



DATE: October 25, 2023

TO: Waste Management Authority (WMA) Board

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Household Hazardous Waste (HHW) Program and Fee Analysis

SUMMARY

The HHW program is designed to keep household hazardous waste out of the landfill. The County of Alameda and City of Fremont provide collection/disposal services to Alameda County residents. These services are funded by fees collected by the Waste Management Authority (WMA). Pursuant to the HHW fee ordinance amended on October 25, 2019, a funding analysis is required to determine if the fee needs to be adjusted beginning in FY 2025. At the October 25, 2023 WMA Board meeting, staff will provide an overview of the HHW program and seek input from the Board in preparation of the fee analysis.

DISCUSSION

Household Hazardous Waste Program

Because household hazardous waste cannot be disposed of in landfills, the County of Alameda and City of Fremont provide HHW disposal services to Alameda County residents through a network of drop-off centers and one-day disposal events at various locations around the county. This program is funded by fees collected by the WMA, discussed in more detail below. The WMA has separate agreements with the County of Alameda and City of Fremont for implementing the program and the allocation of revenues.

Current HHW Fee Structure

The HHW program is primarily funded by two fees – a per-ton fee on solid waste, and a collection and disposal fee collected primarily on the property tax roll.

The per-ton fee, established in 1990, is set at \$2.15 per ton and is collected for all solid waste tons disposed within Alameda County or transferred through a county solid waste facility but disposed out-of-county. The fee is also collected on solid waste that is direct-hauled or under a franchise agreement and disposed of out-of-county. The fee was intended to support the then three Alameda County HHW facilities, with the Hayward and Livermore facilities opening in 1993 and the Oakland facility opening in 1996. A fourth facility, located in Fremont, opened in 2008.

With increased demand for HHW disposal services and anticipated declining revenues from the per-ton fee, the WMA evaluated options for the future of the program beginning in 2012. The WMA determined that the per-ton fee alone would not support the program without a drastic cut in services. On May 28, 2014, the WMA approved Ordinance 2014-1, which established a household hazardous waste collection and disposal fee capped at \$9.55 per household per year. The household fee was established to supplement the \$2.15 per ton fee to support the four countywide HHW facilities and one-day collection events. The ordinance required that the household fee be adjusted each year to take into account revenues from the per-ton fee and the PaintCare

program (an industry-run extended producer responsibility program that collects unused paint for reuse and proper disposal). The ordinance also included a sunset provision effective June 20, 2024.

The fee adopted by the WMA in FY 2015 was set at \$9.55 per residential unit and remained in effect through FY 2016. Consistent with the ordinance, beginning in FY 2017, the fee was adjusted based on a formula that took into account the per-ton fee revenue and PaintCare statewide industry stewardship program offsets. When those amounts exceeded the annual thresholds outlined in the ordinance, the fee was reduced for the following year then “reset” back to \$9.55 for the next year’s calculation. Based on this formula, the fee dropped to \$8.60 in FY 2017, \$8.46 in FY 2018, \$7.40 in FY 2019, and \$6.64 in FY 2020. The annual fee calculation was cumbersome, however, and the annual change (although lower) was potentially confusing for residents.

As such, staff engaged the services of HF&H Consultants to analyze various funding scenarios and determined that the annual fee of \$6.64 per residential unit would be sufficient to fund the program for several years. On September 25, 2019, the WMA adopted Ordinance 2019-01 amending Ordinance 2014-1, which removed the sunset provision and established an annual fee of \$6.64 per residential unit through June 30, 2024. The ordinance requires an analysis of the HHW program’s operational and funding needs be conducted no later than March 31, 2024, and every five years thereafter to determine whether the fee needs to be adjusted, either lower or higher, provided that the fee does not exceed the original annual fee of \$9.55 per residential unit. The amended ordinance also requires annual approval by the WMA to place the fee on the property tax roll, which for FY 2024 was approved by the Board on June 28, 2023.

The WMA maintains Memorandums of Understanding (MOUs) with both the County and the City of Fremont. These agreements were updated in 2020 and include operational requirements and reimbursement limits per fiscal year. The MOUs remain in effect contingent upon the respective parties complying with the terms including any revisions to the reimbursement limits resulting from the analysis discussed above. An overview of the agreements is as follows:

MOU with County of Alameda

Oakland Facility	Hayward Facility	Livermore Facility
Household Program		
Wed-Fri 9-2:30 Sat 9-4:00	Thurs-Fri 9-2:30 Sat 9-4:00	Thurs-Fri 9-2:30 Sat 9-4:00
Accept E-Waste	Accept E-Waste	Accept E-waste
Small Business program		
Tuesdays (excluding holidays) 9am – noon Residential landlord program (no fee for residential rental properties) Drop in for universal waste/latex paint, other materials by appointment	Wednesdays generally 2x per month 9am -noon Residential landlord program Drop in for universal waste/latex paint, other materials by appointment	Wednesday generally 2x per month 9 am -noon Residential landlord program Drop in for universal waste/latex paint, other materials by appointment

Small businesses that qualify as Conditionally Exempt Small Quantity Generators (CESQGs) as defined in the Health and Safety Code section 258.18.1 and the code of Federal Regulations 40, Section 261.5, may also use the HHW facilities for a fee (with the exception of residential rental properties as noted above).

In addition to the operations of the facilities described in the table, the County is required to host at least eight one-day events per year.

MOU with City of Fremont

The City of Fremont contracts with BLT Enterprises to provide transfer station/recyclables processing services at the Fremont Transfer Station, which includes an HHW drop off center. The center is convenient to residents of Fremont, Union City, and Newark and is available to all Alameda County residents. The HHW operational parameters for the Fremont Facility are listed below:

Fremont Facility
Open to households Wed-Fri: 8:30 am -2:30 pm Sat: 8 am-4:30 pm E-Waste Accepted
Small Businesses including Residential Landlord Program: Tuesdays between 9 am and 2 pm Drop in for Universal Waste & Latex paint, other materials by appointment

Participation and Outreach

StopWaste provides outreach and promotional services for the three County-run programs including Spanish translation on our website. It is noteworthy that the HHW program is the most visited page on our website.

The participation goal for the three County facilities is 60,000 households per year. While household participation increased steadily from approximately 33,000 in FY 2014 to approximately 54,000 in FY 2021, there were declines over the past two years, with household participation totaling approximately 39,000 in FY 2023.

Fremont has consistently met or exceeded its goal of serving 13,000 households per year. In particular, Fremont exceeded participation by approximately 1,100 transactions in FY 2020 compared to FY 2019 (totaling over 18,000 household transactions), as it remained open as an essential service during the pandemic and accommodated users that would have normally used one of the County facilities. This fiscal year household participation including electronic waste drop off totaled over 16,800 household transactions (see Attachment 1 - page 2 of the City of Fremont’s annual report).

In addition to collecting HHW at county facilities, the County also held eight one day events at different locations throughout the County, which totaled approximately 3,800 participants, plus a one-day Dublin event (included in its franchise agreement) that hosted 403 participants. The total number of households participating in one-day events plus utilizing HHW drop-off at the County facilities is approximately 43,000 household participants for the year. Based on statewide trends (Attachment 2, page 6 of the County’s annual report), which tracks cumulative waste quantities collected by all HHW programs, there has been an overall statewide decrease, which aligns with County participation data.

The County and StopWaste are taking several steps designed to increase program participation. The County removed the online appointment scheduler which was put in place as a safety measure during the COVID-19 Shelter in Place order to manage drop-offs and is no longer needed. StopWaste continues to assess its ongoing outreach efforts to increase participation this fiscal year. This includes employing more local media to reach residents - including local ads in Nextdoor and Patch and this year, contracting El Timpano to conduct outreach via text messages to Spanish-speaking residents. Staff is also utilizing the online RE:Source guide to direct people to the facilities as well as combining waste prevention messaging to help reduce consumers’ reliance on

harmful HHW products. Local platforms such as Nextdoor have helped to drive people to the HHW website home page. A paid editorial and e-blast in local news outlet Cityside (for both Berkeley and Oakland) resulted in over 5,000 article views. When cities have added their own promotion, staff has seen higher participation at one day events. Union City staff even included outreach through the school district newsletter. Staff will continue to monitor these efforts and make adjustments as needed.

Even with lower participation the past two years, the program for both the County and City of Fremont served over 60,000 households in FY 2023 and continues to receive positive feedback from residents.

Curbside collection and other ways to transport HHW to facilities

Most jurisdictions in the County have some type of HHW curbside collection as part of their respective franchise agreements (see Attachment 3). Batteries, cell phones, motor oil and filters, and electronic waste are common items either collected during normal service dates or through a scheduled bulky pickup.

In addition, section 7 of AB 2481, the Household Hazardous Waste facilities legislation adopted in 2022 (see Attachment 4), allows another person to transport waste from an individual who is unable to do so “for reasons including, but not limited to death, illness or disability.” Staff plans to include reference to this provision in its outreach moving forward.

On-call HHW pick up of other HHW items (pesticides, cleaning supplies, solvents, etc.) is not offered in the County. Adding an on-call service was discussed when the collection and disposal fee was proposed in 2014, however the cost and operational considerations prevented the service from being added as part of the County or Fremont programs. Providing on-call service would require that the County contract with a collection company and develop and implement the logistics to ensure responsiveness and efficiency. Further analysis would be needed to determine the costs associated with such a service, but staff estimates that the additional cost per parcel would be \$3-\$5 per year per residential unit.

Given that Alameda County has four HHW facilities and up to eight one day events per year, plus that state law allows another person to transport HHW materials on behalf of an individual who is unable to do so, and also considering the cost and cost/benefit, providing a County-administered on-call service is not recommended at this time.

Ordinance Requirement

Ordinance 2019-01 requires a financial analysis of the HHW program no later than March 2024 and in 5-year increments thereafter to determine if the fee needs to be adjusted for the next five years. Depending on the analysis, the fee could stay the same, be lowered, or be raised provided that it does not exceed the original fee of \$9.55 per residential unit. The Agency, the County and the City of Fremont are committed to providing residents with a robust HHW collection program in the most cost-effective and efficient manner.

Based on discussions with both County and City of Fremont staff, and the success of the HHW program overall, staff recommends maintaining program operations for purposes of the upcoming analysis. Staff will engage the services of Crowe consulting to perform this analysis.

