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SB-726 Hazardous waste: public agencies: materials exchange program. (2019-2020)

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Senate Bill No. 726

CHAPTER 485

An act to amend Sections 25217, 25218.1, 25218.5, 25218.5.1, and 25218.12 of, and to add Section 25218.11.5 to, the Health and Safety Code, relating to hazardous waste.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 726, Caballero. Hazardous waste: public agencies: materials exchange program.

Existing law, as part of the hazardous waste control laws, authorizes a public agency or its contractor to operate a household hazardous waste collection facility for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste. Existing law authorizes a public agency to conduct a materials exchange program as a part of its household hazardous waste collection program if the public agency determines which reusable household hazardous products or materials are suitable and acceptable for distribution to the public in accordance with a quality assurance plan prepared by the public agency. Existing law imposes certain requirements for a quality assurance plan. Existing law requires a public agency to instruct a recipient to use the product in a manner consistent with the instructions on the label. A violation of the hazardous waste control laws is a crime.

This bill would define "materials exchange program" for these purposes to mean a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients. The bill would additionally authorize a public agency's contractor to conduct a materials exchange program and would require the contractor to provide the same instructions to a recipient. The bill would revise the requirements for the preparation and implementation of a quality assurance plan to require, among other things, a quality assurance plan prepared by a public agency, or its contractor, to be implemented at each household hazardous waste collection facility operated by the public agency, or its contractor, at which a materials exchange program is operated.

The bill would require a recipient of a reusable household hazardous product or material to use the product or material in conformance with its label, use appropriate personal protection, and manage unused products or materials as required by applicable California law, or as required by any applicable law in the state in which the product or material is discarded. The bill would impose additional requirements on certain recipients that are commercial entities, including, among other requirements, that those commercial entities sign a statement certifying the accuracy of certain information under penalty of perjury. Because the bill would expand the application of a crime, it would impose a state-mandated local program. The bill would require a public agency or its contractor to immediately discontinue providing reusable household hazardous products or materials to a commercial entity if the commercial entity cannot verify its compliance with the additional requirements.

Existing law requires hazardous waste to be transported to a household hazardous waste collection facility by specified entities, including, among others, a temporary household hazardous waste collection facility or a registered hazardous waste transporter carrying hazardous waste from a solid waste landfill loadcheck program or a transfer station loadcheck program under agreement

with the household hazardous waste collection facility. Existing law prohibits an individual from transporting hazardous waste that exceeds a specified maximum volume or weight.

This bill would additionally authorize a permanent household hazardous waste collection facility to transport hazardous waste. The bill would prohibit an individual from transporting reusable household hazardous products or materials that exceed the above-mentioned maximum volume or weight. The bill would require transportation of a reusable household hazardous product or material by a public agency or its contractor, or by a recipient, to be in compliance with all applicable shipping requirements of the United States Department of Transportation.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

This bill would incorporate additional changes to Sections 25218.1 and 25218.5 of the Health and Safety Code proposed by SB 552 to be operative only if this bill and SB 552 are enacted and this bill is enacted last.

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.

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

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

SECTION 1. Section 25217 of the Health and Safety Code is amended to read:

25217. For the purposes of this article, the following definitions shall apply:

- (a) "Conditionally exempt small quantity generator" or "CESQG" means a generator that meets the criteria specified in Section 261.5 of Title 40 of the Code of Federal Regulations, as that section read on January 1, 2015.
- (b) "Consolidation location" means a location to which recyclable latex paint or oil-based paint initially collected at a collection location is transported.
- (c) "Oil-based paint" means a paint that contains drying oil, oil varnish, or oil-modified resin as the basic vehicle ingredient.
- (d) "Paint" includes both oil-based paint and recyclable latex paint that is collected in accordance with this article.
- (e) "Recyclable latex paint" means any water-based latex paint, still in liquid form, that is transferred for the purposes of being recycled.

SEC. 2. Section 25218.1 of the Health and Safety Code is amended to read:

25218.1. For purposes of this article, the following terms have the following meanings:

- (a) "Conditionally exempt small quantity generator" or "CESQG" means a generator that meets the criteria specified in Section 261.5 of Title 40 of the Code of Federal Regulations, as that section read on January 1, 2015.
- (b) "Curbside household hazardous waste collection program" means a collection service authorized by a public agency that is operated in accordance with Section 25163 and subdivision (d) of Section 25218.5 and that collects one or more of the following types of household hazardous waste:
 - (1) Latex paint.
 - (2) Used oil.
 - (3) Used oil filters.
 - (4) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.
- (c) "Door-to-door household hazardous waste collection program" or "household hazardous waste residential pickup service" means a household hazardous waste service that meets all of the following requirements:
 - (1) The program or service is operated by a public agency or its contractor.
 - (2) The program or service is operated in accordance with subdivision (e) of Section 25218.5.

