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Illegal Dumping Legislative Update
2021/22 Legislative Session

April 21, 2021

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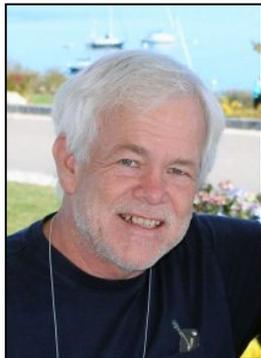
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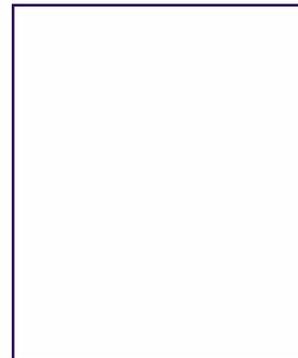
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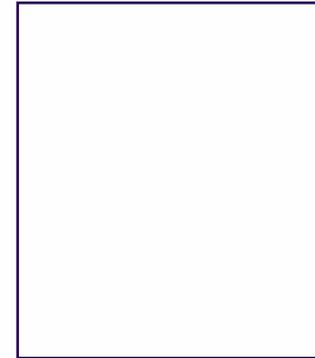
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What's new in the Capitol?



2021-2022 Legislative Session

Year 1:

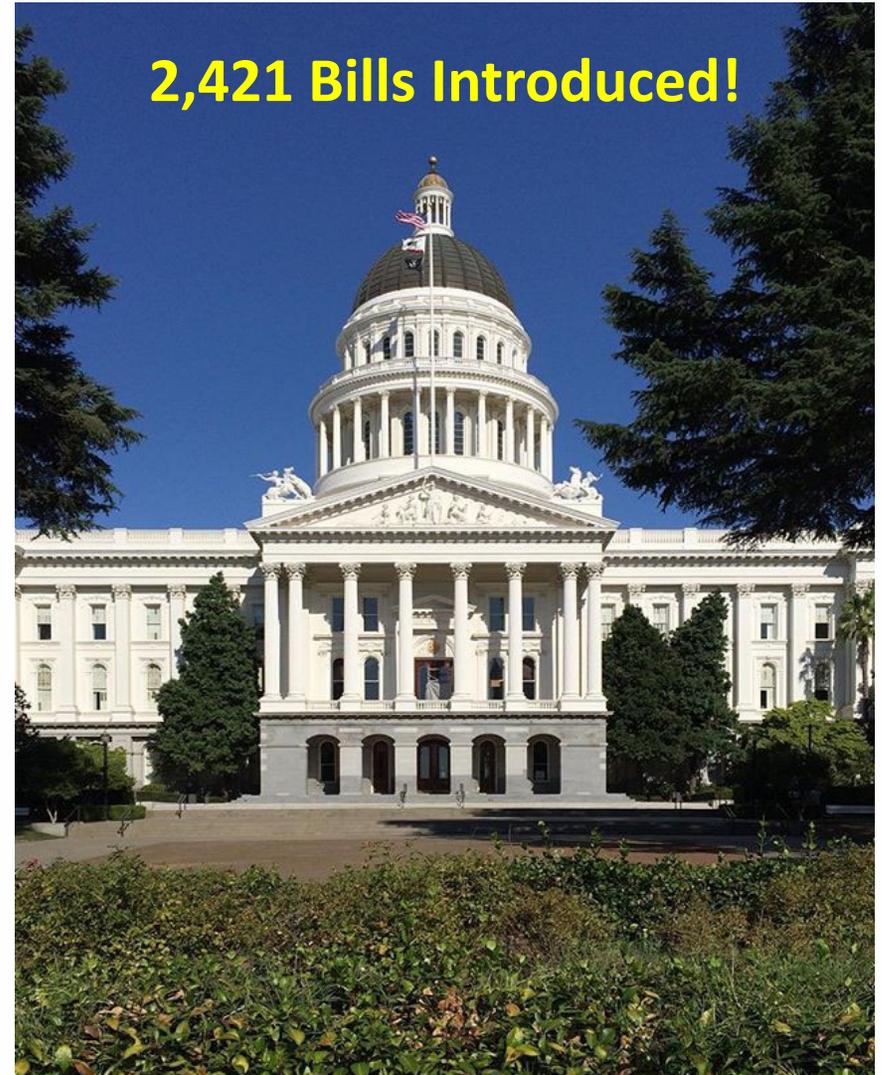
AB 1 – AB 1593

SB 1 – SB 828

(Doesn't include Resolutions, etc.)

Illegal Dumping Related:

- AB 246 (Quirk)
- AB 483 (Jones-Sawyer).
- AB 659 (Mathis).



AB 246 (Quirk)

AB 246, Quirk & Mathis. Contractors: disciplinary actions.

(Coauthors: Assembly Members Bauer-Kahan, Lee, and Cunningham)



AB 246 restructures Section 7110 of the Business & Professions Code.

Was going to repeal:

7110. (As currently stated in the Code)

~~—Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee: Section 8550 or 8556 of this code, or of Sections 1689.5 to 1689.15, inclusive, of the Civil Code, or of the labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or of the Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code), or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells, or Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code, constitutes a cause for disciplinary action.~~

Last Amended on April 8
Business & Professions Comm.
On 3/23/21 with a 17/0/2 Vote
On consent in Appropriations

This bill would reorganize these provisions and would add illegal dumping to the list of violations that constitute a cause for disciplinary action against a contractor by the board.

Sec. 2. Section 7110 is added to the Business and Professions Code, to read:

7110.

Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee:

- (a) Section 8550 or 8556 of this code.
- (b) Sections 1689.5 to 1689.15, inclusive, of the Civil Code.
- (c) The safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state.
- (d) The Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code).
- (e) Any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells.
- (f) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.