RECOMMENDATION

That the WMA Board direct staff to conduct the Household Hazardous Waste Fee financial analysis based on current program design to determine if there is a need to adjust the fee beginning in FY 2025.

Attachments:

- Attachment 1: City of Fremont Annual Report
- Attachment 2: County Annual Report
- Attachment 3: Curbside Collection per Jurisdiction
- Attachment 4: AB 2481

Fremont Household Hazardous Waste Facility Report

Fiscal Year 2022/2023

Fremont HHW Facility Overview

The Fremont Household Hazardous Waste Drop-off Facility is co-located at the Fremont Recycling & Transfer Station Facility. BLT Enterprises operates the site under contract with the City of Fremont. The facility is in operation year-round, excepting materials from Alameda County residents, apartment owners and managers, and small quantity commercial generators. Electronic waste items are also collected.

Notable for FY 22/23 was that overall household HHW delivery transactions declined by 1,639 from FY 21/22 levels.

Fremont - Hours of Operation

Tuesday	By Appointment (between 9:00 AM to 2:00 PM)	CESQG Program
Wednesday	8:30 AM – 2:30 PM	Residential Programs
Thursday	8:30 AM – 2:30 PM	Residential Programs
Friday	8:30 AM – 2:30 PM	Residential Programs
Saturday	8:00 AM – 4:30 PM	Residential Programs



Fremont Facility Transactions

Household HHW Transactions in FY 22/23	FY 22/23
Fremont	9,774
Newark	1870
Union City	1097
Alameda	10
Albany	1
Berkeley	10
Castro Valley	63
Dublin	36
Emeryville	0
Hayward	421
Livermore	26
Oakland	56
Piedmont	2
Pleasanton	73
San Leandro	67
San Lorenzo	18
Other - Alameda County	6
Total of Household HHW Transactions	13,530

E-Waste Only Deliveries

Electronic Waste Only Drop-off Transactions	3312
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CESQG's Served

Total CESQG's Served in FY 22/23	156
Fremont	120
Newark	19
Union City	3
Other Alameda County Jurisdictions	14

Total Fremont HHW Facility Transactions

All Transactions (incl. E-Waste & CESQG's)	16,998
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Residential/Landlord User Breakdown

SFD Owners	15928
SFD Renters	914
Multi-Family Landlord	0
Multi-Family Renter – 2 to 4 Units	0
Multi-Family Renter – 5 or More Units	0

Summary of HHW Facility Expenses & Revenues

Administrative Overhead	\$42,000
Operating Supplies & Expenses	\$139,089
Labor & Benefits	\$575,013
Disposal Expenses	\$458,549
Revenue Offset (CESQG)	(\$27,748)
Revenue Offset (E-waste, Batteries)	(\$633)
Revenue Offset – PaintCare Reuse	(\$746)
Estimated PaintCare Paint Disposal Offset	(\$151,010)

Operating Expenses

Net Operating Expenses =	\$1,185,525
Net Cost per Transaction =	\$69.74/transaction
Net Cost per Pound/Transaction =	\$1.03/Pound

Summary of Materials Received and Processed

Fremont HHW Facility Total Pounds =	1,148,282 lbs.
Percentage Recycled =	82.77%



Alameda County Household Hazardous Waste Program, 1131 Harbor Bay Parkway, Mail Stop 51701, Alameda, California 94502-6540 PH 510/670-6460

Alameda County Household Hazardous Waste Program Fiscal Year 2022 - 2023 Annual Report

Household Hazardous Waste Program Overview at Its 30 Year Anniversary

Since 1993, the Waste Management Authority (Authority) in partnership with Alameda County's Department of Environmental Health (DEH) has provided hazardous waste disposal service to County residents at three Permanent Household Hazardous Waste (HHW) collection facilities in Hayward, Livermore and Oakland. Services by these sites was augmented with the opening of a HHW facility by the City of Fremont at the Fremont Recycling and Transfer Station in 2008, and the implementation of Temporary Household Hazardous Waste Collection Facility events (One-Day events) starting in 2015. California law requires that jurisdictions provide household hazardous waste collection and disposal services to their residents. The services the Authority has funded have made it increasingly easy for residents to dispose of hazardous products and waste from their home over the thirty-year history of the program. In total, over 1.1 million drop off visits have been made and over 41 thousand tons of hazardous wastes have been managed safely. The Authority under terms of successive MOUs with DEH and the City of Fremont has been an essential partner in providing this outstanding service to County residents.

Each of the four HHW facilities serves residents from the entire county for disposal of their household hazardous waste and accepts waste from agencies, organizations and small businesses in the county which generate Universal Wastes or qualify as Very Small Quantity Generators (VSQGs). The four sites operate as a single program from the perspective of a resident or business.

Funding History

From inception, HHW services have been funded through a landfill tipping fee established by the Authority in 1992 at \$1.25/ton. In the late 90's the Authority foresaw a funding shortfall which led the Authority Board to vote to increase the tipping fee to \$2.15 in 2000.

In 2009 analysis of tipping fee trends predicted a funding shortfall within 6 years. The Authority then explored options to address longer term funding for operation of the four HHW facilities. On May 28th, 2014, the Authority adopted a fee ordinance authorizing funding from a Household Hazardous Waste Fee per residential unit collected via the property tax roll. The fee prevented a funding shortfall and supported expansion HHW program services. The fee went

Fee Year	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Net Savings
Fee	\$ 9.54	\$ 8.60	\$ 8.46	\$ 7.40	\$6.64	\$6.64	\$6.64	\$6.64	
Annual Change	NA	-\$0.96	-\$1.08	-\$ 2.14	-\$0.76	\$0.00	\$0.00	\$0.00	-30% from 2016 fee

into effect July 1, 2014 and is capped at an annual maximum of \$ 9.54 per residential unit. After two years the fee was adjusted annually through a formula that accounts for tipping fees and savings from product stewardship programs with ongoing program costs. In FY 16-17 the HHW fee was lowered to \$8.60. In FY17-18 the fee was again lowered, to \$ 8.46. In FY 18-19 the fee was lowered to \$ 7.40, a reduction of 22.4% from the original baseline \$9.54 fee.

In 2018 the Authority completed a study of projected trends and found that the fee could be reduced further. To stabilize funding for the long-term and reduce cost of re-analyzing program funding on an annual basis the Authority promulgated Ordinance 2019-01 which revised the 2014 expansion plan and adopted a fee of \$6.64 per household, with fee amount reviewed every 5 years, and with no fixed sunset date. Five-year review of funding and program costs will be completed in 2025.

Convenience of HHW Service to Residents – at Facilities and One-Day Events

From 1993 to 1999 County HHW facilities in Hayward, Livermore and Oakland operated with one facility open per week on a rotating basis. Waste was accepted by appointment. Starting in FY 2000 the facilities accepted waste deliveries with no appointment. From 1999 to 2007, waste was accepted with no appointment needed and one facility was open each week. In 2007, staffing was increased to allow two facilities to be open each week. The centrally located Hayward facility was open every week, with the Livermore and Oakland facilities open alternating weeks. With the opening of the Fremont facility in 2008, the schedule was adjusted such that the Oakland and Fremont facilities were open weekly while Hayward and Livermore facilities were open alternating weeks, matching participation at the sites. Since 2015 all four facilities have been open every week.

For reporting fiscal year 2022-2023 the County facilities continued operating under the expanded schedule begun with Authority approval in May 2018. Alameda County residents now have access to all four facilities every week. The Oakland and Fremont facilities are open each Wednesday, Thursday and Friday from 9:00AM to 2:30PM and on Saturdays from 9:00AM to 4:00PM. The Livermore and Hayward facilities are open each Thursday and Friday from 9:00AM to 2:30PM and on Saturdays from 9:00AM to 4:00PM. During pandemic years 2020, 2021 and 2022 sites in Hayward, Livermore and Oakland accepted waste by appointment. Since March 2023 with the end of the COVID Emergency Health Declaration no appointment is needed for a resident to deliver waste. The Authority was instrumental in rolling out a highly efficient on-line appointments system that most residents found easy to use, provides residents

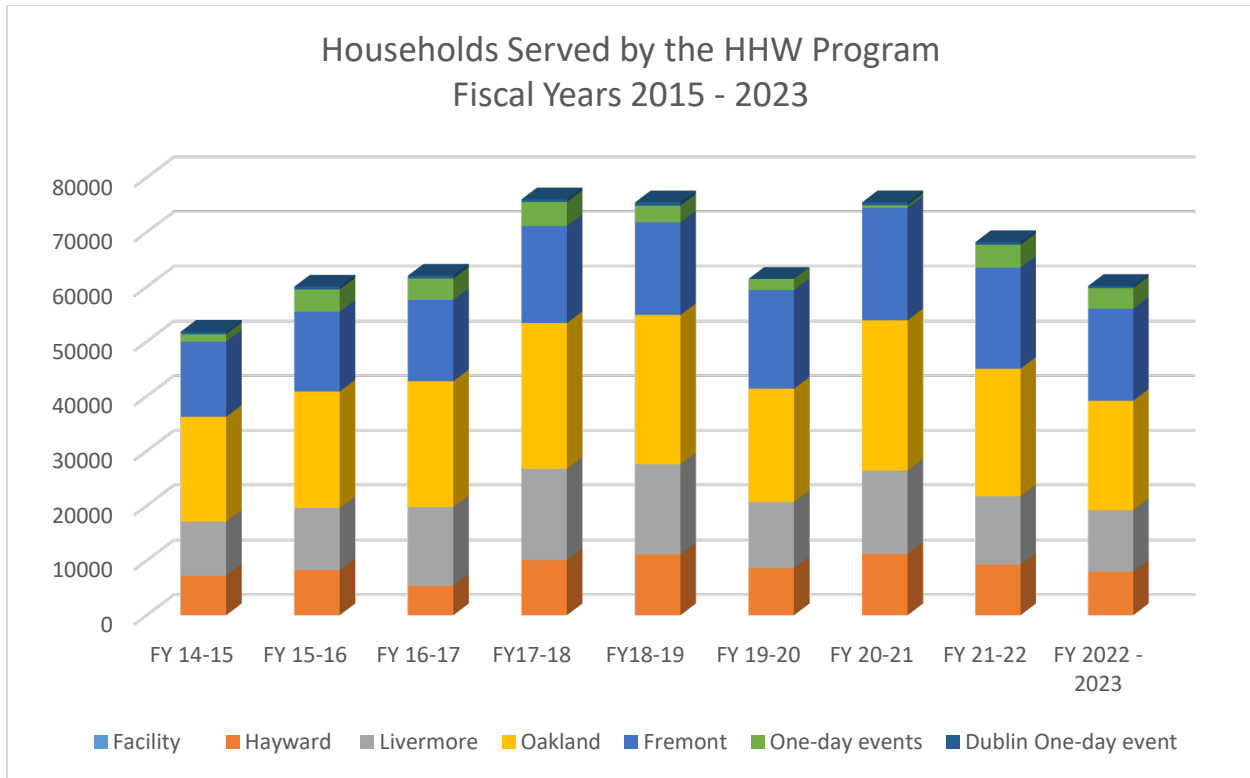
with important safety information as well as assures prompt service. This appointments system is now used only for One-Day events.