(3) (A) The program or service collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either of the following:

(i) An authorized household hazardous waste collection facility.

(ii) A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

(B) Clause (ii) of subparagraph (A) shall become inoperative on and after January 1, 2020.

(d) "Household" means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.

(e) "Household hazardous waste" means hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.

(f) "Household hazardous waste collection facility" means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste. The operation of a household hazardous waste collection facility may include accepting hazardous waste from conditionally exempt small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities include permanent household hazardous waste collection facilities, temporary household hazardous waste collection facilities, recycle-only household hazardous waste collection facilities, curbside household hazardous waste collection programs, door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, and mobile household hazardous waste collection facilities.

(g) "Materials exchange program" means a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients.

(h) "Mobile household hazardous waste collection facility" means a portable structure within which a household hazardous waste collection facility is operated and that meets all of the following conditions:

(1) The facility is operated not more than four times in any one calendar year at the same location.

(2) The facility is operated not more than three consecutive weeks within a two-month period at the same location.

(3) Upon the termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

(i) "Permanent household hazardous waste collection facility" means a permanent or semipermanent structure at a fixed location that meets both of the following conditions:

(1) The facility is operated at the same location on a continuous, regular schedule.

(2) The hazardous waste stored at the facility is removed within one year after collection.

(j) "Person authorized by the public agency" means an employee of a public agency or a person from whom services are contracted by the public agency.

(k) "Public agency" means a state or federal agency, county, city, or district.

(l) "Quality assurance plan" means a written protocol prepared by a public agency, or its contractor, that is designed to ensure that reusable household hazardous products or materials that are collected by a household hazardous waste collection facility are evaluated to verify that the products or materials can be made available through a materials exchange program operated by that household hazardous waste collection facility.

(m) "Recipient" means a person, as defined in Section 25118, including, but not limited to, a commercial entity, that accepts a reusable household hazardous product or material from a public agency, or its contractor, operating a materials exchange program pursuant to this article and that intends to use the product or material for its originally intended purpose or has a known market or disposition for the product or material.

(n) "Recyclable household hazardous waste material" means any of the following:

(1) Latex paint.

(2) Used oil.

(3) Used oil filters.

(4) Antifreeze.

(5) Spent lead-acid batteries.

(6) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available authorized recycling facility capable of accepting and recycling that waste.

(o) "Recycle-only household hazardous waste collection facility" means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.

(p) "Reusable household hazardous product or material" means a container of household hazardous product, or a container of household hazardous material received at a household hazardous waste collection facility that is determined, in accordance with a quality assurance plan, to be suitable and acceptable for distribution in a materials exchange program at a household hazardous waste collection facility operating pursuant to this article.

(q) "Temporary household hazardous waste collection facility" means a household hazardous waste collection facility that meets both of the following conditions:

(1) The facility is operated not more than once for a period of not more than two days in any one month at the same location.

(2) Upon termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

SEC. 2.5. Section 25218.1 of the Health and Safety Code is amended to read:

25218.1. For purposes of this article, the following terms have the following meanings:

(a) "Conditionally exempt small quantity generator" or "CESQG" means a generator that meets the criteria specified in Section 261.5 of Title 40 of the Code of Federal Regulations, as that section read on January 1, 2015.

(b) "Curbside household hazardous waste collection program" means a collection service authorized by a public agency that is operated in accordance with Section 25163 and subdivision (d) of Section 25218.5 and that collects one or more of the following types of household hazardous waste:

(1) Latex paint.

(2) Used oil.

(3) Used oil filters.

(4) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.

(c) "Door-to-door household hazardous waste collection program" or "household hazardous waste residential pickup service" means a household hazardous waste service that meets all of the following requirements:

(1) The program or service is operated by a public agency or its contractor.

(2) The program or service is operated in accordance with subdivision (e) of Section 25218.5.

(3) The program or service collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either of the following:

(A) An authorized household hazardous waste collection facility.

(B) A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

(d) "Household" means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.

(e) "Household hazardous waste" means hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.

(f) "Household hazardous waste collection facility" means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste. The operation of a household hazardous waste collection facility may include accepting hazardous waste from conditionally exempt small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities include permanent household hazardous waste collection facilities, temporary household hazardous waste collection facilities, recycle-only household hazardous waste collection facilities, curbside household hazardous waste collection programs, door-to-door

household hazardous waste collection program or household hazardous waste residential pickup service, and mobile household hazardous waste collection facilities.

(g) "Materials exchange program" means a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients.

