



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: July 19, 2006 REPORT NO: 06-101

ATTENTION: Committee on Natural Resources and Culture  
Agenda of July 26, 2006

SUBJECT: State of California Mandates Recycling of Universal Waste Including  
Consumer Batteries, Electronics, Lighting Devices and Mercury  
Containing Items

REFERENCE: CMR No. 03-006, Electronic Waste, January 8, 2003  
CMR No. 03-124, Hazardous Electronic Waste, June 5, 2003

REQUESTED ACTION:

This is an information item only. No action is required.

STAFF RECOMMENDATION:

N/A

SUMMARY:

Definition of Universal Waste

The California Department of Toxic Substances Control (DTSC) has been phasing in regulations to divert universal waste from solid waste landfills. Simply stated, universal waste is a broad category of hazardous waste that is found in commonly used consumer items. They include, but are not limited to, televisions and computer monitors, consumer electronic devices, batteries, all lighting devices excluding incandescent light bulbs, and mercury containing items such as thermostats. The common factor in universal waste is the presence of heavy metals which pose a potential threat to the environment. Large businesses (those generating more than 220 pounds of hazardous waste per month) were required to comply with the regulations by 2001. At that time, DTSC also required small businesses and residents to divert computers and televisions. The DTSC postponed enforcing the regulations on small businesses and the general public, and facilitated an extensive statewide discussion with local agencies to decide if and when the exemption should “sunset”.

It was not until January 10, 2006 that DTSC announced its decision, and the exemption was removed on February 9, 2006.

### State Grant Applications

Due to the outcry from local jurisdictions about the impact of a “ban without a plan”, the California Integrated Waste Management Board (CIWMB) has informed local agencies that this year it will set aside grant funding on a countywide basis for non-competitive Household Hazardous Waste (HHW) grants for universal waste issues. This will support the work of County of San Diego staff in a regional planning effort with other local jurisdictions which are part of the HHW Technical Advisory Committee of the San Diego Association of Governments. The City of San Diego will not receive any direct funding from this grant.

### Response to Universal Waste Regulations

As previously stated, this is a “ban without a plan” since there is not an adequate infrastructure or funding source in place to offset the cost to collect and dispose of universal waste. The public has rightfully complained about the lack of convenient locations. Adding to that frustration, some collection centers charge a fee for their recycling service. This is because the recycling costs for universal waste have not been offset by the State. The result is a serious disincentive for complying with the regulations.

City residents may bring all household hazardous waste, including batteries, fluorescent bulbs and mercury containing items, to the HHW Transfer Facility at the Miramar Landfill. There is no cost to the resident for this service. It is a reliable, consistent, and cost-effective way to manage the collection of these materials. Customers may take computers, televisions and other electronics to the Miramar Recycling Center. Both operations are located at the Miramar Landfill entrance. Currently, the City does not have reciprocal agreements for City residents to use other HHW facilities in the County. This is being considered as an option by jurisdictions represented at the HHW Technical Advisory Committee.

Used batteries are being accepted at a number of stores that sell electronic equipment. The collaborative grant previously mentioned will seek to address the need for establishing additional locations available to collect universal waste.

Outreach to the public began as soon as the State announced the decision to ban universal waste. The Miramar Landfill fee booth updated signage, which states that it is unlawful to dispose of universal waste at the landfill. Environmental Services Department (ESD) staff are onsite to check and divert loads with unacceptable waste, and provide the public with informational fliers about proper recycling options for universal waste. ESD staff have continued to collect and manage universal waste that is illegally dumped within the City boundaries.