Temporary “One-Day” Household Hazardous Waste Collection Events

An element of the 2014 expansion plan is to serve communities geographically further from permanent HHW facilities through temporary, or one-day, HHW collection events. During FY 2022-2023 the County held eight One-Day events, seeing good rates of participation from most of the communities served. One-Day events are only possible due to collaboration between the host city or agency recycling programs, a host site owner, disposal vendors, HHW program staff, product stewardship organizations and oversight by a CUPA. Siting an event depends on the availability of a paved site that is vacant during the scheduled weekend. Sites must be large enough to park several tractor-trailer trucks and cordon off several thousand square feet of hazardous waste handling “Hot Zone” and allow for traffic to queue from 50 to 100 cars. Events are sited where local roads can safely handle traffic of 500 cars in 4 hours. A typical event takes 12 hours from setup to clean up, with some equipment left on site before and after the event. Planning events starts 3 to 9 months in advance to file for a Temporary HHWCF Permit and arrange for advertising in the target area. Temporary collection events are scheduled during Q1 and Q4, from late March through early October, to avoid rainy weather. Some events are concurrent with other city sponsored events such as textile collection and compost giveaway at the Castro Valley event.

HHW Program Participation

Resident use of the HHW program during FY 2022-2023 continued to be impacted by aftereffects of the pandemic. Sites have seen participation numbers lower than the years immediately before the pandemic and during the pandemic work-from-home period. The program has returned to a full schedule of One-Day HHW collection events in FY 2022-2023 many of which were cancelled in FYs 2020 and 2021 due to pandemic restrictions. The Fremont HHW facility continued to accept waste from residents on its established schedule and saw continued robust participation, predominantly from residents of Fremont and the other Tri-Cities.



HHW Program Participation Trend

HHW Facility	FY 2015	FY 2016	FY 2017 ⁽¹⁾	FY 2018	FY 2019	FY 2020 ⁽²⁾	FY 2021	FY 2022	FY 2022-2023	FY 22-23 vs. FY 22	FY 22-23 vs. 5 Yr. Avg.
Hayward	7,198	8,211	5,331	10,039	11,092	8,578	11,201	9,218	7,918	-14%	-21%
Livermore	9,891	11,347	14,419	16,718	16,478	12,083	15,221	12,501	11,255	-10%	-23%
Oakland	19,148	21,295	22,984	26,622	27,273	20,710	27,467	23,299	7,918	-66%	-68%
Fremont	13,739	14,599	14,854	18,763	16,957	18,025	20,528	18,481	16,842	-9%	-9%
1-Day events	1,348	4,071	3,926	4,376	3,014	2,056	495	4,190	3,755	-10%	33%
Dublin event	485	505	523	476	593	0	546	481	403	-16%	-4%
Totals	51,810	60,028	62,037	75,993	75,407	61,452	75,460	68,173	60,162	-12%	-16%

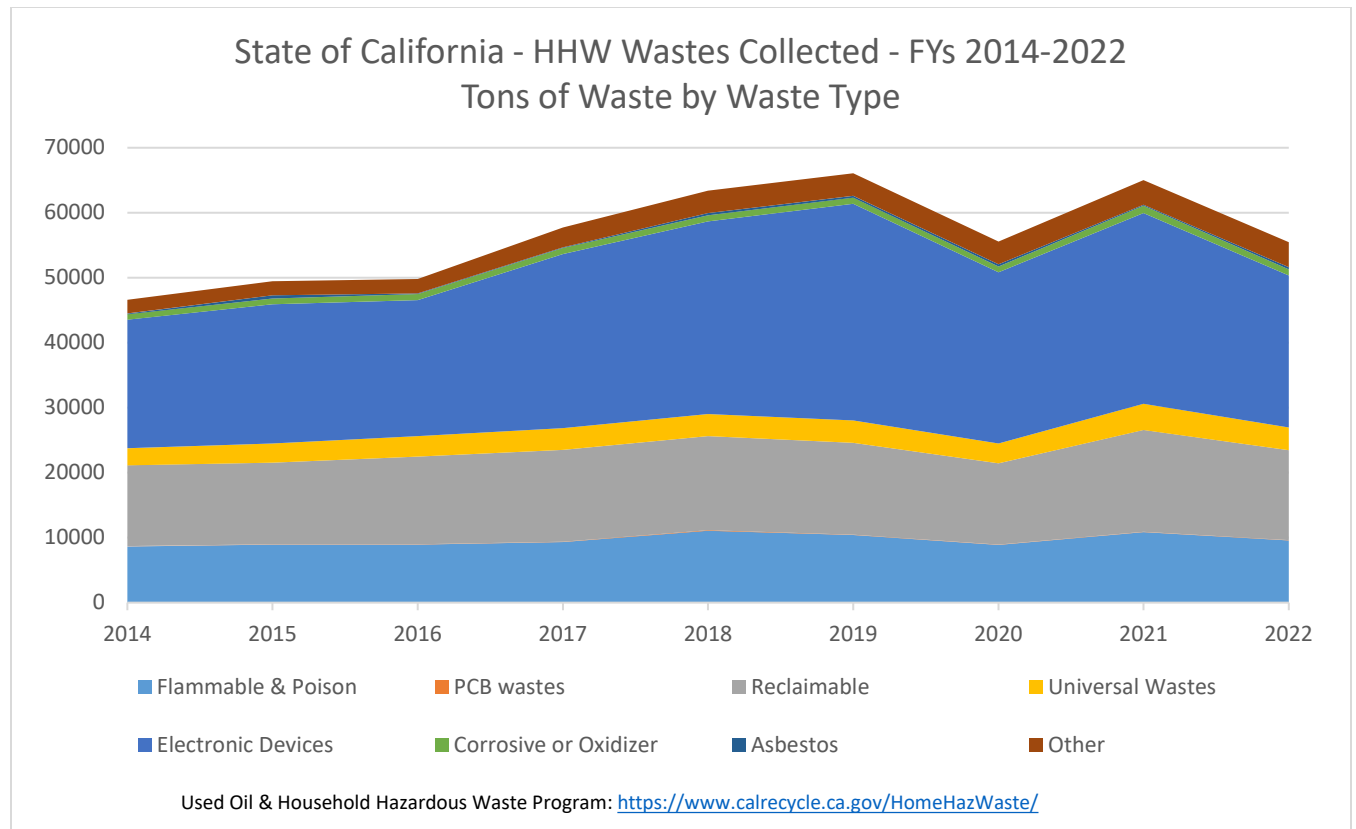
1. In 2017 the Hayward facility was closed for 5 months due to a pipe failure
2. In 2020 Hayward, Livermore and Oakland sites were closed for 3 months due to Health Emergency Declaration

One-Day Events Held in FY 2022-2023

Temporary Events Held During FY 2022- 2023				
Event Site	Date	Day	Households served	Comment
Oakland Coliseum	7/17/2022	Sunday	167	Textile Collection, Compost Give-away
Castro Valley	7/23/2022	Saturday	704	
Albany GGF	7/31/2022	Sunday	540	Mattress Collection
Union City	9/11/2022	Sunday	416	
Albany GGF	10/2/2022	Sunday	384	
Oakland Marine flares	11/6/2022	Sunday	37	
San Leandro	5/7/2023	Sunday	409	
Pleasanton	5/21/2023	Sunday	580	
Albany GGF	6/25/2023	Sunday	518	
Dublin	6/3/2023	Saturday	403	Performed by Amador Valley Industries as a part of the Dublin Franchise agreement
			Total	4,158

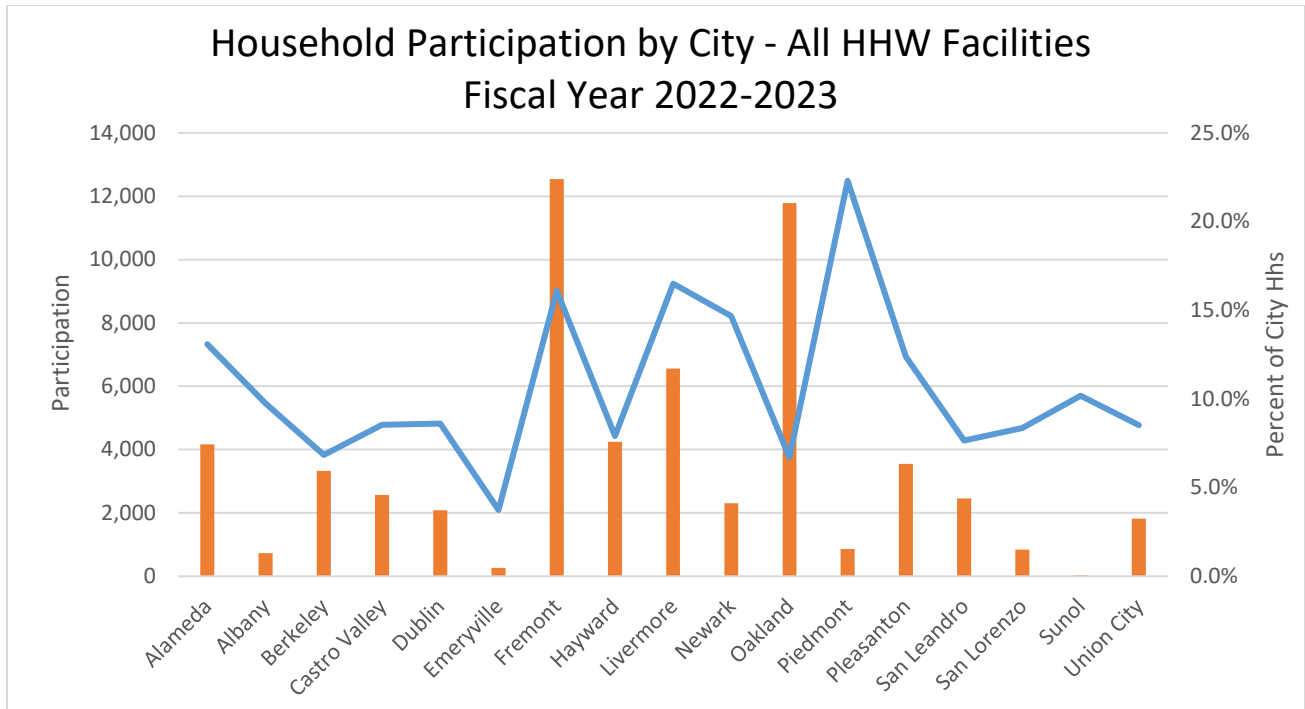
Comparison to Statewide Trends

For comparison with Statewide HHW participation trends, the following graph shows cumulative waste quantities collected by all HHW Programs, reported annually to CalRecycle on "Form 303". State-wide waste quantities collected are used as an analog for participation data as CalRecycle does not make household participation data available.



