
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 504
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Version: 2/9/2021
Urgency: No
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Hearing Date: 6/14/2021
Fiscal: Yes

SUBJECT: Solid waste: commercial and organic waste: recycling bins

DIGEST: Clarifies the requirements for recycling bins and organic bins in restaurants that are buffet style or self-service and in entertainment park food facilities.

ANALYSIS:

Existing law the Integrated Waste Management Act (IWMA):

- 1) Establishes a state recycling goal of 75% of solid waste generated by diverting from landfill disposal by 2020 through source reduction, recycling, and composting. (Public Resources Code (PRC) § 41780.01)
- 2) Requires each local jurisdiction to divert 50% of solid waste from landfill disposal through source reduction, recycling, and composting. (PRC §41780)
- 3) Establishes methane emission reduction goals that include targets to reduce the landfill disposal of organic waste by 50% by 2020 and 75% by 2025 from the 2014 level to reduce greenhouse gas (GHG) emissions. Requires the Department of Resources Recycling and Recovery (CalRecycle), in consultation with the Air Resources Board (ARB), to adopt regulations to achieve the organics reduction targets, which go into effect in 2022. (Health & Safety Code §39730.6, PRC §42652.5)
- 4) Requires commercial waste generators, including multi-family dwellings, to arrange for recycling services and requires local governments to implement a commercial solid waste recycling program designed to divert commercial solid waste from those businesses. (PRC §§42649.2, 42649.3)
- 5) Requires organic waste generators (food and yard waste) to arrange for recycling services for that material and requires local governments to implement organic waste recycling programs designed to divert organic waste

from those businesses. (PRC §§42649.81, 42649.82)

- 6) Requires commercial waste generators that provide customers access to the business to provide customers with a commercial solid waste recycling bin or an organic waste recycling bin to collect material purchased on the premises. (PRC §§ 42649.2, 42649.81)
- 7) Exempts from these solid waste recycling bin and organic waste recycling bin requirements full-service restaurants if the restaurant provides its employees with a bin to collect the material and implements a recycling program for commercial solid waste and organic waste, respectively. (PRC §§42649.2, 42649.81)
- 8) Defines a “full service restaurant” as an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and, among other actions, the food and beverage orders are delivered directly to the consumer and any requested items associated with the consumer’s food or beverage order are brought to the consumer. (PRC §42649.1)

This bill:

- 1) Includes within the definition of “full-service restaurant” establishments that are buffet style or self-service if they meet the other criteria.
- 2) Provides that the recycling bin or container for commercial solid waste that is provided by a business to its customers can be in the same area as, instead of requiring that it be adjacent to, the trash bin.
- 3) In a theme park, amusement park, water park, resort or entertainment complex, zoo, attraction or similar facility, only applies the required commercial solid waste recycling bin and organic waste recycling bin to permanent, nonmobile food service facilities with dedicated seating areas that are not full-service restaurants.
 - a) Authorizes theme parks, amusement parks, water parks, resorts or entertainment complexes, zoos, attractions, or similar facilities, instead of providing an organic waste recycling bin, to implement a process for recycling organic waste from customers that yields results comparable to or greater in volume and quality to results attained by providing an organic waste recycling bin.

Background

- 1) *Waste management in California.* For three decades, CalRecycle has been tasked with reducing disposal of municipal solid waste and promoting recycling in California through IWMA. Under IWMA, the state has established a statewide 75 percent source reduction, recycling, and composting goal by 2020 and over the years the Legislature has enacted various laws relating to increasing the amount of waste that is diverted from landfills.

According to CalRecycle's *State of Disposal and Recycling Report for 2019* report, published in February 2021, California's 2019 statewide recycling rate was 37%. Approximately 77.5 million tons of material was generated in 2019; with about 55% sent to landfills; 19% exported as recyclables; 12% composted, anaerobically digested or mulched; and 6% either recycled or source reduced.

The amount of material sent to landfills has been steadily increasing over the years, with an estimated 43 million tons of waste disposed of in California's landfills in 2019. Organic materials accounts for more than a third of California's waste stream and greenhouse gas emissions caused by the decomposition of organic material in landfills contribute to global climate change. According to CalRecycle's website, methane emissions resulting from the decomposition of organic waste in landfills are a significant source of greenhouse gas emissions, contributing to global climate change, with organic waste in landfills emitting 20% of the state's methane. Food continues to be the highest single item disposed at approximately 18% of materials landfilled. Leaves, grass, prunings, and trimmings represent just under 7% of the total waste stream.

Local governments have been required to divert 50% of the waste generated within the jurisdiction from landfill disposal since 2000. AB 341 (Chesbro, Chapter 476, Statutes of 2011), requires commercial waste generators, including multi-family dwellings, to arrange for recycling services for the material they generate and requires local governments to implement commercial solid waste recycling programs designed to divert solid waste generated by businesses out of the landfill. AB 1826 (Chesbro, Chapter 727, Statutes of 2014), requires generators of organic waste (i.e., food waste and yard waste) to arrange for recycling services for that material to keep it out of the landfill.

SB 1383 (Lara, Chapter 395, Statutes of 2016) required ARB to approve and implement a comprehensive short-lived climate pollutant strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in

hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon, by 2030. In order to accomplish these goals, the bill specified that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste 50% by 2020 and 75% by 2025 from the 2014 level.

AB 827 (McCarty, Chapter 441, Statutes of 2019) requires commercial waste generators and organic waste generators that provide their customers with access to the business to provide the customers with a commercial solid waste recycling bin or an organic waste recycling bin to collect materials purchased in the premises. AB 827 excludes from these requirements full-service restaurants that provide their employees with a bin to collect the material and that implement a recycling program.

Comments

- 1) *Purpose of Bill.* According to the author, “This bill complements our 2019 Green Restaurants bill, which will help California reach its ambitious climate goals by having restaurants and other food service facilities provide bins for recyclables and compostable waste. This bill is a simple clarification measure to ensure compliance for amusement parks’ mobile food areas.”

SOURCE: California Attractions and Parks Association

SUPPORT:

Californians Against Waste
California Travel Association
Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force

OPPOSITION:

None received

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