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AB-827 Solid waste: commercial and organic waste: recycling bins. (2019-2020)

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Assembly Bill No. 827

CHAPTER 441

An act to amend Sections 42649.1, 42649.2, 42649.8, and 42649.81 of the Public Resources Code, relating to solid waste.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 827, McCarty. Solid waste: commercial and organic waste: recycling bins.

Existing law requires a business that generates 4 cubic yards or more of commercial solid waste or 8 cubic yards or more of organic waste per week to arrange for recycling services, as specified.

This bill would require a business subject to either of those requirements, and that provides customers access to the business, to provide customers with a recycling bin or container for that waste stream that is visible, easily accessible, adjacent to each bin or container for trash other than that recyclable waste stream, except in restrooms, and clearly marked with educational signage, as specified. The bill would exempt full-service restaurants, as defined, from its requirements, as specified. The bill would also require the Department of Resources Recycling and Recovery to, on or before July 1, 2020, develop model signage that commercial and organic waste generators, as defined, may utilize to mark the recycling bins provided to customers.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 42649.1 of the Public Resources Code is amended to read:

42649.1. For purposes of this chapter, the following definitions apply:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial solid waste" includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

(c) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(d) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and an employee of the establishment takes all of the following actions:

- (1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.
- (2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.
- (3) The food and beverage orders are delivered directly to the consumer.
- (4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.
- (5) The check is delivered directly to the consumer at the assigned eating area.

(e) "Self-hauler" means a business that hauls its own waste rather than contracting for that service.

SEC. 2. Section 42649.2 of the Public Resources Code is amended to read:

42649.2. (a) On and after July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) A commercial waste generator shall take at least one of the following actions:

- (1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.
- (2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

(c) (1) A business subject to subdivision (a) and that provides customers access to the business shall provide, on or before July 1, 2020, customers with a commercial solid waste recycling bin or container to collect material purchased on the premises and that fulfills all of the following requirements:

(A) Is adjacent to each bin or container for trash other than recyclable commercial solid waste, except in restrooms.

(B) Is visible and easily accessible.

(C) Is clearly marked with educational signage indicating what is appropriate to place in the commercial solid waste recycling bin or container in accordance with state law and the local jurisdiction's solid waste ordinances and practices.

(2) Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, on or before July 1, 2020, provides its employees a commercial solid waste recycling bin or container to collect material purchased on the premises and implements a program to collect recyclable commercial solid waste.

(3) The department, on or before July 1, 2020, shall develop model signage that businesses may utilize in implementing paragraph (1).

(d) A property owner of a multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

SEC. 3. Section 42649.8 of the Public Resources Code is amended to read:

42649.8. For purposes of this chapter, the following definitions apply:

(a) "Business" means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) "Commercial waste generator" means a business subject to subdivision (a) of Section 42649.2.

(c) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and an employee of the establishment takes all of the following actions:

- (1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.
- (2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.
- (3) The food and beverage orders are delivered directly to the consumer.

(4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.

(5) The check is delivered directly to the consumer at the assigned eating area.

(d) "Organic waste" means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

(e) "Organic waste generator" means a business subject to subdivision (a) of Section 42649.81.

(f) "Rural jurisdiction" means a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties.

(g) "Rural county" means a county that has a total population of less than 70,000 persons.

(h) "Self-hauler" means a business that hauls its own waste rather than contracting for that service. "Self-haul" means to act as a self-hauler.

SEC. 4. Section 42649.81 of the Public Resources Code is amended to read:

42649.81. (a) (1) On and after April 1, 2016, a business that generates eight cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(2) On and after January 1, 2017, a business that generates four cubic yards or more of organic waste per week shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(3) On and after January 1, 2019, a business that generates four cubic yards or more of commercial solid waste, as defined in Section 42649.1, per week, shall arrange for recycling services specifically for organic waste in the manner specified in subdivision (b).

(4) On or after January 1, 2020, if the department determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during 2014, a business that generates two cubic yards or more per week of commercial solid waste shall arrange for the organic waste recycling services specified in paragraph (3), unless the department determines that this requirement will not result in significant additional reductions of organics disposal.

(5) A business located in a rural jurisdiction that is exempted pursuant to paragraph (2) of subdivision (a) of Section 42649.82 is not subject to this chapter.

(b) A business subject to subdivision (a) shall take at least one of the following actions:

(1) Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.

(2) Recycle its organic waste onsite or self-haul its own organic waste for recycling.

(3) Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.

(4) Make other arrangements consistent with paragraph (3) of subdivision (b) of Section 42649.84.

(c) A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance with this section.

(d) (1) A business subject to subdivision (a) and that provides customers access to the business shall provide, on or before July 1, 2020, customers with an organic waste recycling bin or container to collect material purchased on the premises for immediate consumption and that fulfills all of the following requirements:

(A) Is adjacent to each bin or container for trash other than recyclable organic waste, except in restrooms.

(B) Is visible and easily accessible.

(C) Is clearly marked with educational signage indicating what is appropriate to place in the organic waste recycling bin or container in accordance with state law and the local jurisdiction's solid waste ordinances and practices.

(2) Full-service restaurants are exempt from the requirements of this subdivision if the full-service restaurant, on or before July 1, 2020, provides its employees an organic waste recycling bin or container to collect material purchased on the premises for immediate consumption and implements a program to collect recyclable organic waste.

(3) The department, on or before July 1, 2020, shall develop model signage that businesses may utilize in implementing paragraph (1).

(e) A business generating organic waste shall arrange for the recycling services required by this section in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste.

(f) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service shall require that the organic waste generated by those services be managed in compliance with this chapter.

(g) (1) A multifamily residential dwelling that consists of fewer than five units is not a business for purposes of this chapter.

(2) A business that is a multifamily dwelling is not required to arrange for the organic waste recycling services specified in subdivision (b) for food waste that is generated by the business.

(h) If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services.