

Complete Text of Selected Solid Waste Bills

- AB 338 (Levine) Recycling: crumb rubber – For discussion
- AB 1001 (Nava) Recycled aggregate base – For discussion
- AB 1090 (Matthews) Solid Waste: diversion: conversion - Support
- SB 729 (Lowenthal) Water Quality: discharge requirements - Oppose

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 338

Introduced by Assembly Member Levine
(Principal coauthor: Assembly Member Maze)
(Coauthors: Assembly Members ~~DeVore, Karnette, Cohn,~~
DeVore, Shirley Horton, Karnette, Koretz, Ruskin, and Yee
(Coauthors: Senators ~~Chesbro, Alquist, Chesbro, Denham, Ducheny,~~
***and Figueroa*)**

February 10, 2005

An act to add Section 42703 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 338, as amended, Levine. Recycling: crumb rubber.

Existing law requires the State Procurement Officer, in purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available that utilize recycled materials, including crumb rubber, unless the Director of Transportation determines that the use of the materials is not cost effective based on specified factors.

This bill would define the term "asphalt containing crumb rubber" and would require the department to require the use of asphalt containing crumb rubber at a specified percentage, by ton, of the total amount of asphalt paving materials used for state highway and construction projects that use asphalt as a construction material. The bill would require the amount of asphalt containing crumb rubber, on and after January 1, 2007, to be not less than 20% of the total amount of asphalt paving materials used. The bill would require the Secretary

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of Business, Transportation and Housing, on or before January 1, 2010 2009, to prepare a specified analysis comparing the cost differential between asphalt containing crumb rubber and conventional asphalt, including specified information. The bill would require the secretary to continue to prepare that analysis annually until the time that the secretary determines that the cost of asphalt containing crumb rubber does not exceed 10% of the cost of conventional asphalt.

The bill would require the amount of asphalt containing crumb rubber, on and after January 1, 2010, to be not less than 25% of the total asphalt paving materials used, and on and after January 1, 2013, not less than 35%, except as provided.

The bill would direct the department, if a state highway or construction project utilizes crumb rubber, to require the project to use crumb rubber manufactured in the United States that is derived from waste tires taken from vehicles owned and operated in the United States, unless the department determines that use of that material for a particular project is not cost effective.

The bill would require the department and the California Integrated Waste Management Board to develop procedures for using crumb rubber and other tire-derived products in other projects and would require the department to notify and confer with the East Bay Municipal Utility District before using asphalt containing crumb rubber on a state highway construction or repair project that overlays district infrastructure.

Vote: majority. Appropriation: no.Fiscal committee: yes.
State mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Thirty two million scrap tires are currently generated in
- 4 California each year.
- 5 (b) By the year 2020, more than 43,000,000 scrap tires will be
- 6 generated each year in California.
- 7 (c) There are currently up to 6,000,000 tires in legal and illegal
- 8 scrap tire piles.

1 (d) Twenty-five percent of California scrap tires, more than
2 8,000,000 tires, are disposed of in landfills or stockpiled in legal
3 or illegal dumps.

4 (e) Crumb rubber from recycled scrap tires can be used as an
5 additive for making asphalt for highway construction and repair.

6 (f) It is state policy to not discard scrap tires in landfills or
7 legal or illegal stockpiles, and to find alternative uses for
8 recycling tires that have been generated in California.

9 SEC. 2. It is the intent of the Legislature that the Department
10 of Transportation explore all feasible means to stimulate
11 increased usage of crumb rubber throughout the 12 regional
12 districts to help expand the marketplace for crumb rubber in the
13 state.

14 SEC. 3. Section 42703 is added to the Public Resources
15 Code, to read:

16 42703. (a) Except as provided in subdivision (c), the
17 Department of Transportation shall require the use of asphalt
18 containing crumb rubber in lieu of other materials at the
19 following levels for state highway construction or repair projects
20 that use asphalt as a construction material:

21 (1) On and after January 1, 2007, not less than 20 percent, by
22 ton, of the total amount of asphalt paving materials used shall be
23 asphalt containing crumb rubber.

