

California Hazardous Solid & Hazardous Waste Leg/Reg Update

--In the Time of Challenge & Change--

Aspirational? Realistic? Affordable? Priorities?

Charles A. White, P.E. – cawhite@manatt.com

LA/OC Chapter Meeting

Wednesday, January 2024 -- VIA ZOOM – 11:00 a.m.—12:00 p.m

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Who Is Manatt?

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At-a-Glance -- Over 450 professionals & consultants



■ = Manatt Locations

Industries:

- Digital and Technology
- Energy and Environmental
- Entertainment
- Financial Services
- Health
- Real Estate
- Retail and Consumer Products

Services:

- Business Strategy and Consulting
- Corporate and Finance
- Government and Regulatory
- Litigation

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What are the **BIG** Environment Issues?

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- Achieve Maximum Reduction, Everything” Waste or Toxic
- Maximize Recovering and Recycling of Plastic Waste
- HW Environmental Justice
 - Provide Capacity for CA HW?
- **Climate Change**



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CA Solid and Hazardous Waste Leg/Reg Landscape – The BIG Issues

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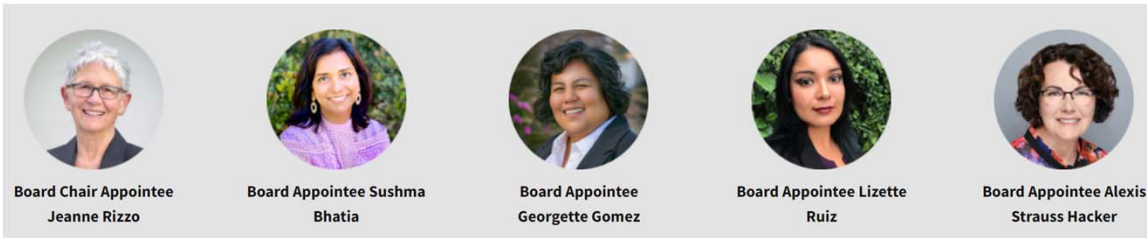
- Hazardous Waste
 - SB 158 (2021) : DTSC “Reform” and Re-Organization
 - SB 673 (2019) – Permit Criteria – Community Protection
 - VSP Regulations – Adopted 2015, Undergoing Revision
 - Permitted HW Facility Permitting Cumulative Impact Assessment – Underway
 - Board of Environmental Safety (BES)
- Solid Waste
 - SB 1383 (2014) – 75% diversion of organics from Landfills by 2025?
 - Plastics Waste “THE” year – SB 54: Plastic containers and packaging
- GHG – CARB Scoping Plan Update 2022
 - Expanded Regulatory Controls in 2024 and beyond



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DTSC Environmental Safety Board (ESB) – **What’s Hot:**

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Executive Officer,
Swati Sharma

- **Hearing and Resolving Permit Appeals by Impacted Communities**
- **Hazardous Waste Management Report – Nov. 2023**
- **Statewide Hazardous Waste Management Plan – March 1, 2025**

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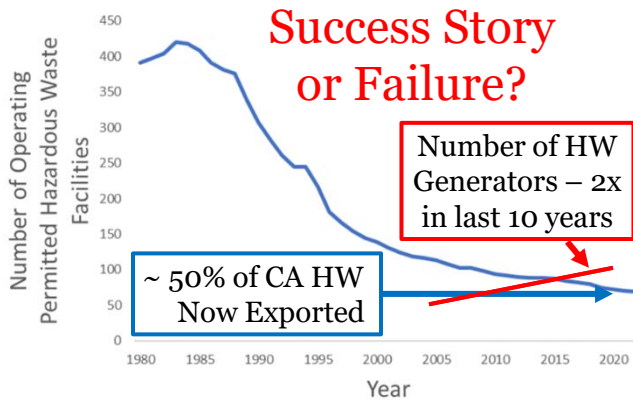
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Challenges Facing the Permitting of Hazardous Waste Facilities

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HW Facilities in CA

- > 400 HW facilities in 1983
- ~ 73 HW facilities in 2024
- ~ 172 lbs. of HW per person 2021 in CA



Hazardous Waste Facilities – Appeals

- Lighting Resources – Ontario, CA
 - Hearing 1/17/24 – 6 issues remaining
- Ecobat (Quemetco) – City of Industry
 - Pending Hearing

Future Appeals Expected

- Waste Management -- Kettleman Hills
- Clean Harbors – Buttonwillow
- ??????????
- ??????????