Participation by City Within Alameda County

Comparing the city of origin of HHW participants with the number of households in each city (data from the California Department of Finance E5 table, households per city, 1/1/23) shows variation in participation between communities. Overall, in FY 2022-23 participation in HHW program services equaled 9.8% of the number of occupied housing units in the county. During FY 2022-23 several cities, including Alameda, Fremont, Livermore, Piedmont, Newark and Pleasanton approach or exceed the 12-14 percent-of-households goal outlined in the expansion plan. In contrast, Oakland, Berkeley, Emeryville, Hayward and San Leandro saw lower per-household participation. Increasing participation from these jurisdictions was targeted by holding a number of one-day events closer to the jurisdictions.

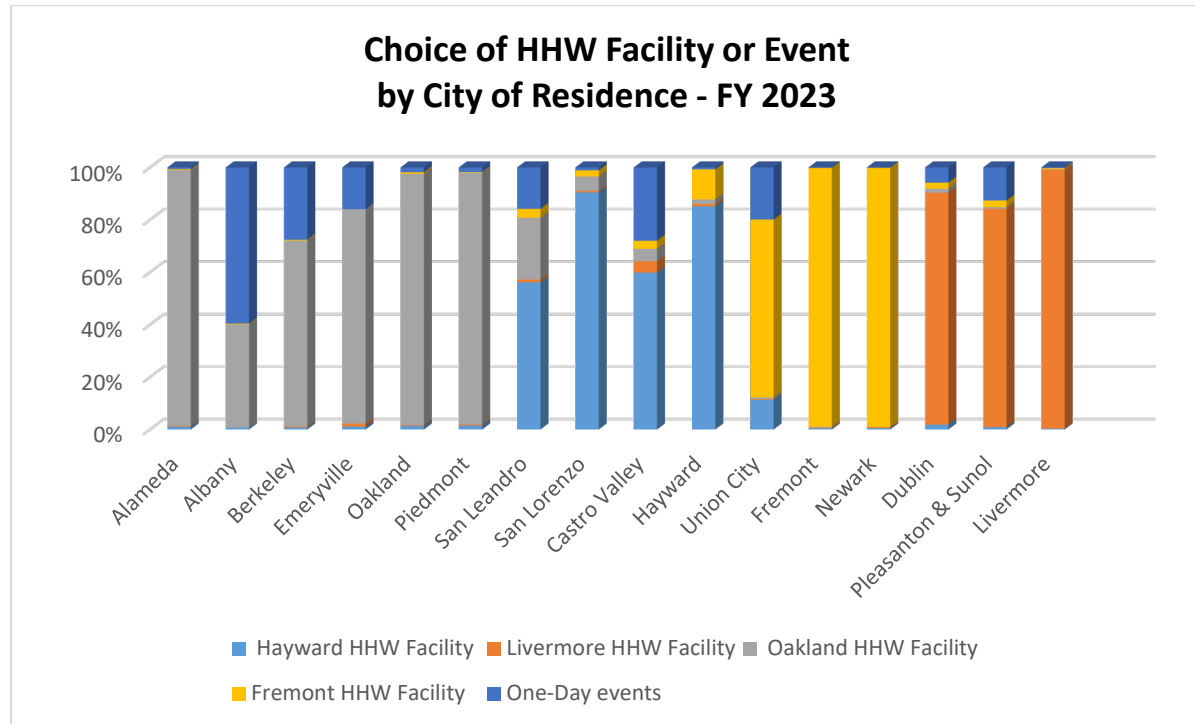


Participation by City as a Percent of Households

City	FY 22-23 Participants by City	FY 22-23 Ppt. as % of Hh Units	Occupied Hh units (2023 DOF E-5 & city- data.com)
Alameda	4,169	13.1%	31,846
Albany	735	9.7%	7,541
Berkeley	3,329	6.8%	48,644
Castro Valley	2,574	8.5%	30,158
Dublin	2,087	8.6%	24,238
Emeryville	270	3.7%	7,220
Fremont	12,541	16.1%	77,920
Hayward	4,248	7.9%	53,749
Livermore	6,558	16.5%	39,775
Newark	2,302	14.7%	15,689
Oakland	11,780	6.7%	175,640
Piedmont	859	22.3%	3,852
Pleasanton	3,549	12.4%	28,674
San Leandro	2,458	7.7%	32,104
San Lorenzo	841	8.4%	10,060
Sunol	36	10.2%	354
Union City	1,826	8.5%	21,412
Totals	59,759	9.8%	608,875

Use of HHW Facilities by Resident’s City of Origin

Although County residents may deliver waste to any of the four HHW facilities, each facility predominantly serves residents in its local geographical area.

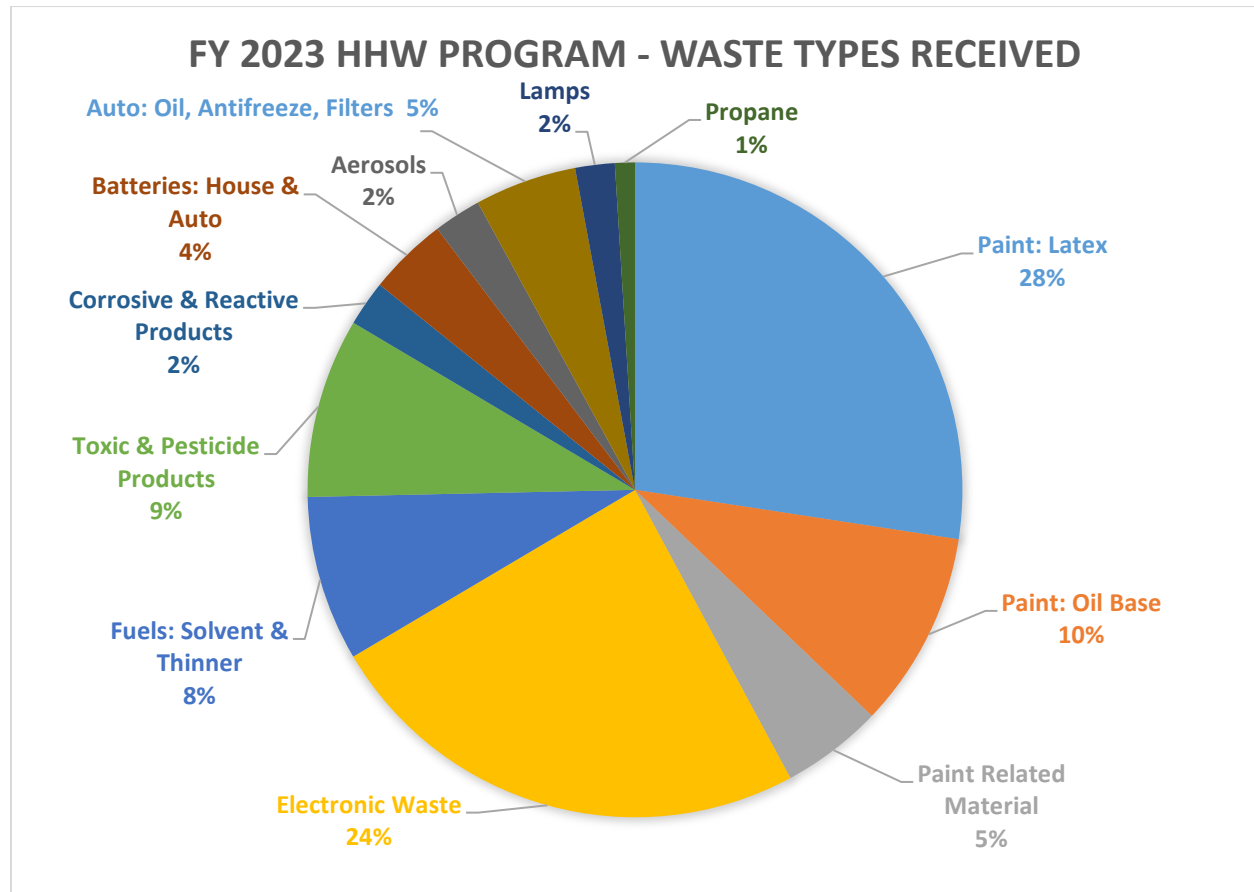


Waste and Materials Received

Paints and paint related materials continue to be the products delivered in greatest quantity to HHW facilities and one day events - comprising 43% of total weight of materials received by the program. Electronic waste is the second largest volume category at over 900 thousand pounds in FY 2023, or 24% of the total. Batteries and lamps comprise another large category at about 4% of total. Discarded household products that are toxic, flammable or corrosive add up to about 11% of all waste and include garden products, cleaners and pool chemicals, lead paint chips, mercury, PCB-containing lamp ballasts, road flares and contaminated soil. Auto service waste, including used oil, comprises 5% of HHW waste collected, reflecting the many other oil disposal options. Paint thinner, gasoline and other waste products that can be turned into fuel add up to about 9% of total. Amounts and relative proportion of waste types for the permanent HHW facilities and temporary collection events are reflected in the graph below.