24 (2) On and after January 1, 2010, not less than 25 percent, by
25 ton, of the total amount of asphalt paving materials used shall be
26 asphalt containing crumb rubber.

27 (3) On and after January 1, 2013, not less than 35 percent, by
28 ton, of the total amount of asphalt paving materials used shall be
29 asphalt containing crumb rubber.

30 (b) (1) The Secretary of Business, Transportation and
31 Housing shall, on or before January 1, ~~2010~~ 2009, and annually
32 thereafter, prepare an analysis comparing the cost differential
33 between asphalt containing crumb rubber and conventional
34 asphalt. The analysis shall include, at a minimum, all of the
35 following:

36 (A) The lifespan and duration of the asphalt products.

37 (B) The maintenance cost of the asphalt products.

38 (C) The quantity of asphalt product needed per mile paved.

39 (2) The secretary shall continue to prepare the analysis
40 required by paragraph (1) annually until the time that the

1 secretary determines that the cost of asphalt containing crumb
2 rubber does not exceed 10 percent of the cost of conventional
3 asphalt.

4 (3) ~~Notwithstanding subdivision (a), if after completing the~~
5 ~~analysis required by paragraphs (1) and (2), the secretary~~
6 ~~determines that the cost of asphalt containing crumb rubber~~
7 ~~exceeds 10 percent of the cost of conventional asphalt, then the~~
8 ~~Department of Transportation shall continue to meet the~~
9 ~~requirement specified in paragraph (1) of subdivision (a), and~~
10 ~~shall not implement the requirement specified in paragraph (2) of~~
11 ~~subdivision (a). If the secretary determines pursuant to an~~
12 ~~analysis prepared pursuant to paragraphs (1) and (2), that the cost~~
13 ~~of asphalt containing crumb rubber does not exceed 10 percent of~~
14 ~~the cost of conventional asphalt, then the Department of~~
15 ~~Transportation shall implement paragraph (2) of subdivision (a)~~
16 ~~within one year of that determination, but not before January 1,~~
17 ~~2010.~~

18 (4) ~~Notwithstanding subdivision (a), if the Department of~~
19 ~~Transportation delays the implementation of paragraph (2) of~~
20 ~~subdivision (a), then paragraph (3) of subdivision (a) shall be~~
21 ~~delayed until three years after the date the department~~
22 ~~implements paragraph (2) of subdivision (a).~~

23 (c) ~~(1) Except as provided in paragraph (2) and subdivision~~
24 ~~(d), if a state highway or construction project utilizes crumb~~
25 ~~rubber, the Department of Transportation shall require the project~~
26 ~~to use crumb rubber manufactured in the United States that is~~
27 ~~derived from waste tires taken from vehicles owned and operated~~
28 ~~in the United States, in a manner otherwise consistent with this~~
29 ~~article.~~

30 (2) ~~Paragraph (1) does not require the use of crumb rubber~~
31 ~~manufactured in the United States that is derived from waste tires~~
32 ~~taken from vehicles owned and operated in the United States, for~~
33 ~~a particular project, if the Department of Transportation~~
34 ~~determines that use of that material is not cost effective pursuant~~
35 ~~to subdivision (a) of Section 42701.~~

36 (d) ~~The Department of Transportation and the board shall~~
37 ~~develop procedures for using crumb rubber and other derived tire~~
38 ~~products in other projects.~~

39 (e) ~~The Department of Transportation shall notify and confer~~
40 ~~with the East Bay Municipal Utility District before using asphalt~~

1 containing crumb rubber on a state highway construction or
2 repair project that overlays district infrastructure.

3 (f) For purposes of this section, "asphalt containing crumb
4 rubber" means a paving material that uses an asphalt rubber
5 binder containing an amount of reclaimed tire rubber that is 15
6 percent or more by weight of the total blend, and that meets other
7 specifications for both the physical properties of asphalt rubber
8 and the application of asphalt rubber, as defined in the American
9 Society for Testing and Materials (ASTM) Standard
10 Specification for Asphalt Rubber Binder.