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CalMatters: Hidden Hazards: Toxic Waste In California

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CALIFORNIA TOXICS

Out of state, out of mind

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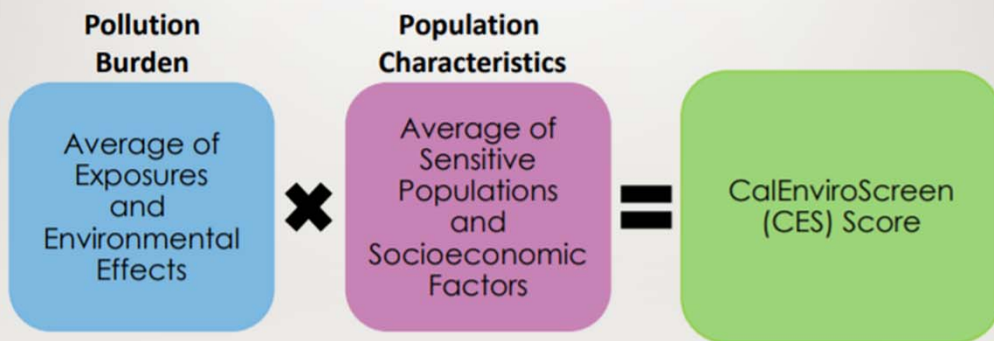
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SB 673 PART 2 – Cumulative Impacts – by Census Tracts

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CalEnviroScreen (CES) Analysis of Cumulative Impacts



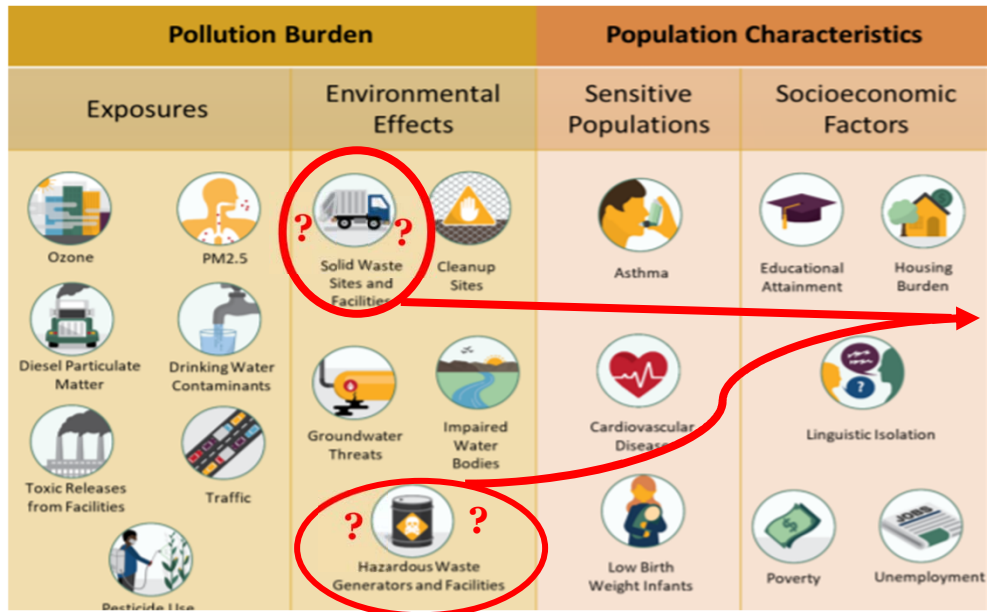
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CalEnviroScreen 4.0 Pollution Burden and Population Characteristics

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Chemical Plants?

Power Plants?

Refineries?

Defense Plants?