Waste Received from Service to Businesses, Organizations and Agencies

Businesses, agencies and organizations (Businesses) deliver hazardous waste to HHW facilities through a number of service offerings. Waste collected from a Business is managed together with waste received from residents and comprises about 5% of all waste collected at permanent HHW facilities. Details of these services and participation by community Businesses are in a section below.



Waste Received by the HHW Program		
Waste Type	Quantity, Lbs.	% of Total
Paint: Latex	1,015,821	28%
Paint: Oil Base	360,031	10%
Paint Related Material	185,162	5%
Electronic Waste	902,871	24%
Fuels: Solvent & Thinner	302,223	8%
Toxic & Pesticide Products	328,669	9%
Corrosive & Reactive Products	83,282	2%
Batteries: House & Auto	145,005	4%
Aerosols	86,995	2%
Auto: Oil, Antifreeze, Filters	186,669	5%
Mercury-Containing Lamps	72,123	2%
Propane	36,489	1%

HHW Program Budget

Program costs include staffing and administration by Alameda County Department of Environmental Health as well as costs for contractors providing transportation, waste recycling and disposal services and supplies and labor to manage wastes and materials.

HHW Program Budget, FY 2022-2023					
Agency	S & E B	S & S + Disposal	Overhead	ISF	Total
Alameda County PHHWCFs & THHWCFs	\$2,069,977	\$1,992,288	\$370,000	\$644,738	\$5,077,003
WM Authority			\$294,075		\$294,075
Fremont PHHWCF	\$575,013.30	\$597,638.00	\$42,000.00		\$1,214,651
				Total Cost	\$6,585,730
Revenue - County HHWs					-\$111,842
Revenue - Fremont HHW					-\$29,127
				Net Program Cost	\$6,444,761

S&EB = Salaries and Employee Benefits,

S&S = Services and Supplies including transportation and Disposal of waste.

ISF = County infrastructure, Utilities and maintenance.

Overhead = Departmental overhead for county facilities, Fixed overhead @ Fremont;

WM Authority = Expenses of WMA for outreach, program oversight, direct billing and county tax efforts

Revenue

HHW facilities charge for the cost of waste disposal to organizations and businesses that dispose of waste through HHW Business Hazardous Waste Services. The HHW program also receives payments from battery recyclers. In addition, the HHW program makes use of several Product Stewardship and advanced disposal fee initiatives that credit against costs or offset costs of recycling several waste types. Recycling and stewardship program revenue and cost off-setting efforts are discussed more fully below.

Revenue Sources FY 2022-2023	VSQG	Batteries etc.	Paint Care	Paint Sales	Totals
County HHWs	-\$101,898	-\$9,944	\$0	\$0	-\$111,842
Fremont HHW	-\$26,086	-\$633	-\$746	N/A	-\$29,127
				Total Revenue	-\$140,969

Services Provided and Costs

HHW Program Services and Cost Trend				
County Permanent Collection Facilities	Households Served	Waste Collected (Lbs.)	County FTE	Cost
2014-15	36,237	2,393,328	13	\$3,455,841
2015-16	40,853	2,702,779	15	\$3,324,918
2016-17	46,137	3,306,316	14.8	\$3,642,050
2017-18	53,378	3,451,640	16.9	\$3,622,879
2018-19	54,843	3,453,214	20.6	\$4,052,090
2019-20	41,371	2,701,134	16.5	\$5,017,493
2020-21	53,889	3,892,683	18.6	\$3,820,457
2021-22	45,018	3,210,603	18.5	\$4,447,352
2022-2023	39,162	2,353,245	20.9	\$4,623,789
County Temporary Collection Events				
2014-15	1,339	125,030	N/A	\$48,787
2015-16	4,071	353,815	N/A	\$167,954
2016-17	3,926	327,899	N/A	\$223,246
2017-18	4,376	394,906	N/A	\$276,306
2018-19	3,042	292,591	N/A	\$211,525
2019-20	2,056	150,869	N/A	\$121,525
2020-21	495	43,297	N/A	\$63,180
2021-22	4,193	357,302	N/A	\$89,779
2022-2023	3,755	271,201	N/A	\$341,372
Fremont Permanent Collection Facility				
2014-15	13,365	1,195,343	N/A	\$859,818
2015-16	14,599	1,084,913	N/A	\$799,314
2016-17	14,854	1,111,883	N/A	\$944,266
2017-18	18,763	1,279,095	N/A	\$1,039,271
2018-19	16,957	1,290,288	N/A	\$986,565
2019-20	18,025	1,339,479	N/A	\$1,046,216
2020-21	20,530	1,403,990	N/A	\$1,154,580
2021-22	18,481	1,283,846	N/A	\$1,196,197
2022-2023	16,842	1,148,282	N/A	\$1,185,525

1) Costs includes all program overhead

In 2022-2023 the number of residents served by the program as-a-whole was significantly lower than in recent years – about 15% below the previous five-year average. The amount of waste collected by the program as-a-whole showed an event more significant drop - about 23% below the previous five-year average. These trends follow general patterns for all HHW Programs in the state per data collected by CalRecycle statewide.

Program Cost and Productivity Metrics

Metrics for HHW Program				
County Permanent Collection Facilities		Cost/HH	Cost/LB	Tons/FTE
	2015	\$95.37	\$1.44	92.1
	2016	\$81.39	\$1.23	90.1
	2017	\$78.94	\$1.10	111.7
	2018	\$67.87	\$1.05	102.1
	2019	\$73.89	\$1.17	83.8
	2020	\$121.28	\$1.86	81.9
	2021	\$70.89	\$0.98	104.7
	2022	\$98.79	\$1.39	86.6
	2022-2023	\$120.04	\$2.00	56.4
County Temporary Collection Events				
	2015	\$36.44	\$0.39	N/A
	2016	\$41.26	\$0.47	N/A
	2017	\$56.86	\$0.68	N/A
	2018	\$63.14	\$0.70	N/A
	2019	\$69.53	\$0.72	N/A
	2020	\$59.11	\$0.81	N/A
	2021	\$127.64	\$1.46	N/A
	2022	\$21.41	\$0.25	N/A
	2022-2023	\$70.33	\$0.97	N/A
Fremont Permanent Collection Facility				
	2015	\$62.44	\$0.72	N/A
	2016	\$55.00	\$0.74	N/A
	2017	\$63.56	\$0.85	N/A
	2018	\$58.50	\$0.81	N/A
	2019	\$58.18	\$0.76	N/A
	2020	\$58.04	\$0.78	N/A
	2021	\$56.24	\$0.82	N/A
	2022	\$64.73	\$0.93	N/A
	2022-2023	\$69.74	\$1.03	N/A

Permanent HHW facilities and temporary events operated on a full schedule in this fiscal year. The pandemic continued to affect participation and productivity in unpredictable ways. County HHW facilities had fewer employees due to delays in the hiring process. More contractor labor was used resulting in more workers being employed overall. Contractor workers turnover was high and inexperienced contractor workers were less efficient. The pandemic also affected waste shipment and disposal which resulted in delays in billing that have pushed some cost for disposal of waste shipped during 2021-22 into the 2022-2023 fiscal year.

HHW Service to Small Businesses, Agencies and Organizations

For a business, organization or agency (Business) to use services offered by the HHW program the Business must meet criteria imposed by California law. A Business delivering hazardous waste must qualify as a Very Small Quantity Generator (VSQG), generating less than the threshold amount of 100 Kg of hazardous waste in any month. Businesses delivering only Universal Waste can use HHW services regardless of quantity of Universal Waste generated. Services specific to types of generator are described below. VSQG qualification and whether waste types are acceptable is determined during the application and inventory review process. Businesses needing to deliver hazardous waste do so by appointment made by a phone call to HHW office staff. Phone contact for a VSQG complies with California regulatory requirements for pre-notification of each delivery to confirm that each waste shipment is acceptable and to communicate safe transportation instructions. Businesses delivering only Universal Wastes may deliver these wastes to HHW facilities in Hayward, Livermore and Oakland on days when business waste is accepted without an appointment. Waste is accepted from Businesses every week on Tuesdays at the Oakland and Fremont facilities and every other week on alternating Wednesdays at the Hayward and Livermore sites.

Small Business & Organization (VSQG) Transactions by Facility

Small Business & Organization (VSQGs) Transactions by HHW Facility											
Fiscal Year	Hayward	Livermore	Oakland	Fremont	Total	Landlords Served	Revenue Forgone ¹	Revenue	Revenue	Revenue	Total Revenue
								AlCo	Fremont		
2012	156	108	216	192	564	NA	NA	\$71,853	\$23,972		\$95,825
2013	155	114	279	188	726	NA	NA	\$73,116	\$24,594		\$97,710
2014	128	107	268	198	691	NA	NA	\$89,606	\$30,483		\$120,089
2015	181	123	311	211	816	5	(\$9,601)	\$115,188	\$24,518		\$139,695
2016	163	148	381	214	906	40	(\$78,851)	\$129,520	\$29,420		\$158,940
2017	77	165	471	208	921	27	(\$28,821)	\$94,527	\$33,349		\$127,876
2018	114	205	479	220	1019	23	(\$24,421)	\$102,292	\$35,190		\$137,480
2019	124	184	366	211	885	11	(\$1,614)	\$106,906	\$35,153		\$142,059
2020	125	270	112	190	697	13	(\$3,147)	\$84,559	\$25,801		\$110,360
2021	161	150	354	166	831	29	(\$5,949)	\$114,771	\$27,856		\$142,626
2022	152	150	320	165	787	14	(\$2,029)	\$110,678	\$25,189		\$135,867
2022-2023	167	190	308	156	821	11	(\$2,260)	\$101,898	\$27,748		\$126,646

- 1) Value of revenue foregone resulting from disposal service provided free of charge to residential landlords disposing of waste from rental properties

In FY 2022-23 the program added 63 new business and organization customers and continued to see robust use of the HHW facilities by local businesses. 665 different businesses, agencies and organizations used HHW facilities for waste disposal making a total of 821 deliveries. This includes 20 separate local public agencies that saved money by using the HHW program for disposal of small volumes of hazardous waste.

