

San Luis Obispo County
Integrated Waste Management Authority
ORDINANCE NO. 2008-1

**AN ORDINANCE ESTABLISHING A
HOUSEHOLD BATTERIES AND FLUORESCENT TUBES
MANAGEMENT PROGRAM**

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

(a) The purpose of this Ordinance is to have the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, enact a comprehensive and innovative system for the proper and legal management of used household batteries and fluorescent tubes in San Luis Obispo County.

(b) The purpose of this Ordinance is to enact a law that establishes a program that is convenient for consumers and the public to return and ensure the safe and environmentally sound disposal of used household batteries and fluorescent tubes, and to provide a "no-cost" system for consumers for the return of used batteries and fluorescent tubes.

(c) The purpose of this Ordinance is to assure that the costs associated with the handling and disposal of used household batteries and fluorescent tubes are the responsibility of the producers and retailers of household batteries and fluorescent tubes, and not local governments or their service providers, state government, or taxpayers.

(d) The purpose of this Ordinance is to reduce the likelihood of the illegal disposal of hazardous materials, and it is the intent of this Ordinance to ensure that all costs associated with the proper management of used household batteries and fluorescent tubes are internalized by the producers and consumers of household batteries and fluorescent tubes at or before the point of purchase, and not at the point of discard.

(e) The purpose of this Ordinance is to assure that manufacturers and retailers of household batteries and fluorescent tubes, while working to achieve the goals and objectives of this Ordinance, should have the flexibility to partner with each other and with those private and nonprofit business enterprises that currently provide collection and processing services to develop and promote a safe and effective used household batteries and fluorescent tubes recycling system.

(f) The purpose of this Ordinance is to provide for the safe and convenient collection, reuse, and recycling of 100 percent of the used household batteries and fluorescent tubes discarded in the IWMA Region at no cost to the consumer.

(g) The purpose of this Ordinance is to recognize that there are significant environmental and human health impacts associated with household products that contain toxic ingredients, including mercury, lead, cadmium and other toxic chemicals, that when disposed of improperly, can contaminate the IWMA Region's environment.

Section 2. Definitions

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise:

(a) "Household Batteries" means batteries used primarily for household and personal uses, including nickel-cadmium, alkaline, carbon-zinc, Li Ion, NiMH and other batteries generated as non-RCRA waste similar in size to those typically generated as household waste. "Household Batteries" does not include lead-acid batteries such as motor vehicle batteries.

(b) "Consumer" means a purchaser or owner of household batteries and fluorescent tubes. "Consumer" also includes a business, corporation, limited partnership, nonprofit organization, or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.

(c) "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California and the seven incorporated cities within San Luis Obispo County.

(d) "Retailer" means any entity, including but not limited to, a person or business, of whatever form of organization, which sells to the general public household batteries, fluorescent tubes, or both, in the IWMA Region to a consumer, including a manufacturer of household batteries and fluorescent tubes who sells household batteries and fluorescent tubes directly to a consumer.

(e) "Distributor" means a person who sells household batteries and fluorescent tubes to a retailer.

(f) "Fluorescent tubes" (also referred to as "universal waste lamp") means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent tubes, compact fluorescent lamps (cfl), high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

Section 3. Household batteries and fluorescent tubes management

(a) Every retailer of household batteries, fluorescent tubes, or both, sold in this IWMA Region shall establish within the retail outlet a system for the acceptance and collection of used household batteries, fluorescent tubes, or both, for recycling or proper disposal. A retailer who sells household batteries is required to accept, collect and dispose of household batteries. A retailer who sells fluorescent tubes is required to accept, collect and dispose of fluorescent tubes.