Those City facilities that generate hazardous waste as part of their routine operations can use their existing hazardous waste disposal contract to collect and remove universal waste. The facilities are required to have a permit from the County Department of Environmental Health (DEH) and a contract(s) with a licensed hazardous waste hauler(s). These facilities

were required to comply with the new universal waste rules in 2001 because they were classified the same as if they were a businesses. The following are examples of universal waste generated by these City operations:

1. Police Department - alkaline batteries from flashlights issued to officers;
2. General Services' (GS) Communications Division - rechargeable batteries and cell phones;
3. GS-Facilities Division - fluorescent bulbs and thermostats during facility maintenance;
4. GS-Streets Division - lighting devices from streetlights; and
5. ESD-Energy Division - fluorescent bulbs during retrofitting of lighting systems.

Other City facilities such as offices, libraries and recreation centers do not routinely generate hazardous waste and are not required to have a County DEH permit. ESD has made accommodations to help these facilities handle universal waste. For example, ESD and General Services Department's Central Stores have worked collaboratively to provide battery collection from all City facilities. Central Stores also recycles some electronics via its scrap metal recycler. In the past, when DTSC banned computers from landfill disposal, the City and Data Processing Corporation worked together to develop both the process and the funding to recycle the City's computers in an environmentally responsible manner.

#### Future Options to Address Universal Waste

Product stewardship and prudent purchasing are two of the longer-term solutions to universal waste issues. The first option places the responsibility squarely on the shoulders of the manufacturer to use materials that are less toxic, and if that is not possible, to provide a "take-back" program where the material can be safely recycled to the extent practical. Prudent purchasing places the responsibility on the consumer to buy only what is needed, and to seek out safer products that perform the desired function.

The next tier of options is to provide an incentive to properly recycle the universal waste, similar to the successful recycled beverage container program and the electronic waste recycling fee program for computer monitors, televisions, laptops and other cathode ray tube (CRT) containing electronics. Both of these options place an additional charge at the point of purchase for the items, and that fee is returned when the product is properly recycled or funds collection and recycling at no charge or reduced cost. This is referred to as an "advance disposal fee", and ESD has supported legislation that will use these funds to create convenient community-based business opportunities for recycling computers, televisions, rechargeable batteries and cell phones. For example, beginning July 2006, retailers who sell rechargeable batteries or cell phones will be required to accept them for recycling at no charge to the customer. These outcomes result in cost avoidance for the City because implementation of the program is the responsibility of the retailer.

ESD continues to support legislation that provides funding for recycling other universal waste. Two such proposed bills include AB 2271, which would create a refund value for alkaline batteries and community-based collection opportunities, and AB 3001, which would expand advanced disposal fees to include a broad category of electronic devices.

FISCAL CONSIDERATIONS:

There will be a serious shortfall of funding and storage capacity if all universal waste projected to be in the City of San Diego reaches the HHW Program. Collection and disposal services, including the operations of the HHW Transfer Facility, are budgeted at \$1.7 million through a combination of the Recycling Fund, the Sewer Revenue Fund, and a State grant. Based on a California Integrated Waste Management Board (CIWMB) study, residents in San Diego city annually purchase almost 650,000 fluorescent bulbs, and more than 22,000,000 alkaline batteries. If the City were the sole service provider and if all City residents complied with the new regulations, the annual costs to address this unfunded mandate could exceed \$1,000,000.

PREVIOUS COUNCIL/COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Print, radio, and television media have covered the topic of universal waste regulations. The *Union-Tribune* published articles about universal waste on January 22, 2006, and February 10, 2006. Radio and television interviews were conducted by: KNSD News, Channel 10 (ABC), Channel 8 (CBS) and radio and television station KPBS. ESD began an extensive public information campaign on January 30, 2006 to Miramar Landfill customers, and has information available on its website and hotline. New public outreach efforts include partnering with the County to develop an educational program funded by fees collected from local landfills for countywide hazardous waste issues and State grants.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Staff from the City, County of San Diego, and other local jurisdictions have been meeting to develop proposals to form a partnership(s) for universal waste education funded from existing fees paid to the County by local landfill operators, and for applying for joint grant funding for additional universal waste education and establishment of additional universal waste recycling opportunities.

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