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AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1001

Introduced by Assembly Member Nava

February 22, 2005

An act to add Section 42703 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as amended, Nava. Highway construction and repair: recycled aggregate base.

Existing law requires the State Procurement Officer, in purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to make contracts available for items that utilize recycled materials, unless the Director of Transportation determines that the use of the materials is not cost effective based on specified factors.

This bill would require the department, unless it is determined that the use of the materials is not cost effective, to use recycled aggregate base, as defined, for at least 50% of the total amount of aggregate base used on and after January 1, 2006, and for at least 75% of the total amount of aggregate base used on and after January 1, 2009. The bill would require the Secretary of the Business, Transportation, and Housing Agency, on or before January 1, ~~2009~~ 2007, to prepare a specified analysis comparing the cost differential, *on a regional and a statewide basis*, between recycled aggregate base and virgin aggregate base. The bill would require the secretary to continue to prepare that analysis annually until the time that the secretary determines that the

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cost of recycled aggregate base does not exceed 10% of the cost of virgin aggregate base.

Vote: majority. Appropriation: no. Fiscal committee: yes. State mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that the
2 Department of Transportation explore all feasible means to
3 stimulate increased usage of recycled aggregate base throughout
4 the 12 regional districts.

5 SEC. 2. Section 42703 is added to the Public Resources
6 Code, to read:

7 42703. (a) Unless the Director of the Department of
8 Transportation determines that the use of the materials is not cost
9 effective, the department shall annually phase in the use of
10 recycled aggregate base. The department shall require the use of
11 recycled aggregate base in lieu of virgin aggregate base at the
12 following levels for state highway construction or repair projects
13 that use asphalt as a construction material:

14 (1) On and after January 1, 2006, not less than 50 percent, by
15 ton, of the total aggregate base used shall be recycled aggregate
16 base.

17 (2) On and after January 1, ~~2007~~ 2009, not less than 75
18 percent, by ton, of the total aggregate base used shall be recycled
19 aggregate base.

20 (b) (1) The Secretary of the Business, Transportation and
21 Housing Agency shall, on or before January 1, ~~2009~~ 2007, and
22 annually thereafter, prepare an analysis comparing the cost
23 differential, *on a regional and on a statewide basis*, between
24 recycled aggregate base and virgin aggregate base. The analysis
25 shall include, at a minimum, all of the following:

26 (i) The lifespan and duration of the recycled aggregate base.

27 (ii) The maintenance cost of the recycled aggregate base.

28 (iii) The quantity of recycled aggregate base needed per mile
29 paved.

30 (2) The secretary shall continue to prepare the analysis
31 required by paragraph (1) annually until the time that the
32 secretary determines that the cost of recycled aggregate base does
33 not exceed 10 percent of the cost of virgin aggregate base.

1 (c) For purposes of this section, "recycled aggregate base" is
2 recycled asphalt and concrete used under paving materials in the
3 construction of streets, freeways, and building sights, and
4 includes crushed miscellaneous base, as defined in the Standard
5 Specifications for Public Works Construction, and reduced Class
6 2 aggregate base, as defined by the department.

7 (d) The department shall set standardized specifications for
8 recycled aggregate base that shall be used statewide. The
9 guidelines of the American Society of Testing Materials shall be
10 used as the controlling test guidelines statewide for recycled
11 aggregate base.

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ASSEMBLY BILL

No. 1090

Introduced by Assembly Member Matthews

February 22, 2005

An act to amend Sections 40051 and 40201 of, to add Sections 40105.5, 40116.5, 40172.5, and 41781.3 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1090, as introduced, Matthews. Solid waste: diversion: conversion.

The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The first and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities, except as specified.

The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion.

This bill would revise the waste management practices that the board and local agencies are required to promote.