Residential Landlord Program

In the spring of 2015, the HHW service to small businesses began to accept waste from residential landlords free-of-charge. This allows the owner of a residential property to easily dispose of hazardous waste left behind by a tenant or waste generated maintaining the residence within the parameters of the HHW Small Business Waste Service. In 2022-23 the program accepted hazardous waste from residential landlords 18 times, serving 11 separate owners representing 1359 units managed, and saving owners an estimated \$2,260 in disposal charges.

Waste Collection and Acceptance Partnerships

Abandoned waste

The HHW program has partnerships with local agencies to dispose of waste abandoned on public rights-of-way. In FY 2022-23 a total of about 4300 lbs. of abandoned waste was accepted

from the cities of Albany, Piedmont, San Leandro, Union City and Hayward Recreation and Parks District. In 2018 Cal. EPA DTSC determined that the definition of “CESQG” (the regulatory term was updated in 2020 to “Very Small Quantity Generator” - VSQG) did not include governmental agencies such that delivery of abandoned waste by an agency was outside the framework of what could be accepted at a HHW program. This interpretation therefore required agencies to use a hazardous waste hauler and hazardous waste manifest to ship waste. The Department of Environmental Health responded to the challenge through legislative means and supported passage of SB 726 (Caballero 2019) which clarified that an agency can be defined as a “CESQG”. The law came into effect in January 2020 and agencies returned to delivering abandoned waste at no cost to the Agency.

Abandoned Waste Collection Partnerships FY 2022-2023				
Agency	Visits/ Year	Waste Weight, Lbs.	Est. Savings	
City of Albany	3	597	\$830	
City of Piedmont	1	38	\$53	
City of San Leandro	4	1300	\$1,807	
City of Union city	6	1678	\$2,332	
Hayward Rec. & Park District	2	563	\$783	
Totals	16	4176	\$5,805	

Community Collection Partners for Batteries and Fluorescent Lamps

Since 2006 the HHW program has partnered with local city recycling programs which collect batteries and lamps and transport them to the HHW program. The recycling partners are not charged for recycling of these Universal Wastes (UW). The HHW program provides collection kits consisting of pre-labeled plastic and cardboard collection containers, instructional posters, training and identification booklet, collection logs and Bill of Lading for transport. Recycling Coordinators arrange for placement of collection containers in public buildings, monitor the collections and when appropriate, transport the batteries and lamps to the HHW facility. The Cities of Alameda, and Berkeley do not have curbside battery recycling but have particularly active battery and lamp collection programs - collecting over 50,000 lbs. of batteries and lamps at local drop-off sites. Hardware stores and several large multifamily residential buildings have been added to the Community Collection partners and now provide residents easy drop-off options and collect significant quantities of batteries and lamps.

Universal Waste Collected by Local City and Retail Collection Partners	Visits	Batteries, Lbs.	Compact Lamps, Lbs.	Lamp Tubes Lbs.	Smoke Detectors, Ct.	Cost Offset
Alameda County Property and Salvage	3	2,572	0	7,923	0	\$2,626.00
Berkeley Recycling Center	39	15,750	2,981	6,072	0	\$36,837.00
City of Alameda	25	6,841	538	1,851	0	\$12,156.50
Hardware store & apartment partners	29	6,072	1,921	5,452	0	\$22,738.00
Total	96	31,235	5,440	21,298	0	\$74,357.50

Summary of Services to Agencies, Businesses, Landlords and Organizations		
	Entities Served	Deliveries
Public Agencies Served	20	62
Agency Abandoned Waste	5	16
VSQG Businesses	291	585
Drop In Businesses Served	198	247
UW Collection Partners	7	96
Residential Landlords	11	18
New VSQGs signed up	63	NA
Total		951

Cost Reduction, Waste Diversion and Extended Producer Responsibility

Material Reuse – The “Swap Sheds”

HHW facilities have offered usable products collected by the program to residents for free in each facility’s “Swap Shed”. Each HHW facility has a Reuse Area where usable products are offered to the public for free. This material reuse supports sustainability goals, avoids disposal costs and is popular with the public. In Fiscal Year 2022-2023 the County-run reuse program was closed as sites grappled with ways to assure “Swap Shed” users could safely follow health orders. Emergency Health Restrictions have been lifted. The Fremont resumed Material Reuse in Mid 2022-2023, County-operated HHW facilities will re-start this service in FY 2024.

Paint Sales

Much of the paint collected by the program is in useable condition. Most paint is shipped to PaintCare contractors who make re-blended paint and other related products. At County-run HHW facilities white latex paint is consolidated and shipped to a local paint manufacturer that filters, colors and remixes, then packages paint in 5-gallon pails for return to the county. The program charges \$25 per 5-gallon pail to the public to partially offset handling cost. In FY 22-23 no paint was distributed due to delays in delivery of re-blended paint from the recycling contractor. The HHW program continues to seek local agency partners that can use this type of paint.

Product Stewardship and Advance Disposal Fee Program Participation

The HHW program participates in several product stewardship or extended producer responsibility programs in which cost or responsibility for recycling is borne by the product manufacturers. These programs include: California’s electronic waste recycling system, programs for collection of mercury thermostats, rechargeable batteries, auto batteries, mattresses and, most notably, architectural paint. Since 2019 implementation of the Alameda County Safe Medicine and Sharps Disposal ordinance has resulted in increasing numbers of convenient locations for residents to drop off medications and sharps (needles).

Architectural Paint - Product Stewardship Program

PaintCare is the nonprofit entity established by paint manufacturers to operate California's paint product stewardship program. Funded by a manufacturer-imposed fee on paint sales, the program supports free disposal of architectural oil base and latex paint, stains, coatings and other related material authorized by AB1343 in 2012. PaintCare provides packaging material and disposes of eligible collected materials free of charge to collectors which include retail paint stores and HHW facilities. PaintCare eligible products are a subset of the universe of paint and paint related materials typically received at the HHW program. Paint and paint related materials outside the scope of PaintCare eligible products include industrial paints and coatings, thinners and reducers, roof coatings, automotive paints, marine paint, fabric paint and fine arts paints. These materials are all accepted by the HHW program and incur significant costs unreimbursed by PaintCare. For fiscal year 2022-2023 all four facilities and the Temporary event participated in the PaintCare program. This product stewardship program offset costs at HHW program as-a-whole by approximately \$ 628,000.

Electronic Waste (E-Waste) – Advance Disposal Fee Program

E-Waste is discarded electric and electronic devices presumed to contain hazardous constituents - including heavy metals such as mercury, lead, copper or zinc - in concentrations great enough to be classified as hazardous waste. E-Wastes that have a video display screen are defined as "Covered Devices" under California's 2003 E-Waste laws, SB20/50. In California, recycling of E-Waste Covered Devices is an Advance Disposal Fee program that is administered by CalRecycle which receives a fee for each Covered Device sold in the state. Collection of Covered Devices is reimbursed by CalRecycle. Other E-Waste collected by the HHW program that are not Covered Devices include computer peripherals, CPUs, audio equipment, microwave ovens, toasters and hair dryers. This type of E-Waste has a little or no scrap value and results in a cost the program. The fraction of Covered Devices accepted by E-Waste programs is typically much less than 50% of the total E-Waste collected. In FY 2022-2023 the cost-offset value of SB20/50 Covered Devices collected by Alameda County permanent facilities and temporary events was \$32,800.

Lead Acid and Rechargeable Batteries

Since 1989 State law requires dealers of lead acid automotive, transportation and backup power batteries to accept spent batteries for exchange from the consumer in a sale transaction. While not a formal product stewardship program, lead's considerable scrap value, ease of recycling and continuing industrial demand ensures that about 95% of lead-acid batteries are recycled. The HHW program receives payment at the market rate for the value of auto and other rechargeable batteries from recyclers. Alameda County uses Call2Recycle to manage rechargeable household batteries, and increasingly all household battery types. Credits received from recycling of lead-acid, nickel cadmium, nickel metal hydride and lithium-ion batteries amounted to about \$45,580 in FY 2022-2023.

Medication and Home-Use Sharps Stewardship in Alameda County

Implementation of Alameda County's Safe Drugs and Consumer-Generated Sharps Ordinance now offers 97 pharmacies and other locations where residents can safely drop off drugs. 50 of these locations also accept sharps in FDA cleared sharps containers. This stewardship program

benefits the public by reducing the likelihood that un-needed medications will be misused, and benefits the HHW program by covering costs for disposal of sharps collected from the public. County-run HHW facilities no longer collect medications from the public, however, One-Day events provide services for residents to dispose of both medications and sharps with costs covered by the stewardship organization.

Mattress Recycling at One-Day Events

The HHW program works in agreement with the Mattress Recycling Council (MRC) to provide mattress collection at many One-Day HHW events. Mattress collection is at no cost to the HHW program as MRC provides labor, transportation and recycling services, with the HHW program arranging for space and traffic control. Mattresses were collected during the Temporary event in Union City in FY 2022-2023.

Pandemic and Other Extraordinary Circumstances in 2022-2023

The continued public health threat of the COVID pandemic has led to changes in the HHW program that benefits county residents. Protocols implemented at HHW facilities aligned with guidance from OSHA, State and Alameda County Department guidance to protect staff and the public. During late FY 2019-20 HHW facilities made several improvements that remain in place after the Emergency Health Declaration was lifted. Residential transaction information is now recorded using a hand-held driver's license scanner, providing a quick, no-touch means of recording transaction and improve customer service. Implementation of the scanners improves data completeness and accuracy and enhances data security. The scanners increase efficiency of recordkeeping and save over 600 pounds of paper a year.

Starting in 2020 County-run HHW facilities accepted waste from residents by appointment. When the declaration was lifted in March no more appointments are taken for residents delivering waste to a permanent HHW facility. Appointments are used for Temporary one-day events. Waste Management Authority staff continue to be instrumental in dynamically updating websites and other outreach information as well as providing and hosting the easy-to-use web-based appointments system. These resources give residents the information they need to safely use the HHW program.

HHW program staff continue to address customer needs by phone. The on-line appointments system has prompted numerous positive in-person and e-mail comments from residents. Rapid adoption of on-line appointments and other improved web services resulted in better informed HHW program customers. The improved online information and instructions frees HHW program staff to dedicate time to customers that call in with needs for in-person service.

