



Rural Counties' Environmental Services Joint Powers Authority Board of Directors' Meeting Agenda

801 12th Street – 2nd Floor Conference Room
Sacramento, CA 95814
(916) 447-4806

Thursday, October 19, 2006 1:00 a.m. – 3:30 p.m.

Only those items that indicate a specific time will be heard at the assigned time. All other items may be taken out of sequence to accommodate the Board, the staff and the general public. Indicated time allocations are for planning purposes only and actual times will vary from those indicated.

I. Call to Order, Self Introductions, and Determination of Quorum

II. Business Matters

Discussion and possible action related to the following:

- A. Review and approval of minutes of the meeting of August 17, 2006 – Bob Pickard, Chair (pp 1-5)
- B. Re-adoption of a Resolution Approving the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2005 – Stacey Miner, ESJPA Program Administrator (pp 7-38; 5 minutes)
- C. Adoption of Resolutions of Appreciation for Tom Hunter and Mark Rappaport for their years of participation in the ESJPA – Bob Pickard, Chair (5 minutes)

III. Public Comment

Any person may address the Board on any matter relevant to the Authority's business, but not otherwise on the agenda.

IV. Presentation Items

- A. CIWMB Tools for Disposal Reporting Review – Sherrie Sala-Moore, Acting Branch Manager, Waste Analysis Branch, CIWMB (15 minutes)
- B. Targeted Waste Characterization Studies – Nancy Carr, Senior Integrated Waste Management Specialist, Thomas Rudy, Integrated Waste Management Specialist, CIWMB (pp 39-41; 15 minutes)
- C. E-Waste and Universal Waste Management Update – Matt McCarron, Special Waste Division, CIWMB and Karl Palmer, Branch Manager, Hazardous Waste Management, DTSC (5 minutes)
- D. El Dorado County Solid Waste Program – John Souza, Public Information Officer (15 minutes)

V. Solid Waste/Regulatory Update

Discussion and possible action related to the following:

- A. Report from the CIWMB – Kyle Pogue, Supervising Integrated Waste Management Specialist, Office of Local Assistance, CIWMB (*10 minutes*)
- B. Biennial Review Preparation – Alan Abbs, ESJPA Solid Waste Specialist (*pp 43-44; 5 minutes*)
- C. AB 1497 Significant Changes for Solid Waste Facilities – Larry Sweetser, ESJPA Consultant (*pp 45-55; 5 minutes*)
- D. Other Regulatory Issues of Interest or Concern – Alan Abbs (*pp 57-68; 5 minutes*)

VI. Legislative Update

Status of 2005-06 Solid Waste Legislation – Paul Smith, RCRC Director of Legislative Affairs (*10 minutes*)

- A. Chaptered Bills (*pp 69-122*)
- B. Vetoed Bills (*pp 123-127*)
- C. Bills that Failed (*pp 129-132*)

VII. ESJPA Program Updates

Discussion and possible action related to the following:

Grant Program Update – Stacey Miner, Program Administrator (*pp 133-140; 10 minutes*)

VIII. Agenda Suggestions for Next ESJPA Board Meeting Scheduled for December 14th, 2006

IX. Member County Concerns / Comments

X. Adjournment

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, please contact our offices at least 72 hours prior to the meeting by calling (916) 447-4806.

Agenda items will be taken as close as possible to the schedule indicated. Any member of the general public may comment on an agenda item at the time of discussion. In order to facilitate public comment, please let staff know if you would like to speak on a specific agenda item

The final agenda for this meeting of the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority will be duly posted at its offices: 801 12th Street, Suite 500, Sacramento, California at least 72 hours prior to the meeting



CHAIR – BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR – CHRISTY SKOFIELD, COLUSA COUNTY

EXECUTIVE DIRECTOR – BRENT HARRINGTON

PROGRAM MANAGER – MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR – ALAN ABBS, TEHAMA COUNTY

Minutes of the Rural Counties' Environmental Services Joint Powers Authority Board of Directors' Meeting

801 12th Street – 2nd Floor Conference Room
Sacramento, CA 95814

(916) 447-4806

Thursday, August 17, 2006

MEMBERS REPRESENTED

Bob Pickard, ESJPA Chair
Jim McHargue, Program Manager
Bill Mannel, Solid Waste Manager
Steve Rodowick, Recycling Coordinator
Lesli Daniel, Recycling Coordinator
Ron Jensen, Public Works Analyst
Cynthia Knapp, Program Coordinator
Richard Dickson, Dep Director of Public Works
Jon Souza, Public Information Officer
Mandy Kleykamp, Solid Waste Manager
William Brunet, Director of Public Works
Vern Moss, Supervisor
Steve Engfer, Solid Waste and Recycling Manager
Tracy Harper, Recycling Coordinator
Tom Hunter, Director of Public Works
Robert Perrault, new Director of Public Works
Randy Akana, General Services Manager
John Kovach, Solid Waste Fiscal Technician
Kristina Miller, Recycling Coordinator
Mark Lockhart, Solid Waste Director
Barbara Rapinac, Solid Waste Technician

Mariposa County
Amador County
Butte County
Butte County
Calaveras County
Calaveras County
Calaveras County
Colusa County
El Dorado County
Glenn County
Imperial County
Madera County
Mariposa County
Nevada County
Plumas County
Plumas County
Siskiyou County
Siskiyou County
Tehama County
Trinity County
Trinity County

STAFF IN ATTENDANCE:

Mary Pitto, ESJPA Program Manager
Stacey Miner, ESJPA Program Administrator
Rachel Basore, ESJPA Program Assistant
Staci Heaton, Regulatory Affairs Director
Paul Smith, Legislative Affairs Director
Nick Konovaloff, Legislative Analyst
Larry Sweetser, Consultant to ESJPA

RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
RCRC Governmental Affairs
Sweetser and Associates

OTHERS IN ATTENDANCE:

Leonard Robinson, Chief Deputy Director
Ken Stuart, Consultant
Jim Greco, Principal
Kyle Pogue, IWM Supervisor

DTSC
CIWMB
CWA
CIWMB

MEMBERS NOT REPRESENTED

Alpine County	Del Norte County	Inyo County	Lassen County
Modoc County	Mono County	Sierra County	Tuolumne County

I. Call to Order / Determination of Quorum / Introductions

The meeting was called to order at 9:36 a.m. by Bob Pickard, ESJPA Chair. Roll call was taken, self-introductions were made and a quorum was established.

II. Business Matters

A. Approval of minutes from the meeting of May 18, 2006

The Chair called for a motion to approve the minutes of the May 18, 2006 meeting. The motion was made by Jon Souza, seconded by Jim McHargue. William Brunet abstained. Motion carried.

B. Adoption of Resolution Approving the Independent Auditors' Report and Financial Statements for the Year Ended December 31, 2005.

The Chair called for a motion to approve the Auditor's Report and Financial Statements. The motion was made by Tom Hunter, seconded by Mark Lockhart. Motion carried.

III. Public Comment

Tom Hunter announced that he would be retiring from his position as Director of Plumas County Public Works. He introduced his replacement Robert (Bob) A. Perrault, Jr. Tom has been a member of the ESJPA Board of Directors since the Board's founding in 1993.

Kristina Miller, Tehama County, discussed the county's new battery collection program. Bright orange plastic zip lock bags were distributed throughout the county for residents to place their used battery into. The bags are to be placed on the mixed recycling bin and are separated from the recycling stream by the hauler. Initial feedback from the program is positive and Tehama will order additional larger bags to accommodate larger battery types and volumes.

IV. Presentation Items

- A. California Take-it-Back Partnership – Leonard Robinson, Chief Deputy Director, Department of Toxic Substances Control (DTSC)
- B. Illegal Dumping Task Force – Ken Stuart, Consultant, California Integrated Waste Management Board (CIWMB)
- C. Calaveras County Hazardous Waste Program – Cynthia Knapp, Program Coordinator

V. Solid Waste/Regulatory Update

- A. Report from the CIWMB by Kyle Pogue, Supervising Integrated Waste Management Specialist – Office of Local Assistance.

Kyle reported that Alpine, Colusa, Glenn, Inyo, Madera, Mono, Trinity, and Tuolumne are the eight counties involved in 2003/2004 biennial reviews. The committee meeting will be held September 6, 2006 in the morning and Kyle will contact involved members with more details. Jurisdictions do not need to attend unless otherwise notified.

In October, Del Norte, Sierra, Siskiyou, and Tehama will undergo their biennial review. Amador is scheduled for November, Modoc and Lassen in December, and Plumas, Imperial, and Calaveras will be after the first of the year. Butte, El Dorado, Nevada, and Mariposa are not a part of this review.

The CIWMB is continuing its California Take It Back campaign as an effort to get buy-in from retailers to take back materials from consumers.

Kyle urged members to ensure that the collectors they use are approved otherwise, future eligibility for collector revocations could be called into question.

The CIWMB is discussing a reorganization of the board by splitting the enforcement and assistance areas. Updates will follow as the discussion proceeds.

Upcoming Events:

September 13, 2006 – Multi-Family Workshop

- B. Post Closure and Financial Assurances – Industry's Concept for the Establishment of a New California Landfill Trust Fund by Larry Sweetser, ESJPA Consultant.

Larry discussed "Post-Post Closure" measures and the proposed California Landfill Trust Fund bill which would provide funding for those facilities that fail to meet their long-term funding obligations.

It has been proposed to raise the \$1.40 tip fee, but Larry feels there is no benefit to raise it. The Board has decided to watch this issue.

- C. Findings of the State Water Resources Control Board's Storm Water Panel of Experts Regarding the Feasibility of Establishing Numeric Effluent Limits by Larry Sweetser

Larry noted that in establishing numerical limits the State Water Resources Control Board is softening on the issue of background levels. He reminded the Board of the September 1 comment deadline for the report and of the ESJPA support letter. The main issue remains the absence of a scientific report to support that numerical limits actually lead to higher water quality.

- D. Other Regulatory Issues of Interest or Concern by Larry Sweetser. These discussion only topics would be discussed in the Technical Advisory Group meeting immediately following the Board of Directors' meeting.

VI. Legislative Update

Status of the 2005-06 Solid Waste Legislation presented by Paul Smith. The following bills were discussed:

- A. CA AB-1688: Illegal Dumping: Enforcement Officers. Moving to Governor for signing. Is tied to LA county bill and both must be signed to pass.
- B. CA AB-1992: Solid Waste: Dumping. The bill is scheduled to move to the Governor for signing early next week.
- C. CA AB-2118: Solid Waste. Died, but may be revisited in January.
- D. CA SB-1305: Medical Waste Management Act. Signed into law. In his signing statement, the governor encouraged local governments and cities to participate in collecting sharps waste.
- E. CA SB-928: Public Resources: Solid Waste. Will keep an eye on bill as it could put limits on or change diversion % requirements.
- F. CA SB-1225: Service Authority: Registration and Service Fees /AB 2681: Vehicles: Registration Fees: Fines. Will increase abandoned vehicle removal rates leading to a \$1 increase in DMV fees. Moving to Governor for signing.
- G. CA AB-3056: Beverage Container: Quality Incentive Payments: Refund. Bill contains 7-8 components that will change existing legislation concerning which recyclers qualify for a handling fee. Upon passage it would lead to an acceleration of 1 cent back to consumers for a period of 6 months. It would also allow haulers for

curbside recycling to receive the 1 cent return. The only possible issue is that the bill would lead to a 400% increase for beer distributors. Bill in committee.

- H. CA AB2296: Solid Waste: Landfill: Closure: Corrective Action. This bill is on suspense. No uniform consensus for fee has been reached. ESJPA wants CIWMB to enforce private landfills so that the burdens of post-closure costs do not pass to counties.

VII. ESJPA Program Update

- A. Grant Program Update by Stacey Miner. Stacey discussed recent outreach events at Amador and Siskiyou County Fairs County and upcoming Mariposa, Woodfords, and Tehama County Fairs.

VIII. Agenda Suggestions for the next ESJPA meeting scheduled October 17, 2006

Staff will re-schedule with Nancy Carr, Senior Integrated Waste Management Specialist, CIWMB to present the targeted waste characterization studies. Staff will invite Matt McCarron and Karl Palmer to give the group an update on SB20/50.

IX. Member County Concerns/Comments

None

X. Adjournment at 12:40 p.m.

Respectfully submitted,

Rachel Basore

Rachel Basore, Environmental Program Assistant
Rural Counties' Environmental Services Joint Powers Authority

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA,
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LASSEN

CHAIR – BOB PICKARD, MARIPOSA COUNTY

VICE CHAIR – CHRISTY SCOFIELD, COLUSA COUNTY

EXECUTIVE DIRECTOR – GREG NORTON



MADERA, MARIPOSA, MODOC, MONO, NEVADA, PLUMAS,

SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE

PROGRAM MANAGER – MARY PITTO

TECHNICAL ADVISORY GROUP CHAIR – STEVE ENGFER,
MARIPOSA COUNTY

MEMORANDUM

To: ESJPA Board of Directors

From: Mary Pitto, Program Manager

Date: October 6, 2006

RE: 2005 Audited Financial Statements

At the last ESJPA meeting, the Board approved the 2005 Audited Financial Statements prepared by Macia, Gini & O'Connel, LLP for the Rural Counties' Environmental Services Joint Powers Authority. However, the agenda was not properly posted 72 hours in advance of the meeting and we therefore need to put it back on this agenda and re-approve it.

The 2005 Audited Financial Statements are again attached herewith for your approval. The audit was performed pursuant to Section 14d of the Joint Exercise of Powers Agreement. Staff recommends the Board support Resolution No. 06-02 to approve the Auditors' Report and 2005 Financial Statements.



CHAIR - BOB PICKARD, MARIPOSA COUNTY
VICE CHAIR - CINDY SKOFIELD, COLUSA COUNTY
EXECUTIVE DIRECTOR - GREG NORTON

PROGRAM MANAGER - MARY PITTO
TECHNICAL ADVISORY GROUP CHAIR - STEVE ENFER,
MARIPOSA COUNTY

Resolution #06-02

RESOLUTION TO APPROVE THE INDEPENDENT AUDITOR'S REPORTS AND FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2005

WHEREAS, Section 14d of the Joint Exercise of Powers Agreement for the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) requires an annual audit of the accounts and records of the Authority as prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California in conformance with generally accepted auditing standards, and;

WHEREAS, ESJPA contracted with Macias, Gini & O'Connell, LLP to conduct the audit in accordance with Governmental Accounting Standards and to issue an Independent Auditor's Report on the financial statements for the year ended December 31, 2005, and;

WHEREAS, Macias, Gini & O'Connell, LLP reported the financial statements present fairly, in all material respects, the financial position of the ESJPA as of December 31, 2005 and the results of operations for the year ended in conformity with generally accepted accounting standards, and;

WHEREAS, Macias, Gini & O'Connell, LLP noted no matters involving the internal control over financial reporting and its operation that they consider to be a material weakness.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rural Counties' Environmental Services Joint Powers Authority to approve the Independent Auditor's Report and Financial Statements for the year ended December 31, 2005.

Signed: _____

Date: _____

Bob Pickard, Chair
Rural Counties' Environmental Services Joint Powers Authority

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**RURAL COUNTIES' ENVIRONMENTAL
SERVICES JOINT POWERS AUTHORITY**

Independent Auditor's Reports,
Management's Discussion and Analysis,
Basic Financial Statements, and
Supplementary Information

For the Year Ended December 31, 2005

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
FOR THE YEAR ENDED DECEMBER 31, 2005**

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MACIAS GINI & O'CONNELL LLP

CERTIFIED PUBLIC ACCOUNTANTS & MANAGEMENT CONSULTANTS

Board of Directors
 Rural Counties' Environmental
 Services Joint Powers Authority
 Sacramento, California

INDEPENDENT AUDITOR'S REPORT

We have audited the accompanying financial statements of the governmental activities and major fund of the Rural Counties' Environmental Services Joint Powers Authority (Authority), as of and for the year ended December 31, 2005, which collectively comprise the Authority's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Authority's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and major fund of the Rural Counties' Environmental Services Joint Powers Authority as of December 31, 2005, and the respective changes in financial position thereof and the budgetary comparison for the General Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

As discussed in Note 1 to the financial statements, effective January 1, 2005, the Authority implemented Governmental Accounting Standards Board (GASB) Statement No. 40, *Deposit and Investment Risk Disclosures, an amendment of GASB Statement No. 3*.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 24, 2006 on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.



The management's discussion and analysis on pages 3 through 6 is not a required part of the basic financial statements but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was performed for the purpose of forming opinions on the financial statements that collectively comprise the Authority's basic financial statements. The accompanying supplemental statement of revenues, expenditures and changes in fund balance by grant is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

Macior Mini & O'Connell

Certified Public Accountants

Sacramento, California
March 24, 2006

MANAGEMENT'S DISCUSSION AND ANALYSIS

The Rural Counties' Environmental Services Joint Powers Authority (the Authority) is a joint powers authority comprised of twenty-two rural California counties. The purpose of the Authority is to provide programs for planning, management and operation of solid waste programs, and for other environmental services including, but not necessarily limited to, legislative and regulatory advocacy, solicitation of grant funding, and implementation of grant-funded projects.

This section of the Authority's basic financial statements presents a discussion and analysis of the Authority's financial performance during the calendar year ended December 31, 2005.

FINANCIAL HIGHLIGHTS

The Authority adopted the provisions of Governmental Accounting Standards Board (GASB) Statement No. 40 in fiscal year 2005. Adoption of this statement affects the manner in which the Authority discloses transactions and presents financial information, which addresses deposit and investment risks related to credit risk, concentration of credit risk, interest rate risk, and foreign currency risk.

- The assets of the Authority exceeded liabilities at December 31, 2005 by \$163,742 (*net assets*).
- The Authority's total net assets increased by \$2,040 from December 31, 2004 due primarily to interest income received from advanced grant funds.
- Actual grant revenue was \$49,894 less than the final budget and grant expenses were \$47,374 less than the final budget primarily due to a decrease in grants and staffing. Four grant proposals were submitted for funding in early 2005. Of those, only one was funded. Work on that grant did not begin until November 2005.

OVERVIEW OF THE FINANCIAL STATEMENTS

The discussion and analysis in this section is intended to serve as an introduction to the Authority's basic financial statements. The Authority's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements. This report also contains other supplementary information in addition to the basic financial statements.

Government-wide financial statements are designed to provide readers with a broad overview of the Authority's finances, using accounting methods similar to those of a private-sector business. These statements provide information about the Authority's overall financial status.

The *Statement of Net Assets* presents information on all the Authority's assets and liabilities as of the end of the calendar year, with the difference between the two reported as *net assets*. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Authority is improving or deteriorating.

The *Statement of Activities* presents information on how net assets changed during the calendar year, with revenues and expenses by major type or function. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

Both of the government-wide financial statements distinguish functions of the Authority that are primarily financed with member dues and grant funding.

Fund financial statements are the more familiar groupings of accounts that are used to maintain control over resources that have been segregated for specific activities or objectives. The Authority, like state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Authority utilizes a general fund to account its activities.

Notes to the Basic Financial Statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Rural Counties' Environmental Services Joint Powers Authority Net Assets December 31, 2005

	<u>Governmental Activities</u>		<u>Increase/(Decrease)</u>	
	<u>2005</u>	<u>2004</u>	<u>\$</u>	<u>%</u>
Assets:				
Cash and investments	\$ 280,287	\$ 320,651	\$ (40,364)	-12.6%
Receivables	131,385	340,512	(209,127)	-61.4%
Total assets	<u>411,672</u>	<u>661,163</u>	<u>(249,491)</u>	<u>-37.7%</u>
Liabilities:				
Payables	64,424	75,660	(11,236)	-14.9%
Deferred revenue	183,506	309,004	(125,498)	-40.6%
Noncurrent liability	-	114,797	(114,797)	-100.0%
Total liabilities	<u>247,930</u>	<u>499,461</u>	<u>(251,531)</u>	<u>-50.4%</u>
Net assets:				
Unrestricted	<u>\$ 163,742</u>	<u>\$ 161,702</u>	<u>\$ 2,040</u>	<u>1.3%</u>

As noted earlier, net assets may serve over time as a useful indicator of a government's financial position. In the case of the Authority, net assets (assets in excess of liabilities) were \$163,742 at December 31, 2005, an increase of \$2,040 (1.3%) from December 31, 2004.

The decreases in receivables and the corresponding decrease in noncurrent liabilities are due to the write-off of \$114,797 of questioned costs related to the State Department of Finance (DOF) audit of the Used Oil Opportunity Grant (UOG4), where the Authority was the grantee and for which RCRC provided contracted support services. The RCRC Board had agreed to reimburse the Authority in the same amount that the Authority would be required to pay the California Integrated Waste Management Board (CIWMB) as a result of the DOF findings. In 2005, the CIWMB determined not to pursue collection for questioned costs for UOG4.

Rural Counties' Environmental Services Joint Powers Authority
Change in Net Assets
For the Calendar Year Ended December 31, 2005

	<u>Governmental Activities</u>		<u>Increase/(Decrease)</u>	
	<u>2005</u>	<u>2004</u>	<u>\$</u>	<u>%</u>
Revenues:				
Grants	\$ 350,160	\$ 795,844	\$ (445,684)	-56.0%
Membership dues	106,399	89,000	17,399	19.5%
Miscellaneous	-	3,050	(3,050)	-100.0%
Interest	1,795	1,330	465	35.0%
Total revenues	<u>458,354</u>	<u>889,224</u>	<u>(430,870)</u>	<u>-48.5%</u>
Expenses				
Grants on behalf of member counties	352,680	747,726	(395,046)	-52.8%
Administration	103,634	95,211	8,423	8.846%
Total expenditures	<u>456,314</u>	<u>842,937</u>	<u>(386,623)</u>	<u>-45.9%</u>
Change in net assets	2,040	46,287	(44,247)	-95.6%
Net assets, beginning of year	<u>161,702</u>	<u>115,415</u>	<u>46,287</u>	<u>40.1%</u>
Net assets, end of year	<u>\$ 163,742</u>	<u>\$ 161,702</u>	<u>\$ 2,040</u>	<u>1.3%</u>

FINANCIAL ANALYSIS OF THE AUTHORITY'S FUND

As noted earlier, the Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds

The general fund is the general operating fund of the Authority. It is used to account for all of the Authority's financial resources. For the year ended December 31, 2005, the Authority's total revenues decreased by \$430,870 or 48.5%. The Authority also experienced a decrease in total expenditures of \$386,623 or 45.9%.