- (g) *Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.*

AB 246 (Quirk)



AB 246 inserts this new provision:

(g) Section 374.3 of the Penal Code or any substantially similar law or ordinance that is promulgated by a local government agency as defined in Section 82041 of the Government Code.

374.3.

(a) It is unlawful to dump or cause to be dumped waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

(b) It is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property.

(c) A person violating this section is guilty of an infraction. Each day that waste placed, deposited, or dumped in violation of subdivision (a) or (b) remains is a separate violation.

AB 246 (Quirk)



374.3. (Cont'd)

(d) This section does not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(e) A person convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction. If the court finds that the waste matter placed, deposited, or dumped was used tires, the fine prescribed in this subdivision shall be doubled.

(f) The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

(g) Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that a person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours.

AB 246 (Quirk)



374.3. (Cont'd)

(h) (1) A person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of this section in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine. The fine is mandatory and shall amount to not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) upon a first conviction, not less than three thousand dollars (\$3,000) nor more than six thousand dollars (\$6,000) upon a second conviction, and not less than six thousand dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon a third or subsequent conviction.

(2) "Commercial quantities" means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. This subdivision does not apply to the dumping of household waste at a person's residence.

(i) For purposes of this section, "person" means an individual, trust, firm, partnership, joint stock company, joint venture, or corporation.

(j) Except in unusual cases where the interests of justice would be best served by waiving or reducing a fine, the minimum fines provided by this section shall not be waived or reduced.

(Amended by Stats. 2006, Ch. 416, Sec. 7. Effective January 1, 2007.)