The HHW sites continue to respond to logistics, labor and supplies uncertainties. Staff have responded by maximizing available waste storage space, organizing and minimizing equipment to allow increased stocking of PPE, packaging and operations supplies. Sites will continue to comply with State and County guidelines to assure staff and public safety including Site Specific Protection Plans, staff training, re-arrangement of site traffic flow and posting of signs to communicate safety information to the public.

Future Efforts for FY 2023-2024

- Continue to use driver's license scanners to collect and input customer information. Continuing effort to assure reduced data collection time and effort and provide the Authority needed demographic information on participant or household location and survey questions.
- Collaborate with the Authority to focus outreach on under-served areas as identified by transaction data. Resume more wide-spread public outreach as health risks and operational uncertainties decrease.
- Conduct a full schedule of One-Day events. Recent events were held safely and efficiently with attendance higher than in years past. We look forward to collaborating with Recycling Coordinators to schedule and promote these events.
- Seek multiple alternatives for recycling and reuse of collected material. Examples include recycling of printer cartridges and used cooking oil. Explore collaboration with organizations to re-distribute usable material in accordance with SB 726 guidelines.
- Use inter-departmental and inter-jurisdiction resources and other outreach to promote HHW Small Business Waste Services to agencies, landlords and other businesses and organizations.

Cart-side Pick-up of Residential Hazardous & Other Waste by Jurisdiction

Items	Alameda	Albany	Berkeley	Castro Valley	Dublin	Emeryville	Fremont	Hayward	Hayward (Oro Loma - L2)	Livermore	Newark	Oakland	Piedmont	Pleasanton	San Leandro	San Leandro (Oro Loma - L3)	San Lorenzo (Oro Loma)	Unincorporated Oro Loma (L1)	Union City
E-Waste	B	B		B	B	B	B	B	B	B	B	S, B	B	B	B	B	B	B	B
Batteries - Household - Rechargeable (up to 5 lbs)	S	S		S	S	S		S	S	S	S		S	S	S	S	S	S	S
Batteries - Household - Single-Use	S	S		S	S	S		S	S	S	S		S	S	S	S	S	S	S
Cell Phones - Non-working	B	S		B	B	B	B	S	B	S	B	B	S	S	B	B	B	B	S
Cooking Oil/Grease/Fats	S			S															
Light Bulbs - CFLs		S				S							S						
Light Bulbs - Fluorescent Tubes						S													
Motor Oil	S	S		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S
Oil Filters	S	S		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S
Textiles	B			S, B	S					S									
Christmas Trees	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Key

B = Bulky Pickup

S = Special Item Action: Item is picked up curbside, but requires a special action (see below)

Items residents place NEXT to carts: motor oil & filters (in a bag), sealed containers of cooking oil, textiles, trees, & boxed e-waste

Items residents put in clear bag & place on TOP of cart: batteries, cell phones, CFLs

Data is pulled from RE:Source. To note, cities also use the Special Item Action designation in RE:Source to share collection events and drop-off locations of hazardous items. These are not included in this table.



Bill Text: CA AB2481 | 2021-2022 | Regular Session | Chaptered California Assembly Bill 2481

Bill Title: Household hazardous waste: facilities: transportation and acceptance.

Spectrum: Partisan Bill (Republican 1-0)

Status: (*Passed*) 2022-09-23 - Chaptered by Secretary of State - Chapter 499, Statutes of 2022. [AB2481 Detail]

Download: California-2021-AB2481-Chaptered.html

Assembly Bill No. 2481

CHAPTER 499

An act to amend Sections 25163, 25217.2, 25217.2.1, 25218.3, 25218.5, and 25218.8 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, Smith. Household hazardous waste: facilities: transportation and acceptance.

Under existing law, the Department of Toxic Substances Control generally regulates the management and handling of hazardous waste and hazardous materials. Existing law authorizes certain entities to operate household hazardous waste collection facilities, as defined, under permits issued by the department, and specifies conditions for the transportation of household hazardous waste. Existing law requires a person engaged in the transportation of hazardous waste to be registered with the department and to either have a legible copy of the paper manifest, provided by the generator, in their possession while transporting the hazardous waste or have an electronic manifest accessible during transportation. Existing law allows certain of those facilities to accept recyclable latex paint and oil-based paint, and other waste in specified amounts from a very small quantity generator (VSQG) of the waste, as defined, if the facility complies with certain requirements. A violation of the hazardous waste control laws is a crime.

This bill would revise and recast various requirements and conditions related to the transportation of hazardous waste and the operation of household hazardous waste collection facilities. The bill, among other things, would, to the extent consistent with federal law, allow the transporting of waste to a household hazardous waste collection facility from another household hazardous waste collection facility, as specified, with a shipping paper instead of a manifest. The bill would allow household hazardous waste to be transported in a leased vehicle. The bill also would allow, under certain circumstances, household hazardous waste to be transported to a household hazardous waste collection facility by a person who did not generate the waste. The bill would allow a household hazardous waste collection facility authorized to accept hazardous waste from a very small quantity generator to take several actions, including, but not limited to, accepting hazardous waste from a VSQG in the same area and at the same time as residential household hazardous waste and allowing the facility to accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts no more 1,200 kilograms from that VSQG in a calendar year. The bill would authorize a household hazardous waste collection facility to allow people to exit their vehicles in waste acceptance areas only under specified conditions. The bill would specify that volume limitations placed on a facility in accepting hazardous waste from a VSQG do not apply to latex and oil-based paints, as provided, and would impose other volume and weight limitations on wastes transported by public agencies under existing authority to transport, or oversee the transport of, illegally disposed of hazardous waste. The bill would also make nonsubstantive changes, including by deleting obsolete provisions, and would make clarifying and conforming changes.

To the extent this bill changes the conduct that constitutes the crime of violating the hazardous waste control laws, the 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.

Digest Key

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) By facilitating the proper disposal of hazardous waste by households and small businesses, there could be an increase the amount of waste accepted by local household hazardous waste programs, which could increase costs for the sponsoring agency.

(2) The Legislature intends to recognize the existing authority for local agencies to charge fees for costs incurred in managing these hazardous wastes and balance that authority with the need to keep costs low to ensure proper disposal of hazardous waste.

(b) It is the intent of the Legislature to do all of the following:

(1) Clarify and resolve ambiguities and inconsistencies between conflicting sections of existing law.

(2) Facilitate proper disposal of hazardous waste and household hazardous waste by residential and very small quantity generators.

(3) Reduce administrative burdens and costs on local agencies that manage household hazardous waste collection programs as a public service to protect public health, safety, and the environment.

(4) Preserve existing flexibility with respect to the types and quantities of hazardous wastes accepted by local household hazardous waste collection programs.

SEC. 2. Section 25163 of the Health and Safety Code is amended to read:

25163. (a) (1) Except as otherwise provided in subdivisions (b) to (f), inclusive, it is unlawful for a person to carry on, or engage in, the transportation of hazardous waste unless the person holds a valid registration issued by the department, and it is unlawful for a person to transfer custody of a hazardous waste to a transporter who does not hold a valid registration issued by the department. A person who holds a valid registration issued by the department pursuant to this section is a registered hazardous waste transporter for purposes of this chapter. A registration issued by the department to a transporter of hazardous waste is not transferable from the person to whom it was issued to any other person.

(2) A person who transports hazardous waste in a vehicle shall have a valid registration issued by the department in the person's possession while transporting the hazardous waste. The registration certificate shall be shown upon demand to any representative of the department, officer of the Department of the California Highway Patrol, any local health officer, or any public officer designated by the department.

(3) The hazardous waste information required and collected for registration pursuant to this subdivision shall be recorded and maintained in the management information system operated by the Department of the California Highway Patrol.

(b) A person transporting only septic tank, cesspool, seepage pit, or chemical toilet waste that does not contain hazardous waste originating from other than the body of a human or animal and who holds an unrevoked registration issued by the health officer or the health officer's authorized representative pursuant to Article 1 (commencing with Section 117400) of Chapter 4 of Part 13 of Division 104 is exempt from the requirements of subdivision (a).

(c) Except as provided in subdivisions (e) and (f), a person transporting hazardous waste to a permitted hazardous waste facility for transfer, treatment, recycling, or disposal, which waste does not exceed a total volume of five gallons or does not exceed a total weight of 50 pounds, is exempt from the requirements of subdivision (a) and from the requirements of paragraph (1) of subdivision (d) of Section 25160 requiring possession of a manifest while transporting hazardous waste, upon meeting all of the following conditions:

(1) The hazardous waste is transported in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(2) Different hazardous waste materials are not mixed within a container during the transporting.

(3) If the hazardous waste is extremely hazardous waste or acutely hazardous waste, the extremely hazardous waste or acutely hazardous waste was not generated in the course of any business, and is not more than 2.2 pounds.

(4) The person transporting the hazardous waste is the producer of that hazardous waste, and the person produces no more than 100 kilograms of hazardous waste in any month.

(5) The person transporting the hazardous waste does not accumulate more than a total of 1,000 kilograms of hazardous waste onsite at any one time.

(d) A person authorized to collect solid waste, as defined in Section 40191 of the Public Resources Code, who unknowingly transports hazardous waste to a solid waste facility, as defined in Section 40194 of the Public Resources Code, incidental to the collection of solid waste is not subject to subdivision (a).

(e) A person transporting household hazardous waste or a very small quantity generator transporting hazardous waste to an authorized household hazardous waste collection facility pursuant to Section 25218.5 or 25218.5.1 is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of a manifest while transporting hazardous waste.

(f) (1) To the extent consistent with federal law, the transport of household hazardous waste to a household hazardous waste collection facility is exempt from subdivision (a) and from paragraph (1) of subdivision (d) of Section 25160 requiring possession of the manifest if the transport is from another household hazardous waste collection facility, a permanent household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility.

(2) A shipment of household hazardous waste described in paragraph (1) shall use a shipping paper that contains all the information set forth in Subpart C (commencing with Section 172.200) of Part 172 of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations. The shipping paper for the shipment shall be retained for a minimum of three years. For purposes of this subdivision, "shipping paper" may include a bill of lading or a manifest as required by federal law.