CAPITAL ASSETS AND LONG-TERM DEBT

The Authority had no capital assets or long-term debt as of December 31, 2005.

CURRENTLY KNOWN FACTS

During the first four months of 2006, the Authority has submitted two proposals for grant funding. If successful, these grants would begin in the Fall of 2006. The Authority anticipates continued grant funding through the California Integrated Waste Management Board's Used Oil Block Grant program and through the Department of Conservation's Division of Recycling City/County Payment program in July 2006. The Authority plans to continue to seek additional avenues for grant funding to support the purpose of the Authority and its members throughout 2006. The Authority is actively recruiting to fill one position vacated during 2005.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Authority's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Rural Counties' Environmental Services Joint Powers Authority, 801 12th Street, Suite 600, Sacramento, CA 95814.

RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
 STATEMENT OF NET ASSETS
 DECEMBER 31, 2005

	Governmental Activities
ASSETS	
Cash (Note 3)	\$ 280,287
Receivables (Note 4)	131,385
Total assets	411,672
LIABILITIES	
Payables (Note 5)	64,424
Deferred revenue (Note 6)	183,506
Total liabilities	247,930
NET ASSETS	
Unrestricted	\$ 163,742

The accompanying notes are an integral part of these financial statements.

RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
 STATEMENT OF ACTIVITIES
 FOR THE YEAR ENDED DECEMBER 31, 2005

	Governmental Activities
PROGRAM EXPENSES	
Solid waste programs	\$ 352,680
Administration	103,634
Total program expenses	456,314
PROGRAM REVENUES	
Charges for services - membership dues	106,399
Operating grants	350,160
Total program revenues	456,559
Net program revenue	245
GENERAL REVENUES	
Investment earnings	1,795
Change in net assets	2,040
Net assets - beginning	161,702
Net assets - ending	\$ 163,742

The accompanying notes are an integral part of these financial statements.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GENERAL FUND
FOR THE YEAR ENDED DECEMBER 31, 2005**

REVENUES

Intergovernmental:	
Grants	\$ 350,160
Membership dues	106,399
Interest	<u>1,795</u>
Total revenues	<u>458,354</u>

EXPENDITURES

Solid Waste Programs:	
Grants on behalf of member counties	352,680
Administration:	
Technical support services (Note 7)	81,000
Consultants	18,000
Bank fees	35
Truck expense	105
Meetings	1,489
Member services (reimb)	1,399
Miscellaneous	13
Travel	<u>1,593</u>
Total expenditures	<u>456,314</u>
Excess of revenues over expenditures	<u>2,040</u>
Fund balance, January 1	<u>161,702</u>
Fund balance, December 31	<u><u>\$ 163,742</u></u>

The accompanying notes are an integral part of these financial statements.

RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
GENERAL FUND
FOR THE YEAR ENDED DECEMBER 31, 2005

	<u>Budgeted Amounts</u>		<u>Actual</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
REVENUES				
Intergovernmental:				
Grants	\$ 442,778	\$ 400,054	\$ 350,160	\$ (49,894)
Membership dues	103,400	108,900	106,399	(2,501)
Miscellaneous	2,700	2,700	-	(2,700)
Interest	-	-	1,795	1,795
	<u>548,878</u>	<u>511,654</u>	<u>458,354</u>	<u>(53,300)</u>
Total revenues				
EXPENDITURES				
Solid Waste Programs:				
Grants on behalf of member counties	442,778	400,054	352,680	47,374
Administration:				
Technical support services	81,400	81,400	81,000	400
Consultants	18,000	18,000	18,000	-
Bank fees	-	-	35	(35)
Truck expense	-	-	105	(105)
Meetings	2,100	2,100	1,489	611
Travel	3,200	3,200	1,593	1,607
Member services (reimb)	-	-	1,399	(1,399)
Miscellaneous	1,400	1,400	13	1,387
	<u>548,878</u>	<u>506,154</u>	<u>456,314</u>	<u>49,840</u>
Total expenditures				
Excess of revenue over expenditures	<u>\$ -</u>	<u>\$ 5,500</u>	2,040	<u>\$ (3,460)</u>
Fund balance, January 1			<u>161,702</u>	
Fund balance, December 31			<u>\$ 163,742</u>	

The accompanying notes are an integral part of these financial statements

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

Rural Counties' Environmental Services Joint Powers Authority (Authority) is an organization of certain political subdivisions of the State of California, engaged in the exercise of an essential governmental function and is not required to file federal or state income tax returns. Twenty-two member counties participate in the Authority, which is governed by a Board of Directors.

The purpose of the Authority is to develop and fund programs to provide for solid waste planning, solid waste services, cooperative marketing and regulatory advocacy and other environmental services, as well as to provide a forum for mutual support, to strengthen the liaison with state government, and to secure and disseminate information of common interest relating to environmental issues.

The Authority contracts with various organizations and businesses to provide specialized services as needed to administer and implement programs as determined by the Authority's Board of Directors. Regional Council of Rural Counties (RCRC), a California nonprofit mutual benefit corporation, provides various administrative and technical support services to the Authority. RCRC was organized to serve and strengthen county and local governments through definition, study and actions relative to problems affecting the member counties and their resources to include but not be limited to those of social, economic, environmental and ecological importance. Technical support services provided by RCRC include salaries and wages, benefits, and related costs (See Note 7).

During the year ended December 31, 2005, the Authority's Board members sat on the Board of Directors of RCRC or designate an alternate to represent the member county.

The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The more significant of the Authority's accounting policies are described below.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005 (CONTINUED)**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. Implementation of Governmental Accounting Standards Board Statement

GASB Statement No. 40 – The Authority adopted the provisions of GASB Statement No. 40, *Deposit and Investment Risk Disclosures, an amendment of GASB Statement No.3*. This statement affects the disclosures related to credit risk, interest rate risk, and foreign currency risk. The disclosure changes related to implementing this pronouncement are reflected in Note 2.

C. Government-wide and Fund Financial Statements

The statement of net assets and statement of activities include the financial activities of the Authority. The Authority is only engaged in governmental activities, which are primarily supported by intergovernmental revenues and charges for services.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the Authority. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a specific function. Program revenues include charges for services and grants and contributions that are restricted to meeting operating requirements.

Separate fund financial statements are provided for the Authority's General Fund. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The fund financial statements focus on the near-term inflows and outflows of available expendable resources. Such information may be useful in evaluating a government's near-term financing requirements.

When both restricted and unrestricted resources are available for use, it is the Authority's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Measurement Focus, Basis of Accounting and Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005 (CONTINUED)**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Measurement Focus, Basis of Accounting and Presentation (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. The General Fund is the general operating fund of the Authority. It is used to account for all of the Authority's financial resources. Grant revenues are recognized as soon as all eligibility requirements imposed by the provider have been met, provided they are measurable and available. All other revenues of the Authority are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay the liabilities of the current period. For this purpose, the Authority considers revenues to be available if they are collected within 6 months from year-end. Expenditures are recorded when a liability is incurred.

E. Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

NOTE 2 – BUDGETARY INFORMATION

The Authority's Board of Directors approves all budgeted revenues and expenditures. Budgeted revenues and expenditures represent the original adopted budget and any amendments during the year. The legal level of budgetary control for the Authority is total expenditures. The budgetary process is on a basis of accounting consistent with accounting principles generally accepted in the United States of America.

NOTE 3 – CASH

Custodial Credit Risk – Custodial credit risk is the risk that in the event of a bank failure, the Authority's deposits may not be returned to it. Cash consists of deposits with financial institutions. As of December 31, 2005, the Authority's deposits are entirely insured or collateralized. Section 53652 of the California Governmental Code requires financial institutions to secure deposits made by governmental units in excess of insured amounts, by the pledging of governmental securities as collateral. The market value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by governmental units.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005 (CONTINUED)**

NOTE 4 – RECEIVABLES

As of December 31, 2005 receivables are primarily comprised of funds due from granting agencies.

NOTE 5 – PAYABLES

Payables of the Authority at December 31, 2005 are as follows:

Accounts payable	\$	17,440
Accounts payable – RCRC		46,984
Net payables	\$	64,424

NOTE 6 – DEFERRED REVENUE

Counties are assessed membership dues on July 1st of each year. The dues cover a one-year period from July 1 to June 30. The result of this is the deferral of \$59,400 of revenue as of December 31, 2005 for membership fees received in advance of the membership year.

The Authority also receives cash advances for various grant programs that are administered on behalf of the member counties. Cash received prior to qualifying grant expenditures being incurred is recorded as deferred revenue. As of December 31, 2005, \$124,106 in cash advances has been deferred for recognition in future periods.

NOTE 7 – RELATED PARTY TRANSACTIONS

Technical support services provided to the Authority by RCRC for the year ended December 31, 2005 was \$46,412, which was outstanding at year-end. Also, the Authority accrued \$572 payable to RCRC for expenses paid on its behalf.

On October 9, 2002 the State Department of Finance (DOF) completed an audit of the Used Oil Opportunity Grant (UOG4) for the period April 1, 1998 through March 31, 2001. As a result of the audit, the DOF had questioned costs of \$114,797 related to an over-billing of indirect costs. The Authority's management subsequently disputed the DOF findings and submitted correspondence to the California Waste Management Board (CIWMB) requesting alternative settlement. As of December 31, 2004, the Authority recorded a payable to the State of California, until the matter was resolved. The RCRC Board agreed to reimburse the Authority in the same amount that the Authority was obligated to pay the CIWMB. In March 2005, the CIWMB determined not to pursue the collection of the questioned cost and as a result, both RCRC and the Authority wrote off the liability.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005 (CONTINUED)**

NOTE 8 – CONTINGENCIES

The Authority has received grants from state and local sources that are subject to review and audit by representatives of those agencies to determine if the funds were expended in accordance with appropriate statutes, grant terms and regulations. Such audits could lead to expenditure disallowances or questioned costs under grant terms. The Authority believes that no significant liabilities will be incurred as a result of these audits.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2005 (CONTINUED)**

NOTE 9 – RISK MANAGEMENT

The Authority is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters. RCRC purchases commercial insurance through an insurance agent, who obtains the appropriate insurance coverage from insurance companies, which includes coverage for the Authority. Coverage provided by commercial insurance and excess coverage as of December 31, 2005 is as follows:

<u>Type of Coverage</u>	<u>Commercial Insurance (in aggregate)</u>	<u>Excess or Additional Coverage (in aggregate)</u>	<u>Deductible/Self Insured Retention</u>
Special Liability Insurance Program	- \$10,000,000 general liability - \$10,000,000 errors and omissions - \$10,000,000 auto liability - \$10,000,000 non-owned and hired auto - \$5,000,000 employment practices - \$1,000,000 fire damage liability - \$1,000,000 uninsured motorist coverage - \$10,000,000 directors and officers	- \$5,000,000 per Occurrence - no excess on employment practices	- \$10,000 per occurrence
Special Property Insurance Program	- \$1,000,000,000 per occurrence (with sublimits from \$25,000,000 to \$500,000,000), excludes flood and earthquake		- \$5,000 per occurrence
Special Boiler and Machinery Program	- \$50,000,000 combined limit (with sublimits from \$1,000,000 to \$10,000,000), excludes flood and earthquake		- \$2,500 per occurrence (with sub-deductibles from \$5,000 to \$350,000)
Pollution	- \$1,000,000 claims made		- \$25,000
Crime Coverage	- \$1,000,000 combined limit	- \$5,000,000	- \$2,500 per occurrence

There have been no settlement amounts that have exceeded commercial insurance coverage for the last three years.

SUPPLEMENTARY INFORMATION

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
 SUPPLEMENTAL STATEMENT OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCE BY GRANT
 FOR THE YEAR ENDED DECEMBER 31, 2005**

	<u>HD11</u> <u>Amador</u>	<u>HD12</u> <u>Regional</u>	<u>HD14</u> <u>Regional</u>	<u>MOLO</u> <u>Contract</u>
REVENUES				
Grants	<u>\$ 3,256</u>	<u>\$ 58,758</u>	<u>\$ 2,034</u>	<u>\$ 19,971</u>
EXPENDITURES				
Grants on behalf of member counties:				
Mobile/other collection	-	18,077	-	-
Consultants	-	-	-	3,300
Other costs	-	-	-	1,710
Permanent facilities	-	23,665	-	-
Personnel	3,256	17,771	2,034	14,961
Publicity and education	-	81	-	-
	<u>3,256</u>	<u>59,594</u>	<u>2,034</u>	<u>19,971</u>
Total expenditures				
Excess (deficiency) of revenues over (under) expenditures	-	(836)	-	-
Fund balance, January 1	<u>-</u>	<u>836</u>	<u>-</u>	<u>-</u>
Fund balance, December 31	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
 SUPPLEMENTAL STATEMENT OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCE BY GRANT (CONTINTUED)
 FOR THE YEAR ENDED DECEMBER 31, 2005**

	<u>UBG8</u> Regional	<u>UBG9</u> Regional	<u>USB10</u> Regional
REVENUES			
Grants	<u>\$ 36,016</u>	<u>\$ 67,151</u>	<u>\$ 10,392</u>
EXPENDITURES			
Grants on behalf of member counties:			
Consultants	4,140	763	-
Other costs	2,246	(521)	(458)
Permanent facilities	13,508	36,832	3,251
Personnel	7,679	17,438	5,504
Publicity and education	<u>8,443</u>	<u>10,807</u>	<u>2,095</u>
Total expenditures	<u>36,016</u>	<u>65,319</u>	<u>10,392</u>
Excess (deficiency) of revenues over (under) expenditures	-	1,832	-
Fund balance, January 1	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance, December 31	<u><u>\$ -</u></u>	<u><u>\$ 1,832</u></u>	<u><u>\$ -</u></u>

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
SUPPLEMENTAL STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE BY GRANT (CONTINUED)
FOR THE YEAR ENDED DECEMBER 31, 2005**

	<u>SB332</u> <u>Regional</u>	<u>TR34</u> <u>Regional</u>	<u>TR43</u> <u>Mariposa</u>	<u>Member</u> <u>Services</u>	<u>Total</u>
REVENUES					
Grants	\$ 117,433	\$ 29,762	\$ 1,871	\$ 3,516	\$ 350,160
EXPENDITURES					
Grants on behalf of member counties:					
Mobile/other collection	-	18,123	-	-	36,200
Consultants	-	-	-	-	8,203
Other costs	-	-	-	-	2,977
Permanent facilities	78,610	-	-	-	155,866
Personnel	17,125	5,099	614	7,032	98,513
Publicity and education	21,698	6,540	1,257	-	50,921
Total expenditures	<u>117,433</u>	<u>29,762</u>	<u>1,871</u>	<u>7,032</u>	<u>352,680</u>
Excess (deficiency) of revenues over (under) expenditures	-	-	-	(3,516)	(2,520)
Fund balance, January 1	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>836</u>
Fund balance, December 31	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (3,516)</u>	<u>\$ (1,684)</u>

OTHER REPORT



MACIAS GINI & O'CONNELL LLP
 CERTIFIED PUBLIC ACCOUNTANTS & MANAGEMENT CONSULTANTS

3000 S Street, Suite 300
 Sacramento, CA 95816
 916.928.4600

2175 N. California Boulevard, Suite 645
 Walnut Creek, CA 94596
 925.274.0190

515 S. Figueroa Street, Suite 325
 Los Angeles, CA 90071
 213.286.6400

402 West Broadway, Suite 400
 San Diego, CA 92101
 619.573.1112

Board of Directors
 Rural Counties' Environmental
 Services Joint Powers Authority
 Sacramento, California

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
 FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
 BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
 IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

We have audited the financial statements of the governmental activities and the major fund of the Rural Counties' Environmental Services Joint Powers Authority (Authority), as of and for the year ended December 31, 2005, which collectively comprise the Authority's basic financial statements and have issued our report thereon dated March 24, 2006. Our report included an explanatory paragraph describing the implementation of a new accounting standard. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Authority's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be a material weakness.



Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Authority's Board of Directors and management and is not intended to be and should not be used by anyone other than these specified parties.

Macior Meiri & O'Connell

Certified Public Accountants

Sacramento, California

March 24, 2006

**RURAL COUNTIES' ENVIRONMENTAL SERVICES JOINT POWERS AUTHORITY
BALANCE SHEET
GENERAL FUND
DECEMBER 31, 2005**

ASSETS

Assets:

Cash (Note 3)	\$	280,287
Grants receivable		<u>131,385</u>
 Total assets	 \$	 <u><u>411,672</u></u>

LIABILITIES AND FUND BALANCE

Liabilities:

Accounts payable	\$	17,440
Accounts payable - RCRC (Note 7)		46,984
Deferred revenue (Note 6)		<u>183,506</u>
 Total liabilities		 <u>247,930</u>

Fund Balance:

Unreserved		<u>163,742</u>
 Total liabilities and fund balance	 \$	 <u><u>411,672</u></u>

The accompanying notes are an integral part of these financial statements.

**RURAL COUNTIES' ENVIRONMENTAL SERVICES
JOINT POWERS AUTHORITY**

Report to Management

For the Year Ended December 31, 2005



3000 S Street, Suite 300
Sacramento, CA 95816
916.928.4600

MACIAS GINI & O'CONNELL LLP
CERTIFIED PUBLIC ACCOUNTANTS & MANAGEMENT CONSULTANTS

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To the Board of Directors of the
Rural Counties' Environmental Services
Joint Powers Authority

We have audited the financial statements of the Rural Counties' Environmental Services Joint Powers Authority (Authority) for the year ended December 31, 2005, and have issued our report thereon dated March 24, 2006. Professional standards require that we provide you with the following information related to our audit.

I. The Auditor's Responsibility Under U.S. Generally Accepted Auditing Standards and Government Auditing Standards

As stated in our engagement letter dated February 27, 2006 our responsibility, as described by professional standards, is to plan and perform our audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement and are fairly presented in accordance U.S. generally accepted accounting standards. Because an audit is designed to provide reasonable, but not absolute assurance and because we did not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not detected by us.

As part of our audit, we considered the internal control of the Authority. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Authority's compliance with certain provisions of laws, regulations, contracts and grants. However, the objective of our tests was not to provide an opinion on compliance with such provisions.

II. Significant Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the Authority are described in Note 1 to the financial statements. As described in Note 1 to the financial statements the Authority adopted Governmental Accounting Standards Board (GASB) Statement Nos. 40, effective January 1, 2005. We noted no transactions entered into by the Authority during the year that were both significant and unusual, and of which, under professional standards, we are required to inform you, or transactions for which there is a lack of authoritative guidance or consensus.



III. Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

IV. Audit Adjustments

For the purposes of this letter, professional standards define an audit adjustment as a proposed correction of the financial statements that, in our judgment, may not have been detected except through our auditing procedures. An audit adjustment may or may not indicate matters that could have a significant effect on the Authority's financial reporting process (that is, cause future financial statements to be materially misstated). No adjustments were proposed, neither recorded or unrecorded by the Authority, either individually or in aggregate, indicate matters that could have a significant effect on the Authority's financial reporting process.

V. Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting or auditing matter that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

VI. Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If consultation involves application of an accounting principle to the Authority's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

VII. Issues Discussed with Management Prior to Our Retention

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Authority's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

VIII. Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing our audit.

This information is intended solely for the use of the Board of Directors and management of the Rural Counties' Environmental Services Joint Powers Authority and is not intended to be and should not be used by anyone other than these specified parties.

Mauro Henri & B'Connell

Certified Public Accountants

Sacramento, California

March 24, 2006

Contractor's Report to the Board

Targeted Statewide Waste Characterization Study:

Detailed Characterization of Commercial Self-Haul and Drop-Box Waste

June 2006

Produced under contract by:

Cascadia Consulting Group



Available at:

<http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1179>



Contractor's Report to the Board

Targeted Statewide Waste Characterization Study:

Characterization and Quantification of Residuals from Materials Recovery Facilities

June 2006

Produced under contract by:

R.W. Beck, Inc.



Cascadia Consulting Group



Available at:

<http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1182>



Contractor's Report to the Board

Targeted Statewide Waste Characterization Study:

Detailed Characterization of Construction and Demolition Waste

June 2006

Produced under contract by:

Cascadia Consulting Group



Available at:

<http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1185>



BIENNIAL REVIEW TOOL

Jurisdiction	County
Jurisdiction Contact	CIWMB Staff Contact
Board Meeting Date	
Diversion Rates:	
2000	2003
2001	2004
2002	2005 (Estimate)
Disposal Totals:	
2000	2003
2001	2004
2002	2005

1. Jurisdiction Data/Status

- A. Population (BY to present)
- B. Employment (By to present)
- E. Residential / Commercial
- F. Pounds/Person/Day-generation (generation/population/365 days):
S:\Local Assistance\Biennial Reviews\03-04 Biennial Review\BR Tools\Lbs per person calculator.xls
- G. Sensitivity Analysis:
S:\Local Assistance\Biennial Reviews\03-04 Biennial Review\BR Tools\Sensitivity Analysis.xls
- H. Rural PFR Reduced Rate:
- C. Taxable Sales (BY to present)
- D. TSDI

2. Jurisdiction Programs

- A. Main Programs - Include major diversion programs, promotion, public education, and policy development, with emphasis on procurement and C&D development.

1. Current/Identified

2. Gaps

BIENNIAL REVIEW TOOL

- B. Know the rationale for programs that are Not Implemented (NI), Planned for the Future (PF), Dropped (D, DE), or Alternative programs (AI, AO).

3. Jurisdiction Dynamics (as applicable)

- A. Waste Collection System (Residential/Commercial) (Municipal/Open Competition/
Franchise)
- B. Contractual Constraints/Arrangements
- C. Operational Issues
- D. Funding Issues
- E. Political Challenges
- F. Anomalies (Disposal allocation problems/diversion rate fluctuations/disasters/anything odd)
- G. Diversion Rate Oddities (examples: diversion rate fluctuations, waste flow issues, waste
origins, sensitivity analysis)
- H. Barriers
 - 1. General
 - 2. Rural

4. Long Term Strategies (Program development/NBY/Compliance Order/Regional Agency/Etc.)

CHAIR – BOB PICKARD, MARIPOSA COUNTY
VICE CHAIR – CHRISTY SCHOFIELD, COLUSA COUNTY
EXECUTIVE DIRECTOR – BRENT HARRINGTON



PROGRAM MANAGER – MARY PITTO
TECHNICAL ADVISORY GROUP CHAIR – STEVE ENGFER,
MARIPOSA COUNTY

September 26, 2006

Bobbie Garcia
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025 MS-16
Sacramento, CA 95812-4025

Subject: Comments on Proposed Revisions to Solid Waste Permitting Regulations (aka: AB 1497 Regulations)

Dear Ms. Garcia:

On behalf of its 22 member counties, the Rural Counties Environmental Services Joint Powers Authority (ESJPA) appreciates this opportunity to provide the opportunity to provide comments on the permit implementation regulations (AB 1497).