(h) "Mobile household hazardous waste collection facility" means a portable structure within which a household hazardous waste collection facility is operated and that meets all of the following conditions:

- (1) The facility is operated not more than four times in any one calendar year at the same location.
- (2) The facility is operated not more than three consecutive weeks within a two-month period at the same location.
- (3) Upon the termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

(i) "Permanent household hazardous waste collection facility" means a permanent or semipermanent structure at a fixed location that meets both of the following conditions:

- (1) The facility is operated at the same location on a continuous, regular schedule.
- (2) The hazardous waste stored at the facility is removed within one year after collection.

(j) "Person authorized by the public agency" means an employee of a public agency or a person from whom services are contracted by the public agency.

(k) "Public agency" means a state or federal agency, county, city, or district.

(l) "Quality assurance plan" means a written protocol prepared by a public agency, or its contractor, that is designed to ensure that reusable household hazardous products or materials that are collected by a household hazardous waste collection facility are evaluated to verify that the products or materials can be made available through a materials exchange program operated by that household hazardous waste collection facility.

(m) "Recipient" means a person, as defined in Section 25118, including, but not limited to, a commercial entity, that accepts a reusable household hazardous product or material from a public agency, or its contractor, operating a materials exchange program pursuant to this article and that intends to use the product or material for its originally intended purpose or has a known market or disposition for the product or material.

(n) "Recyclable household hazardous waste material" means any of the following:

- (1) Latex paint.
- (2) Used oil.
- (3) Used oil filters.
- (4) Antifreeze.
- (5) Spent lead-acid batteries.
- (6) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available authorized recycling facility capable of accepting and recycling that waste.

(o) "Recycle-only household hazardous waste collection facility" means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.

(p) "Reusable household hazardous product or material" means a container of household hazardous product, or a container of household hazardous material received at a household hazardous waste collection facility that is determined, in accordance with a quality assurance plan, to be suitable and acceptable for distribution in a materials exchange program at a household hazardous waste collection facility operating pursuant to this article.

(q) "Temporary household hazardous waste collection facility" means a household hazardous waste collection facility that meets both of the following conditions:

- (1) The facility is operated not more than once for a period of not more than two days in any one month at the same location.
- (2) Upon termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

SEC. 3. 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 CESQG who generated the waste.
- (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 CESQG.
- (G) 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 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, if 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 subdivisions (a) and (c) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(b) An individual transporting household hazardous waste generated by that individual and a CESQG transporting hazardous waste generated by the CESQG 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 CESQG 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 CESQG 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 CESQG.
- (ii) The CESQG contacts the household hazardous waste collection facility prior to 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 CESQG prior to each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.
- (iv) The CESQG or employees of the CESQG transport the hazardous waste in a vehicle owned and operated by the CESQG.

(2) The household hazardous waste and CESQG 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 CESQG 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 CESQG shall not exceed 2.2 pounds.

(c) (1) Except as provided in paragraph (2), the total combined volume or weight of latex paint, used oil filters, antifreeze, and small batteries 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) Not more than five gallons of latex paint shall be collected from a single residence at one time, and the volume of each individual container 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) (i) On and before December 31, 2019, 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.

(ii) On and after January 1, 2020, the requirements of clause (i) shall not be operative.

(f) Notwithstanding Section 25218.4, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only 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 subdivisions (a) and (c) 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. 3.5. 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 CESQG who generated the waste.
- (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 CESQG.
- (G) 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 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, if 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 subdivisions (a) and (c) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(b) An individual transporting household hazardous waste generated by that individual and a CESQG transporting hazardous waste generated by the CESQG 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 CESQG 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 CESQG 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 CESQG.
- (ii) The CESQG contacts the household hazardous waste collection facility prior to 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 CESQG prior to each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.
- (iv) The CESQG or employees of the CESQG transport the hazardous waste in a vehicle owned and operated by the CESQG.

(2) The household hazardous waste and CESQG 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 CESQG 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 CESQG shall not exceed 2.2 pounds.

(c) (1) Except as provided in paragraph (2), the total combined volume or weight of latex paint, used oil filters, antifreeze, and small batteries 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) Not more than five gallons of latex paint shall be collected from a single residence at one time, and the volume of each individual container 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 mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, or a recycle-only 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 subdivisions (a) and (c) 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. 4. Section 25218.5.1 of the Health and Safety Code is amended to read:

25218.5.1. Notwithstanding Section 25218.5, a public agency may increase the maximum liquid volume and dry weight authorized to be transported pursuant to paragraph (1) of subdivision (b) of, and subdivision (c) of, Section 25218.5, to a total liquid volume of 15 gallons or a total dry weight of 125 pounds, if the public agency, as the case may be, finds that the local household hazardous waste collection program operated by that public agency, or its contractor, has adequate public education programs to inform the public on proper techniques for packaging and transporting the household hazardous waste to the program's household hazardous waste collection facilities.