The bill would repeal the definition of the term "gasification" and would define the terms "conversion technology," "beneficial use," and

“recovery” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation does not include conversion technology.

The bill would allow the source reduction and recycling element to include, in the 50% of solid waste required to be diverted, solid waste that is subject to recovery through conversion technology, if specified conditions are met with regard to the conversion technology project and the board holds a public hearing and makes certain findings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40051 of the Public Resources Code is
2 amended to read:

3 40051. In implementing this division, the board and local
4 agencies shall do both of the following:

5 (a) Promote the following waste management practices in
6 order of priority:

7 (1) Source reduction.

8 (2) ~~Recycling and composting~~ *Recovery, through recycling,*
9 *composting, conversion technology, or other beneficial use*
10 *technologies.*

11 (3) Environmentally safe transformation and environmentally
12 safe land disposal, at the discretion of the city or county.

13 (b) Maximize the use of all feasible source
14 reduction, ~~recycling, and composting~~ *and recovery* options in
15 order to reduce the amount of solid waste that must be disposed
16 of by transformation and land disposal. For wastes that cannot
17 feasibly be reduced at their source, ~~recycled, or composted,~~ *or*
18 *recovered for beneficial use*, the local agency may use
19 environmentally safe transformation or environmentally safe land
20 disposal, or both of those practices.

21 SEC. 2. Section 40105.5 is added to the Public Resources
22 Code, to read:

23 40105.5. “Beneficial use” means the point at which solid
24 waste is no longer a solid waste for purposes of this chapter and
25 reenters commerce as a market commodity or feedstock. For

1 purposes of this section, that point occurs when the solid waste is
2 used in a manufacturing process to make a product, used as an
3 effective substitute for a commercial product, or used as a fuel
4 for energy recovery.

5 SEC. 3. Section 40116.5 is added to the Public Resources
6 Code, to read:

7 40116.5. (a) "Conversion technology" means the processing,
8 through noncombustion thermal, chemical or biological
9 processes, other than composting, of solid waste, including, but
10 not limited to, organic materials such as paper, yard trimmings,
11 wood wastes, agricultural wastes, and plastics.

12 "Conversion Technology" includes, but is not limited to,
13 catalytic cracking, distillation, gasification, hydrolysis, and
14 pyrolysis.

15 (b) "Conversion Technology" does not include anaerobic
16 digestion, biomass conversion, aerobic or anaerobic composting,
17 or incineration.

18 (c) "Conversion technology facility" means a facility that
19 produces products, using conversion technology, including, but
20 not limited to, electricity, alternative fuels, chemicals, or other
21 products that meet quality standards for use in the marketplace.

22 SEC. 4. Section 40117 of the Public Resources Code is
23 repealed.

24 ~~40117. "Gasification" means a technology that uses a~~
25 ~~noncombustion thermal process to convert solid waste to a clean~~
26 ~~burning fuel for the purpose of generating electricity, and that, at~~
27 ~~minimum, meets all of the following criteria:~~

28 ~~(a) The technology does not use air or oxygen in the~~
29 ~~conversion process, except ambient air to maintain temperature~~
30 ~~control.~~

31 ~~(b) The technology produces no discharges of air contaminants~~
32 ~~or emissions, including greenhouse gases, as defined in~~
33 ~~subdivision (g) of Section 42801.1 of the Health and Safety~~
34 ~~Code.~~

35 ~~(c) The technology produces no discharges to surface or~~
36 ~~groundwaters of the state.~~

37 ~~(d) The technology produces no hazardous waste.~~

38 ~~(e) To the maximum extent feasible, the technology removes~~
39 ~~all recyclable materials and marketable green waste compostable~~
40 ~~materials from the solid waste stream prior to the conversion~~

1 ~~process and the owner or operator of the facility certifies that~~
2 ~~those materials will be recycled or composted.~~

3 ~~(f) The facility where the technology is used is in compliance~~
4 ~~with all applicable laws, regulations, and ordinances.~~

5 ~~(g) The facility certifies to the board that any local agency~~
6 ~~sending solid waste to the facility is in compliance with this~~
7 ~~division and has reduced, recycled, or composted solid waste to~~
8 ~~the maximum extent feasible, and the board makes a finding that~~
9 ~~the local agency has diverted at least 30 percent of all solid waste~~
10 ~~through source reduction, recycling, and composting.~~

11 SEC. 5. Section 40172.5 is added to the Public Resources
12 Code, to read:

13 40172.5. "Recovery" means the reuse, recycling, and
14 extraction of materials and energy from solid waste, including,
15 but not limited to, recycling, composting, and conversion
16 technology.