The ESJPA has been an active participant throughout the lengthy process and we are satisfied with the decision to proceed with the minor change and the significant change lists. We also support the staff recommendation to limit the relationship between the solid waste facility permit and the conditional use permit (CUP).

Regardless of any terms and conditions imposed in the solid waste facility permit, the requirements imposed by the CUP are still binding and local agencies are charged with enforcement of those provisions.

The most important concept of any potential permit change is constant communication between the operator and the Local Enforcement Agency (LEA).

Thank you leading a very thorough participatory process.

Please contact us if you have any questions. Thank you again for this opportunity to provide comments on this proposal.

Sincerely,

Larry Sweetser
ESJPA Consultant

cc: ESJPA Board of Directors

Excerpts from Proposed Permit Implementation Regulations (AB 1497)

The entire text of the proposed regulations are available at:
<http://www.ciwmb.ca.gov/agendas/mtgdocs/2006/10/00021057.doc>

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

Title 27. Environmental Protection

Division 2. Solid Waste

Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Subchapter 3. Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

Definitions

(4) "Informational Meeting" means a meeting where the public is invited to hear and comment on the preliminary determination of the action to be taken by the EA on an accepted application package. The meeting is strictly informational and no official decision is made at the meeting regarding the formal determination on the solid waste facilities permit application. EA conducted Informational Meetings fulfill the requirements set forth in Public Resources Code §44004 related to holding a "public hearing", unless the EA substitutes another meeting/hearing that meets the provisions in §21660.4. The definition used herein, does not apply to public hearings/hearing panels set forth in Public Resources Code §44300, Chapter 4, Articles 1 and 2, having to do with ~~D~~ denial of solid waste facilities permits and related recourses.

(5) "Nonmaterial change" means a change that would require a change to the solid waste facilities permit but would not result in any physical change that would alter the approved design or operation of the facility. The definition is only for purposes of determining when a permit modification is needed as determined by the EA pursuant to §21665(d)(1).

(6) "Significant Change in the design or operation of the solid waste facility that is not authorized by the existing permit" means a change in design or operation of a solid waste facility where the EA has determined pursuant to §21665 that the change is of such consequence that the solid waste facilities permit needs to include further restrictions, prohibitions, mitigations, terms, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment. The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for **any other purpose**

§ 21570. CIWMB – Filing Requirements. (T14:§18201)

(a) Any operator of a disposal site who is required to have a full solid waste facilities permit SWFP and waste discharge requirements pursuant to Public Resources Code, Division 31 and §20080(f) shall submit an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit one copy of the application form and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall ensure demonstration of financial assurances to the CIWMB pursuant to Chapter 6 of this Subdivision.

(b) All other applicants who are required to have a full solid waste facilities permit SWFP shall submit an application package for a solid waste facilities permit SWFP in duplicate to the EA pursuant to ¶(f) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall also simultaneously submit one copy of the application form to the RWQCB.

§ 21620. CIWMB – Change in Design or Operation. (new)

(a) ~~Any applicant~~ This section applies to any operator proposing to make a significant change in the design (as defined in subsection 21663(a)(1)) or operation (as defined in subsection ~~division~~ 21663(a)(2)) of the facility, where such change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act and one of the following categories apply: (1) Minor Change - the change qualifies as a minor change pursuant to §21620(a)(1), in which case the operator shall comply with §21620(a)(1)(FE); (2) RFI Amendment - the EA has determined that an amendment to the RFI is required for the change, in which case the operator shall comply with §21620(a)(2); (3) Modified Permit - the EA has determined that the solid waste facilities permit requires modification pursuant to §21665(d), in which case the operator shall comply with §21620(a)(3); or (4) Revised Permit - the EA has determined that the solid waste facilities permit requires revision pursuant to §21665(e) or §21620(a)(4), in which case the operator shall comply with §21620(a)(4).

This section does not apply to changes to the facility, where such a change is not subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act.

(1) Minor Changes

An operator may implement a minor change without EA review and approval if all of the following criteria set forth in subdivisions (A) through (D) are met and the operator notifies the EA of the minor change as required under subdivision (F):

(A) the change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act;

(B) the change is consistent with State minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable;

(C) the change is consistent with the terms and conditions in the current solid waste facilities permit; and

(D) the change does not conflict with the design and operation of the facility as provided in the current RFI pursuant to §21600, 14 CCR §§17346.5, 17863.4, 18221.6, 18223.5, or 18227. is listed below:

(E) Provided that they satisfy the criteria set forth in subdivisions (a)(1)(A – D), minor changes include, but are not limited to, the following:

(i) Correction of typographical errors in any documents/documentation submitted by the owner or operator.

(ii) Changes in the training plan that do not affect the type or decrease the amount of training given to employees.

(iii) Changes in any name and phone number, mailing address, or other contact information that does not include a change of the owner or operator.

(iv) Changes in emergency equipment (e.g., used for spill or release response) with the same functionally equivalent equipment at the same or higher level of quality.

- (v) Replace equipment that consists of functionally equivalent components and specifications as the equipment being replaced, which does not cause any change to location or design from the formerly used equipment.
- (vi) Changes in procedures for cleaning or decontamination of facility equipment or structures.
- (vii) Changes in tanks used for storage of materials utilized as part of the operation of the facility such as fuel, motor oil, and water without a change in location ~~and consistent with existing design and operation.~~
- (viii) Changes in the rental company or location of where the back-up equipment may be sought.
- (ix) Replacement of an existing environmental or operational monitoring point that has been damaged or rendered inoperable, without change to location or design of the monitoring point.
- (~~ix~~) Updated changes to other regulatory agency documents that are included by reference in a RFI only ~~and will not result in a change to the design and/or operation that are within the LEA's authority.~~
- (~~ix~~) Updated changes to other regulatory agency documents that are included by reference in a RFI only and will not result in a change to the design and/or operation.**
- (~~ix~~) Changes in containers used for temporary storage of materials separated for recycling ~~that does not interfere with the design and operation of the facility.~~
- ~~(v) Change in name only of owner/operator.~~
- (~~ix~~) Change in narrative information (e.g., background information) outside the permitted boundary.
- (~~ix~~) Change to facility signage wording ~~consistent with State minimum standards.~~
- (~~ix~~) Changes to improve personnel protective equipment and other safety procedures; ~~needs to be consistent with OSHA.~~
- (ix) Changes to traffic patterns on site that do not affect off-site traffic, and/or adjacent **improved** properties.
- (x) Adjacent land use map.
- (x) Change in location of facility records.
- ~~(x) Change in designated enforcement agency.~~
- (~~x~~) Changes in name, address, or phone number of contact in post-closure plan.
- (~~x~~) Changes to equipment maintenance operations associated with the operation of the facility ~~that will not change design or operation.~~
- (~~x~~) **Purchase Acquisition** of property adjacent to the facility if not used for solid waste activities operations.
- (~~x~~) Updated changes to documents that are included by reference in a permit or RFI.
- (~~x~~) Regulation re-numbering as referenced in RFI.

(FE) the operator shall notice the EA at the time of the change or within 30 days a reasonable time after the change has been made, and the following provisions shall apply:

(i) the notice shall be in writing and delivered to the EA by regular mail, email, or fax;

(ii) the operator shall identify the minor change in the notice and indicate the effective date of the change;

(iii) the notice is for informational purposes only and is not subject to EA compliance measures; however, if the EA determines at a later date that the change does not meet the criteria for minor change, the EA shall provide a finding to the operator in writing as to why the change did not qualify as a minor change and the EA shall ~~may~~ require the operator to comply with all applicable requirements; and

(iv) During the regular ~~5-year~~ permit review, the EA shall review the minor change notices and determine which should be incorporated into the RFI.

(2) Amendment to Report of Facility Information

(b) For those changes in design or operation that do not qualify under subdivision (a)(1) and that require an amendment to the RFI, the operator shall file an amendment to the RFI with the EA at least 180 days prior to the proposed change unless otherwise determined by the EA. Notwithstanding, the EA may determine, based on consultation with the applicant and review of the RFI amendment, that the change meets the criteria in §21665(c), in which case the applicant may file an application less than 180 days prior to making the proposed change. b) Proposed RFIs or amendments to the RFI shall be accompanied by an application form. All amendments shall be submitted as specified in §21570. The applicant shall only submit those items listed in §21570(f) that have changed or are proposed to change, unless otherwise specified by the EA. Such amendments or lack thereof may become the basis for changes in the solid waste facilities permit as determined by the EA as described in §21665. The operator shall have the right to appeal the EA's decision before the hearing panel.

(3) Modified Permit

If the change in design or operation does not qualify under subdivision (a)(1) or (a)(2) meet the requirements of §21665(e), but does meet the requirements of §21665(d) for a modified solid waste facilities permit, the operator shall submit an application package for a modified solid waste facilities permit pursuant to §21570 which the EA shall process pursuant to §21650.

(4) Revised Permit

All other changes in design or operation require a revised solid waste facilities permit pursuant to §21665(e). The operator shall submit an application package for a solid waste facilities permit revision pursuant to §21570 and which shall be processed by the EA pursuant to §21650.

Notwithstanding anything to the contrary in §21665(e), the following changes in design or operation are considered significant and require an application for a revised permit:

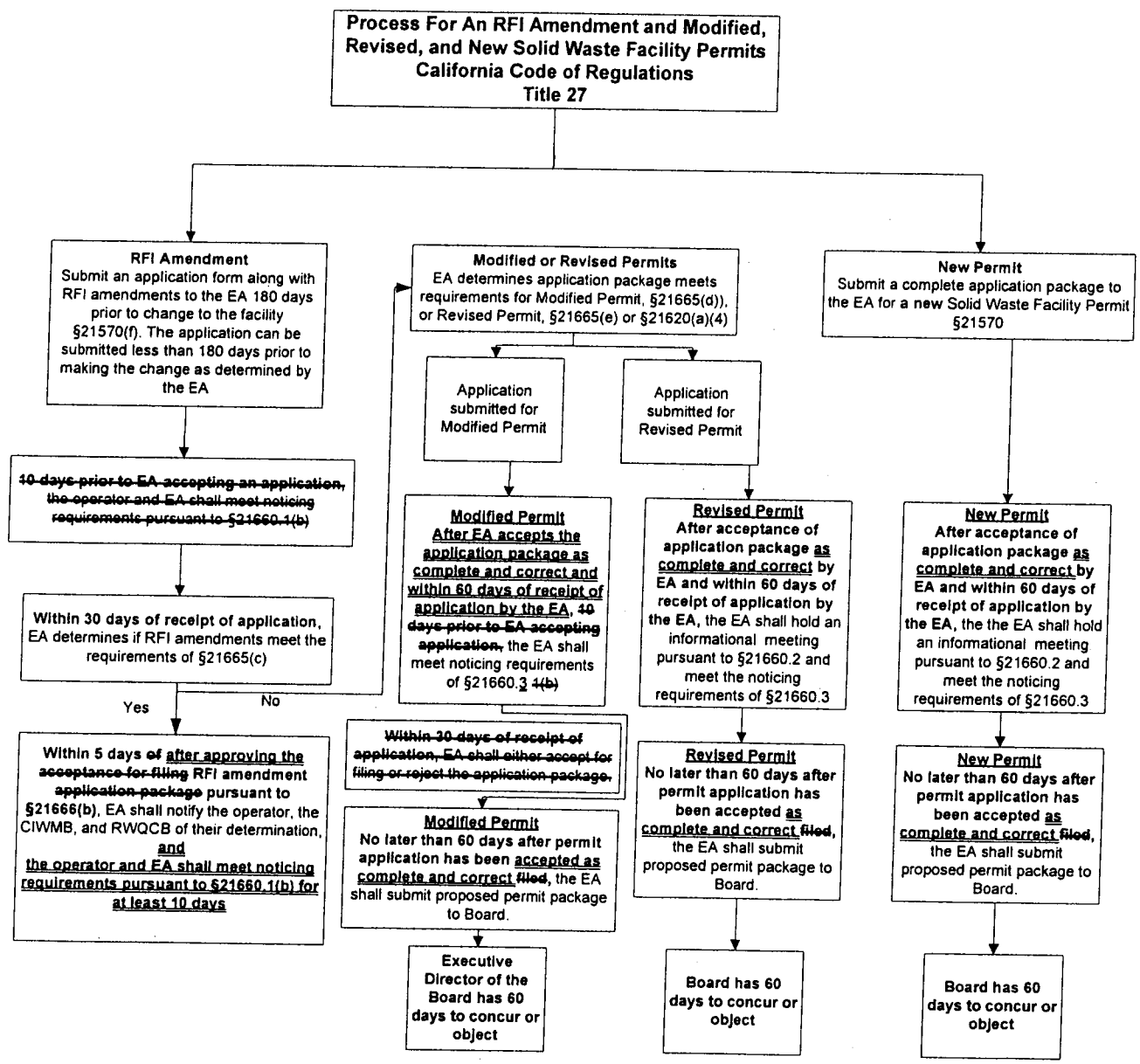
(A) Increase in maximum amount of permitted tonnage of all waste received.

(B) Increase in the facility's permitted acreage.

(C) Increase in the permitted hours of operation.

(D) For landfill, increase in permitted disposal footprint and/or permitted (final grade) the maximum overall height.

Note: changes relative to only those items described in the RFI and not addressed in the current solid waste facilities permit as written by the LEA could be requested, after consultation, through an application pursuant to §21666. To help better understand the process for RFI amendment, and modified, revised and new solid waste facilities permits, but not to supplant the regulations, a flow diagram is provided below:



(h) The proposed solid waste facilities permit shall contain the EA's conditions the EA proposes to include in the permit. The proposed solid waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions conflict with conditions from WDRs issued by the RWQCB.

[Note: The process to obtain a full solid waste facilities permit SWFP might not include the RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of forms and documents to the RWQCB will be made if applicable to the type of facility.

When writing conditions pursuant to 21650(i) the EA should take into consideration PRC §44012, which requires the EA to ensure that primary consideration is given to protecting public health and safety and preventing environmental damage, and the long-term protection of the environment. The EA should also be aware of and take into consideration other permits, entitlements and approvals when writing terms and conditions (e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other required local and county ordinances/permits).]

§ 21660. CIWMB – ~~Public Notice and Comment; Recordkeeping Requirements. (T14:§18204)~~ Public Notice and Informational Meeting Requirements.

This Section discusses the requirements for giving public notice and conducting informational meetings as defined in §21563(d)(4) when an application for an RFI amendment, modified solid waste facilities permit, revised solid waste facilities permit, or new solid waste facilities permit is submitted to an EA for consideration. Because the processing time for RFI amendments is less than it is for permits, the noticing requirements for RFI amendments are addressed separately from ~~and~~ modified, revised, and new solid waste facilities permits ~~are the same, they~~ which are addressed together. For new and revised ~~and new full~~ solid waste facilities permits there are additional requirements for ~~noticing and~~ conducting an informational meeting, ~~so new and revised solid waste facilities permits are described separately.~~ Under ¶(b) below is an index locator of the specific subsections for specific solid waste facilities permit applications.

(a) The following provisions shall be applied to applications for new solid waste facilities permits, revised and modified solid waste facilities permits, and RFI amendments.

(a1) The EA shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b2) Within 5 days after the EA approves the RFI amendment and within 5 days from the EA receiving the application for new, revised, and modified permits, the EA shall mail written notice of an application to every person who has submitted a written request for such notice.

(c3) Written public comments on an application shall be retained by the EA.

(b) Specific provisions relating to the content of notices, distribution and publishing of notices, and informational meetings may be found in subsequent sections as follows:

<u>Content of Notice for RFI Amendment and Solid Waste Facilities Permit Modification Applications</u>	<u>§21660.1(a)</u>
<u>Publication of Notice for RFI Amendment and Solid Waste Facilities Permit Modification Applications</u>	<u>§21660.1(b)</u>
<u>Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications</u>	<u>§21660.2</u>
<u>Contents of Notice of New, and Revised, and Modified Permit Applications and EA Conducted Informational Meeting</u>	<u>§21660.3(a)</u>
<u>Notice Distribution for New, and Revised, and Modified Permit Applications and EA Conducted Informational Meeting</u>	<u>§21660.3(b)</u>
<u>Substitute Meetings in Place of for EA-Conducted Informational Meetings</u>	<u>§21660.4</u>
<u>Content of Notice of New and Revised Full Permit Applications Using Substituted Meeting or Hearing</u>	<u>§21660.4(a)</u>

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

§ 21660.2 Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.

(a) EA shall conduct an informational meeting for all new and revised full solid waste facilities permit applications as determined by §21665. The EA shall hold an informational meeting on an application for a new full, ~~standardized or registration~~ solid waste facilities permit or an application for a full solid waste facilities permit revision required under this Article. The EA may require the operator(s) of the facility or facilities that are the subject of the informational meeting to pay all costs incurred by the EA in connection with the meeting. The informational meeting may be combined with another public meeting in which the EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

(b) The informational meeting shall be held after acceptance of the application package as complete and correct by the EA and within 60 days of receipt of the application by the EA. The EA shall submit to the ~~b~~Board a copy of the informational meeting notice at time of issuance. The ~~b~~Board shall post the notice on its web site as a way to further inform the public.

(c) The informational meeting shall meet the following criteria:

(1) The meeting shall be held in a suitable location not more than one (1) mile ~~five (5) miles~~ from the facility that is the subject of the meeting; provided that, if no suitable and available location exists within one (1) mile ~~five (5) miles~~ of the facility, as determined by the EA, the EA may designate an alternative suitable location that is as close to the facility as reasonably practical.

(2) The meeting shall be held on a day and at a time that the EA determines will enable attendance by residents living in the vicinity of the facility that is the subject of the meeting.

(3) EAs may undertake additional measures to increase public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the meeting, including but not limited to additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site, posting in a local newspaper of general circulation, and multilingual notice and translation, and multiple meeting dates, times and locations.

(d) The EA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to §21660.4 if the applicant does not object.

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

§ 21665. CIWMB – Processing Proposed Changes at Solid Waste Facility Report of Facility Information (RFI) Amendments. (new)

(a) The applicant shall submit an RFI ~~amendment~~ application package pursuant to §§21570 and 21600, or 14 CCR §§~~18221.5~~, 18221.6, ~~18223~~, 18223.5, 18227, or §17863.4 to the EA. The submittal shall contain only those items listed in §21570(f) that have changed, are proposed for change or as otherwise specified by the EA.

(b) The EA shall review the applicant's proposed change amendments to the RFI and determine if such a change qualifies as an amendment(s) to the RFI or is ~~lack thereof~~ are the basis for changes in the solid

waste facilities permit in which case the EA shall determine if the proposed change will require a solid waste facilities permit modification or a solid waste facilities permit revision pursuant to the following provisions provided in subsequent ¶¶ as follows:

(1) RFI Amendment(s) _____ ¶(c)

(2) Modified Solid Waste Facilities Permit _____ ¶(d)

(3) Revised Solid Waste Facilities Permit _____ ¶(e)

(c) **RFI Amendment(s)** - The EA may approve and file the proposed change as an amendment(s) to the RFI without revising or modifying the solid waste facilities permit if all of the following criteria are met:

(1) the EA finds that the proposed change is consistent with all applicable certified and/or adopted CEQA documents or has been determined by the EA that the change would not create any adverse environmental impacts and is exempt from the requirements of CEQA; and in that no subsequent EIR or Negative Declaration or supplemental EIR is warranted pursuant to Title 14, Chapter 3, Article 11, §§15162 or 15163, or if the EA finds that the change being requested is exempt from the requirements of CEQA pursuant to Title 14, Chapter 3, Article 5, §§15060 and 15061;

(2) the EA has deemed the proposed change acceptable and consistent with, but not limited to, State minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable; and

(3) the EA finds the changes do not conflict with the terms and conditions in the current solid waste facilities permit SWFP.

~~(d) The EA shall determine if the RFI amendments meet the requirements of ¶(c) within 30 days of receipt.~~

~~(e) Within 5 days of acceptance for filing of the RFI amendment application package, the EA shall notify the operator, the CIWMB and the RWQCB of their determination. The EA shall include in their notification to the CIWMB, a copy of the amended RFI, and a copy of the application form along with the EA determination specified in ¶(d).~~

~~*[Note: Submittal of an Application Form in ¶(c) is for tracking purposes.]*~~

~~(f) In cases where amendments do not follow the criteria set in this section, the EA may either require the operator to submit an application for a revised SWFP pursuant to §21570, or deny the proposed amendment, in which case the applicant shall have thirty (30) days within which to appeal the decision to the hearing panel.~~

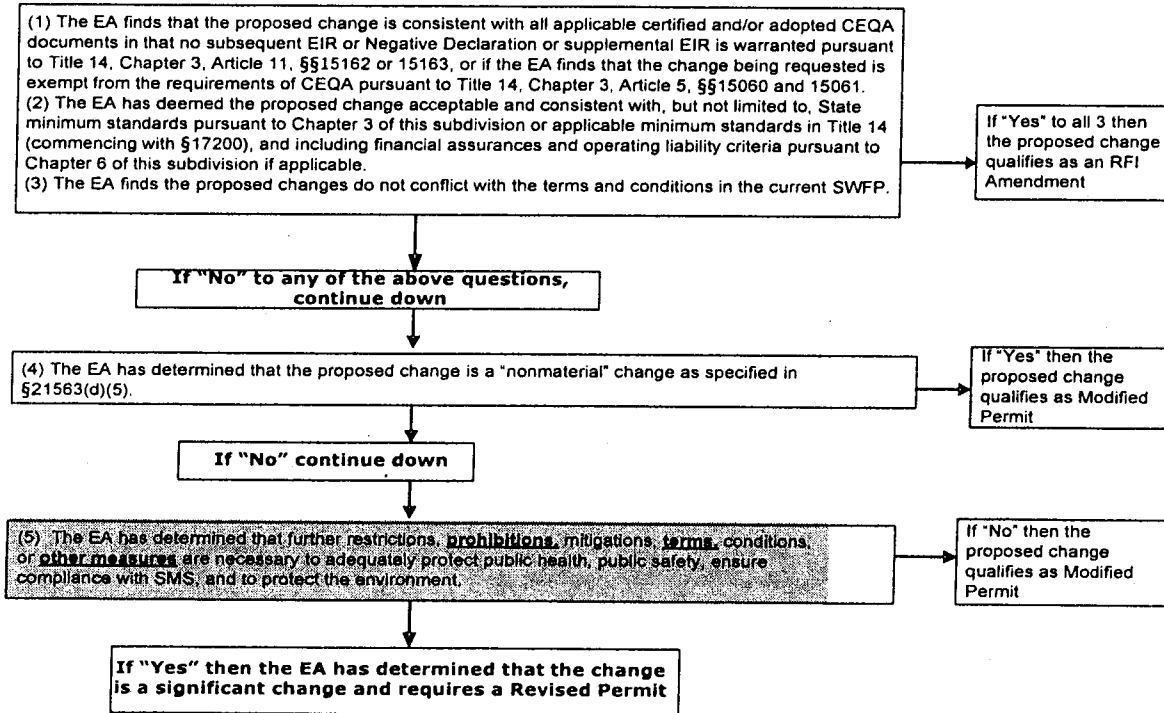
(d) Modified Solid Waste Facilities Permit - The EA may determine that the proposed change qualifies as a modified solid waste facilities permit if the proposed change does not meet all of the criteria specified under ¶(c) and meets any of the following criteria:

(1) the EA determines that the proposed change is a nonmaterial change as specified in §21563(d)(5), or

(2) the EA determines that the proposed change is such that the solid waste facilities permit does not need to include further restrictions, prohibitions, mitigations, terms, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment.

