construed to be gifts of public funds in violation
20 of Section 6 of Article XVI of the California Constitution. This
21 subdivision does not constitute a change in, but is declaratory of,
22 existing law.



AB 70 – Bioenergy Projects to Improve Organic Waste Diversion

SUMMARY

AB 70 will help keep organic waste out of landfills to meet the methane reduction requirements of SB 1383 (Lara, Chapter 396, Statutes of 2016), the state's Short-Lived Climate Pollutant (SLCP) reduction law.

BACKGROUND

Climate scientists agree the most urgent step in addressing climate change is to reduce methane and other SLCP emissions since these reductions benefit the climate immediately, unlike reductions in fossil fuel emissions which can take several decades. Almost 90 percent of California's methane emissions come from organic waste, including organic waste sent to landfills.

SB 1383 set specific goals to reduce methane and SLCP emissions by requiring California achieve a 40 percent reduction in methane emissions by 2030, and by requiring local jurisdictions to divert 75 percent of organic landfill waste to energy, compost, or mulch by 2025.

PROBLEM

Despite the urgency of reducing methane emissions, California is years behind in meeting the waste diversion requirements of SB 1383. CalRecycle's regulations require local jurisdictions to procure bioenergy, compost, or mulch in amounts equal to the amount of organic waste they must divert from landfills, however, they do not include some of the most beneficial products that can be produced with diverted organic waste – pipeline biomethane – which is procured in compliance with SB 1440 (Hueso, Chapter 739, Statutes of 2018).

THIS BILL

AB 70 aims to accelerate progress in meeting the state's methane reduction requirements. Specifically, this bill will require that CalRecycle include pipeline biomethane

converted from organic waste as an eligible option for procurement credit by local jurisdictions under SB 1383. This bill will also establish a technical definition in statute of the term "pyrolysis," which is used multiple times in the solid waste code, but not defined. These changes will help provide certainty to beneficial bioenergy projects about the credit they qualify for, and which permitting process they must use. This bill will not change the way projects are permitted.

SUPPORT

Bioenergy Association of California
Anaergia Services
California Association of Sanitation Districts
County Sanitation Districts of Los Angeles County
Electrochaeta Corporation
Marin Sanitary Service
Monterey One Water
Northeast-Western Energy Systems
Raven SR
Resource Recovery Coalition of California
Seahold
Sempra Energy Utilities/SDG&E/SoCalGas
Sevana Bioenergy
Stellar J
TSS Consultants

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Legislative Summary / Findings
AB 70 (Aguiar-Curry) – As Amended on March 11, 2025
Solid Waste: Organic Waste Diversion: Biomethane

Summary: This bill would define pyrolysis as the thermal decomposition of material at elevated temperatures in the absence or near absence of oxygen. This bill would also direct CalRecycle to, no later than January 1, 2027, consider pipeline biomethane converted exclusively from organic waste compliant with existing regulations concerning solid waste diversion.

Commission Recommendation: None.

CEO Legislative Affairs Findings: There is Board-adopted policy to support proposals that support procedural innovations or alternative methods to support County-led services, and goals.

However, AB 70 may be contrary to existing Board-adopted policy related to proposals that reduce environmental pollutants.

Bill Status: AB 70 is schedule for consideration in the Assembly Appropriations Committee on April 9, 2025.

April 8, 2025

AMENDED IN ASSEMBLY APRIL 22, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1153

Introduced by Assembly Member Bonta

February 20, 2025

An act to amend Section 48021 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 1153, as amended, Bonta. Solid waste disposal and codisposal site cleanup: illegal disposal site abatement.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. The act requires the department to initiate a program for the cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. Existing law provides that all expenses incurred by the department in carrying out the program are to be paid from the Solid Waste Disposal Site Cleanup Trust Fund, which is continuously appropriated to the department for purposes of the program. Existing law authorizes the department, in administering the program, to expend funds for specified purposes, including providing grants to public entities for the abatement of illegal disposal sites.

This bill would additionally authorize the department, as part of grants provided to public entities to abate illegal disposal sites, to provide funding department to expend funds appropriated for the program for removing and disposing of recreational vehicles, as defined, for

developing enforcement strategies, and for developing local enforcement teams and illegal dumping enforcement officers, as ~~defined~~: *specified*. By ~~expanding the scope of the grants, which are funded by~~ *authorizing new uses of moneys in* a continuously appropriated fund, this bill would make an appropriation.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 48021 of the Public Resources Code is
2 amended to read:

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

11 (b) (1) In administering the program authorized by Section
12 48020, the ~~board~~ *department* may expend funds directly for
13 cleanup, provide loans to parties who demonstrate the ability to
14 repay state funds, and provide partial grants to public entities, to
15 assist in site cleanup.