17 SEC. 6. Section 40201 of the Public Resources Code is
18 amended to read:

19 40201. "Transformation" means *the incineration, pyrolysis,*
20 ~~distillation, or biological conversion other than composting or~~
21 ~~combustion of solid waste in an oxygen-rich environment.~~
22 "Transformation" does not include composting, ~~gasification, or~~
23 biomass conversion, *or conversion technology.*

24 SEC. 7. Section 41781.3 is added to the Public Resources
25 Code, to read:

26 41781.3. For any city, county, or regional agency source
27 reduction and recycling element submitted to the board after
28 January 1, 1995, the element may include, in the 50 percent of
29 solid waste required to be diverted, as specified in paragraph (2)
30 of subdivision (a) of Section 41780, solid waste subject to
31 recovery through conversion technology, if all of the following
32 conditions are met:

33 (a) The conversion technology project is in compliance with
34 all applicable laws, regulations, and ordinances.

35 (b) The board holds a public hearing in the city, county, or
36 regional agency jurisdiction within which the conversion
37 technology project is proposed, and, after the public hearing, the
38 board makes all of the following findings, based upon substantial
39 evidence in the record:

- 1 (1) The jurisdiction will continue to implement the recycling
2 and diversion programs in the jurisdiction's source reduction and
3 recycling element or its modified annual report.
- 4 (2) The facility complements the existing recycling and
5 diversion infrastructure and is converting solid waste that was
6 previously disposed.
- 7 (3) The facility maintains or enhances environmental benefits.
- 8 (4) The facility maintains or enhances the economic
9 sustainability of the integrated waste management system.

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Introduced by Senator Alarcon

February 17, 2005

An act to amend Section 41781.3 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as amended, Alarcon. Solid waste: nonbiodegradable materials: landfills.

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(1) ~~The~~ existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. Under existing law, the act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, from landfill disposal or transformation through source reduction, recycling, and composting activities, except as specified. Existing law provides that the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover, is diversion for purposes of that requirement.

~~This bill would make a statement of the Legislature's intent to enact legislation that would reduce the expansion of landfills by reducing the use of materials that do not biodegrade instead require that if the alternative daily cover is comprised of woody and green material, that material is to be included in the amount of solid waste that is~~

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subjected to disposal for purposes of those diversion requirements, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would require the board to develop a schedule for excluding solid waste used as an alternative daily cover and that is comprised of woody and green material from being included in meeting the 50% diversion requirements of the act.

(2) Existing law requires the board to adopt regulations by December 31, 1997 that establish conditions for the use of alternative daily cover and to consider specified criteria when adopting those regulations.

This bill would require the board to adopt or revise those regulations and to additionally consider specified conditions regarding the biomass conversion industry.

(3) 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: no-yes.
State mandated local program: no-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

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4 (a) Californians create nearly 2,900 pounds, or one and
5 one-half tons, of household garbage and industrial waste each
6 and every second, which is a total of 45 million tons of waste per
7 year.

8 (b) Until recently, the only place to put that trash was in local
9 landfills. Today, however, waste and its by-products are being
10 recycled into more useful products. Some waste materials can
11 also be used as a fuel in power plants to create electricity or
12 other forms of energy.

13 (c) At the present time, the amount of green materials
14 generated in California is in excess of the quantity that existing
15 markets can absorb. The total estimated biomass resource

1 potential of California is approximately 47 million bone dry tons.
2 It is thus in the interests of the state to encourage the expansion
3 of markets for green materials, including biomass.