(e) Revised Solid Waste Facilities Permit - The EA shall determine that the proposed change is a significant change as defined in §21563(d)(6) and requires a revised solid waste facilities permit if the proposed change does not meet the criteria for an RFI Amendment as specified under ¶(c) or a modified solid waste facilities permit as specified under ¶(d).

Note: To help the affected public more readily understand the process used by the EA to determine whether a proposed change qualifies as an RFI amendment, modified solid waste facilities permit, or revised solid waste facilities permit, a decision tree is provided below; this diagram does not supplant any of these regulations:





Rural Counties' Environmental Services Joint Powers Authority

Technical Advisory Group

Steve Engfer, Chair

Bill Mannel, Vice Chair

Fifth Floor Conference Room, 801 12th Street, Sacramento, CA 95814

9:30 pm – 12:00pm

Thursday, October 19, 2006

1. Review/Revise/Prioritize Agenda Items -- Alan Abbs
2. U-Waste Updates- Larry Sweetser
3. C & D Debris Programs – Alan Abbs
4. Stormwater Regulations Update – Larry Sweetser/Alan Abbs
5. Treated Wood Waste Updates – Larry Sweetser
6. Update on Closure/Postclosure Financial Assurance – Larry Sweetser/Alan Abbs
7. DTSC Lead Regulations Update – Larry Sweetser
8. Waste Board Active Landfill Gas Regulations – Larry Sweetser/Alan Abbs
9. Climate Change/Greenhouse Gas Updates – Larry Sweetser/Alan Abbs
10. Producer Responsibility Programs – Lesli Daniels
11. Amador “Take it Back”/Tehama Battery Program Updates – Jim McHargue/Alan Abbs
12. Multi Family Recycling Programs – Stacey Miner
13. Highlights of June/July/August Waste Board meetings -- Larry Sweetser
14. Discussion regarding future meeting schedules – Stacey Miner
15. Any other issues/items of interest or concern
16. Topic suggestions for next Technical Advisory Group meeting
-- adjourn --

Summary of Analytical Test Results for Portable DVD Players

Background

The Electronic Waste Recycling Act of 2003 established a statewide program to promote and fund the collection and recycling of hazardous electronic devices beginning July 1, 2004. Under the law, retailers collect an advance recycling fee on covered electronic devices at the time of purchase. The money collected is used to fund an electronic waste recycling program that reimburses authorized electronic wastes collectors and recyclers. The California Department of Toxic Substances Control (DTSC) and the California Integrated Waste Management Board (CIWMB) jointly administer the program. Covered electronic devices include cathode ray tubes (CRTs), flat panel screens, and other, similar devices that DTSC has determined to be hazardous. DTSC's Environmental Chemistry Laboratory recently completed testing of portable DVD players with liquid crystal displays (LCDs) greater than four inches when measured diagonally to determine if they are hazardous.

How Were the Devices Tested?

DTSC randomly selected and tested five different portable DVD players from five different manufacturers. Testing methods used for this analysis include U.S. EPA method 3050B for the determination of total metals in each device, the California Waste Extraction Test (WET) for the determination of extractable metals in each device, and U.S. EPA method 7471A for the determination of mercury in each device. The data were compared to the respective hazardous waste regulatory thresholds described in California Code of Regulations, title 22, section 66261.24, subsection (a), paragraph (1), subparagraph (B) (for mercury), and paragraph (2), subparagraph (A) (for metals). Based upon these test results, DTSC will amend Division 4.5 of the California Code of Regulations, title 22, chapter 11, appendix X, section (c) to include portable DVD players in the list of electronic devices that are presumed to be hazardous waste when discarded.

What Were the Test Results?

All of the devices tested exhibited at least one of the State's criteria for toxicity (See Tables I through III, attached). Three of the devices exhibited the toxicity characteristic for lead, one of the devices exhibited the toxicity characteristic for nickel, one of the devices exhibited the toxicity characteristic for antimony, and all five of the devices exhibited the toxicity characteristic for copper. None of the devices exhibited the toxicity characteristic for mercury. (However, when the Cold Cathode Fluorescence Lamps (CCFLs) were removed from each device and tested separately, they did exhibit the toxicity characteristic for mercury.) The analytical data for the portable DVD players suggests that these devices contain hazardous levels of copper, lead, nickel, and/or antimony.

For More Information

Applicable regulations and related information are available on DTSC's Web site at: <http://www.dtsc.ca.gov/HazardousWaste/EWaste/index.cfm>.

Table II

Calculated extractable metals¹ for the component fractions of various portable DVD players (mg/L), based on total mass of device

Reference Values		Calculated extractable metals ¹ for the component fractions of various portable DVD players (mg/L), based on total mass of device											
Analyte	Regulatory Threshold (STLC, mg/L)	Magnavox		Panasonic		Insignia		LGDVP7772		Initial			
		Plastic	CB ²	Plastic	CB	Plastic	CB	Plastic	CB	Plastic	CB		
Antimony-Sb	15		ND										
Barium-Ba	100		4.25	1.86		ND							
Copper-Cu	25	14.24	ND		2.35	4.05		4.18					3.07
Lead-Pb	5		0.11		0.01	7.03		93.76	0.03	15.16			ND
Nickel-Ni	20	8.93	0.59		0.03	0.20		0.05					0.89
Zinc-Zn	250		0.64		0.29	18.82		3.15	1.79	10.25			0.31
% Total Mass³		48.78	13.61	53.32	9.43	41.37	12.65	17.7	40.24	39.58	1.76	14.39	

1-The extractable metals in each component fraction (i.e., plastic fraction, or circuit board fraction) were determined for each DVD device using the California Waste Extraction Test, and the extractable metals in each component fraction with respect of the total mass of each device was then calculated by multiplying the extractable metal concentration (for each component fraction) by the mass ratio of that fraction in each device.

2-CB denotes the circuit board fraction of each device.

3-% Total Mass was calculated in worksheet "Total Metals Data and Calc"
 ND=Not Detected

Table III

Mercury Data For DVD Players By Method 7471A.

Pool	Calculated average mg/kg mercury per portable DVD devices (based on calculations shown below)
A	0.46
B	0.32
Overall average mg/kg mercury per portable DVD device	0.39

Calculated average mg/kg mercury per CCFL for all devices (based on calculations shown below)
260.00

Analytical Data from ECL:

Pool	Devices in Pool	Analytical results, mg/kg mercury in pool (based on EPA 7470A)
A	Panasonic + Insignia	380
B	Magnavox + LGDVP7772 + Initial	140

Calculations:

	Devices in Pool A		Devices in Pool B		
	Panasonic	Insignia	Magnavox	LGDVP7772	Initial
Mass of CCFL fraction, in grams (before milling)	0.7	1.8	1.4	1.4	2.2
Mass of device before disassembly	868	1186.1	896.5	633.5	688
% Total mass from CCFL	0.08	0.15	0.16	0.22	0.32
Average mass of CCFLs in pool (g)	1.25		1.67		
Std. Deviation of average CCFL mass	0.78		0.46		
Average mass of DVD player in pool (g)	1027.05		739.33		
Std. Deviation of average DVD mass	224.93		138.81		
% Total mass from CCFL, based on calculated average mass of each DVD player in pool	0.12		0.23		
Std. Deviation of % Total Mass CCFL	0.05		0.08		

Waste Characterization: A Laboratory Perspective

Wednesday, October 25th

CWA Now Accepts Credit Cards

You may pay by credit card "at the door" or in advance. To pay in advance, follow the instructions provided after you register. We accept Visa, Master Card, American Express and Discover. REMINDER: Your reservation is a firm commitment to attend. If you do not cancel, CWA must still pay for your meal. Reservations made and not honored will be billed.

REGISTER FOR MEETING

20 Years and Growing

The California Waste Association, established in 1984, is a non-profit statewide association of companies which generate, transport, treat, store and dispose of wastes (including recyclable materials and hazardous waste), as well as related service firms including engineers and consultants.

The Association has more than 100 governmental agencies as affiliate members including the California Environmental Protection Agency, the Department of Toxic Substances Control, the Regional Water Quality Control Boards and many local health care agencies.

Join the CWA today!

Presented by Curtis B Desilets Senior Vice President Enviro-Chem Laboratories, Inc.

Mr. Desilets has 19 years of experience in the environmental laboratory field. He will discuss proper sampling protocols, the elements of waste characterization, choosing the correct procedure, bottle and shipping requirements, stormwater requirements and more.

Club Pheasant Restaurant
2525 Jefferson Blvd.
Sacramento
916- 371-9530

Luncheon Choice of:

- *Chicken
- *Steak Sandwich
- *Combo Pasta Platter

Registration 11:30 a.m.
Lunch and Speaker: 12:00 - 1:15 p.m.

Member Rate \$25
Non-member Rate \$35

Click Here to Register

Reserve by Noon on Friday, October 20th, Reservations made on a first come first served basis. Reserve today to guarantee your spot. Payment required "at the door" cash, credit cards, company and personal checks accepted. Make checks payable to CALIFORNIA WASTE ASSOCIATION. Reservations made and not honored will be billed.

California Waste Association

email: info@go2cwa.org

web: <http://www.go2cwa.org>

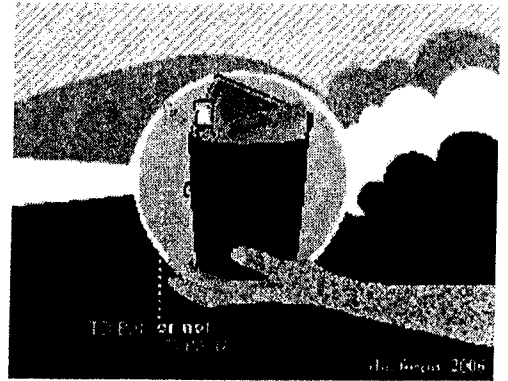
Southern California Waste Management Forum

The FORUM...

...is dedicated to protection of the environment. The FORUM is a nonprofit, tax-exempt organization dedicated to advancing knowledge of the interrelationship between waste management practices and the environment.

NEXT EVENT:

Waste Management Conference and Exhibit



**TO BAN OR NOT TO BAN?
That is the Question.**

MEMBERSHIP...

...FORUM members are representatives from local, state and federal government agencies, private industry, public utilities, academia and concerned citizens. Anyone interested in waste management and its relationship with the environment may join.

WHEN:

Thursday, November 9, 2006

LOCATION:



DOUBLETREE[®]
HOTELS-SUITES-RESORTS-CLUBS
222 N. Vineyard Ave
Ontario, California

PROGRAM:

[Click here for details](#)

REGISTRATION:

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To Ban or not to Ban? That is the question.

2006 Waste Management Conference and Exhibit – November 9, 2006

Session Topics, Speakers and Moderators

As of September 18, 2006

<p>7:00 a.m. to 8:15 a.m. - Registration and continental breakfast 8:15 a.m. to 8:45 - Opening session and Keynote address</p>	
<p>Welcome: Darrell Bice, <i>Chair, Southern California Waste Management Forum</i> Keynote Speaker: Margo Reid Brown, <i>Chair, California Integrated Waste Management Board</i></p>	
TRACK 1: Special Wastes	TRACK 2: Diversion Alternatives
<p>8:45 a.m. to 10:15 a.m. - Session 1</p>	
<p>Session 1: E-Wastes</p> <p>What Do We Do Now? Matt Hickman <i>Riverside County Waste Management Dept.</i></p> <p>Difficult Regulations or Easy Waste Diversion Bill Worrell <i>San Luis Obispo Integrated Waste Mgmt Agency</i></p> <p>Regulatory View Karl Palmer <i>California Dept. of Toxic Substances Control</i></p> <p>Moderator: George Eowan <i>California Refuse Removal Council</i></p>	<p>Session 1: Conversion Technology and Beyond</p> <p>CT: LA City Update Dan Predpall <i>URS Corp.</i></p> <p>CT: General Issues Chip Clements <i>Clements Environmental</i></p> <p>CT: Air Emissions and the Public Bill Welch <i>University of California, Riverside</i></p> <p>Moderator: Chuck Tobin <i>Burrtec Waste Industries, Inc.</i></p>
<p>10:15 a.m. – 10:30 a.m. – Refreshment break and exhibits 10:30 a.m. to 12:00 p.m. – Session 2</p>	
<p>Session 2: Unique Waste Streams.</p> <p>Drug Lab Waste Marc Bender <i>Riverside County Sheriff's Department</i></p> <p>Explosive Device Recognition Frank Anderson <i>Riverside County Sheriff's Department</i></p> <p>Carcass Management Bill Gorman <i>West Coast Rendering</i></p> <p>Moderator: Cynthia Vant Hul <i>Waste Management, Inc.</i></p>	<p>Session 2: Recycling Update</p> <p>Recycling in Seattle Timothy Croll, Solid Waste Director <i>City of Seattle, WA</i></p> <p>New Diversion Legislation and New Regulatory Requirements Lorraine Van Kekercix <i>CIWMB</i></p> <p>Orange County Diversion Surcharge Sue Gordon <i>Orange County Integrated Waste Management Dept.</i></p> <p>Moderator: Michael Mohajer <i>County of Los Angeles SW Facilities Bd</i></p>

12:00 p.m. to 1:30 p.m. – Luncheon and exhibits

Luncheon Speaker: Rosalie Mulé, *Member, California Integrated Waste Management Board*

1:30 p.m. to 3:30 p.m. – Session 3

Afternoon Roundtable - Greenhouse Gas, Renewable Energy and Solid Waste

What should we be doing to maximize renewable energy and reduce greenhouse gas emissions?

Panelists: Susan Thorneloe, *Office of Research and Development, U.S. Environmental Protection Agency*
Scott Walker, *California Integrated Waste Management Board*
Adrienne Alvord, *Staff consultant to Fran Pavley, Member, California State Assembly*
Scott Smithline, *Policy Director for Californians Against Waste*
Romel Pasqual, *Associate Director of Environment for Mayor Antonio Villaraigosa*

Moderator: Chuck White, *Waste Management, Inc.*

Closing: Co-chairs Hans Kernkamp and Chuck Tobin, *Recognition of Committee and Board Members and award of door prizes.*



Industrial Environmental Association
and
California Manufacturers & Technology Association

5th Annual Statewide Environmental and Regulatory Issues
Conference & Exposition

“The Greening of California”

Sheraton San Diego Hotel & Marina
1590 Harbor Island Drive
San Diego, California

Tuesday, November 14, 2006

Registration – Refreshments: 7:00 a.m. in Exhibit Hall
8:00 a.m. – 5:00 p.m.

- Air Quality
- Energy
- Hazmat
- Chemical Policy
- Water Quality
- Climate Change

Wednesday, November 15, 2006

Registration – Refreshments: 8:00 a.m.

- Plating Shop and Metal Finishing
Compliance Update
- Biotech Issues
- Legislative and Regulatory Update Panel

CONFERENCE REGISTRATION FORM

November 14-15, 2006

Industrial Environmental Association and California Manufacturers & Technology Association
Environmental and Regulatory Issues Conference & Exposition

Name to appear on badge: _____

Employer/Title: _____

Address: _____

City/State/Zip: _____

Daytime Phone: _____

Fax: _____

Email: _____

REGISTRATION

Early-bird registration by October 16, 2006:

Two-Day Conference November 14-15

IEA/CMTA members	\$295
Non-IEA/CMTA members	\$325

Two-Day Conference Package November 14-15
With Golf

IEA/CMTA members	\$425
Non-IEA/CMTA members	\$455

PARKING FEES

Paid by IEA. "No in and out privileges"

HOTEL RESERVATIONS

Hotel sleeping rooms can be reserved at the rate of \$269 plus tax per night by calling 800-325-3535, or 877-734-2726, and mention the block of rooms held for IEA. Deadline for special rate is **October 13, 2006**.

PAYMENT INFORMATION

For payments by personal check or company check, make checks payable to Industrial Environmental Association and mail with this form to:

IEA
701 B Street, Suite 1040
San Diego, CA 92101

For payments made by credit card, please indicate:

Name as it appears on Credit Card: _____

Visa Mastercard Discover AMEX

Signature: _____

Card Number: _____

Expiration Date: _____

Credit card payments may be faxed to : IEA at 619-544-9514

Refund Policy: Written cancellation notice is required and must be received by November 3, 2006. No refunds shall be given for cancellations made after November 3, 2006.

For information: Cheryl Lartigau

Phone: 619-544-9684 Fax: 619-544-9514 or email: iea@iea.sdcoxmail.com

ESJPA LEGISLATIVE SUMMARY REPORT

October 3, 2006

CHAPTERED BILLS:

CA AB 32 **AUTHOR:** Nunez (D)
 TITLE: Greenhouse Gases: Global Warming Solutions Act
 LOCATION: Chaptered
 SUMMARY:
 Requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this requirement, to adopt a statewide greenhouse gas emissions limit equivalent to the statewide levels in 1990 to be achieved by 2020, to adopt rules and regulations in an open public process to achieve maximum technologically feasible and cost-effective emissions reduction and to adopt a source of emission fee schedule.
 STATUS:
 09/27/2006 Signed by GOVERNOR.
 09/27/2006 Chaptered by Secretary of State. Chapter No. 488

CA AB 1688 **AUTHOR** Niello (R)
 TITLE: Illegal Dumping: Enforcement Officers
 LAST AMEND: 08/08/2006
 LOCATION: Chaptered
 SUMMARY:
 Adds to the list of persons who are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment, illegal dumping officers, if they receive a course in the exercise of those powers. Provides that nothing in these provisions may be construed to award peace officer retirement benefits to illegal dumping officers.
 STATUS:
 09/14/2006 Signed by GOVERNOR.
 09/14/2006 Chaptered by Secretary of State. Chapter No. 267

CA AB 1992 **AUTHOR:** Canciamilla (D)
 TITLE: Solid Waste: Dumping
 LAST AMEND: 08/16/2006
 LOCATION: Chaptered
 SUMMARY:
 Provides that the placing, depositing, dumping, of solid waste or overflow, sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or garbage on private property, without the owner's consent, is a misdemeanor. Prohibits placing, depositing, or dumping of solid waste upon private property by the owner or person authorized by the owner, from creating a nuisance and revises highway and road dumping. Increases the mandatory fine for the first conviction. Provides a reward.
 STATUS:
 09/22/2006 Signed by GOVERNOR.
 09/22/2006 Chaptered by Secretary of State. Chapter No. 416

CA AB 2211 **AUTHOR:** Karnette (D)
TITLE: Solid Waste Disposal Site Cleanup
LAST AMEND: 08/09/2006
LOCATION: Chaptered
SUMMARY:
Includes, as eligible for emergency action funding, solid waste facilities and sites involving solid waste handling. Authorizes the expending of funds for cleanup of a public site. Specifies, for purposes of expending funds to abate illegal disposal sites, that activities to remove or abate solid waste disposed into a municipal storm sewer system are eligible to receive partial grants, if the grant is used for solid waste cleanup, abatement, or any other activity that mitigates the impact of solid waste.
STATUS:
09/29/2006 Signed by GOVERNOR.
09/29/2006 Chaptered by Secretary of State. Chapter No. 762

CA AB 2296 **AUTHOR:** Montanez (D)
TITLE: Solid Waste: Landfill: Postclosure Maintenance
LAST AMEND: 08/07/2006
LOCATION: Chaptered
SUMMARY:
Requires the Integrated Waste Management Board to conduct a study to define the conditions that potentially affect solid waste landfills in order to identify potential long-term threats. Requires the board to study various financial assurance mechanisms that would protect the state from long-term postclosure maintenance or corrective action costs if a landfill owner or operator fails to meet its legal obligation to fund postclosure maintenance or corrective action during the postclosure period.
STATUS:
09/27/2006 Signed by GOVERNOR.
09/27/2006 Chaptered by Secretary of State. Chapter No. 504

CA AB 2449 **AUTHOR:** Levine (D)
TITLE: Recycling: Plastic Bags
LOCATION: Chaptered
SUMMARY:
Requires a operator of defined stores and authorizes other stores to establish an at-store recycling program that provides an opportunity for a customer to return clean plastic carryout bags to that store. Requires the bag provided to have specified information printed or displayed on the bag. Requires the bag collection bin to be visible and easily accessible. Requires a bag manufacturer to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags.
STATUS:
09/30/2006 Signed by GOVERNOR.
09/30/2006 Chaptered by Secretary of State. Chapter No. 845

CA AB 3038 **AUTHOR:** Ruskin (D)
TITLE: Public Resources: Community Conservation Corps
LOCATION: Chaptered
CHAPTER: 904
SUMMARY:
Requires the nonprofit public benefit corporation or agency to have an average annual enrollment during a fiscal year of a certain number of corpsmembers of certain ages. Requires such corporation to comply with the specified requirements

for a minimum of two years in order to be considered as a community conservation corps. Provides for a period of participation for a corpsmember. Provides for annual evaluation of a community conservation corps. Revises criteria for grants to such corps.

STATUS:

09/30/2006

Signed by GOVERNOR.