16 (2) The ~~board~~ *department* may expend funds directly for the
17 cleanup of a publicly owned site only if the ~~board~~ *department*
18 determines that the public entity lacks resources or expertise to
19 timely manage the cleanup itself.

20 (3) In addition to the criteria specified in subdivision (a), in
21 considering partial grants that provide greater than 50 percent of
22 the funds directly for cleanup, the ~~board~~ *department* shall consider
23 all of the following:

24 (A) The amount of contributions of moneys or in-kind services
25 from the applicant.

26 (B) The availability of other appropriate funding sources to
27 remediate the site.

28 (C) The degree of public benefit.

29 (D) The presence of innovative and cost-effective programs to
30 abate or prevent solid waste problems to be addressed by the grants.

(E) Other factors as determined by the ~~board~~ department.

(c) (1) In addition to the expenditures specified in subdivision (b), the ~~board~~ department may expend a portion of the funds appropriated for the program to abate illegal disposal sites, including, but not limited to, all of the following: sites.

~~(A) Funding for the removal and disposal of a recreational vehicle, as defined in Section 18010 of the Health and Safety Code.~~

~~(B) Funding for enforcement strategies.~~

~~(C) Funding for developing local enforcement teams and illegal dumping enforcement officers, as defined in Section 830.7 of the Penal Code.~~

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

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

(4) For the purposes of this subdivision, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

(d) (1) In addition to the expenditures specified in subdivisions (b) and (c), the department may expend funds appropriated for the program for any of the following:

(A) The removal and disposal of an abandoned recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

(B) The development of enforcement strategies.

(C) The development of local enforcement teams and illegal dumping enforcement officers, as defined in Section 830.7 of the Penal Code.

(2) When implementing this subdivision, the department shall prioritize projects in disadvantaged communities, as described in Section 39711 of the Health and Safety Code.

~~(d)~~

- 1 (e) In developing and implementing the program, the ~~board~~
- 2 ~~department~~ shall consult with certified local enforcement agencies
- 3 and the regional water boards.



SUMMARY

Assembly Bill 1153 will expand the existing CalRecycle Illegal and Abandoned Disposal Sites Program to include abandoned recreational vehicles.

BACKGROUND AND PROBLEM

Illegal dumping is the unauthorized disposal of waste—such as mattresses, tires, appliances, and construction debris—at unpermitted locations. Often driven by convenience or financial motives, illegal dumping imposes substantial social, environmental, and economic costs across the state. Local agencies spend tens of millions of dollars each year to remove illegally disposed materials, while private property owners also bear significant cleanup expenses. In Oakland, California, the amount of illegal dumping collected by Oakland Public Works (OPW) crews has grown significantly over the past five years, and the problem continues to worsen.

To add to this problem, there is no single state or local entity solely responsible for addressing illegal dumping. Investigations, cleanups, and enforcement efforts are carried out by CalRecycle and local code enforcement agencies. To help support local agencies with this issue, the State created the Solid Waste Disposal and Codisposal site Cleanup Grant Program. This program provides financial assistance to public agencies for remediation efforts and enables counties, cities, districts, state agencies and Joint Powers Authorities to clean up solid waste sites within their jurisdictions.

While the Illegal, and Abandoned Disposal Site program is a great resource for cities, it does not allow for funds to be used to remove abandoned recreational vehicles. The removal of abandoned recreational vehicles poses a high fiscal cost for cities. The problem is so prevalent, that in Los Angeles County, officials launched a program to remove an estimated 500 illegally parked RVs lining local streets.

Removing recreational vehicles often requires specialized equipment. Costs for professional removal services vary based on factors such as the size and condition of the RV, location, and disposal method. On

average, it can cost anywhere from \$500 to \$2,500 or more to collect, store and junk a recreational vehicle. Given the high cost associated with disposing recreational vehicles, there is a clear need for an expansion of the existing grant program to assist rural and urban cities tackling the growing issue of illegal dumping.

EXISTING LAW

Current Statute

Public Resources Code Section 48020

- Establishes the Solid Waste Disposal and Codisposal Site Cleanup Program

Public Resources Code Section 48021

- Outlines Criteria for the Solid Waste Disposal and Codisposal Site Cleanup Program
- Provide loans to parties who demonstrate the ability to repay state funds, and provide partial grants to public entities, to assist in site cleanup.