**Passed out of Committee on Business and Professions with an 17/0/2 vote. No registered opposition.
Referred to Appropriations.**

AB 483 (Jone-Sawyer)



AB 483, Jones-Sawyer. Peace officers: California Science Center and Exposition Park

Sometimes obscure language gets into bills, such as this provision in AB 483:

SEC. 4. Section 830.7 of the Penal Code is amended to read:

830.7. The following persons are not peace officers but may exercise the powers of arrest as specified in Section 836 during the course and within the scope of their employment, if they are authorized to do so in the exercise of those powers pursuant to Section 832:

- (a) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.
- (i) Illegal dumping enforcement officers or code enforcement officers, to the extent necessary to enforce the law relating to illegal waste dumping or littering, and authorized by a memorandum of understanding with, as applicable, the chief of police within whose jurisdiction the person is employed, permitting the exercise of that authority. An "illegal dumping enforcement officer or code enforcement officer" is defined, for purposes of this section, as a person employed full time, part time, or as a volunteer after completing training prescribed by law, by a city, county, or city and county, whose duties include illegal dumping enforcement and who is designated by local ordinance as a public officer. An illegal dumping enforcement officer or code enforcement officer may also be a person who is not regularly employed by a city, county, or city and county, but who has met all training requirements and is directly supervised by a regularly employed illegal dumping enforcement officer or code enforcement officer conducting illegal dumping enforcement. This person shall not have the power of arrest or access to summary criminal history information pursuant to this section. No person may be appointed as an illegal dumping enforcement officer or code enforcement officer if that person is disqualified pursuant to the criteria set forth in Section 1029 of the Government Code. **Persons regularly employed by a city, county, or city and county designated pursuant to this subdivision may be furnished state summary criminal history information upon a showing of compelling need pursuant to subdivision (c) of Section 11105.**

Last Amended on March 11
Public Safety Comm.
On 3/23/21 with an 8/0/0 Vote
Rec. for consent in Appropriations

Passed out of Committee on Public Safety with an 8/0/0 vote. Recommended to Consent in Appropriations.

AB 659 (Mathis)



Introduced on February 12
Public Safety Comm.
Hearing canceled by author

AB 659, Mathis. Dumping.

Existing law allows for fines of:

- \$250 and \$1,000 for a first conviction,
- \$500 and \$1,500 for a 2nd conviction, and
- \$750 and \$3,000 for a 3rd or subsequent conviction

For dumping waste matter in or upon a public or private highway or road, in or upon private property into or upon which the public is admitted by easement or license, upon private property without the consent of the owner, or in or upon a public park or other public property

This bill would expand this provision to apply to **dumping waste matter on private property, including on any private road or highways, without the consent of the owner.**

The bill would also add **a 4th or subsequent conviction a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 nor more than \$3,000.** Fines could be **doubled** for this 4th violation if used tires are also dumped.

Sitting in Committee on Public Safety. First hearing canceled by author.

Other bills that might affect illegal dumping?



Green Waste

AB 318, Levine. Hazardous waste: classification: exclusions: green waste.

- Mostly relates to cannabis waste.
- ~~Requires green waste be sent to a Class I, II, or III landfill or a Compost Facility.~~
- Amended 04/20/21. Now a “study bill”. DTSC to consult with CalRecycle to provide guidance to CUPAs.
- Out of ESTM on a 9/0/0 vote and referred to Approps.

Treated Wood Waste

AB 332, ESTM. Hazardous waste: treated wood waste: management standards.

- Re-establishes the Alternative Management Standards (AMS) for Treated Wood Waste (TWW), which were in place before January 1, 2021.
 - Is an Urgency Statute (takes effect immediately and requires a 2/3 vote).
 - Establishes the AMS language back into Code.
 - No apparent sunset date.
- Out of ESTM on 4/7/21 on 9/0/0 vote and referred to Approps on consent.

AB 684, Fong. Hazardous waste: treated wood waste. **Sitting in ESTM.**

- Similar language to SB 68 (Galgiani) from the 2019/2020 Legislative Session.

SB 557, Wieckowski. Hazardous waste: treated wood waste.

- Similar language to SB 68 (Galgiani) from the 2019/2020 Legislative Session

Out of EQ on a 7/0/0 vote.
Suspense file in Approps.

Other bills that might affect illegal dumping? (Cont'd)



Cleanup

AB 1553, O'Donnell. Department of Transportation: cleanup and maintenance projects: California Conservation Corps.