09/30/2006

Chaptered by Secretary of State. Chapter No. 904

CA AB 3056

AUTHOR:

Assembly Natural Resources Committee

TITLE:

Beverage Container: Quality Incentive Payments: Refund

LAST AMEND:

08/24/2006

LOCATION:

Chaptered

SUMMARY:

Relates to beverage containers. Increases a convenience zone in a rural region for providing recycling centers. Increases amount that a beverage distributor can withhold for administrative costs from a redemption payment to the Department of Conservation. Relates to quality incentive payments for glass sorting, community conservation corps grants, recycling market development and research and development, state parks, multifamily low income housing, multilingual information campaigns, handling fees.

STATUS:

09/30/2006

Signed by GOVERNOR.

09/30/2006

Chaptered by Secretary of State. Chapter No. 907

POSITION: Support

CA SB 369

AUTHOR:

Simitian (D)

TITLE:

Solid Waste: Tire Recycling: Rubberized Asphalt

LAST AMEND:

08/24/2006

LOCATION:

Chaptered

SUMMARY:

Relates to rubberized asphalt concrete and tire-derived aggregate tire recycling grants. Revises eligibility factors for those grants. Revises and increases the types of activities eligible for funding for activities that reduce or are designed to reduce or promote the reduction of landfill disposal of used whole tires. Relates to the report on the effectiveness of the grant program to encourage the use of rubberized asphalt concrete materials.

STATUS:

09/18/2006

Signed by GOVERNOR.

09/18/2006

Chaptered by Secretary of State. Chapter No. 300

POSITION: Support

CA SB 420

AUTHOR:

Simitian (D)

TITLE:

Public Contracts: Procurements: Recycled Products

LAST AMEND:

08/21/2006

LOCATION:

Chaptered

SUMMARY:

Makes a technical, nonsubstantive change to correct an erroneous reference to a state agency in the local public entity provisions regarding the procurement of recycled products. Requires the state Procurement Officer to contract for those items that utilize recycled paving or paving subbase material in the materials used by the Department of Transportation and other state agencies that provide road construction and repair services.

STATUS:
09/22/2006
09/22/2006

Signed by GOVERNOR.
Chaptered by Secretary of State. Chapter No. 392

CA SB 1305

AUTHOR: Figueroa (D)
TITLE: Medical Waste Management Act
LAST AMEND: 05/01/2006
LOCATION: Chaptered

SUMMARY:

Amends the Medical Waste Management Act which excludes certain items, such as household waste from the definition of medical waste to exclude home-generated sharps waste from the definition of medical waste. Prohibits a person from knowingly placing home-generated sharps waste in certain types of containers. Provides that such waste shall be transported only in a sharps container, or other approved container. Provides that this waste shall only be managed at specified locations. .

STATUS:

07/12/2006
07/12/2006

Signed by GOVERNOR.
Chaptered by Secretary of State. Chapter No. 64

POSITION: Support



PRESS RELEASE

09/27/2006 GAAS:684:06 FOR IMMEDIATE RELEASE

Gov. Schwarzenegger Signs Landmark Legislation to Reduce Greenhouse Gas Emissions

Joined by national and international dignitaries who have been leaders in the fight against global climate change, Gov. Schwarzenegger signed AB 32 by Assembly Speaker Fabian Nunez (D-Los Angeles), California's landmark bill that establishes a first-in-the-world comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases.

"When I campaigned for governor three years ago, I said I wanted to make California No. 1 in the fight against global warming. This is something we owe our children and our grandchildren," said Gov. Schwarzenegger at signing ceremonies in San Francisco and Los Angeles.

"Some have challenged whether AB 32 is good for businesses. I say unquestionably it is good for businesses. Not only large, well-established businesses, but small businesses that will harness their entrepreneurial spirit to help us achieve our climate goals.

"Using market-based incentives, we will reduce carbon emissions to 1990 levels by the year 2020. That's a 25 percent reduction. And by 2050, we will reduce emissions to 80 percent below 1990 levels. We simply must do everything in our power to slow down global warming before it's too late."



 **PLAY VIDEO**

AB 32 requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions by 25 percent by 2020. Mandatory caps will begin in 2012 for significant sources and ratchet down to meet the 2020 goals.

In the interim, CARB will begin to measure the greenhouse gas emissions of the industries it determines as significant sources of greenhouse gas emissions. The bill also provides the Governor the ability to invoke a safety valve and suspend the emissions caps for up to one year in the case of an emergency or significant economic harm.

National and international luminaries joined the Governor to celebrate California's leadership in fighting climate change. At the San Francisco bill signing ceremony British Prime Minister Tony Blair participated via satellite to congratulate California on its commitment to the environment.

In July, the Gov. Schwarzenegger signed a unique agreement with Prime Minister Blair to become partners and act aggressively to address climate change and promote energy diversity. The Governor was also joined at the San Francisco bill signing ceremony by New York Governor George Pataki, who has been extremely supportive of Gov. Schwarzenegger's environmental efforts at the state and national levels.

At the Los Angeles event, the Virgin Group's Sir Richard Branson joined Gov. Schwarzenegger via satellite to applaud the Governor for his leadership and discussed Branson's appeal to other airlines to take voluntary steps to reduce greenhouse gas.

Japanese Prime Minister Junichiro Koizumi, whom the Governor met with during his 2005 trade mission to Japan and who is a strong supporter of the Kyoto Protocol, sent a letter in support of the legislation.

"I would like to commend you, Gov. Schwarzenegger, and [the] people of California for taking a leadership role in protecting the earth's environment," wrote Prime Minister Koizumi. At the Prime Minister's request, the letter, attached, was read by the Japanese counsel general.

Specifically, AB 32, the California Global Warming Solutions Act of 2006, requires CARB to:

- Establish a statewide greenhouse gas emissions cap for 2020, based on 1990 emissions by January 1, 2008.
- Adopt mandatory reporting rules for significant sources of greenhouse gases by January 1, 2009.
- Adopt a plan by January 1, 2009 indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions.
- Adopt regulations by January 1, 2011 to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas, including provisions for using both market mechanisms and alternative compliance mechanisms.
- Convene an Environmental Justice Advisory Committee and an Economic and Technology Advancement Advisory Committee to advise CARB.
- Ensure public notice and opportunity for comment for all CARB actions.
- Prior to imposing any mandates or authorizing market mechanisms, CARB must evaluate several factors, including but not limited to impacts on California's economy, the environment and public health; equity between regulated entities; electricity reliability, conformance with other environmental laws and ensure that the rules do not disproportionately impact low-income communities.

Because of California's massive and growing economy, the state is the 12th largest emitter of carbon in the world despite leading the nation in energy efficiency standards and lead role in protecting its environment.

Assembly Bill No. 32

CHAPTER 488

An act to add Division 25.5 (commencing with Section 38500) to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 27, 2006. Filed with
Secretary of State September 27, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 32, Nunez. Air pollution: greenhouse gases: California Global Warming Solutions Act of 2006.

Under existing law, the State Air Resources Board (state board), the State Energy Resources Conservation and Development Commission (Energy Commission), and the California Climate Action Registry all have responsibilities with respect to the control of emissions of greenhouse gases, as defined, and the Secretary for Environmental Protection is required to coordinate emission reductions of greenhouse gases and climate change activity in state government.

This bill would require the state board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program, as specified. The bill would require the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified. The bill would require the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The bill would authorize the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The bill would require the state board to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board, pursuant to specified provisions of existing law. The bill would authorize the state board to adopt a schedule of fees to be paid by regulated sources of greenhouse gas emissions, as specified.

Because the bill would require the state board to establish emissions limits and other requirements, the violation of which would be a crime, this bill would create a state-mandated local program.

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.

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

SECTION 1. Division 25.5 (commencing with Section 38500) is added to the Health and Safety Code, to read:

DIVISION 25.5. CALIFORNIA GLOBAL WARMING SOLUTIONS
ACT OF 2006

PART 1. GENERAL PROVISIONS

CHAPTER 1. TITLE OF DIVISION

38500. This division shall be known, and may be cited, as the California Global Warming Solutions Act of 2006.

CHAPTER 2. FINDINGS AND DECLARATIONS

38501. The Legislature finds and declares all of the following:

(a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

(b) Global warming will have detrimental effects on some of California's largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry. It will also increase the strain on electricity supplies necessary to meet the demand for summer air-conditioning in the hottest parts of the state.

(c) California has long been a national and international leader on energy conservation and environmental stewardship efforts, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, and greenhouse gas emission standards for passenger vehicles. The program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases.

(d) National and international actions are necessary to fully address the issue of global warming. However, action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.

(e) By exercising a global leadership role, California will also position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce emissions of greenhouse gases. More importantly, investing in the development of innovative and pioneering technologies will assist California in achieving the 2020 statewide limit on emissions of greenhouse gases established by this division and will provide an opportunity for the state to take a global economic and technological leadership role in reducing emissions of greenhouse gases.

(f) It is the intent of the Legislature that the State Air Resources Board coordinate with state agencies, as well as consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations, and other stakeholders in implementing this division.

(g) It is the intent of the Legislature that the State Air Resources Board consult with the Public Utilities Commission in the development of emissions reduction measures, including limits on emissions of greenhouse gases applied to electricity and natural gas providers regulated by the Public Utilities Commission in order to ensure that electricity and natural gas providers are not required to meet duplicative or inconsistent regulatory requirements.

(h) It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division in a manner that minimizes costs and maximizes benefits for California's economy, improves and modernizes California's energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits for California, and complements the state's efforts to improve air quality.

(i) It is the intent of the Legislature that the Climate Action Team established by the Governor to coordinate the efforts set forth under Executive Order S-3-05 continue its role in coordinating overall climate policy.

CHAPTER 3. DEFINITIONS

38505. For the purposes of this division, the following terms have the following meanings:

(a) "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.

(b) "Alternative compliance mechanism" means an action undertaken by a greenhouse gas emission source that achieves the equivalent reduction of greenhouse gas emissions over the same time period as a direct emission reduction, and that is approved by the state board. "Alternative compliance mechanism" includes, but is not limited to, a

flexible compliance schedule, alternative control technology, a process change, or a product substitution.

(c) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change.

(d) "Cost-effective" or "cost-effectiveness" means the cost per unit of reduced emissions of greenhouse gases adjusted for its global warming potential.

(e) "Direct emission reduction" means a greenhouse gas emission reduction action made by a greenhouse gas emission source at that source.

(f) "Emissions reduction measure" means programs, measures, standards, and alternative compliance mechanisms authorized pursuant to this division, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.

(g) "Greenhouse gas" or "greenhouse gases" includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(h) "Greenhouse gas emissions limit" means an authorization, during a specified year, to emit up to a level of greenhouse gases specified by the state board, expressed in tons of carbon dioxide equivalents.

(i) "Greenhouse gas emission source" or "source" means any source, or category of sources, of greenhouse gas emissions whose emissions are at a level of significance, as determined by the state board, that its participation in the program established under this division will enable the state board to effectively reduce greenhouse gas emissions and monitor compliance with the statewide greenhouse gas emissions limit.

(j) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside the state.

(k) "Market-based compliance mechanism" means either of the following:

(1) A system of market-based declining annual aggregate emissions limitations for sources or categories of sources that emit greenhouse gases.

(2) Greenhouse gas emissions exchanges, banking, credits, and other transactions, governed by rules and protocols established by the state board, that result in the same greenhouse gas emission reduction, over the same time period, as direct compliance with a greenhouse gas emission limit or emission reduction measure adopted by the state board pursuant to this division.

(l) "State board" means the State Air Resources Board.

(m) "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases in the state, including all emissions of greenhouse gases from the generation of electricity delivered to and consumed in California, accounting for transmission and distribution line losses, whether the electricity is generated in state or imported. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

(n) “Statewide greenhouse gas emissions limit” or “statewide emissions limit” means the maximum allowable level of statewide greenhouse gas emissions in 2020, as determined by the state board pursuant to Part 3 (commencing with Section 38850).

CHAPTER 4. ROLE OF STATE BOARD

38510. The State Air Resources Board is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

PART 2. MANDATORY GREENHOUSE GAS EMISSIONS REPORTING

38530. (a) On or before January 1, 2008, the state board shall adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program.

(b) The regulations shall do all of the following:

(1) Require the monitoring and annual reporting of greenhouse gas emissions from greenhouse gas emission sources beginning with the sources or categories of sources that contribute the most to statewide emissions.

(2) Account for greenhouse gas emissions from all electricity consumed in the state, including transmission and distribution line losses from electricity generated within the state or imported from outside the state. This requirement applies to all retail sellers of electricity, including load-serving entities as defined in subdivision (j) of Section 380 of the Public Utilities Code and local publicly owned electric utilities as defined in Section 9604 of the Public Utilities Code.

(3) Where appropriate and to the maximum extent feasible, incorporate the standards and protocols developed by the California Climate Action Registry, established pursuant to Chapter 6 (commencing with Section 42800) of Part 4 of Division 26. Entities that voluntarily participated in the California Climate Action Registry prior to December 31, 2006, and have developed a greenhouse gas emission reporting program, shall not be required to significantly alter their reporting or verification program except as necessary to ensure that reporting is complete and verifiable for the purposes of compliance with this division as determined by the state board.

(4) Ensure rigorous and consistent accounting of emissions, and provide reporting tools and formats to ensure collection of necessary data.

(5) Ensure that greenhouse gas emission sources maintain comprehensive records of all reported greenhouse gas emissions.

(c) The state board shall do both of the following:

(1) Periodically review and update its emission reporting requirements, as necessary.

(2) Review existing and proposed international, federal, and state greenhouse gas emission reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this part and other programs, and to streamline reporting requirements on greenhouse gas emission sources.

PART 3. STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT

38550. By January 1, 2008, the state board shall, after one or more public workshops, with public notice, and an opportunity for all interested parties to comment, determine what the statewide greenhouse gas emissions level was in 1990, and approve in a public hearing, a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. In order to ensure the most accurate determination feasible, the state board shall evaluate the best available scientific, technological, and economic information on greenhouse gas emissions to determine the 1990 level of greenhouse gas emissions.

38551. (a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed.

(b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020.

(c) The state board shall make recommendations to the Governor and the Legislature on how to continue reductions of greenhouse gas emissions beyond 2020.

PART 4. GREENHOUSE GAS EMISSIONS REDUCTIONS

38560. The state board shall adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources or categories of sources, subject to the criteria and schedules set forth in this part.

38560.5. (a) On or before June 30, 2007, the state board shall publish and make available to the public a list of discrete early action greenhouse gas emission reduction measures that can be implemented prior to the measures and limits adopted pursuant to Section 38562.

(b) On or before January 1, 2010, the state board shall adopt regulations to implement the measures identified on the list published pursuant to subdivision (a).

(c) The regulations adopted by the state board pursuant to this section shall achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from those sources or categories of

sources, in furtherance of achieving the statewide greenhouse gas emissions limit.

(d) The regulations adopted pursuant to this section shall be enforceable no later than January 1, 2010.

38561. (a) On or before January 1, 2009, the state board shall prepare and approve a scoping plan, as that term is understood by the state board, for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases by 2020 under this division. The state board shall consult with all state agencies with jurisdiction over sources of greenhouse gases, including the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, on all elements of its plan that pertain to energy related matters including, but not limited to, electrical generation, load based-standards or requirements, the provision of reliable and affordable electrical service, petroleum refining, and statewide fuel supplies to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner.

(b) The plan shall identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives for sources and categories of sources that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions by 2020.

(c) In making the determinations required by subdivision (b), the state board shall consider all relevant information pertaining to greenhouse gas emissions reduction programs in other states, localities, and nations, including the northeastern states of the United States, Canada, and the European Union.

(d) The state board shall evaluate the total potential costs and total potential economic and noneconomic benefits of the plan for reducing greenhouse gases to California's economy, environment, and public health, using the best available economic models, emission estimation techniques, and other scientific methods.

(e) In developing its plan, the state board shall take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and shall recommend a de minimis threshold of greenhouse gas emissions below which emission reduction requirements will not apply.

(f) In developing its plan, the state board shall identify opportunities for emission reductions measures from all verifiable and enforceable voluntary actions, including, but not limited to, carbon sequestration projects and best management practices.

(g) The state board shall conduct a series of public workshops to give interested parties an opportunity to comment on the plan. The state board shall conduct a portion of these workshops in regions of the state that have the most significant exposure to air pollutants, including, but not limited to, communities with minority populations, communities with low-income populations, or both.

(h) The state board shall update its plan for achieving the maximum technologically feasible and cost-effective reductions of greenhouse gas emissions at least once every five years.

38562. (a) On or before January 1, 2011, the state board shall adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with Section 38570), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce greenhouse gas emissions.

(2) Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.

(3) Ensure that entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section receive appropriate credit for early voluntary reductions.

(4) Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.

(5) Consider cost-effectiveness of these regulations.

(6) Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.

(7) Minimize the administrative burden of implementing and complying with these regulations.

(8) Minimize leakage.

(9) Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

(c) In furtherance of achieving the statewide greenhouse gas emissions limit, by January 1, 2011, the state board may adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum

technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources.

(d) Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with Section 38570) shall ensure all of the following:

(1) The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

(2) For regulations pursuant to Part 5 (commencing with Section 38570), the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.

(3) If applicable, the greenhouse gas emission reduction occurs over the same time period and is equivalent in amount to any direct emission reduction required pursuant to this division.

(e) The state board shall rely upon the best available economic and scientific information and its assessment of existing and projected technological capabilities when adopting the regulations required by this section.

(f) The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.

(g) After January 1, 2011, the state board may revise regulations adopted pursuant to this section and adopt additional regulations to further the provisions of this division.

38563. Nothing in this division restricts the state board from adopting greenhouse gas emission limits or emission reduction measures prior to January 1, 2011, imposing those limits or measures prior to January 1, 2012, or providing early reduction credit where appropriate.

38564. The state board shall consult with other states, and the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and to facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs.

38565. The state board shall ensure that the greenhouse gas emission reduction rules, regulations, programs, mechanisms, and incentives under its jurisdiction, where applicable and to the extent feasible, direct public and private investment toward the most disadvantaged communities in California and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

PART 5. MARKET-BASED COMPLIANCE MECHANISMS

38570. (a) The state board may include in the regulations adopted pursuant to Section 38562 the use of market-based compliance mechanisms to comply with the regulations.

(b) Prior to the inclusion of any market-based compliance mechanism in the regulations, to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Consider the potential for direct, indirect, and cumulative emission impacts from these mechanisms, including localized impacts in communities that are already adversely impacted by air pollution.

(2) Design any market-based compliance mechanism to prevent any increase in the emissions of toxic air contaminants or criteria air pollutants.

(3) Maximize additional environmental and economic benefits for California, as appropriate.

(c) The state board shall adopt regulations governing how market-based compliance mechanisms may be used by regulated entities subject to greenhouse gas emission limits and mandatory emission reporting requirements to achieve compliance with their greenhouse gas emissions limits.

38571. The state board shall adopt methodologies for the quantification of voluntary greenhouse gas emission reductions. The state board shall adopt regulations to verify and enforce any voluntary greenhouse gas emission reductions that are authorized by the state board for use to comply with greenhouse gas emission limits established by the state board. The adoption of methodologies is exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

38574. Nothing in this part or Part 4 (commencing with Section 38560) confers any authority on the state board to alter any programs administered by other state agencies for the reduction of greenhouse gas emissions.

PART 6. ENFORCEMENT

38580. (a) The state board shall monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board pursuant to this division.

(b) (1) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division may be enjoined pursuant to Section 41513, and the violation is subject to those penalties set forth in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(2) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division shall be deemed to result in an emission of an air contaminant for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(3) The state board may develop a method to convert a violation of any rule, regulation, order, emission limitation, or other emissions reduction measure adopted by the state board pursuant to this division into the number of days in violation, where appropriate, for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(c) Section 42407 and subdivision (i) of Section 42410 shall not apply to this part.

PART 7. MISCELLANEOUS PROVISIONS

38590. If the regulations adopted pursuant to Section 43018.5 do not remain in effect, the state board shall implement alternative regulations to control mobile sources of greenhouse gas emissions to achieve equivalent or greater reductions.

38591. (a) The state board, by July 1, 2007, shall convene an environmental justice advisory committee, of at least three members, to advise it in developing the scoping plan pursuant to Section 38561 and any other pertinent matter in implementing this division. The advisory committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both.

(b) The state board shall appoint the advisory committee members from nominations received from environmental justice organizations and community groups.

(c) The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

(d) The state board shall appoint an Economic and Technology Advancement Advisory Committee to advise the state board on activities that will facilitate investment in and implementation of technological research and development opportunities, including, but not limited to, identifying new technologies, research, demonstration projects, funding opportunities, developing state, national, and international partnerships and technology transfer opportunities, and identifying and assessing research and advanced technology investment and incentive opportunities that will assist in the reduction of greenhouse gas emissions. The committee may also advise the state board on state, regional, national, and

international economic and technological developments related to greenhouse gas emission reductions.

38592. (a) All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions.

(b) Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment.

38593. (a) Nothing in this division affects the authority of the Public Utilities Commission.

(b) Nothing in this division affects the obligation of an electrical corporation to provide customers with safe and reliable electric service.

38594. Nothing in this division shall limit or expand the existing authority of any district, as defined in Section 39025.

38595. Nothing in this division shall preclude, prohibit, or restrict the construction of any new facility or the expansion of an existing facility subject to regulation under this division, if all applicable requirements are met and the facility is in compliance with regulations adopted pursuant to this division.

38596. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

38597. The state board may adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to this division, consistent with Section 57001. The revenues collected pursuant to this section, shall be deposited into the Air Pollution Control Fund and are available upon appropriation, by the Legislature, for purposes of carrying out this division.

38598. (a) Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emissions reduction measures.

(b) Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation.

38599. (a) In the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm, the Governor may adjust the applicable deadlines for individual regulations, or for the state in the aggregate, to the earliest feasible date after that deadline.

(b) The adjustment period may not exceed one year unless the Governor makes an additional adjustment pursuant to subdivision (a).

(c) Nothing in this section affects the powers and duties established in the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(d) The Governor shall, within 10 days of invoking subdivision (a), provide written notification to the Legislature of the action undertaken.

SEC. 2 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.

O

Assembly Bill No. 1688

CHAPTER 267

An act to amend Section 830.7 of the Penal Code, relating to illegal dumping enforcement officers.

[Approved by Governor September 14, 2006. Filed with Secretary of State September 14, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, Niello. Illegal dumping enforcement officers.

Existing laws provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment, if they receive a course in the exercise of those powers.

This would add to this list of persons, illegal dumping enforcement officers, as specified.

The bill would also provide that nothing in its provisions may be construed to award peace officer retirement benefits to illegal dumping enforcement officers.