SOLUTION

AB 1153 allows local governments to secure additional funding to enhance public health, safety, and environmental quality in their communities. This bill clarifies that funds can be used to:

- Remove and dispose of recreational vehicles.
- Strengthen enforcement strategies.
- Establish local enforcement teams.

FOR MORE INFORMATION

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ACTING ASSISTANT CHIEF EXECUTIVE OFFICER
Angela Ovalle

Legislative Summary / Findings
AB 1153 (Bonta) – As Introduced on February 20, 2025
Solid Waste Disposal and Codisposal Site Cleanup: Illegal Disposal Site
Abatement

Summary: This bill would allow CalRecycle's Solids Waste Disposal and Codisposal Site Cleanup Program to provide grant funding for the removal and disposal of recreational vehicles, enforcement strategies, and the development of local enforcement teams and illegal dumping enforcement officers.

Commission Recommendation: None.

CEO Legislative Affairs Findings: There is Board-adopted policy related to proposals that:

- Support alternative funding mechanisms to support County-led projects, services, construction, risk mitigation, and goals; and
- Secure funding and expand resources for the development, deployment, improvement, or maintenance of public services.

Bill Status: AB 1153 is pending consideration in the Assembly Appropriations Committee.

April 8, 2025

AMENDED IN SENATE MARCH 5, 2025

AMENDED IN SENATE FEBRUARY 24, 2025

SENATE BILL

No. 45

Introduced by Senators Padilla and Blakespear

December 12, 2024

An act to repeal and add Section 14548 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as amended, Padilla. Recycling: beverage containers: tethered plastic caps.

The California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, is established to promote beverage container recycling. The act defines "beverage container" to mean the individual, separate bottle, can, jar, carton, or other receptacle, however denominated, in which a beverage is sold, and that is constructed of metal, glass, or plastic, or other material, or any combination of these materials, but does not include cups or other similar open or loosely sealed receptacles. A violation of the act is a crime.

Existing law authorizes the department, subject to the availability of funds, to pay a quality incentive payment of up to \$180 per ton to qualified recyclers for thermoform plastic containers diverted from curbside recycling programs, as provided.

This bill would delete that authorization. The bill would instead require, on and after January 1, 2027, if a beverage is subject to the act and offered for sale in a plastic beverage container with a plastic cap, *beverage manufacturers to ensure that the container-to-have has a cap that is tethered to the container that prevents the separation of the cap*

from the container when the cap is removed from the container by the consumer. The bill would exempt, until January 1, 2028, any type of beverage container with a recycling rate of better than 70% for calendar years 2022 and 2023, as determined by the department, from compliance with that requirement. The bill would exempt beverage containers with a capacity of 2 liters or more and beverage containers that contain beer or other malt beverages, wine or distilled spirits, or 100% fruit juice from the scope of the bill. *The bill would also exempt a refillable plastic beverage container and a beverage manufacturer that sold or transferred 16,000,000 or fewer plastic beverage containers, as provided, during the previous calendar year from the scope of the bill.*

By creating a new requirement under the act, a violation of which would be a crime, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) While better than 70 percent of PET plastic beverage
- 4 containers are returned for recycling and diverted from the waste
- 5 and litter stream in California, available data indicates that the
- 6 recycling rate for easily separable plastic caps is lower and the
- 7 litter rate is higher than for beverage containers generally and PET
- 8 plastic beverage containers specifically.
- 9 (2) Annual California beach litter data consistently shows that
- 10 caps for plastic beverage containers represent a disproportionately
- 11 greater source of beach litter compared to plastic beverage bottles,
- 12 and are perennially among the top five items found in California
- 13 beach litter surveys.
- 14 (3) Discarded caps for plastic beverage containers have been
- 15 found to pose a unique and significant threat to marine wildlife.

1 Marine wildlife ingest plastic bottle caps, mistaking them for food,
2 which can lead to internal injuries, starvation, and death.

3 (4) Due to their relatively small size and different resin type
4 even those plastic caps collected for recycling with associated
5 bottles frequently wind up in material recovery facility residual,
6 and are not recycled into new materials and products.

7 (5) Recognizing the lower recycling rate and higher litter rate,
8 policymakers in the European Union included a tethered cap
9 requirement in the 2019 Single-Use Plastics Directive. Effective
10 July 3, 2024, all single-use plastic beverage containers of less than
11 three liters may only be placed on the market if the caps remain
12 attached to the containers during the products' intended use stage.