SEC. 5. Section 25218.11.5 is added to the Health and Safety Code, to read:

25218.11.5. A quality assurance plan prepared and implemented by a public agency, or its contractor, shall meet the following conditions:

(a) The public agency, or its contractor, shall design the quality assurance plan to ensure, using its best efforts with the resources generally available to the public agency, or its contractor, that a reusable household hazardous product or material selected for distribution is appropriately labeled, has labels that are intact and legible, is not contaminated, is not broken or leaking, and appears to be as it originated from the product or material manufacturer. The product or material selected for distribution may be in a container that has minor damage, such as dents or scratches, provided that the container maintains its integrity, any valves, caps, or lids appear functional, and the contents of the container do not appear compromised or impaired.

(b) The quality assurance plan shall identify specific procedures for evaluating each container placed in a materials exchange program.

(c) The quality assurance plan shall identify reusable household hazardous products and materials that shall not be accepted for distribution in a materials exchange program. Unacceptable products and materials may include, but are not limited to, any product or material that is not legal to use or sell in California.

(d) The quality assurance plan shall be implemented at each household hazardous waste collection facility operated by the public agency, or its contractor, at which a materials exchange program is operated.

(e) The quality assurance plan shall identify when a reusable household hazardous product or material no longer meets the conditions in the protocol in the materials exchange program and becomes a waste. For products and materials that are no longer reusable and that remain in inventory at the household hazardous waste collection facility, the product or material becomes a waste when discarded and shall be managed in accordance with the applicable hazardous waste requirements of this chapter.

SEC. 6. Section 25218.12 of the Health and Safety Code is amended to read:

25218.12. (a) A public agency, or its contractor, may conduct a materials exchange program as a part of its household hazardous waste collection program if the public agency, or its contractor, does all of the following:

(1) Determines which reusable household hazardous products or materials are suitable and acceptable for distribution to a recipient in accordance with a quality assurance plan prepared by the public agency, or its contractor.

(2) Instructs a recipient to use the product or material in a manner consistent with the instructions on the label.

(b) If a recipient that is a commercial entity intends to distribute a reusable household hazardous product or material to another recipient or end user, the public agency, or its contractor, shall do all of the following:

(1) Require the commercial entity to provide the following information, with a signed statement certifying the accuracy of the information under penalty of perjury:

(A) The commercial entity's legal name, address, and telephone number.

(B) Documentation supporting that the commercial entity has a known market or markets, or disposition, for any products or materials received, and a detailed description of that known market or markets, or disposition.

(C) A declaration that the commercial entity intends to distribute the reusable household hazardous product or material for its originally intended purpose.

(D) An explanation of how the commercial entity intends to dispose of any household hazardous products or materials it receives that remain unused.

(2) Require the commercial entity to provide the public agency with an annual report, by September 1 of each year, for the period between July 1 of the prior year and June 30 of the current year, that provides a detailed accounting for the products or materials it received. The detailed accounting shall include a list of recipients or end users to whom the commercial entity distributed a product or material, the amount and type of product or material distributed to the recipient or end user, the amount and type of product or material that is awaiting distribution, and the amount, type, and disposition of any product or material that the commercial entity was unable to sell or donate.

(3) Immediately discontinue providing reusable household hazardous products or materials to the commercial entity if the commercial entity cannot verify its compliance with paragraph (1) or (2).

(c) If the recipient of a reusable household hazardous product or material is a business or employer, the recipient shall be responsible for obtaining any written information necessary for compliance with the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code).

(d) A recipient of a reusable household hazardous product or material shall do all of the following:

(1) Use the reusable household hazardous product or material in conformance with its label, and use appropriate personal protection.

(2) Manage unused reusable household hazardous products or materials as hazardous waste, as required by applicable California law, or as required by any applicable law in the state in which the product or material is discarded.

(e) Transportation of a reusable household hazardous product or material by a public agency, or its contractor, or by a recipient, shall be in compliance with all applicable shipping requirements of the United States Department of Transportation.

SEC. 7. (a) Section 2.5 of this bill incorporates amendments to Section 25218.1 of the Health and Safety Code proposed by both this bill and Senate Bill 552. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 25218.1 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 552, in which case Section 2 of this bill shall not become operative.

(b) Section 3.5 of this bill incorporates amendments to Section 25218.5 of the Health and Safety Code proposed by both this bill and Senate Bill 552. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 25218.5 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 552, in which case Section 3 of this bill shall not become operative.

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.