This bill would incorporate additional changes to Section 830.7 of the Penal Code, proposed by AB 1980, to be operative only if this bill and AB 1980 are enacted and become effective on or before January 1, 2007, and this bill is enacted last.

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

SECTION 1. Section 830.7 of the Penal Code is amended to read:

830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, if they successfully complete a course in the exercise of those powers pursuant to Section 832:

(a) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(b) Persons regularly employed as security officers for independent institutions of higher education, recognized under subdivision (b) of Section 66010 of the Education Code, if the institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the institution lies.

(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, that are owned and operated by cities, counties, and cities and counties, if the facility has

concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the facility lies.

(d) Employees or classes of employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and Fire Protection, provided that the primary duty of the employee shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.

(e) Persons regularly employed as inspectors, supervisors, or security officers for transit districts, as defined in Section 99213 of the Public Utilities Code, if the district has concluded a memorandum of understanding permitting the exercise of that authority, with, as applicable, the sheriff, the chief of police, or the Department of the California Highway Patrol within whose jurisdiction the district lies. For the purposes of this subdivision, the exercise of peace officer authority may include the authority to remove a vehicle from a railroad right-of-way as set forth in Section 22656 of the Vehicle Code.

(f) Nonpeace officers regularly employed as county parole officers pursuant to Section 3089.

(g) Persons appointed by the Executive Director of the California Science Center pursuant to Section 4108 of the Food and Agricultural Code.

(h) Persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation, and authorized by a memorandum of understanding with the chief of police, permitting the exercise of that authority. For the purposes of this subdivision, "investigator" means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation. Transportation investigators authorized by this section shall not be deemed "peace officers" for purposes of Sections 241 and 243.

(i) Illegal dumping enforcement officers, to the extent necessary to enforce laws related to illegal waste dumping, or littering, and authorized by a memorandum of understanding with, as applicable, the sheriff or chief of police within whose jurisdiction the person is employed, permitting the exercise of that authority. An "illegal dumping enforcement officer" is defined, for purposes of this section, as a person regularly employed by a city, county, or city and county, whose duties include illegal dumping enforcement and is designated by local ordinance as a public officer. No person may be appointed as an illegal dumping enforcement officer if that person is disqualified pursuant to the criteria set forth in Section 1029 of the Government Code.

SEC. 2. Nothing in this act shall be construed to award illegal dumping officers the retirement benefits of a peace officer.

SEC. 3. Section 830.7 of the Penal Code is amended to read:

830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, if they successfully complete a course in the exercise of those powers pursuant to Section 832:

(a) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(b) Persons regularly employed as security officers for independent institutions of higher education, recognized under subdivision (b) of Section 66010 of the Education Code, if the institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the institution lies.

(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, that are owned and operated by cities, counties, and cities and counties, if the facility has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or the chief of police within whose jurisdiction the facility lies.

(d) Employees or classes of employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and Fire Protection, provided that the primary duty of the employee shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.

(e) Persons regularly employed as inspectors, supervisors, or security officers for transit districts, as defined in Section 99213 of the Public Utilities Code, if the district has concluded a memorandum of understanding permitting the exercise of that authority, with, as applicable, the sheriff, the chief of police, or the Department of the California Highway Patrol within whose jurisdiction the district lies. For the purposes of this subdivision, the exercise of peace officer authority may include the authority to remove a vehicle from a railroad right-of-way as set forth in Section 22656 of the Vehicle Code.

(f) Nonpeace officers regularly employed as county parole officers pursuant to Section 3089.

(g) Persons appointed by the Executive Director of the California Science Center pursuant to Section 4108 of the Food and Agricultural Code.

(h) Persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation, and authorized by a memorandum of understanding with the chief of police, permitting the exercise of that authority. For the purposes of this subdivision, "investigator" means an employee defined in Section 53075.61 of the Government Code authorized by local ordinance to enforce laws related to public transportation. Transportation investigators authorized by this section shall not be deemed "peace officers" for purposes of Sections 241 and 243.

(i) Persons regularly employed by any department of the City of Los Angeles who are designated as security officers and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Los Angeles and authorized by a memorandum of understanding with the Chief of Police of the City of Los Angeles permitting the exercise of that authority. Security officers authorized pursuant to this subdivision shall not be deemed peace officers for purposes of Sections 241 and 243.

(j) Illegal dumping enforcement officers, to the extent necessary to enforce laws related to illegal waste dumping, or littering, and authorized by a memorandum of understanding with, as applicable, the sheriff or chief of police within whose jurisdiction the person is employed, permitting the exercise of that authority. An "illegal dumping enforcement officer" is defined, for purposes of this section, as a person regularly employed by a city, county, or city and county, whose duties include illegal dumping enforcement and is designated by local ordinance as a public officer. No person may be appointed as an illegal dumping enforcement officer if that person is disqualified pursuant to the criteria set forth in Section 1029 of the Government Code.

SEC. 4. Section 3 of this bill incorporates amendments to Section 830.7 of the Penal Code proposed by both this bill and AB 1980. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2007, (2) each bill amends Section 830.7 of the Penal Code, and (3) this bill is enacted after AB 1980, in which case Section 1 of this bill shall not become operative.

O

Assembly Bill No. 1992

CHAPTER 416

An act to amend Sections 117555 and 117560 of, to amend the heading of Article 6 (commencing with Section 117550) of Chapter 4 of Part 13 of Division 104 of, and to repeal and add Section 117550 of, the Health and Safety Code, and to amend Sections 374a, 374.3, 374.4, and 374.7 of the Penal Code, relating to solid waste.

[Approved by Governor September 22, 2006. Filed with Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1992, Canciamilla. Solid waste: dumping.

(1) Existing law provides that a person who places, deposits, or dumps, or who causes to be placed, deposited, or dumped, or who causes or allows to overflow, sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or garbage, in or upon specified public property, or upon private property into or upon which the public is admitted by easement, license, or otherwise, is guilty of a misdemeanor. Existing law provides that this prohibition does not apply to the placing, depositing, or dumping of garbage upon private property by the owner, or a person authorized by the owner, of the private property, except that such action is prohibited from creating a public health and safety hazard or a fire hazard, as determined by specified entities. Existing law defines "garbage" for these purposes. Existing law requires a state fish and game warden, city police officer, sheriff, sheriff's deputy, and other peace officers of the state, to enforce these provisions.

This bill would repeal the definition of garbage and instead use the term "solid waste," as the bill would define that term. The bill would provide that the placing, depositing, dumping, or overflow of solid waste and the other described substances on private property, without the owner's consent, rather than, into or upon private property which the public is admitted by easement, license, or otherwise, is a misdemeanor. The bill would prohibit placing, depositing, or dumping of solid waste upon private property by the owner or a person authorized by the owner, of the private property, from creating a nuisance, as determined by specified entities. The bill would include in the list of entities that determine whether the placing, depositing, or dumping of solid waste is a public health and safety hazard, nuisance, or fire hazard, a local enforcement agency. If AB 1688 is enacted and becomes effective on or before January 1, 2007, the bill also would include in the list of persons who are required to enforce these provisions, a person regularly employed as an investigator or inspector for illegal dumping enforcement, as specified. Because the bill would change

the definition of a crime, the bill would impose a state-mandated local program.

(2) Existing law provides that it is an infraction for a person to dump or cause to be dumped waste matter or other specified matter in or upon specified public or private property, or for a person to litter or cause to be littered in or upon public or private property, and imposes a range of specified fines for a first, 2nd, or 3rd or subsequent conviction for violating those provisions, as specified.

This bill would revise the conditions with regard to the dumping of materials upon a road or highway, and would increase some of those fines, as specified.

(3) Existing law imposes a range of specified fines for a first, 2nd, or 3rd or subsequent conviction for littering or dumping of waste matter into specified bodies of water or property adjacent to a body of water, as specified.

This bill would increase some of those fines, as specified.

(4) Existing law provides for a reward for information leading to the arrest and conviction of a person for unlawful dumping of waste on specified public or private property, or for the unlawful shooting of a firearm from or upon a public road or highway.

This bill would, in addition, reward a person for giving information leading to the arrest and conviction of a person for the malicious release of a substance capable of causing substantial harm to the operation of a public sewer sanitary facility or littering.

(5) 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.

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

SECTION 1. The heading of Article 6 (commencing with Section 117550) of Chapter 4 of Part 13 of Division 104 of the Health and Safety Code is amended to read:

Article 6. Prohibited Waste Disposal

SEC. 2. Section 117550 of the Health and Safety Code is repealed.

SEC. 3. Section 117550 is added to the Health and Safety Code, to read:

117550. For purposes of this article, "solid waste" has the same meaning as that term is defined in Section 40191 of the Public Resources Code.

SEC. 4. Section 117555 of the Health and Safety Code is amended to read:

117555. A person who places, deposits, or dumps, or who causes to be placed, deposited, or dumped, or who causes or allows to overflow, sewage, sludge, cesspool or septic tank effluent, accumulation of human excreta, or solid waste, in or upon a street, alley, public highway, or road in common use or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of the property, or upon private property without the owner's consent, is guilty of a misdemeanor.

This section does not apply to the placing, depositing, or dumping of solid waste upon private property by the owner, or a person authorized by the owner, of the private property, except that the placing, depositing, or dumping of the solid waste shall not create a public health and safety hazard, nuisance, or a fire hazard, as determined by a local enforcement agency, as defined in Section 40130 of the Public Resources Code, local health department, local fire department or fire district, or the Department of Forestry and Fire Protection.

SEC. 5. Section 117560 of the Health and Safety Code is amended to read:

117560. A state fish and game warden, police officer of a city, sheriff, deputy of a sheriff, person described in subdivision (i) of Section 830.7 of the Penal Code, and any other peace officer of the State of California, within his or her respective jurisdiction, shall enforce this article.

SEC. 6. Section 374a of the Penal Code is amended to read:

374a. A person giving information leading to the arrest and conviction of a person for a violation of Section 374c, 374.2, 374.3, 374.4, or 374.7 is entitled to a reward for providing the information.

The amount of the reward for each arrest and conviction shall be 50 percent of the fine levied against and collected from the person who violated Section 374c, 374.2, 374.3, 374.4, or 374.7 and shall be paid by the court. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may be prescribed by any other section, including Section 1463.9, with respect to the same fine.

SEC. 7. Section 374.3 of the Penal Code is amended to read:

374.3. (a) It is unlawful to dump or cause to be dumped waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property.

(b) It is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon

a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property.

(c) A person violating this section is guilty of an infraction. Each day that waste placed, deposited, or dumped in violation of subdivision (a) or (b) remains is a separate violation.

(d) This section does not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(e) A person convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction. If the court finds that the waste matter placed, deposited, or dumped was used tires, the fine prescribed in this subdivision shall be doubled.

(f) The court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this section remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property.

(g) Except when the court requires the convicted person to remove waste matter which he or she is responsible for dumping as a condition of probation, the court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that a person convicted of a violation of this section pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours.

(h) (1) A person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of this section in commercial quantities shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine. The fine is mandatory and shall amount to not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) upon a first conviction, not less than three thousand dollars (\$3,000) nor more than six thousand dollars (\$6,000) upon a second conviction, and not less than six thousand dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon a third or subsequent conviction.

(2) "Commercial quantities" means an amount of waste matter generated in the course of a trade, business, profession, or occupation, or

an amount equal to or in excess of one cubic yard. This subdivision does not apply to the dumping of household waste at a person's residence.

(i) For purposes of this section, "person" means an individual, trust, firm, partnership, joint stock company, joint venture, or corporation.

(j) Except in unusual cases where the interests of justice would be best served by waiving or reducing a fine, the minimum fines provided by this section shall not be waived or reduced.

SEC. 8. Section 374.4 of the Penal Code is amended to read:

374.4. (a) It is unlawful to litter or cause to be littered in or upon public or private property. A person, firm, or corporation violating this section is guilty of an infraction.

(b) This section does not restrict a private owner in the use of his or her own property, unless the littering of waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies.

(c) As used in this section, "litter" means the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines, in a place other than a place or container for the proper disposal thereof, and including waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(d) A person, firm, or corporation convicted of a violation of this section shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.

(e) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of this section pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

SEC. 9. Section 374.7 of the Penal Code is amended to read:

374.7. (a) A person who litters or causes to be littered, or dumps or causes to be dumped, waste matter into a bay, lagoon, channel, river, creek, slough, canal, lake, or reservoir, or other stream or body of water, or upon a bank, beach, or shore within 150 feet of the high water mark of a stream or body of water, is guilty of a misdemeanor.

(b) A person convicted of a violation of subdivision (a) shall be punished by a mandatory fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) upon a first conviction, by a mandatory fine of not less than five hundred dollars

(\$500) nor more than one thousand five hundred dollars (\$1,500) upon a second conviction, and by a mandatory fine of not less than seven hundred fifty dollars (\$750) nor more than three thousand dollars (\$3,000) upon a third or subsequent conviction.

(c) The court may, in addition to the fine imposed upon a conviction, require as a condition of probation, in addition to any other condition of probation, that any person convicted of a violation of subdivision (a), pick up litter at a time and place within the jurisdiction of the court for not less than eight hours.

SEC. 10. Section 5 of this bill shall become effective only if Assembly Bill No. 1688 of the 2005–06 Regular Session is enacted and becomes effective on or before January 1, 2007, and adds subdivision (i) to Section 830.7 of the Penal Code.

SEC. 11. 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.

O

Assembly Bill No. 2211

CHAPTER 762

An act to amend Sections 48020, 48021, and 48023 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

[Approved by Governor September 29, 2006. Filed with
Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2211, Karnette. Solid waste disposal site cleanup.

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. The act requires the board to initiate a program for the cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. Existing law provides that all expenses incurred by the board in carrying out the program are to be paid from the Solid Waste Disposal Site Cleanup Trust Fund, which is continuously appropriated to the board for the direct cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites and for emergency actions at solid waste disposal sites and solid waste at codisposal sites. Existing law authorizes the board, in administering the program, to expend funds for specified purposes, including loans to private parties and providing matching grants to public entities. The board is also authorized to provide grants to public entities for the abatement of illegal disposal sites. The board is required, to the extent possible, to seek reimbursement from responsible parties or the amounts expended under the cleanup program.

This bill would additionally include, as eligible for emergency action funding, solid waste facilities and sites involving solid waste handling. The bill would authorize the board to expend funds directly for the cleanup of a publicly owned site only if the board determines that the public entity lacks resources or expertise to timely manage the cleanup itself. The bill would require the board to consider additional specified factors in considering partial grants that provide greater than 50% of the funds directly for the cleanup. The bill would delete the requirement that the grants provided be matching grants and would instead authorize the board to provide partial grants to public entities, to assist in site cleanup.

The bill would specify, for purposes of expending funds to abate illegal disposal sites, that activities to remove or abate solid waste disposed into a municipal storm sewer system are eligible to receive partial grants, if the

grant is used for solid waste cleanup, abatement, or any other activity that mitigates the impact of solid waste and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

The bill would instead require the board to seek reimbursement to the extent feasible.

The bill would make an appropriation by changing the terms and conditions under which the funds in a continuously appropriated account may be expended.

Appropriation: yes.

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

SECTION 1. Section 48020 of the Public Resources Code is amended to read:

48020. (a) For purposes of this article, the following terms have the following meaning:

(1) "Codisposal site" means a hazardous substance release site listed pursuant to Section 25356 of the Health and Safety Code, where the disposal of hazardous substances, hazardous waste, and solid waste has occurred.

(2) "Trust fund" means the Solid Waste Disposal Site Cleanup Trust Fund created pursuant to Section 48027.

(b) The board shall, on January 1, 1994, initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment.

(c) The board shall not expend more than 5 percent of the funds appropriated for the purpose of the program by a statute other than the Budget Act to administer that program, unless a different amount is otherwise appropriated to administer the program in the annual Budget Act. If a different amount is appropriated to administer the program in the annual Budget Act, it shall be set forth in a separate line item. All remaining funds appropriated for the purposes of the program shall be expended on direct cleanup pursuant to subdivision (b) or emergency actions at solid waste facilities, disposal sites, sites involving solid waste handling, and for solid waste at codisposal sites.

SEC. 2. Section 48021 of the Public Resources Code is amended to read:

48021. (a) In prioritizing the sites for cleanup pursuant to Section 48020, the board shall consider the degree of risk to public health and safety and the environment posed by conditions at a site, the ability of the site owner to clean up the site without monetary assistance, the ability of the board to clean up the site adequately with available funds, maximizing the use of available funds, and other factors as determined by the board.

(b) (1) In administering the program authorized by Section 48020, the board may expend funds directly for cleanup, provide loans to parties who demonstrate the ability to repay state funds, and provide partial grants to public entities, to assist in site cleanup.

(2) The board may expend funds directly for the cleanup of a publicly owned site only if the board determines that the public entity lacks resources or expertise to timely manage the cleanup itself.

(3) In addition to the criteria specified in subdivision (a), in considering partial grants that provide greater than 50 percent of the funds directly for cleanup, the board shall consider the amount of contributions of moneys or in-kind services from the applicant; the availability of other appropriate funding sources to remediate the site; the degree of public benefit; the presence of innovative and cost-effective programs to abate or prevent solid waste problems to be addressed by the grants; and other factors as determined by the board.

(c) (1) In addition to the expenditures specified in subdivision (b), the board may expend a portion of the funds appropriated for the program to abate illegal disposal sites.

(2) For the purposes of this subdivision, the board may provide grants to public entities.

(3) Where funds are provided by the board to address illegal disposal sites within a jurisdiction, the local enforcement agency shall provide ongoing enforcement to prevent recurring illegal disposal at the site.

(4) For the purposes of this subdivision, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.

(d) In developing and implementing the program, the board shall consult with certified local enforcement agencies and the regional water boards.

SEC. 3. Section 48023 of the Public Resources Code is amended to read:

48023. If the board expends any funds pursuant to this article, the board shall, to the extent feasible, seek repayment from responsible parties in an amount equal to the amount expended, a reasonable amount for the board's cost of contract administration, and an amount equal to the interest that would have been earned on the expended funds.

(b) In implementing this article, the board is vested, in addition to its other powers, with all the powers of an enforcement agency under this division.

(c) The amount of any cost incurred by the board pursuant to this article shall be recoverable from responsible parties in a civil action brought by

the board or, upon the request of the board, by the Attorney General pursuant to Section 40432.

O

Assembly Bill No. 2296

CHAPTER 504

An act to amend Section 43501 of, and to add Article 4 (commencing with Section 43050) to Chapter 1 of Part 4 of Division 30 of, the Public Resources Code, relating to solid waste.

[Approved by Governor September 27, 2006. Filed with Secretary of State September 27, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2296, Montanez. Solid waste: landfill: standards: closure and postclosure maintenance.

(1) Existing law, the California Integrated Waste Management Act, requires the California Integrated Waste Management Board (board) to adopt regulations setting forth the minimum standards for solid waste disposal, including standards for the design, operation, maintenance and ultimate reuse of solid waste facilities.

This bill would require the board to conduct a study, by January 1, 2008, to define the conditions that potentially affect solid waste landfills, in order to identify potential long-term threats, as specified. The bill also would require the board to study various financial assurance mechanisms that would protect the state from long-term postclosure maintenance or corrective action costs if a landfill owner or operator fails to meet its legal obligation to fund postclosure maintenance or corrective action during the postclosure period. The bill would require the board to consult with specified representatives when conducting the study. The bill would require the board to adopt regulations and develop recommendations, by July 1, 2009, based upon the studies.

(2) The act requires a person owning or operating a solid waste landfill to submit to the board, the appropriate California Regional Water Quality Control Board (regional water board), and the local enforcement agency, a closure plan and a postclosure maintenance plan for the solid waste landfill. The act requires that person to also submit to the board evidence of financial ability in an amount, as specified, to provide for closure and postclosure maintenance contained in the closure and postclosure maintenance plans for the landfill.

The bill would require the board to adopt regulations on or before January 1, 2008, that would require closure and postclosure maintenance cost estimates to be based on reasonably foreseeable costs the state may incur if the state would have to assume responsibility for those activities due to the failure of the owner or operator, as specified.

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

SECTION 1. Article 4 (commencing with Section 43050) is added to Chapter 1 of Part 4 of Division 30 of the Public Resources Code, to read:

Article 4. Long-Term Threats to Landfills

43050. (a) On or before January 1, 2008, the board shall conduct a study to define the conditions that potentially affect solid waste landfills, including technologies and engineering controls designed to mitigate potential risks, in order to identify potential long-term threats to public health and safety and the environment. The board shall also study various financial assurance mechanisms that would protect the state from long-term postclosure and corrective action costs in the event that a landfill owner or operator fails to meet its legal obligations to fund postclosure maintenance or corrective action during the postclosure period. The board, on or before July 1, 2009, shall adopt regulations and develop recommendations for needed legislation to implement the findings of the study.

(b) In conducting the study described in subdivision (a), the board shall consult with representatives of the League of California Cities, the County Supervisors Association of California, private and public waste services, and environmental organizations.

SEC. 2. Section 43501 of the Public Resources Code is amended to read:

43501. (a) A person owning or operating a solid waste landfill, as defined in Section 40195.1, shall do both of the following:

(1) Upon application to become an operator of a solid waste facility pursuant to Section 44001, certify to the board and the local enforcement agency that all of the following have been accomplished:

(A) The owner or operator has prepared an initial estimate of closure and postclosure maintenance costs.

(i) The board shall adopt regulations that provide for an increase in the initial closure and postclosure maintenance cost estimates to account for cost overruns due to unforeseeable circumstances, and to provide a reasonable contingency comparable to that which is built into cost estimates for other, similar public works projects.

(ii) The board shall adopt regulations on or before January 1, 2008, that require closure and postclosure maintenance cost estimates to be based on reasonably foreseeable costs the state may incur if the state would have to assume responsibility for the closure and postclosure maintenance due to the failure of the owner or operator. Cost estimates shall include, but not be limited to, estimates in compliance with Sections 1770, 1773, and 1773.1 of the Labor Code, and the replacement and repair costs for longer lived items, including, but not limited to, repair of the environmental control systems.

(B) The owner or operator has established a trust fund or equivalent financial arrangement acceptable to the board, as specified in Article 4 (commencing with Section 43600).

(C) The amounts that the owner or operator will deposit annually in the trust fund or equivalent financial arrangement acceptable to the board will ensure adequate resources for closure and postclosure maintenance.

(2) Submit to the regional water board, the local enforcement agency, and the board a plan for the closure of the solid waste landfill and a plan for the postclosure maintenance of the solid waste landfill.