13 (6) Several United States beverage producers have already begun
14 adding tethered caps on plastic beverage containers sold in
15 California, including Crystal Geyser, BlueTriton (Arrowhead),
16 Coca-Cola (smartwater), PepsiCo (Gatorade), Keurig Dr. Pepper
17 (CORE Hydration), Nestlé (Essentia), The Wonderful Company
18 (FIJI Water), and Danone (evian).

19 (7) Public opinion polling and surveys in the European Union
20 conducted by Sidel have found that consumers prefer caps that
21 remain attached to their beverage containers for reasons of
22 convenience, cleanliness, environmental benefit, and recyclability.

23 (b) It is the intent of the Legislature in enacting these provisions
24 to do all of the following:

25 (1) Reduce the environmental impact of beverage container
26 plastic caps leakage into the environment by mandating the use of
27 tethered caps on all beverage containers sold in the state.

28 (2) Protect wildlife from the harmful effects of ingesting plastic
29 caps that have become separated from beverage containers.

30 (3) Improve the efficiency and effectiveness of California's
31 recycling and material recovery efforts by increasing the number
32 of plastic caps that remain attached to beverage containers during
33 collection and processing.

34 (4) Align with global best practices and regulatory standards,
35 such as those set by the European Union.

36 SEC. 2. Section 14548 of the Public Resources Code is
37 repealed.

38 SEC. 3. Section 14548 is added to the Public Resources Code,
39 to read:

1 14548. (a) Except as provided in subdivisions ~~(b) and (c)~~;
2 ~~(b) to (e)~~, inclusive, on and after January 1, 2027, *beverage*
3 *manufacturers shall ensure that* beverages subject to this division
4 and offered for sale in plastic beverage containers with plastic caps
5 ~~shall~~ have a cap that is tethered to the container that prevents the
6 separation of the cap from the container when the cap is removed
7 from the container by the consumer.

8 (b) For any type of beverage container subject to this division,
9 with a recycling rate of better than 70 percent for calendar years
10 2022 and 2023, as determined by the department, compliance with
11 the requirements of subdivision (a) shall not be required until
12 January 1, 2028.

13 (c) A beverage container with a capacity of two liters or more
14 is exempt from complying with this section.

15 (d) A beverage container subject to this division and used to
16 contain the following products is exempt from this section:

17 (1) Beer and other malt beverages.

18 (2) Wine and distilled spirits.

19 (3) One-hundred-percent fruit juice.

20 (e) *Consistent with subdivision (i) of Section 14547, this section*
21 *does not apply to either of the following:*

22 (1) *A refillable plastic beverage container.*

23 (2) *A beverage manufacturer that can demonstrate that the*
24 *beverage manufacturer sold or transferred 16,000,000 or fewer*
25 *plastic beverage containers to a distributor, dealer, or consumer*
26 *located in the state during the previous calendar year.*

27 ~~(e)~~

28 (f) For purposes of this section, except as provided in subdivision
29 (b), (c), ~~or (d)~~, (d), or (e), “beverage,” “beverage container,” or
30 “plastic beverage container” has the same meaning as specified in
31 Section 14504, 14505, or 14517.

32 SEC. 4. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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COMMITTEES
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SB 45 (Padilla and Blakespear) - Tethered Bottle Caps – Fact Sheet

SUMMARY

More than 16,600 tons of plastic bottle caps are littered or landfilled in California annually. SB 45 is aimed at cutting plastic bottle cap litter in half and doubling the current plastic bottle cap recycling rate.

SB 45 will require that specified plastic beverage containers (soft drinks and water) under 2 liters have bottle caps tethered to the container to remain attached from consumer use to eventual recycling. Tethered caps would significantly reduce litter, enhance recyclability and material circularity, and protect both terrestrial and marine wildlife from the dangers of ingestion, toxic buildup, and microplastic leaching.

Of the nearly 15 billion plastic beverage containers generated in California last year, roughly 70% were returned for recycling, and the majority of those were ultimately recycled. That is not the case with plastic bottle caps. Reports suggest only 43% of plastic bottle caps even get collected. And because of their small size roughly half of those wind up as residual and discards at Material Recovery Facilities and Reclaimers.

By ensuring that caps remain affixed to bottles during their lifecycle and material processing, SB 45 can cut plastic bottle cap litter in half and double bottle cap recycling rates, preventing pollution and improving material recovery efforts.

BACKGROUND

Plastic bottle caps rank among the most ubiquitous and yet most preventable sources of deadly plastic pollution in California. Beach clean-up data and ocean debris waste characterizations have continuously ranked caps in the [top five most littered items since 1988](#), with more than 20 million bottle caps having been discovered during beach cleanups over the [last 30 years](#). Plastic bottle caps never fully biodegrade, instead shedding microplastics and leaching toxic chemicals that contaminate our [water, soil, air, and bodies](#).

When detached, these brightly colored caps are frequently mistaken for food by wildlife, leading to fatal choking hazards and the bioaccumulation of toxins that imperil species ranging from sea turtles to whales.

Due to their bright colors, caps are often attractive to wildlife and mistaken for food, posing a fatal choking hazard, as well as long-term [bio-accumulation of hazardous toxins](#) and starvation due to the cap's indigestibility. Plastic caps have also been known to cause 'Bubble

Butt' syndrome in sea turtles, [plasticosis](#) among fish and other marine life, and fatal indigestion in whale species.

Even when detachable bottle caps are disposed of correctly, their size and shape render them nearly impossible to recycle. Because they are too small to be handled by material recovery facility (MRF) machinery and baling equipment, they often end up in MRF residuals, which are sent to [landfills for disposal](#). When caps remain attached to the beverage container, they are captured and baled with the container, [preventing unnecessary residuals and material loss](#).

Past state legislation on this issue includes [AB 925 \(Saldana, 2009\)](#), [AB 319 \(Stone, 2018\)](#), and [AB 2779 \(Stone, 2018\)](#), which were ultimately unsuccessful but elicited a massive outpouring of public support to improve caps' material recovery and mitigate their effects on marine ecosystems and wildlife.

SB 45 tracks identical policy adopted by the European Union (EU) in 2018, and enacted across Europe by July 2024. With the regulation now in effect, manufacturers and consumers alike have adapted in response. Public opinion in the EU conducted by [YouGov](#) has found that the majority of EU consumers are supportive or strongly supportive of the tethered cap mandate. Coca-Cola has also lightweighted their tethered closure so well, it's impressively 20% lighter than the *untethered* version.

Several major beverage brands and manufacturers have already rolled out tethered closure technologies stateside and abroad, including Crystal Geyser, Coca-Cola, PepsiCo, Blue Triton (Arrowhead), Keurig-Dr. Pepper, and Nestlé.

THIS BILL

SB 45 would:

- Require specified plastic beverage containers of up to 2 liters to have an attached bottle cap by 2027;
- Allow plastic beverage containers made of resin types with a recycling rate greater than 70 percent in 2022 and 2023 to comply with the tethered cap requirement by 2028;
- Exempt beverage manufacturers who sell less than 16 million units annually from complying with this requirement

Tethering bottle caps to the bottle will reduce litter, minimize threats to marine wildlife, enhance material recovery efforts and loss reduction.

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Support

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Algalita Marine Research and Education

Alliance of Mission-Based Recyclers (AMBR)

Atrium 916

Azul

Ban Single-Use Plastics

California Environmental Voters

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California Product Stewardship Council

California School Nurses Association

Capital City Recycling

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Courage California

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Environmental Action Coalition of West Marin

Families Advocating for Chemical and Toxics Safety (FACTS)

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Marin County Hazardous and Solid Waste Management Authority (DBA Zero Waste Marin)

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Ocean Conservation Society

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Salinas Valley Solid Waste Authority
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Santa Cruz Climate Action Network
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Sierra Club California
Simply Recycle
Social Compassion in Legislation
Solid Waste Association of North America, Legislative Task Force (SWANA)
Stop the Caps
Sustainable Mill Valley
The Story of Stuff Project
The Surfrider Foundation
The Last Plastic Straw
TRI-CED Community Recycling
tUrn Climate Action
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Zero Waste San Diego
Zero Waste Sonoma
Zero Waste USA
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5 Gyres



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**Legislative Summary / Findings
SB 45 (Padilla) – As Amended on February 24, 2025
Recycling: beverage containers: tethered plastic caps.**

Summary: This bill would eliminate the existing authorization for the Department of Resources Recycling and Recovery (CalRecycle) to provide an incentive payment to qualified recyclers of up to \$180 per ton of thermoform plastic containers diverted from curbside recycling programs. This bill would require, starting January 1, 2027, that plastic beverage containers with a plastic cap, offered for sale in the state, have a tethered cap that prevents the separation of the cap from the container. This bill would exempt beverage containers with a capacity of two liters or more and beverage containers that contain beer or other malt beverages, wine or distilled spirits, or 100-percent fruit juice.

Commission Recommendation: None.

CEO Legislative Affairs Findings: There is existing Board-approved policy related to proposals that mitigate the effects of climate change and reduce environmental pollutants.

Bill Status: SB 45 is scheduled for a hearing in the Senate Committee on Environmental Quality on March 19, 2025.

March 5, 2025