- Authorizes CalTrans to contract directly with the CCC.
- Requires pilot programs in the City of Long Beach and in Santa Clara County.
- Available for other areas of the state.
- **Amended 04/12/21. In Transportation Committee. Hearing on 4/26/21.**

Batteries

SB 244, Archuleta. Lithium-ion batteries: illegal disposal: fire prevention.

- Develop education campaign for proper disposal by public.
- Fire marshal consultation requirement on solid waste enterprises.
- **Out of EQ on 3/15/21 on 7/0/0 vote and referred to Natural Resources on consent.**

SB 289, Newman. Recycling: batteries and battery-embedded products.

- EPR program for all household and loose batteries, all chemistries.
- Also applies to products with embedded batteries (not intended to be removed by consumer).
- Does not apply to auto batteries, EV batteries, or solar batteries.
- **Out of EQ on 4/12/21 on 5/2/0 vote and referred to Judiciary**

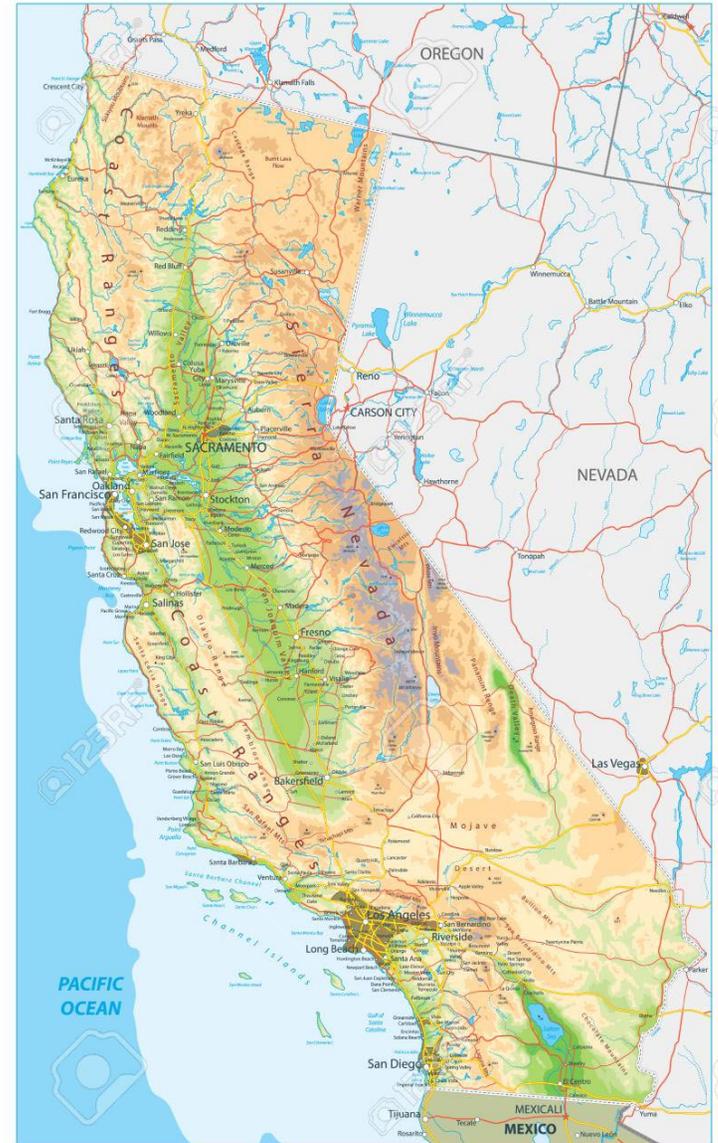
What else can be done?



Statewide Solution

- Funding for CalRecycle to fully support the IDTAC.
- Funding for local governments to combat illegal dumping.

California is a big and very diverse state! We need lots of tools in the toolbox!





Questions?

Connect with CPSC!



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