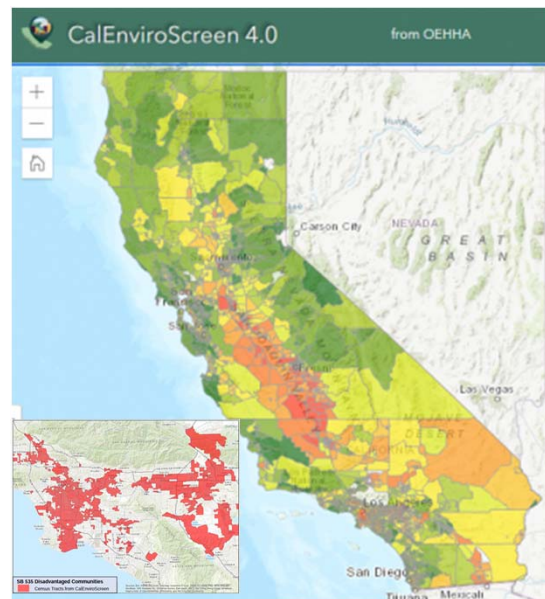
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SB 673 (2019) – Permit Criteria – Community Protection

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- Acceptable**
- Score below 20 – “OK”
- Conditionally Acceptable**
- Score equal to or greater than 20 and less than 40 – added permit requirements
- Unacceptable**
- Score equal to or greater than 40 – **May lose permit**



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California 2023 PFAS and Toxic Chemical Legislation - pending

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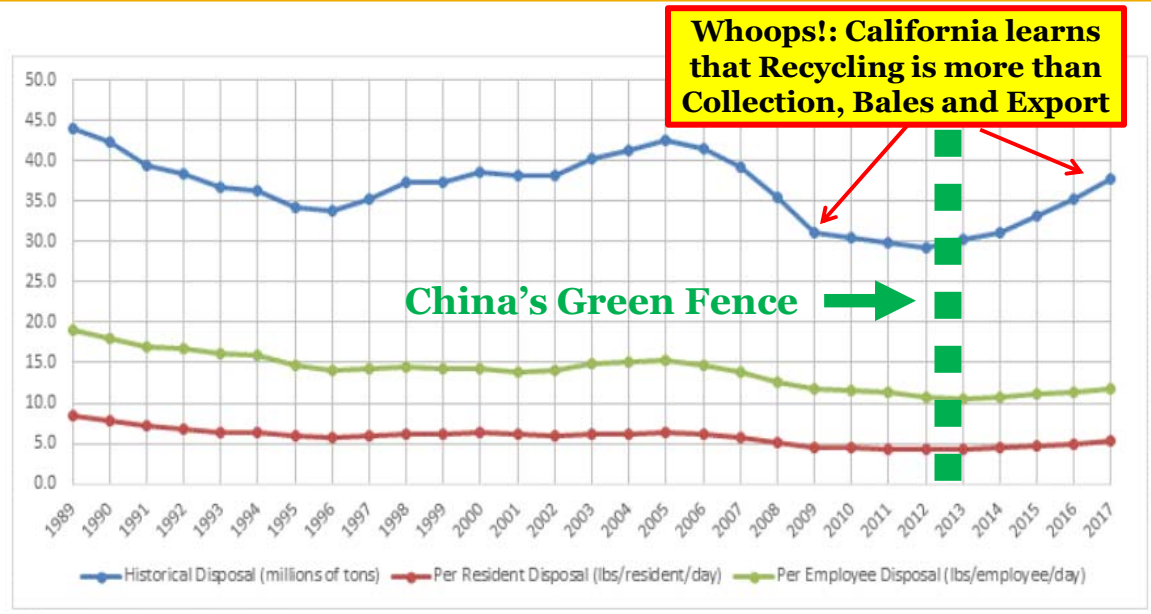
- **AB 246 (Papan) – Menstrual Products:** prohibits any person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain regulated **PFAS** & require a manufacturer to provide persons with a certificate of compliance.
- **AB 343 (Muratsuchi) – DDT Repositories.** Requires CalEPA to hold public meetings with relevant local, state, and federal agencies on efforts to study and mitigate DDT off the coast of California.
- **AB 496 (Friedman) – Cosmetic Safety:** Prohibits, commencing 1/1/27, a person from manufacturing, selling, delivering, holding or offering for sale any cosmetic product that contains any specified toxics.
- **AB 727 (Weber) -- Cleaning products with PFAS:** beginning 1/1/25, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale a cleaning product that contains regulated **PFAS** (e.g., detergents).
- **AB 1290 (Schiavo) – Plastic packaging toxic substances.** Prohibits, beginning 1/1/26, a person from manufacturing, selling, offering for sale, or distributing in the state, plastic containers or packaging that contains **PFAS** and certain chemicals, pigments, or additives, as specified.
- **SB 414 (Allen) – Drought-tolerant landscaping.** Bans local governments from issuing a rebate, voucher, or other financial incentive for drought-tolerant landscaping that uses synthetic grass or artificial turf that contains contaminants, including zinc, plastic, or perfluoroalkyl and polyfluoroalkyl substances (**PFAS**).