4 (d) Currently, there are about 30 direct-combustion biomass
5 facilities in operation. This is less than one-half of the facilities
6 in operation during the industry's peak.

7 (e) It is the intent of the Legislature that the California
8 Integrated Waste Management Board, and other state agencies,
9 continue their efforts to promote the expansion of biomass
10 conversion, compost, and other markets.

11 SEC. 2. Section 41781.3 of the Public Resources Code is
12 amended to read:

13 41781.3. (a) (1) The use of solid waste for beneficial reuse
14 in the construction and operation of a solid waste landfill,
15 including the use of alternative daily cover, ~~which that is not~~
16 ~~comprised of woody and green material and that reduces or~~
17 ~~eliminates the amount of solid waste being disposed pursuant to,~~
18 ~~for purposes of Section 40124, shall constitute diversion through~~
19 ~~recycling and shall not be considered disposal for the purposes of~~
20 ~~this division.~~

21 (2) If the alternative daily cover is comprised of woody and
22 green material, that material shall not be considered as being
23 diverted, as defined in Section 40124, and shall be included in
24 determining the amount of solid waste that is subjected to
25 disposal for purposes of this division, in accordance with a
26 schedule adopted pursuant to subdivision (b).

27 (b) ~~Prior to December 31, 1997, pursuant to the board's~~
28 ~~authority to adopt rules and regulations pursuant to Section~~
29 ~~40502, the~~ The board shall adopt a schedule for excluding solid
30 waste that is used as an alternative daily cover and is comprised
31 of woody and green material from being included in meeting the
32 50 percent diversion requirements of this division.

33 (c) ~~The board shall, by regulation, adopt or revise regulations~~
34 ~~that establish conditions for the use of alternative daily cover that~~
35 ~~are consistent with this division. In adopting or revising the~~
36 ~~regulations, the board shall consider, but is not limited to, all of~~
37 ~~the following criteria:~~

38 (1) ~~Those conditions established in past policies adopted by~~
39 ~~the board affecting the use of alternative daily cover.~~

1 (2) ~~Those~~ conditions necessary to provide for the continued
2 economic development, economic viability, and employment
3 opportunities provided by the composting industry in the state.

4 (3) ~~Those conditions necessary to provide for the continued~~
5 ~~economic development, economic viability, and employment~~
6 ~~opportunities provided by the biomass conversion industry in the~~
7 ~~state.~~

8 (4) ~~Those~~ performance standards and limitations on maximum
9 functional thickness necessary to ensure protection of public
10 health and safety consistent with state minimum standards.

11 ~~(c) Until the adoption of additional regulations, the use of~~
12 ~~alternative daily cover shall be governed by the conditions~~
13 ~~established by the board in its existing regulations set forth in~~
14 ~~paragraph (3) of subdivision (b) of, and paragraph (3) of~~
15 ~~subdivision (c) of, Section 18813 of Title 14 of the California~~
16 ~~Code of Regulations, as those sections read on the effective date~~
17 ~~of this section, and by the conditions established in the board's~~
18 ~~policy adopted on January 25, 1995.~~

19 (d) ~~In~~ adopting rules and regulations pursuant to this section,
20 Section 40124, and this division, including, but not limited to,
21 Part 2 (commencing with Section 40900), the board shall provide
22 guidance to local enforcement agencies on any conditions and
23 restrictions on the utilization of alternative daily cover so as to
24 ensure proper enforcement of those rules and regulations.

25 *SEC. 3. No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *a local agency or school district has the authority to levy service*
28 *charges, fees, or assessments sufficient to pay for the program or*
29 *level of service mandated by this act, within the meaning of*
30 *Section 17556 of the Government Code.*

31 ~~SECTION 1. The Legislature declares its intention to enact~~
32 ~~legislation that would reduce the expansion of landfills by~~
33 ~~reducing the use of materials that do not biodegrade.~~

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