(b) Notwithstanding subparagraph (C) of paragraph (1) of subdivision (a) or any other provision of law, if the owner or operator is a county with a population of 200,000 or less, as determined by the 1990 decennial census, the county shall not be required to make annual deposits in excess of the amount required by the federal act or any other applicable federal law, or by any board-approved formula that meets the requirements of the federal act.

(c) If not in conflict with federal law or regulations, a county or city may, with regard to a solid waste landfill owned or operated by the county or city, base its estimate of closure and postclosure maintenance costs on the costs of employing county or city employees or persons under contract with the county or city in performing closure and postclosure maintenance. However, even if, to meet federal requirements, the cost estimate is based on the most expensive costs of closure and postclosure maintenance performed by a third party, the county or city may, to effect cost savings, employ county or city employees or employ persons under contract to actually perform closure operations or postclosure maintenance operations.

O

To the Members of the California State Assembly:

I am signing Assembly Bill 2449 that implements a statewide plastic bag recycling program.

While this bill may not go as far as some local environmental groups and cities may have hoped, this program will make progress to reduce plastics in our environment. This measure requires every retail establishment that provides its customers plastic bags to have an in store plastic bag recycling program, a public awareness program promoting bag recycling, post recycling requirements, record keeping and penalties.

Because this is a statewide program the bill precludes locals from implementing more stringent local requirements. The bill sunsets in six years and this will allow locals time to develop additional programs or the legislature to consider a more far reaching solution.

Sincerely,

Arnold Schwarzenegger

Assembly Bill No. 2449

CHAPTER 845

An act to add and repeal Chapter 5.1 (commencing with Section 42250) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Levine. Recycling: plastic carryout bags.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program and establishes requirements for the recycling and reuse of various products, including metallic discards, compost, plastic packaging containers, and newsprint. Existing law requires every manufacturer that manufactures specified plastic trash bags to ensure that at least 10% of the weight of the regulated bags, or that at least 30% of the weight of the material used, in all of its plastic products intended for sale in this state is recycled plastic postconsumer material.

This bill would require the operator of a store, as defined, to establish an at-store recycling program that provides an opportunity for a customer of the store to return clean plastic carryout bags to that store. The bill would require a plastic carryout bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic carryout bag collection bin in each store that is visible and easily accessible to the consumer. The bill would also require the operator of a store to make reusable bags, as defined, available to customers, for purchase.

The bill would require a manufacturer of plastic carryout bags to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags and to make the materials available to stores, as specified.

The bill would declare that certain matters regarding plastic carryout bags are matters of statewide interest and concern. The bill would prohibit a city, county, or other public agency from adopting, implementing, or enforcing an ordinance, resolution, regulation, or rule that requires a store to collect, transport, or recycle plastic carryout bags or conduct additional auditing or reporting, or imposing a plastic carryout bag fee upon a store, except as specified.

The bill would authorize a city, county, or the state to impose civil liability, in specified amounts, and would require any civil penalties collected to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action.

The bill would authorize any penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's requirements.

The bill's provisions would become operative on July 1, 2007.

The bill's requirements would be repealed on January 1, 2013, unless a later enacted statute deletes or extends that date.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) On a global level, the production of plastic bags has significant environmental impacts each year, including the use of over 12 million barrels of oil, and the deaths of thousands of marine animals through ingestion and entanglement.

(2) Each year, an estimated 500 billion to 1 trillion plastic bags are used worldwide, which is over one million bags per minute, and of which billions of bags end up as litter each year.

(3) Most plastic carryout bags do not biodegrade which means that the bags break down into smaller and smaller toxic bits that contaminate soil and waterways and enter into the food web when animals accidentally ingest those materials.

(b) It is the intent of the Legislature, in enacting Chapter 5.1 (commencing with Section 42250) Part 3 of Division 30 of the Public Resources Code, to encourage the use of reusable bags by consumers and retailers and to reduce the consumption of single-use bags.

SEC. 2. Chapter 5.1 (commencing with Section 42250) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.1. AT-STORE RECYCLING PROGRAM

42250. For purposes of this chapter, the following definitions shall apply:

(a) "Manufacturer" means the producer of a plastic carryout bag sold to a store.

(b) "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner of the store.

(c) "Plastic carryout bag" means a plastic carryout bag provided by a store to a customer at the point of sale.

(d) "Reusable bag" means either of the following:

(1) A bag made of cloth or other machine washable fabric that has handles.

(2) A durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

(e) "Store" means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and that meets either of the following requirements:

- (1) Meet the definition of a "supermarket" as found in Section 14526.5.
- (2) Has over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

42251. (a) The operator of a store shall establish an at-store recycling program pursuant to this chapter that provides an opportunity for a customer of the store to return to the store clean plastic carryout bags.

(b) A retail establishment that does not meet the definition of a store, as specified in Section 42250, and that provides plastic carryout bags to customers at the point of sale may also adopt an at-store recycling program, as specified in this chapter.

42252. An at-store recycling program provided by the operator of a store shall include all of the following:

(a) A plastic carryout bag provided by the store shall have printed or displayed on the bag, in a manner visible to a consumer, the words "PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING."

(b) A plastic carryout bag collection bin shall be placed at each store and shall be visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags.

(c) All plastic bags collected by the store shall be collected, transported, and recycled in a manner that does not conflict with the local jurisdiction's source reduction and recycling element, pursuant to Chapter 2 (commencing with Section 41000) and Chapter 3 (commencing with Section 41300) of Part 2.

(d) The store shall maintain records describing the collection, transport, and recycling of plastic bags collected for a minimum of three years and shall make the records available to the board or the local jurisdiction, upon request, to demonstrate compliance with this chapter.

(e) The operator of the store shall make reusable bags available to customers within the store, which may be purchased and used in lieu of using a plastic carryout bag or paper bag. This subdivision is not applicable to a retail establishment specified pursuant to subdivision (b) of Section 42251.

42253. The manufacturer of a plastic carryout bag shall develop educational materials to encourage the reducing, reusing, and recycling plastic bags and shall make those materials available to stores required to comply with this chapter.

42254. (a) The Legislature finds and declares that all of these are matters of statewide interest and concern:

(1) Requiring a store to collect, transport, or recycle plastic carryout bags.

(2) Imposing a plastic carryout bag fee upon a store.

(3) Requiring a store to conduct auditing or reporting with regard to plastic carryout bags.

(b) Unless expressly authorized by this chapter, a city, county, or other public agency shall not adopt, implement, or enforce an ordinance, resolution, regulation, or rule to do any of the following:

(1) Require a store that is in compliance with this chapter to collect, transport, or recycle plastic carryout bags.

(2) Impose a plastic carryout bag fee upon a store that is in compliance with this chapter.

(3) Require auditing or reporting requirements that are in addition to what is required by subdivision (d) of Section 42252, upon a store that is in compliance with this chapter.

(c) This section does not prohibit the adoption, implementation, or enforcement of any local ordinance, resolution, regulation, or rule governing curbside or drop off recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency, including any action relating to fees for these programs.

(d) This section does not affect any contract, franchise, permit, license, or other arrangement regarding the collection or recycling of solid waste or household hazardous waste.

42255. (a) A city, county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this chapter, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and subsequent violation.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

42256. This chapter shall become operative on July 1, 2007.

42257. This chapter shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

O

To the Members of the California State Assembly:

I am signing Assembly Bill 3056 which addresses funding for a host of programs designed to increase recycling rates and reduce waste in California.

One of the provisions in this bill increases eligible funding and service opportunities for Community Conservation Corps to engage in operating recycling programs. However, this bill and Assembly Bill 3038 amend the same section of law. The Administration worked with the author of Assembly Bill 3038 to develop language to provide greater opportunities for more Community Conservation Corps to form.

I look forward to working with the Legislature next year to reconcile these two bills to increase the opportunities for additional Community Conservation Corps to form.

Sincerely,

Arnold Schwarzenegger

AB 3056, Committee on Natural Resources. Beverage containers: quality incentive payments: refund values: handling fees.

This Committee omnibus bill allows the Department of Conservation (DOC) to pay out refund values to consumers at a higher level for a six-month period under the Beverage Container Recycling and Litter Reduction Act (Bottle Bill Program), among many other changes. This is the bill that includes the ESJPA sponsored language that would additionally authorize the department to designate a convenience zone in a rural region where there is no supermarket, but there are 2 or more dealers located within a one-mile radius of each other, and that meets other specified criteria as follows:

SEC. 9. Section 14571.5 is added to the Public Resources Code, to read:

14571.5. The department may, in a rural region, as identified pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 14571, upon petition by an interested person, do either of the following:

- (a) (1) Increase a convenience zone to include the area within a three-mile radius of a supermarket, if the expanded convenience zone would then be served by a single existing certified recycling center or location.
- (2) This subdivision applies only to a convenience zone that is otherwise not being served by a certified recycling center or location meeting the requirements of Section 14571 or is exempted by the department pursuant to Section 14571.8.
- (b) (1) Designate a convenience zone pursuant to Section 14571.1 in an area where there is no supermarket, but with two or more dealers located within a one-mile radius of each other, and that meets all of the following criteria:
 - (A) The dealers in that area have combined gross annual sales of two million dollars (\$2,000,000) or more, as certified by the petitioner in an affidavit filed with the petition.
 - (B) The convenience zone encompasses a three-mile radius, with the center of the zone established at the dealer, located closest to the existing recycling center specified in subparagraph (D).
 - (C) The convenience zone does not overlap any other existing convenience zone.
 - (D) The convenience zone is served by a single existing certified recycling center.
- (2) The department shall identify the dealer locations only for the purpose of providing a reference point in the establishment of the convenience zone pursuant to this subdivision.
- (3) If the existing recycling location in a convenience zone designated pursuant to this subdivision ceases operations, the convenience zone shall also cease to exist until a new recycling location is established, and the department is petitioned by an interested person to designate a convenience zone.

The bill amendments make a number of other changes, including:

- Expands convenience zone sizes or areas around supermarkets that provide zones for recycling centers that receive handling fees in rural markets.
- Increases the expenditure authority on the quality incentive payment program for clean sorted beverage containers from \$3 million to \$15 million, increases the payment amount on glass from \$30 dollars per ton to \$60 dollars per ton if certain conditions are met, and expands the program to include plastic and aluminum containers if certain.

- Creates a market development program for companies that reclaim plastics (e.g., wash, process into flake or pallet for manufacturers), and authorizes up to \$5 million to be annually expended for this purpose.
- Creates a recycling incentive payment to recyclers that will be eligible for an increased amount paid per container if the number of containers redeemed or collected for recycling each year increased by 5% and certain conditions are met, and authorizes up to \$10 million to be annually expended for this purpose.
- Increases administrative fee for beverage distributors from 1% to 1.5%.
- Increases the handling fee amount for July 1, 2005, to July 1, 2006, from \$26.5 million to \$31 million; increases the amount to \$33 million for July 1, 2006, to July 1, 2007, and \$35 million for July 1, 2007, to July 1, 2008; and sets the amount after July 1, 2008, based on certain factors.
- Provides \$20 million in 2007 to local conservation corps for beverage container litter reduction and recycling programs, and reverts to the current \$15 million in 2008 for certain related purposes.
- Increases the amount for market development and expansion-related activities within DOC from \$10 to \$20 million until July 1, 2012.
- Provides \$5 million in 2007 to Department of Parks and Recreation for installing source separated beverage container recycling receptacles in state parks.
- Provides \$5 million in 2007 to DOC to provide grants to local governments and nonprofit agencies to place multifamily housing source separated beverage container recycling receptacles in low-income communities.
- Suspends the processing fee payment for beverage manufacturers in 2007 for beverage manufacturers.
- Provides \$5 million in 2007 to DOC for a public education campaign, provided the campaign is multimedia and multilingual.
- Requires any transfer from the Beverage Container Recycling Fund to the General Fund in the Budget Act of 2002 and Budget Act of 2003 to be fully repaid by June 30, 2013, rather than by June 30, 2009.
- Makes related clarifying and technical amendments.
- Contains an urgency clause to take effect immediately.

For the entire text of this bill, go to: http://www.leginfo.ca.gov/pub/bill/asm/ab_3051-3100/ab_3056_bill_20060918_enrolled.pdf

Senate Bill No. 369

CHAPTER 300

An act to amend Sections 42872.5, 42873, and 42885.5 of the Public Resources Code, relating to solid waste.

[Approved by Governor September 18, 2006. Filed with Secretary of State September 18, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 369, Simitian. Solid waste: tire recycling: rubberized asphalt concrete.

(1) Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants of up to \$50,000 to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete and meet specified qualifications, including that the project will use between 2,500 and 20,000 tons of rubberized asphalt concrete and 20 pounds or more of crumb rubber per ton of rubberized asphalt concrete. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law became inoperative on June 30, 2006, and is repealed on January 1, 2007.

This bill would revise the eligibility qualifications for those public works grants to instead require the project to use at least 1,250 tons of rubberized asphalt concrete. The bill would require the board to annually calculate the amount of a grant, based on the amount of rubberized asphalt concrete used on a project, and would increase the maximum amount of grant money that can be awarded to \$250,000. This bill would recommence the grant program on January 1, 2007, and would make the program inoperative on June 30, 2010. The bill would extend the repeal date to January 1, 2011.

(2) Existing law authorizes funding for certain activities that reduce, or are designed to reduce or promote the reduction of, the landfill disposal of used whole tires.

This bill would revise and increase the types of activities eligible for funding to delete the use of used tires for artificial reefs and to include rubberized asphalt, as specified, and tire-derived aggregate applications, as specified.

(3) Existing law requires the Integrated Waste Management Board to submit a 5-year plan to the appropriate policy and fiscal committees of the Legislature that includes, until June 30, 2006, a description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects.

This bill would extend the requirement for the inclusion of that description until June 30, 2010.

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

SECTION 1. Section 42872.5 of the Public Resources Code is amended to read:

42872.5. (a) (1) In addition to the purposes listed in Section 42872, the tire recycling program may include the awarding of grants to cities, counties, and other local government agencies for the funding of public works projects that use rubberized asphalt concrete. In addition to the factors listed in Sections 42874 and 42875, the board may award a grant for a public works project that uses rubberized asphalt concrete if the project will use at least 1,250 tons of rubberized asphalt concrete during the life of the project and will use 20 pounds or more of crumb rubber per ton of rubberized asphalt concrete.

(2) The board shall annually determine the amount of a grant to be awarded pursuant to this section, based on the per ton amount of rubberized asphalt concrete to be used in the project.

(3) The board shall not award a grant pursuant to this section that exceeds a maximum amount of two hundred fifty thousand dollars (\$250,000).

(b) The grants authorized under this section shall be funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund established pursuant to Section 42885. To the extent possible, depending on the number of qualified applications, and whether there is a sufficient supply of crumb rubber materials, any funds appropriated pursuant to this section shall not be less than 16 percent of the funds appropriated pursuant to this chapter for market development and new technology activities for used tires and waste tires.

(c) In order to provide outreach to local agencies regarding the use of rubberized asphalt concrete in public works projects, all of the following shall occur:

(1) The board shall create, annually update, and post on its Internet Web site a database of public works projects that include rubberized asphalt concrete that were completed by local agencies under the program established by this section.

(2) The Department of Transportation shall post on its public Internet Web site data and descriptions regarding state public works projects using rubberized asphalt concrete.

(3) The board shall post on its public Internet Web site a link to the data and descriptions provided under paragraph (2).

(4) The board shall provide technical support to local agencies on the design and application for rubberized asphalt concrete.

(d) This section shall become inoperative on June 30, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes

operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 42873 of the Public Resources Code is amended to read:

42873. (a) Activities eligible for funding under this article, that reduce, or that are designed to reduce or promote the reduction of, landfill disposal of used whole tires, may include the following:

- (1) Polymer treatment.
- (2) Rubber reclaiming and crumb rubber production.
- (3) Retreading.
- (4) Shredding.
- (5) The manufacture of products made from used tires, including, but not limited to, all of the following:
 - (A) Rubberized asphalt, asphalt rubber, modified binders, and chip seals.
 - (B) Playground equipment.
 - (C) Crash barriers.
 - (D) Erosion control materials.
 - (E) Nonslip floor and track surfacing.
 - (F) Oilspill recovery equipment.
 - (G) Roofing adhesives.
 - (H) Tire-derived aggregate applications, including lightweight fill and vibration mitigation.
- (6) Other environmentally safe applications or treatments determined to be appropriate by the board.

(b) (1) The board may not expend funds for an activity that provides support or research for the incineration of tires. For the purposes of this article, incineration of tires, includes, but is not limited to, fuel feed system development, fuel sizing analysis, and capacity and production optimization.

(2) Paragraph (1) does not affect the permitting or regulation of facilities that engage in the incineration of tires.

SEC. 3. Section 42885.5 of the Public Resources Code is amended to read:

42885.5. (a) The board shall adopt a five-year plan, which shall be updated every two years, to establish goals and priorities for the waste tire program and each program element.

(b) On or before July 1, 2001, and every two years thereafter, the board shall submit the adopted five-year plan to the appropriate policy and fiscal committees of the Legislature. The board shall include in the plan, programmatic and fiscal issues including, but not limited to, the hierarchy used by the board to maximize productive uses of waste and used tires, and the performance objectives and measurement criteria used by the board to evaluate the success of its waste and used tire recycling program. Additionally, the plan shall describe each program element's effectiveness, based upon performance measures developed by the board, including, but not limited to, the following:

(1) Enforcement and regulations relating to the storage of waste and used tires.

(2) Cleanup, abatement, or other remedial action related to waste tire stockpiles throughout the state.

(3) Research directed at promoting and developing alternatives to the landfill disposal of waste tires.

(4) Market development and new technology activities for used tires and waste tires.

(5) The waste and used tire hauler program and manifest system.

(6) A description of the grants, loans, contracts, and other expenditures proposed to be made by the board under the tire recycling program.

(7) Until June 30, 2010, the grant program authorized under Section 42872.5 to encourage the use of rubberized asphalt concrete technology in public works projects.

(8) Border region activities, conducted in coordination with the California Environmental Protection Agency, including, but not limited to, all of the following:

(A) Training programs to assist Mexican waste and used tire haulers to meet the requirements for hauling those tires in California.

(B) Environmental education training.

(C) Development of a waste tire abatement plan, with the appropriate government entities of California and Mexico.

(D) Tracking both the legal and illegal waste and used tire flow across the border and recommended revisions to the waste tire policies of California and Mexico.

(E) Coordination with businesses operating in the border region and with Mexico, with regard to applying the same environmental and control requirements throughout the border region.

(c) The board shall base the budget for the California Tire Recycling Act and program funding on the plan.

(d) The plan may not propose financial or other support that promotes, or provides for research for the incineration of tires.

O

Senate Bill No. 420

CHAPTER 392

An act to amend Section 22154 of the Public Contract Code, and to amend Section 42701 of the Public Resources Code, relating to public contracts.

[Approved by Governor September 22, 2006. Filed with Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 420, Simitian. Public contracts: procurements: recycled products.

(1) Existing law provides various procedures for the procurement of goods and services by local public entities. Existing law also requires local public entities to purchase recycled products instead of nonrecycled products according to various procedures and requirements.

This bill would make a technical, nonsubstantive change to correct an erroneous reference to a "state agency" in the local public entity provisions regarding the procurement of recycled products.

(2) Existing law requires the State Procurement Officer, when purchasing 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 those items that utilize paving materials that include recycled materials, except as provided.

This bill would require the State Procurement Officer to contract for those items that utilize recycled material in those materials, rather than requiring the State Procurement Officer to make those contracts available, and would make that requirement to contract applicable in purchasing those materials for use by the department and any other state agency that provides construction and repair services.

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

SECTION 1. Section 22154 of the Public Contract Code is amended to read:

22154. (a) All businesses shall certify in writing to the contracting officer, or his or her representative, the minimum, if not exact, percentage of postconsumer material in the products, materials, goods, or supplies being offered or sold to any local public entity.

(b) With respect to printer or duplication cartridges that comply with the requirements of subdivision (e) of Section 12156, the certification required by this subdivision shall specify that the cartridges so comply.

(c) A local public entity may waive the certification requirement if the percentage of postconsumer material in the products, materials, goods, or supplies can be verified in a written advertisement, including, but not limited to, a product label, a catalog, or a manufacturer or vendor Internet Web site.

SEC. 2. Section 42701 of the Public Resources Code is amended to read:

42701. (a) In purchasing any materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agencies that provide construction and repair services, the State Procurement Officer shall contract for those items that utilize recycled materials in paving materials and base, subbase, and pervious backfill materials, unless the Director of Transportation determines that the use of the materials is not cost effective. In determining the cost-effectiveness of the materials subject to this section, the factors that the director shall consider include both of the following:

(1) The lifespan and durability of the pavement containing the materials.

(2) The maintenance cost of the pavement containing the materials.

(b) This section also applies to any person who contracts with the Department of General Services or with any other state agency to provide these construction and repair services.

(c) The recycled materials shall include, but are not limited to, recycled asphalt, crushed concrete subbase, foundry slag, and paving materials utilizing crumb rubber from automobile tires, ash, and glass and glassy aggregates. The specifications shall be based on the standards of the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials.

VETOED BILLS:

-
- CA AB 2206 **AUTHOR:** Montanez (D)
 TITLE: Recycling: Multifamily Dwellings.
 LAST AMEND: 03/27/2006
 LOCATION: Vetoed
 SUMMARY:
 Requires local jurisdictions to report on the progress made in the diversion and recycling of waste material at multifamily dwellings in their annual report to add an additional factor related to diversion and recycling of solid waste from multifamily dwellings that the Integrated Waste Management Board would be required to consider in determining the appropriateness of imposing penalties on a local jurisdiction. Requires the board to make available model ordinances for solid waste reduction.
 STATUS:
 09/29/2006 Vetoed by GOVERNOR.
-
- CA SB 757 **AUTHOR:** Kehoe (D)
 TITLE: Oil Conservation, Efficiency and Alternative Fuels Act
 LAST AMEND: 08/21/2006
 LOCATION: Vetoed
 SUMMARY:
 Enacts the Oil Conservation, Efficiency and Alternative Fuels Act. Requires state agencies to take the state's transportation energy goals into account in adopting rules and regulations. Relates to toxic air contaminants and public vehicles. Relates to oil industry price and supply reporting requirements. Relates to replacing lost gasoline and diesel fuel taxes. Requires submission of a transportation energy conservation, efficiency and alternative fuel policy assessment. Relates to vehicle fuel economy.
 STATUS:
 09/30/2006 Vetoed by GOVERNOR.
-
- CA SB 1835 **AUTHOR:** Florez (D)
 TITLE: Solid Waste Facilities Permit: Local Initiative
 LOCATION: Vetoed
 SUMMARY:
 Prohibits a defined enforcement agency from determining that a solid waste facilities permit application is complete, pursuant to the Permit Streamlining Act. Prohibits an enforcement agency from proposing, submitting to the California Integrated Waste Management Board, or issuing, and the board from accepting or concurring in, a solid waste facilities permit, for a solid waste facility approved by a local initiative measure, unless specified conditions are met.
 STATUS:
 09/29/2006 Vetoed by GOVERNOR.