SEC. 3. Section 25217.2 of the Health and Safety Code is amended to read:

25217.2. (a) Recyclable latex paint may be accepted at any location, including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation that include, at a minimum, that the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

(2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(3) Any latex paint that is accepted as recyclable by the location and that is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where the discovery is made and the latex paint shall be managed as a waste in accordance with this chapter.

(4) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.

(5) The recyclable latex paint is stored for no longer than 180 days.

(b) (1) For purposes of this subdivision the following definitions shall apply:

(A) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(B) "VSQG" means a very small quantity generator, as specified in subdivision (q) of Section 25218.1.

(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

(A) Complies with subdivision (a).

(B) Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article.

(C) Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators.

(3) A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to the weight and volume limits on the amount of recyclable latex paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

(4) A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding a permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a VSQG, or the status of the generator.

SEC. 4. Section 25217.2.1 of the Health and Safety Code is amended to read:

25217.2.1. (a) A location that accepts recyclable latex paint pursuant to Section 25217.2 may also accept oil-based paint if all of the additional following conditions are met:

(1) The collection location is established under an architectural paint stewardship plan approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(2) The collection location receives oil-based paint only from either of the following:

(A) A person who generates oil-based paint incidental to owning or maintaining a place of residence.

(B) A very small quantity generator.

(3) The oil-based paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

(4) The location manages the oil-based paint in accordance with the requirements in Section 25217.2.

(5) The collection location operates pursuant to a contract with a manufacturer or paint stewardship organization that has submitted an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery and the collected paint is managed in accordance with that approved architectural paint stewardship plan.

(6) The oil-based paint is stored for no longer than 180 days.

(b) Oil-based paint initially collected at a collection location shall be deemed to be generated at the consolidation location for purposes of this chapter, if all of the following apply:

(1) The collection location is established under an architectural paint stewardship plan in accordance with the requirements of paragraph (1) of subdivision (a).

(2) The oil-based paint is subsequently transported to a consolidation location that is operating pursuant to a contract with a manufacturer or paint stewardship organization under an architectural paint stewardship plan that has been approved by the Department of Resources Recycling and Recovery pursuant to the architectural paint recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(3) The oil-based paint is non-RCRA hazardous waste, or is otherwise exempt from, or is not otherwise regulated pursuant to, the federal act.

(c) A permanent household hazardous waste collection facility that accepts recyclable latex paint pursuant to and in compliance with Section 25217.2 and that accepts oil-based paint is not subject to the weight and volume limits on the amount of oil-based paint that may be accepted, pursuant to subdivision (b) of Section 25218.3.

SEC. 5. Section 25218.3 of the Health and Safety Code is amended to read:

25218.3. (a) The department may authorize a household hazardous waste collection facility to accept hazardous waste from a VSQG.

(b) (1) A household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to subdivision (a) shall not accept more than 100 kilograms of hazardous waste, or 1 kilogram of extremely hazardous waste, from any one VSQG in a calendar month. Calculations of quantity under this subdivision shall not include universal wastes managed pursuant to the requirements of Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.

(2) Notwithstanding paragraph (1), a household hazardous waste collection facility may accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts a total of no more than 1,200 kilograms of hazardous waste from that VSQG in a calendar year.

(3) The limits specified in this subdivision do not apply to recyclable latex paint or oil-based paint accepted by a household hazardous waste collection facility that accepts recyclable paint pursuant to Section 25217.2 or oil-based paint pursuant to Section 25217.2.1.

(c) A public agency, or its contractor, that accepts hazardous waste from a VSQG pursuant to this section may charge the VSQG a fee for the cost incurred in handling their hazardous waste.

(d) The department may adopt and revise regulations for household hazardous waste collection facilities, including those that are authorized to accept hazardous waste from a VSQG. The regulations shall provide for all of the following:

(1) Promoting the reduction, reclamation, and recycling of hazardous waste over other hazardous waste management alternatives.

(2) Ensuring the safe transport of household hazardous waste and hazardous waste to authorized collection programs.

(3) Ensuring the compliance of participating VSQGs with the monthly quantity limitations specified in Section 262.13 of Title 40 of the Code of Federal Regulations.

(e) Notwithstanding any other law, a household hazardous waste collection facility may authorize a person delivering waste at the acceptance area of the facility to exit their vehicle only if the facility determines that the person is required to exit the vehicle in order to provide access to the household hazardous waste being delivered. After providing the required access, the facility shall ensure that the person immediately returns to their vehicle.

(f) Notwithstanding any other law, a household hazardous waste collection facility may accept hazardous waste from a VSQG in the same area and at the same time that the facility accepts residential household hazardous waste.

SEC. 6. Section 25218.5 of the Health and Safety Code is amended to read:

25218.5. (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

(A) The individual or VSQG who generated the waste.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) A curbside household hazardous waste collection program.

(C) A mobile household hazardous waste collection facility, a temporary or permanent household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.

(D) A door-to-door household hazardous waste collection program.

(E) A household hazardous waste residential pickup service.

(F) A registered hazardous waste transporter carrying hazardous waste generated by a VSQG.

(G) A public agency, contractor of a public agency, or a registered hazardous waste transporter carrying hazardous waste from a solid waste facility or operation, including, but not limited to, a solid waste landfill loadcheck program or a transfer station loadcheck program, under agreement with the household hazardous waste collection facility.

(H) A public agency, contractor of a public agency, or a registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, provided no more than 55 gallons or 500 pounds are being transported, and the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

(2) Spent batteries that are received and transported pursuant to Section 25216.1 may be transported to a household hazardous waste collection facility from a collection location or an intermediate collection location.

(3) Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivision (f) of Section 25163.

(b) An individual transporting household hazardous waste generated by that individual and a VSQG transporting hazardous waste generated by the VSQG to a household hazardous waste collection facility shall meet all of the following conditions:

(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a VSQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(C) A VSQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:

(i) The hazardous waste being transported was generated by that VSQG.

(ii) The VSQG contacts the household hazardous waste collection facility before each delivery to confirm that the facility will accept the hazardous waste.

(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the VSQG before each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.

(iv) The VSQG or employees of the VSQG transport the hazardous waste in a vehicle owned or leased and operated by the VSQG.

(D) The limits in this subdivision do not apply to recyclable latex paints or oil-based paints transported to a household hazardous waste collection facility.

(2) The household hazardous waste and VSQG hazardous waste that is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(3) Different household hazardous wastes or different VSQG hazardous wastes shall not be mixed within a container before or during transport.

(4) If the hazardous waste is an extremely hazardous waste or an acutely hazardous waste, the total amount transported by a VSQG shall not exceed 2.2 pounds.

(c) (1) Except as provided in paragraph (2), the total combined volume or weight of used oil filters and antifreeze transported to a recycle-only household hazardous waste collection facility by any one individual shall not exceed a total liquid volume of 10 gallons or a total dry weight of 100 pounds. Up to two spent lead-acid batteries may be transported at the same time and not more than 20 gallons of used oil may be transported in the same vehicle if the volume of each individual container does not exceed five gallons.

(2) Paragraph (1) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(d) A curbside household hazardous waste collection program shall meet all of the following conditions:

(1) Not more than a total combined weight of 10 pounds of used oil filters shall be collected from a single residence at one time.

(2) Not more than five gallons of used oil shall be collected from a single residence at one time, and the volume of each individual container collected shall not exceed five gallons.

(3) The volume of each individual container of architectural paint collected shall not exceed five gallons.

(4) Hazardous waste containing mercury shall not be collected by a curbside household hazardous waste collection program unless the waste is contained in secure packaging that prevents breakage and spillage.

(5) Fluorescent light tubes that are four feet or greater in length shall not be collected by a curbside household hazardous waste collection program.

(6) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(7) Different household hazardous wastes shall not be mixed within a container before or during transport.

(e) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall meet all of the following conditions:

(1) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(2) Different household hazardous wastes shall not be mixed within a container before or during transport.

(3) (A) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service is exempt from the requirements of Section 25160 regarding the use of a manifest when transporting household hazardous waste collected from individual residences to an authorized hazardous waste collection facility. In lieu of a manifest, a receipt shall be issued for the household hazardous waste collected from an individual residence, and a copy of the receipt shall be retained by the public agency for a period of at least three years.

(B) If household hazardous waste is transported to a hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, the consolidated manifesting procedures specified in Section 25160.8 shall be used by the public agency or its contractor.

(f) Notwithstanding Section 25218.4, a permanent household hazardous waste collection facility, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility that transports household hazardous waste from the collection facility to a household hazardous waste collection facility pursuant to subdivision (a) shall comply with subdivision (f) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(g) (1) Except as provided in paragraph (2), a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall not be deemed to be a household hazardous waste collection facility for purposes of this chapter if it is operated in conjunction with an authorized household hazardous waste collection facility.

(2) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, under which household hazardous waste is collected from households in one jurisdiction and transported to an authorized household hazardous waste collection facility in another jurisdiction, shall be deemed a household hazardous waste collection facility for purposes of this chapter and shall submit the notification required in Section 25218.2 to each Certified Unified Program Agency in whose jurisdiction the household hazardous waste is collected.

SEC. 7. Section 25218.8 of the Health and Safety Code is amended to read:

25218.8. (a) Except as provided in subdivision (b), a hazardous waste facilities permit shall be obtained for the operation of a household hazardous waste collection facility.

(b) A hazardous waste facilities permit is not required for the operation of a recycle-only household hazardous waste collection facility if all of the following conditions are met:

(1) The facility accepts only the following recyclable household hazardous waste materials for subsequent transport to an authorized recycling facility:

- (A) Latex paint.
 - (B) Used oil.
 - (C) Used oil filters.
 - (D) Antifreeze.
 - (E) Spent lead-acid batteries.
 - (F) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.
 - (G) Oil-based paint accepted pursuant to the requirements in Section 25217.2.1.
- (2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).
- (3) The materials are transported to the collection facility by either of the following:
- (A) The person who generated the material.
 - (i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.
 - (ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.
 - (iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.
 - (B) The authorized curbside household hazardous waste collection program or other household hazardous waste programs and sources, including load checking sources.
- (4) The materials transported to the facility are transported in accordance with Section 25218.5.
- (5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.
- (6) The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter.
- (7) The facility is in compliance with Section 25218.2.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.