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California Solid Waste Disposal – The Recycling Reality

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What Are We Going to Do with Plastic Waste?

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SB 54 – Significant New CA Plastic Recycling Legislation

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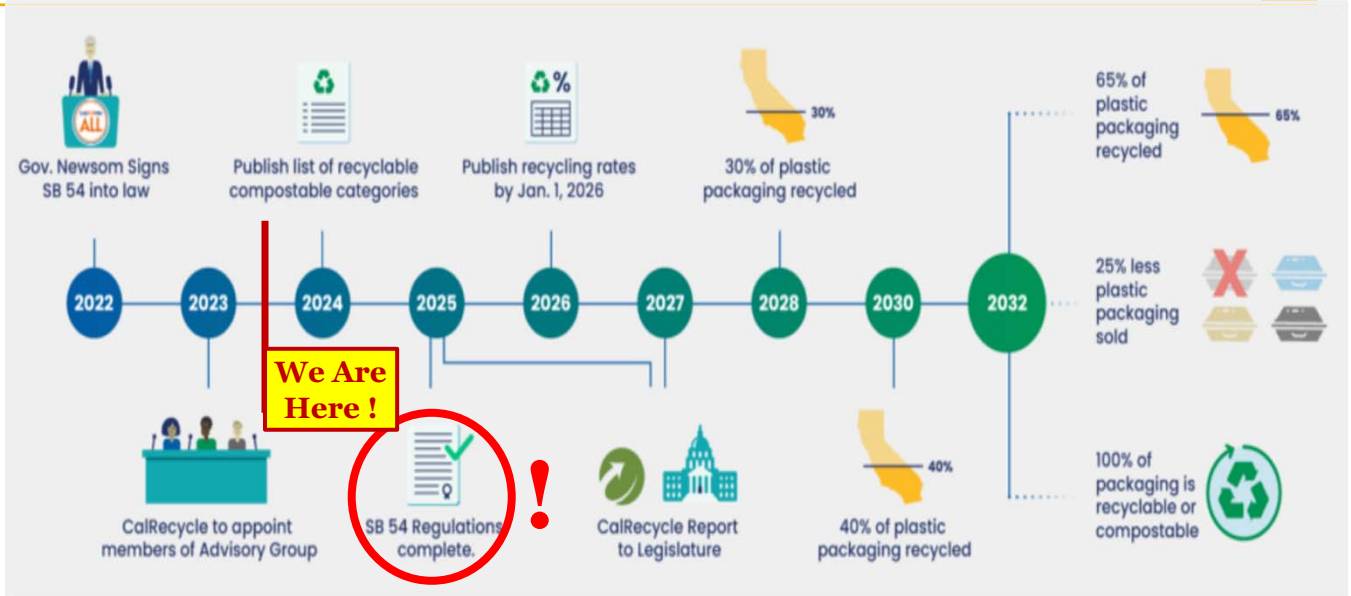
On June 30, 2022, Governor Gavin Newsom signed SB 54 (Allen, 2022). A landmark new packaging law that requires that by 2032:

- 100% of packaging in the state to be recyclable or compostable
- 25% cut in plastic packaging
- 65% of all single-use plastic packaging be recycled



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SB 54 Legislative Timeline



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Creating a Circular Economy Managed by Packaging Producers



Quote of the Day: "This is example of what happens when a dog catches car!"

Producers Will Ensure Packaging Sold in California Is Recyclable

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**Producer
Responsibility
Organization**



CalRecycle



Creates
Program



Increases
Recycling



Enrolls
Manufacturers



Cuts Trash Pollution
in Disadvantaged
Communities



Oversees
Program



Appoints
Advisory Board



Researches
Packaging
Waste Types



Feedback on
Plan and Budget

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CalRecycle is Organizing the Process

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- **SB 54 Advisory Board** named by CalRecycle July 1, 2023 to identify barriers and solutions to creating a circular economy and to advise the department, producers, and producer responsibility organizations on implementation of this new law. Consisting of representatives of local government, environmental and environmental justice organizations, manufacturers, recycling and solid waste enterprises, and retail and grocery associations.
- **Circular Action Alliance (CAA)** has been selected by CalRecycle as the Producer Responsibility Organization (PRO). As the inaugural, single PRO, CAA will help all producers of single-use packaging and plastic food service ware meet the requirements of SB 54.



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CARB Scoping Plan Adopted & Sets Framework (AB 32, 2006)

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- **SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.**
- **Charts a course to carbon neutrality by 2045**
- **Reduces California's dependency on petroleum emphasizing clean energy options (solar, wind, etc.)**
- **Integrates equity and protecting California's most impacted communities.**
- **Incorporates the contribution of land management to the state's GHG emissions,**
- **includes carbon capture and sequestration as well as direct air capture.**



Bottom Line: All Aspects of California Economy and Life Impacted

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CARB Advanced Clean Fleets Rule: Medium & Heavy-Duty Trucks

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- ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible.
- Fleets owned by State, local and federal government agencies, and high priority fleets.
- High priority fleets are entities with \$50 million or more in gross annual revenue and that own, operate, or control at least one vehicle with a gross vehicle weight rating (GVWR) greater than 8,500 pounds, or are entities that own, operate, or control a total of 50 or more vehicles with a GVWR greater than 8,500 pounds.
 - 100 percent zero-emission drayage trucks, last mile delivery, and government fleets by 2035
 - 100 percent zero-emission refuse trucks and local buses by 2040 (note: some flexibility may be provided for RNG fueled fleets)
 - 100 percent zero-emission capable utility fleets by 2040
- **Zero-emission truck availability** (as of July 2022)
 - 148 models in North America are available for order or pre-order.
 - 135 models are actively produced and delivered to customers.
 - At least 35 manufacturers are producing Class 2b through 8 ZEVs.



The proposed ACF regulation includes an exemption for cases in which a ZEV not available for purchase.

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Governor Newsom and Legislative Leaders Seek Big Oil Accountability

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Peak Ave. US gas price \$3.49/ Gallon
Peak Ave. CA gas price \$6.43/ Gallon



The CEC revealed that the average net profit margin for California refiners in July was 14¢ per gallon of gasoline sold. The government collected \$1.26 per gallon during that same period.

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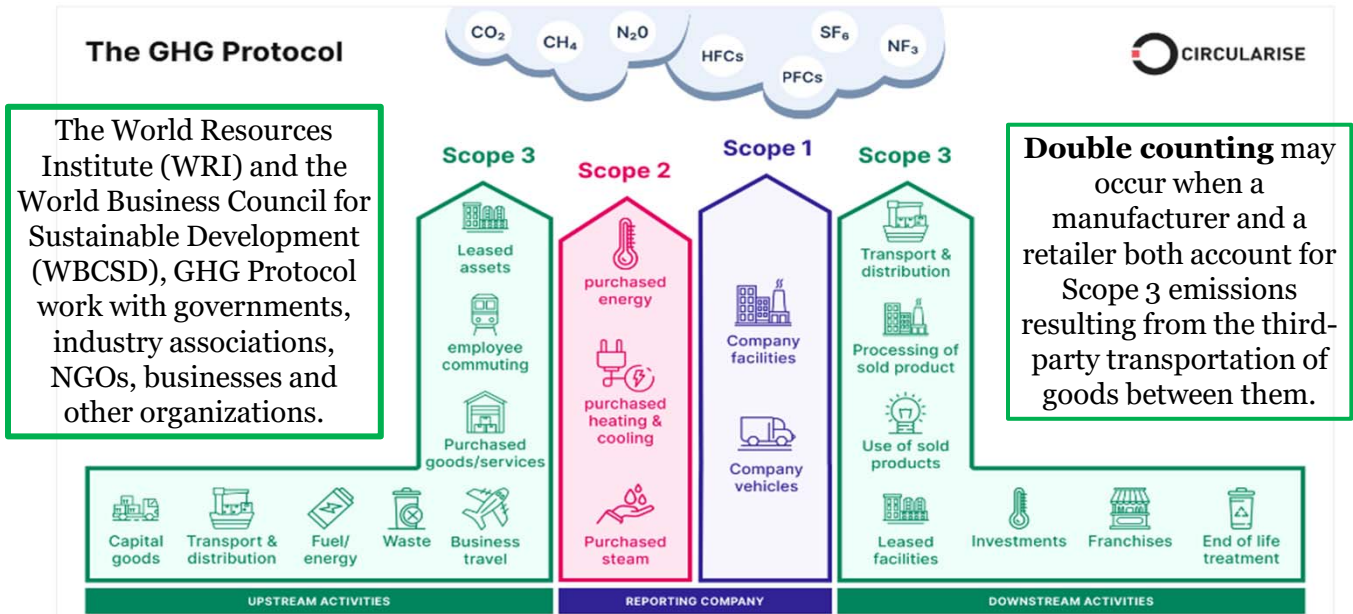
Recent Important California Climate Change Legislation

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- SBX1-2: Skinner; D-Oakland. Windfall Profits Tax.
 - Authorizes the CEC to establish a penalty on the profits that a refiner operating California can earn over a quarterly basis. WSPA points to petroleum GHG taxes.
- SB 253: Wiener. Climate Corporate Data Accountability Act.
 - Authorizes CARB, on or before January 1, 2025, to adopt regulations requiring specified business entities with total annual revenues in excess of \$1,000,000,000 and that do business in California to publicly disclose all **Scope 1, 2 & 3 GHG emissions**.
- SB 261: Stern. Climate Related Financial Risk. What's This? ↗
 - By January 1, 2026, and biennially thereafter, an enterprise to prepare a climate-related financial risk public report disclosing the entity's climate-related financial risk and measures adopted to reduce and adapt to climate-related financial risk.

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GHG Emissions: Scope 1, Scope 2, Scope 3



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California Climate Change & Waste “Odds & Ends”

- **Southern California Warehouses** -- AB 1000 (Reyes) was pulled from its hearing in the Assembly The and will be reviewed in a stakeholder working group to develop solutions that both protect vulnerable communities and support economic development in the region.
- **Senate Bill 560** will create an extended producer responsibility program for covered nonrefillable pressurized cylinders that contain(ed) flammable pressurized gas, helium or carbon dioxide, of any size greater than a water capacity of one-half pound, but not exceeding a water capacity of 50 pounds.
- **The estimated \$68 billion CA Budget shortfall** will mean less money for programs that support health care, housing, education, the environment.
- **Zero Emission Vehicles.** CARB and other states, as well as environmental and public-health advocates, are pressing EPA to quickly approve the California’s request for a Clean Air Act (CAA) preemption waiver to enforce its latest set of vehicle standards, including a requirement that all new light-duty sales be zero-emission vehicles (ZEVs) starting in 2035. But, refiners new car dealers and some labor groups argue the state should not be allowed to ban the sale of internal combustion engine (ICE) vehicles.
- **Assembly Bill 1346** would phase out fossil fuel-fueled leaf blowers, lawnmowers, weed trimmers, chain saws and other tools. The tools were targeted for their contributions to the state’s notoriously emissions-filled air.

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The End???: To Be Continued

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Bill Tracking: <https://leginfo.legislature.ca.gov/>



**Bottom Line:
It's Complicated !!!**



**ANY QUESTIONS ?
NEED Help ?
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