To the Members of the California State Assembly:

I am returning Assembly Bill 2206 without my signature:

While I support efforts to reduce the amount of solid waste going to our landfills, the mandates in this measure are overly prescriptive and create significant state, local and private compliance costs. While I cannot sign this bill, I encourage the Integrated Waste Management Board to continue in its efforts to provide adequate tools and resources to local jurisdictions in order to make available increased recycling opportunities for multifamily dwelling residents.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 757 without my signature. The intent of this bill is laudable, however, it is duplicative of ongoing efforts, costly, and may impede the significant progress California is making to address alternative transportation fuels. I strongly agree with this goal and have taken many actions over the past year toward achieving this end, including issuing an Executive Order promoting biofuels, S-06-06 and signing Assembly Bills 1007 and 32.

AB 1007 requires the California Energy Commission and the Air Resources Board to assess the relative environmental and public health benefits of different alternative fuel types and to develop and adopt a detailed state plan to increase the use of alternative transportation fuels. That detailed report will be out early next year and will provide a roadmap for alternative fuels in California. From that roadmap an integrated and comprehensive set of actions can be taken. Any legislative actions taken by the state prior the release of the AB 1007 would be premature.

Additionally, the process established in Assembly Bill 32 will guide the state's implementation of alternative fuels that help reduce global greenhouse gas emissions. We must not second guess the process established in AB 32 with bills that address the same issues. Now that AB 32 is enacted, we must let it work.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the members of the California State Senate:

I am returning Senate Bill 1835 without my signature.

This measure establishes permitting impediments for landfills approved by local initiative not required for landfills approved through other local processes. Permitting landfill facilities requires compliance with the California Environmental Quality Act, and various local, state and federal permitting agencies including ones with jurisdiction over air and water quality. During these permitting processes, local citizens, state and federal regulators will have ample opportunity to comment on the project, impose mitigation measures, and require strict compliance with environmental protection laws.

The local initiative process only addresses the local land use requirements and I am hesitant to require additional permitting burdens for a landfill that was approved by a vote of the citizens versus one approved by local officials.

Sincerely,

Arnold Schwarzenegger

BILLS THAT FAILED:

CA AB 17 **AUTHOR:** Koretz (D)
TITLE: Universal Waste
LAST AMEND: 06/15/2006
LOCATION: Senate Appropriations Committee
SUMMARY:
Requires the Integrated Waste Management Board to develop and report to the Legislature, an action plan to assist state and local governments in the handling and of universal waste, including rechargeable batteries, electronic waste, and mercury-containing devices.
STATUS:
08/17/2006 In SENATE Committee on APPROPRIATIONS: Not heard.
POSITION: Support

CA AB 2118 **AUTHOR:** Matthews (D)
TITLE: Solid Waste
LAST AMEND: 05/03/2006
LOCATION: Senate Environmental Quality Committee
SUMMARY:
Defines the terms composting operation and composting facility for purposes of the Integrated Waste Management Act. Provides that it is not to be interpreted as authorizing the State Integrated Waste Management Board or enforcement agencies to establish or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies. Provides that the intent of the bill is to develop a definition for conversion technology.
STATUS:
06/26/2006 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

CA AB 2127 **AUTHOR:** Tran (R)
TITLE: Hazardous Waste: Alkaline Batteries
LAST AMEND: 05/03/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:
Requires the state Integrated Waste Management Board and the state Water Resources Control Board to undertake a study and submit a report to the Legislature regarding whether there are any any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts.
STATUS:
05/25/2006 In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

CA AB 2271 **AUTHOR:** Koretz (D)
TITLE: Household Batteries: Recycling
LAST AMEND: 04/04/2006
LOCATION: Assembly Appropriations Committee
SUMMARY:
Enacts the Household Battery Recycling Act. Requires a distributor of household batteries to pay the refund value to an unspecified department for every battery sold or offered for sale in the state, by the distributor. Provides all amounts paid as

refund values be deposited in the Battery Recycling Fund. Requires the department to certify battery collectors, develop a public education program regarding the diversion of such batteries. Requires a recycler and distributor to submit monthly reports.

STATUS:
05/25/2006

In ASSEMBLY Committee on APPROPRIATIONS: Heard,
remains in Committee.

CA AB 2845

AUTHOR: Bogh (R)
TITLE: Beverage Containers: Recycle and Litter Cleanup Grants
LOCATION: Assembly Natural Resources Committee

SUMMARY:
Relates to the Beverage Container Recycling Fund. Appropriates funds to the department to pay refund values, processing payments, and for other purposes, including permitting the department to provide payments to cities and counties for container recycling and litter cleanup activities. Increases the amount the department is authorized to expend.

STATUS:
03/13/2006

To ASSEMBLY Committee on NATURAL RESOURCES.

CA AB 2901

AUTHOR: Wolk (D)
TITLE: Mercury Monitoring and Remediation
LAST AMEND: 05/03/2006
LOCATION: Assembly Appropriations Committee

SUMMARY:
Enacts the Mercury Monitoring and Remediation Act. Establishes the Mercury Monitoring and Remediation Fund to be administered by the State Water Resources Control Board. Authorizes the state board to expend money in the fund, upon appropriation by the Legislature, for unspecified purposes.

STATUS:
05/25/2006

In ASSEMBLY Committee on APPROPRIATIONS: Heard,
remains in Committee.

CA AB 3001

AUTHOR: Pavley (D)
TITLE: Electronic Waste: Personal Computers
LAST AMEND: 04/17/2006
LOCATION: Assembly Appropriations Committee

SUMMARY:
Relates to electronic waste. Provides that a covered electronic device also includes a personal computer. Requires a retailer to collect of fee from the consumer at the time of the retail sale of the personal computer.

STATUS:
05/25/2006

In ASSEMBLY Committee on APPROPRIATIONS: Heard,
remains in Committee.

CA SB 1076

AUTHOR: Perata (D)
TITLE: Solid Waste
LOCATION: SENATE

SUMMARY:
Makes a technical, nonsubstantive change in the California Integrated Waste Management Act that requires each county, city, district, or other local government agency that provides solid waste handling services to provide for those services, including, but not limited to, source reduction, recycling, composting activities, and the collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction.

STATUS:
01/31/2006

In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

CA SB 1515

AUTHOR: Kehoe (D)
TITLE: Solid Waste: Facilities: Operating Hours
LAST AMEND: 05/01/2006
LOCATION: Senate Appropriations Committee

SUMMARY:

Requires the Integrated Waste Management Board to conduct a study of any environmental benefits, costs, adverse impacts, alternatives, or mitigation measures of expanding the operating hours of solid waste facilities as a means of reducing traffic congestion and enabling collection and transfer vehicle fleet operators to access the facilities during off-peak hours. Requires the board to report its findings to the Legislature.

STATUS:

05/25/2006

In SENATE Committee on APPROPRIATIONS: Not heard.

CA SB 1778

AUTHOR: Alarcon (D)
TITLE: Alternative Daily Cover: Compost
LAST AMEND: 05/01/2006
LOCATION: Senate Appropriations Committee

SUMMARY:

Requires, if the alternative daily cover is comprised of woody or green material, that material not to be considered as being diverted and to be included in the amount of solid waste that is subject to disposal for purposes of the diversion requirements of the Integrated Waste Management Act of 1989. Requires the Integrated Waste Management Board, with conditions, to develop a schedule for excluding solid waste that is used as an alternative daily cover and comprised of such materials.

STATUS:

05/25/2006

In SENATE Committee on APPROPRIATIONS: Not heard.

POSITION: Oppose

CA SB 1797

AUTHOR: Perata (D)
TITLE: Hazardous Waste: Identification
LAST AMEND: 04/18/2006
LOCATION: Senate Environmental Quality Committee

SUMMARY:

Requires the Department of Toxic Substances Control when classifying waste as hazardous, to incorporate its decision into a regulation, if it determines that the classification of hazardous waste is likely to have a broad application beyond the producer who initiated the request, without reference to classifying the waste pursuant to specified criteria. Deletes the requirement that the department's determination that additional criteria are necessary to protect the public health, safety, and environment.

STATUS:

04/24/2006

In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.



MEMORANDUM

To: Members
From: Stacey Miner, ESJPA Program Administrator
Date: October 5, 2006
Re: Grant Program Update

HD14-05-12: Inyo, Nevada, Trinity, and Tuolumne

This grant includes infrastructure, supplies and collection events for universal waste. Infrastructure was purchased and placed earlier this year. Alan Abbs has signed on to assist in the implementation of collection events for Nevada, Trinity and Tuolumne. CIWMB had cut the collection budget by 20%, which made the original work scope difficult to implement and has delayed the progress of this project. Alan will assist in reformulating the event structure within the available funding. Public education materials will be developed prior to year end.

UOG8-05-3: Amador, Colusa, Mariposa, Siskiyou, Tehama, and Tuolumne

This project will fund promotional oil filter exchange programs at thirteen centers, establish new oil filter collection infrastructure at four centers, and create two new oil and filter collection centers. This project also includes infrastructure improvements at selected sites and a start-up program for recycling empty oil bottles at collection centers in four counties. The notice to proceed was received in mid-September. Staff will begin implementation prior to year end.

New Grant Opportunities

Local Government Waste Tire Cleanup and Amnesty Event Grants

This grant program provides funding to local governments for the cost of cleanup, abatement, or other remedial actions related to the disposal of waste tires. **The fiscal year 2005-06 grant applications are now under review.** The application period for the fiscal year 2006-07 cycle is anticipated to occur in November 2006.

Rubberized Asphalt Concrete Grants (SB 1346)

This grant program provides funding to local governments for rubberized asphalt concrete (RAC) projects. The application period for the fiscal year 2006-07 cycle is anticipated to occur in November 2006.

Targeted Rubberized Asphalt Concrete Incentive Grants

This grant program also provides funding to local governments for rubberized asphalt concrete (RAC) projects. The **fiscal years 2005-06 and 2006-07** application is now available. Applications are being accepted on a monthly basis.

Farm and Ranch Cleanup Grants

Provides funding to cities, counties, Resource Conservation Districts, and Native American tribes for the cleanup of illegal solid waste sites on farm or ranch property. Applications are accepted on a continuous basis. Carla Repucci (916) 341-6316 crepucci@ciwmb.ca.gov

Solid Waste Disposal and Site Cleanup Grants

Local governments can apply for funds to finance a wide range of remediation projects, including funds for cleanup or emergency actions, loans to responsible parties, or matching funds to assist in remediation of environmental problems at landfill.

- **Illegal Disposal Site Cleanup Grants**: Grants up to \$500,000 are available to local governments to clean up illegal disposal sites.
- **Local Government Matching Grants**: Matching grants up to \$750,000 are available to assist local governments to remediate environmental problems old dumps and landfills and other solid waste problems.
- **Local Government Loans**: Loans to local governments who can demonstrate need and the ability to repay state funds.

All grants are awarded on a competitive basis and are subject to the availability of funds.

Contact Wes Mindermann at (916) 341-6314 wminderm@ciwmb.gov.ca

Department of Conservation – Division of Recycling: None

Grants.gov: USDA - Solid Waste Management Grant Program

Deadline 12/31/06. To view announcement: <http://www.usda.gov/rus/water/SWMG.htm>

Total Funding Available: \$3,500,000

Funds may be used to:

- Evaluate current landfill conditions to determine threats to water resources in rural areas;
- Provide technical assistance and/or training to enhance operator skills in the maintenance and operation of active landfills in rural areas;
- Provide technical assistance and/or training to help associations reduce the solid waste stream; Provide technical assistance and/or training for operators of landfills in rural areas which are closed or will be closed in the near future with the development/implementation of closure plans, future land use plans, safety and maintenance planning, and closure scheduling within permit requirements.

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Farm and Ranch Solid Waste Cleanup Abatement

New legislation (SB 1328, Chesbro, Chapter 628, Statutes of 2002), effective January 1, 2003, made some important changes for the Farm and Ranch Grant Program. The amount available for each cleanup and abatement project and each applicant has increased and Native American tribes and Resource Conservation Districts are eligible to apply directly for grant funds. See below for details.

Purpose: The California Integrated Waste Management Board administers the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, which provides up to \$1 million annually in grants for the cleanup of illegal solid waste sites on farm or ranch property.

Funding: The grants are limited to \$50,000 per cleanup or abatement project, with a limit of \$200,000 per year for each eligible applicant.

Eligibility: California cities, counties, Resource Conservation Districts and Native American tribes are eligible. Private property owners that desire grant funding to cleanup their property will need to coordinate with an eligible applicant for funding.

A site may be eligible for funding if the parcel(s) is(are) zoned for agricultural use, where unauthorized solid waste disposal has occurred, and where the site(s) is (are) in need of cleanup in order to abate a nuisance or public health and safety threat and/or a threat to the environment. Sites are *not* eligible for funding if the site is located on property where the owner or local agency is responsible for the illegal disposal of solid waste.

- **Fact Sheet**
- **Application Package:** Includes information regarding how to complete an application for grant funds, grant scoring criteria and all of the forms and samples required in a complete application package.
- **Grant Forms**
 - Expenditure Itemization Form (CIWMB 224): [Adobe PDF](#), 46 KB | [MS Excel](#), 26 KB
 - Recycled Content Certification Form (CIWMB 74G-Farm): [Adobe PDF](#), 80 KB | [MS Word](#), 108 KB
 - Reliable Contractor Declaration (CIWMB 168): [Adobe PDF](#), 18 KB | [MS Word](#), 51 KB
 - Grant Payment Request Form (CIWMB 87): [Adobe PDF](#), 54 KB | [MS Word](#), 139 KB

For More Information: Contact grant manager [Carla Repucci](#).

Last updated: April 27, 2006

LEA Information Services <http://www.ciwmb.ca.gov/LEACentral/>
Donnaye Palmer: donnayep@ciwmb.ca.gov (916) 341-6321
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Solid Waste Disposal and Codisposal Site Cleanup Program

Purpose: Assembly Bill 2136 (enacted October 1993) required the California Integrated Waste Management Board (Board) to initiate the Solid Waste Disposal and Codisposal Site Cleanup Program (Program) for cleanup of solid waste sites and solid waste at codisposal sites where the responsible party either cannot be identified or is unwilling or unable to pay for timely remediation and where cleanup is needed to protect public health and safety and/or the environment. Under the Program, local governments can finance a wide range of remediation projects. There are three different funding mechanisms available:

- **Illegal Disposal Site Cleanup Grants:** Grants up to \$500,000 are available to local governments to clean up illegal disposal sites.
- **Local Government Matching Grants:** Matching grants up to \$750,000 are available to assist local governments to remediate environmental problems old dumps and landfills and other solid waste problems.
- **Local Government Loans:** Loans to local governments who can demonstrate need and the ability to repay state funds.

All grants are awarded on a competitive basis and are subject to the availability of funds.

For Further Information: Please contact Wes Mindermann at (916) 341-6314 if you have any questions.

Last updated: April 27, 2006

LEA Information Services <http://www.ciwmb.ca.gov/LEACentral/>

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Tire Recycling, Cleanup, and Enforcement Grants

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Program News...

[Targeted Rubberized Asphalt Concrete Incentive Grant applications are now accepted on a continuous basis and awarded on a monthly basis.](#)

The Board's tire grant programs are designed to encourage activities that promote reducing the number of waste tires going to landfills for disposal and eliminating the stockpiling of waste tires. Activities include tire pile cleanup and enforcement, market development, and demonstration projects. Revenue for the grants is generated from a tire fee on each new tire sold in California.

The Board determines grant program criteria and applicant eligibility. Prior programs have focused on research, business assistance, market development, product procurement, amnesty events, tire pile cleanup, and enforcement. Eligible applicants have included individuals, businesses, local governments, universities, school districts, park districts, and qualified California Indian tribes.

The following grant programs have been offered, though not all are accepting applications at this time. Follow the links to learn more about a particular grant program.

[Local Government Waste Tire Cleanup and Amnesty Event Grants](#)

This grant program provides funding to local governments for the cost of cleanup, abatement, or other remedial actions related to the disposal of waste tires. **The fiscal year 2005-06 grant applications are now under review.** The application period for the fiscal year 2006-07 cycle is anticipated to occur in November 2006.

[Rubberized Asphalt Concrete Grants \(SB 1346\)](#)

This grant program provides funding to local governments for rubberized asphalt concrete (RAC) projects. The application period for the fiscal year 2006-07 cycle is anticipated to occur in November 2006.

[Targeted Rubberized Asphalt Concrete Incentive Grants](#)

This grant program also provides funding to local governments for rubberized asphalt concrete (RAC) projects. The **fiscal years 2005-06 and 2006-07** application is now available. **Applications are being accepted on a monthly basis.** UPDATED

[Tire-Derived Product \(TDP\) Grants](#)

This grant program provides funding to California public entities for tire-derived products made from recycled 100 percent California waste tires. **The fiscal year 2006-07 application period has been suspended.** UPDATED

[Tire-Derived Product Business Assistance Program](#)

This program is designed to increase demand for tire-derived products by building the capacity and improving cost efficiencies of tire-derived product businesses. Eligible businesses may apply for assistance to: (1) evaluate and improve their business plan and operations, (2) enhance marketing efforts, (3) test and certify new products, and (4) purchase necessary equipment. **The fiscal year 2005/2006 grant applications are now under review.** The next application period is anticipated to occur in September 2006.

[Waste Tire Enforcement Grants](#)

This grant program provides funding to solid waste local enforcement agencies and to city and county agencies with regulatory authority within the city/county government for waste tire enforcement activities. The application period for the **fiscal year 2005-06** grant cycle is now closed. The next application period is anticipated to occur in August 2006.

For more information about the Tire Grant Programs, please contact us at the phone number or e-mail address listed below. For information on other CIWMB grant programs, see the [Grants and Loans home page](#).

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Solid Waste Management Grant Program

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Purpose

Required Forms
Evaluation Procedure
Application Requirements
Grantees Funded in FY 2006

[Application Guide](#)
[Federal Regulation](#)
[Contact Information](#)

Objectives:

The objectives of the Solid Waste Management Grant Program are to

1. Reduce or eliminate pollution of water resources in rural areas.
2. Improve planning and management of solid waste sites in rural areas.

NOTE: Rural areas are defined any area, city, or town with a population at or below 10,000 inhabitants according to the latest decennial census of the United States.

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Eligibility:

Entities eligible for Solid Waste Management (SWM) grants are:

1. Private nonprofit organizations with tax exempt status designated by the Internal Revenue Service. A nonprofit organization is defined as any corporation, trust, association, cooperative, or other organization that:
 - i. Is operated primarily for scientific, education, service, charitable, or similar purposes in the public interest.
 - ii. Is not organized primarily for profit.
 - iii. Uses its net proceeds to maintain, improve, and/or expand its operations.
2. Public bodies.

4. Academic institutions.

--Entities must be legally established and located within a state as defined in **§ 1775.2.**

--Organizations must be incorporated by December 31 of the year the application period occurs to be eligible for funds.

--Private businesses, Federal agencies, and individuals are ineligible for these grants.

--Applicants must also have the proven ability; background; experience, as evidenced by the organization's satisfactory completion of project(s) similar to those proposed; legal authority; and actual capacity to provide technical assistance and/or training on a regional basis to associations as provided in **§ 1775.63.** Associations are defined as an entity, including a small city or town, that is eligible for Rural Utilities Service (RUS) water and waste financial assistance in accordance with RUS Regulation 1780, part 7. To meet the requirement of actual capacity, an applicant must either:

1. Have the necessary resources to provide technical assistance and/or training to associations in rural areas through its staff, or
2. Be assisted by an affiliate or member organization which has such background and experience and which agrees, in writing, that it will provide the assistance, or
3. Contract with a nonaffiliated organization for not more than 49 percent of the grant to provide the proposed assistance.

Applications will be accepted from October 1 through December 31 of each calendar year. Applications may be hand-delivered to the State Office by close of business December 31, or postmarked by midnight December 31 to be considered submitted on time. Applications received after December 31 will NOT be considered in that year's review and will be returned to the applicant.

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Limitations:

Grant funds may **NOT** be used to:

1. Recruit applications for the Agency's water and waste loan and/or any loan and/or grant program.
2. Duplicate current services, replacement or substitution of support previously provided such as those performed by an association's consultant in developing a project.
3. Fund political activities.
4. Pay for capital assets, the purchase of real estate or vehicles, improve and renovate office space, or repair and maintain privately owned property. **139**

6. Pay for costs incurred prior to the effective date of the grant.
7. Pay for technical assistance which duplicates assistance provided to implement an action plan funded by the Forest Service (FS) under the National Forest-Dependent Rural Communities Economic Diversification Act (7U.S.C. 6601 note) for five continuous years from the date of grant approval by the FS. To avoid duplicate assistance, coordinate with the State Rural Development office and the Forest Service before submitting an application.

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Purpose:

Solid Waste Management grants may be used to:

1. Evaluate current landfill conditions to determine threats to water resources.
2. Provide technical assistance and/or training to enhance **operator skills** in the operation and maintenance of **active landfills**.
3. Provide technical assistance and/or training to help communities **reduce the solid waste stream**.
4. Provide technical assistance and/or training for **operators of landfills which are closed or will be closed in the near future** with the development and implementation of closure plans, future land use plans, safety and maintenance planning, and closure scheduling within permit requirements.

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Application Requirements:

Applicant will provide:

1. An original and one copy of SF-424 Application for Federal Assistance (for non-construction).
 - For projects that will **serve only one state**, the forms will be submitted to the local State Rural Development office.
 - For projects that will **serve multiple states**, the forms will be submitted to the National USDA, Rural Utilities Service office.
2. Evidence of applicant's legal existence and authority in the form of **certified copies** of organizational documents and a **certified** list of directors and officers with their respective terms.
3. Evidence of tax-exempt status from the Internal Revenue Service (for non-profits).
4. Brief written narrative which includes: