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To: ESJPA Board of Directors
From: Paul A. Smith
Director of Legislative Affairs
Date: October 10, 2007
Re: Status of Legislation from the 2007 Session

Summary

This memo provides an update on the status of several key legislative measures that dealt with solid waste management in the 2007 Legislative Session.

Assembly Bill 679

As originally introduced, AB 679 (Benoit) would have allowed local jurisdictions to recover for the full costs of illegal dumping from those person convicted of illegal dumping. However, the measure was amended several times and ultimately imposes a \$200 penalty for felony and \$100 misdemeanors upon those convicted of illegal dumping. Proceeds are to be forwarded to the jurisdictions where the offense occurred to help defray the cost of clean-up. The measure, sponsored by Riverside County and supported by RCRC/ESJPA, was signed into law.

Assembly Bill 1195

AB 1195 (Torricono) dealt with a variety of issues surrounding the collection of used motor oil. Of concern to the ESJPA was the requirement for the testing of used oil (a cost most likely borne by the ESJPA in rural areas) as well as restrictions on the use of used motor oil when shipped out of state. AB 1195 was amended towards the end of the session to address the concerns of the ESJPA as well as place a provision which would have allowed local government-sponsored rural used oil collection programs to tap into the Waste Board's contamination fund when a contamination occurred at a non-certified site. The measure was held (defeated) in the Senate Appropriations Committee as the Department of Finance and the Waste Board indicated their opposition. In light of the measure being held, the sponsors attempted to revive portions of the bill in the last days of the 2007 Session; however, those efforts were unsuccessful. RCRC/ESJPA expects a similar measure will be put forth in 2008.

Senate Bill 1016

SB 1016 is the Integrated Waste Management Board's attempt to recalculate the way California addresses the management of solid waste. Simply put, the measure attempts to move away from a 'diversion' based method of accounting and replace it with a 'disposal' method. As currently put forth, the measure only requires a report which

indicates that it is on 'spot bill' form. However, earlier in the year, the Waste Board put forth comprehensive language which would be incorporated into the bill as a later set of amendments. RCRC formally commented on these. SB 1016 cleared the Senate as a spot bill, but was put on hold when the bill reached the Assembly. It is expected that further discussions will occur throughout the Fall and early part of the 2008.

A new draft of the proposed language was recently released (attached) and the first discussion was scheduled on October 9, 2007. The language now includes new disposal goals to complement those of SB 1020: in 2010 and 2011, keep disposal to 2006 levels; from 2012 through 2019, keep disposal to %25 lower than 2006; and by 2020 keep disposal %50 lower than 2006 levels. A second more lenient disposal based goal was included for those rural counties that dispose of less than 100,000 tons of solid waste per year: by 2010, keep disposal at or below 2006 levels, but may adjust that amount based on the gross domestic product in California.

The common concern heard at this stakeholder meeting was new goals cannot be set without the resources and tools given to local governments to reach those goals, such as extended producer responsibility language, meeting infrastructure needs, and market development.

Senate Bill 1020

As originally introduced, SB 1020 (Padilla) would have mandated a 75% diversion rate that jurisdictions must comply with by 2012. Through much of the Legislative Session, a number of stakeholder meetings were held to discuss how SB 1020 could incorporate a new diversion rate as well as address better ways for municipalities to achieve compliance (producer responsibility, making it easier to site facilities, conversion technology, etc.) Ultimately, the bill was amended to mandate a statewide goal of a 60% diversion by 2012 and a 75% by 2020. The Waste Board would be required to achieve the new rates. In addition, language was ready to be incorporated to impose upon jurisdictions (counties with a population of less than 200,000 would be exempt) a mandatory commercial recycling ordinance. RCRC/ESJPA joined CSAC in requesting that Senator Padilla not move the bill until next year so that additional time could be made to further refine the bill.

SB 1020 was delayed consideration in the Assembly Appropriations Committee. Note the bill was not "held" nor was it defeated. As such, the measure could move at anytime when the Legislature returns in January. Nevertheless, it is likely that the Fall Interim will be used to better construct the bill to address the concerns of interested parties.

Complete Text of Selected Solid Waste Bills

- AB 679 Benoit Illegal Dumping: Assessments
- AB 1195 Torrico Recycling: used oil: payment
- SB 1016 Wiggins Diversion: Annual Reports
- SB 1020 Padilla Solid waste: diversion

Assembly Bill No. 679

Passed the Assembly September 7, 2007

Chief Clerk of the Assembly

Passed the Senate September 5, 2007

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 2007, at ____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1202.51 to the Penal Code, relating to illegal dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 679, Benoit. Illegal dumping: assessments.

Existing law establishes various offenses for littering and illegal dumping.

This bill would require the court to impose a fine on violators in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified. The bill would require that the money from the fines be deposited in the city's or county's general fund for use for illegal dumping enforcement, as specified.

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

SECTION 1. Section 1202.51 is added to the Penal Code, to read:

1202.51. In any case in which a defendant is convicted of any of the offenses enumerated in Section 372, 373a, 374.3, 374.4, 374.7, or 374.8, the court shall order the defendant to pay a fine of one hundred dollars (\$100) if the conviction is for an infraction or two hundred dollars (\$200) if the conviction is for a misdemeanor, in addition to any other penalty or fine imposed. If the court determines that the defendant has the ability to pay all or part of the fine, the court shall set the amount to be paid and order the defendant to pay that sum to the city or, if not within a city, the county, where the violation occurred, to be used for the city's or county's illegal dumping enforcement program. Notwithstanding any other provision of law, no state or county penalty, assessment, fee, or surcharge shall be imposed on the fine ordered under this section.

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JUNE 28, 2007

AMENDED IN ASSEMBLY MAY 14, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007-08 REGULAR SESSION

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Torrico
(Coauthor: Senator Lowenthal)

February 23, 2007

An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48623, 48624, 48631, 48651, 48652, 48653, 48655, 48660.5, 48662, and 48670 of, and to add Sections 48619.5 and 48654 to, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Torrico. Recycling: used oil: incentive payments.

(1) Existing law requires the California Integrated Waste Management Board (board) to adopt a used oil recycling program, which requires the board, among other things, to develop and implement an information and education program and to pay a recycling incentive to specified entities for the collection of used oil that is transported to a used oil recycling facility. Existing law requires the used oil recycling facility that receives the used oil to either be certified by the board or to be an

out-of-state recycling facility registered with the federal Environmental Protection Agency and operating in substantial compliance with the state in which the recycling facility is located. The board is required to certify a used oil recycling facility for which the board has received a report from the department. Existing law also requires the payment of a recycling incentive to an electric utility for using used lubricating oil meeting specified requirements for electrical generation. Existing law requires the board to set a recycling incentive at not less than \$0.04 per quart and authorizes the board to set an amount higher than \$0.04 if the board determines a higher amount is necessary to promote the recycling of used lubricating oil.

This bill would additionally require the information and education program to promote methods to reduce the amount of used oil generated, and the use of re-refined oil, as defined, in automotive and industrial lubricants.

The bill would require that the used lubricating oil for which a recycling incentive is paid be transported to a used oil recycling facility *that is certified by the board and recycles the oil to meet the standards for recycled oil*. The board would be required to certify an out-of-state used oil recycling facility that is in *substantial* compliance with certain federal regulations related to the management of used oil, ~~has posted financial assurances at a specified amount for closure costs, and produces recycled oil~~. The bill would require an out-of-state facility seeking certification to submit an annual report to the board, under penalty of perjury, thereby imposing a state-mandated local program by creating a new crime. The bill would also repeal the provision regarding payment of the recycling incentive to an electric utility and would instead prohibit the board from paying a recycling incentive for any used oil that is burned or otherwise used for energy recovery that does not meet the purity standards for recycled oil. The bill would establish, as of January 1, 2013, a recycling incentive of *no less than* \$0.045 per quart for used oil recycled into re-refined lubricating oil.

The bill would require the report submitted, as a condition for the payment of a recycling incentive, to specify the receiving certified used oil recycling facility under penalty of perjury, if the used oil was consolidated at a used oil transfer facility, thereby imposing a state-mandated local program by creating a new crime.

The bill would require the board to provide increases to block grants to rural counties for local government sponsored used oil collection efforts to cover the costs of testing or reduced availability of the

recycling incentive caused by increases in regulatory expenses, if the public collection effort demonstrates to the board that it had incurred additional costs that could not have been avoided or lessened through the use of a commercially viable alternative transporter or recycling facility.

The bill would also make conforming changes to certain definitions.

(2) Existing law requires the board, upon the application of a certified used oil collection center or a curbside collection program, to reimburse the center or program for the additional disposal cost for used oil that is contaminated by hazardous materials in excess of that which generally occurs in normal use, which renders the used oil infeasible for recycling, and requires that the used oil be destroyed at a higher cost than the cost to recycle the used oil.

This bill would, additionally, provide reimbursement for an uncertified publicly funded used oil collection center in a small rural county.

(3) Existing law requires an entity that generates used industrial oil or a facility that accepts used oil to transport the used oil to a certified used oil facility or a registered out-of-state recycling facility.

This bill would require the used oil to be tested and analyzed by a laboratory accredited by the State Department of Public Health prior to shipment, to ensure the used oil meets specified criteria. The bill would require the registered hazardous waste transporter to accomplish the testing, unless the testing and analysis is performed by the generator of the used oil, a transfer facility permitted by the Department of Toxic Substances Control, or a recycling facility permitted by that department. ~~The generator or~~ registered hazardous waste transporter would be required to submit to the department annually a report containing specified information regarding the out-of-state shipment of used oil. Because a violation of the requirements on used oil is a crime, this bill would create a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 25250.29 is added to the Health and
2 Safety Code, to read:

3 ~~25250.29. (a) Used oil shall be tested and analyzed by a~~
4 ~~laboratory accredited by the State Department of Public Health~~
5 ~~pursuant to Article 3 (commencing with Section 100825) of~~
6 ~~Chapter 4 of Part 1 of Division 101 prior to shipment, to ensure~~
7 ~~that the used oil has all of the following characteristics:~~

8 ~~(1) A flashpoint above 100 degrees Fahrenheit.~~

9 ~~(2) A polychlorinated biphenyls (PCB) concentration of less~~
10 ~~than 5 ppm.~~

11 ~~(3) A concentration total halogens of 1000 ppm or less unless~~
12 ~~the presumption in subclause (I) of clause (v) of subparagraph (C)~~
13 ~~of paragraph (1) of subdivision (a) of Section 25250.1 has been~~
14 ~~rebutted pursuant to subclause (II) of clause (v) of subparagraph~~
15 ~~(C) of paragraph (1) of subdivision (a) of Section 25250.1.~~

16 ~~(b) The testing and analysis required pursuant to subdivision~~
17 ~~(a) shall be accomplished by a registered hazardous waste~~
18 ~~transporter prior to shipment to a transfer facility, recycling facility,~~
19 ~~or out of the state, except the transporter is not required to perform~~
20 ~~the testing and analysis if the transporter can demonstrate that~~
21 ~~testing and analysis is performed by one of the following:~~

22 ~~(1) (A) By the generator of the used oil prior to shipment.~~

23 ~~(B) Subparagraph (A) does not require the generator of the used~~
24 ~~oil to perform the testing and analysis required by this section.~~

25 ~~(C) Generator testing of used oil is not required for dielectric~~
26 ~~oil derived from highly refined mineral oil used in oil-filled~~
27 ~~electrical equipment.~~

28 ~~(2) (A) By a transfer facility permitted by the department~~
29 ~~pursuant to this chapter prior to or after consolidation in a tank,~~
30 ~~prior to offsite shipment to a recycling facility or out of the state.~~

31 ~~(B) If the generator or transporter has not performed the testing~~
32 ~~required by this section, the transfer facility shall perform the~~
33 ~~testing unless it can demonstrate that the testing is performed by~~
34 ~~a recycling facility pursuant to paragraph (3).~~

35 ~~(3) By a recycling facility permitted by the department pursuant~~
36 ~~to this chapter, prior to or after consolidation in a tank, prior to~~
37 ~~recycling.~~

1 ~~(e) The department may adopt regulations establishing different~~
2 ~~or additional testing and analysis standards for used oil transfer~~
3 ~~facilities or used oil recycling facilities that are issued a permit by~~
4 ~~the department.~~

5 ~~(d) Records of tests performed for used oil pursuant to~~
6 ~~subdivision (b) shall be maintained by the person performing the~~
7 ~~test for three years and are subject to audit and verification by the~~
8 ~~department.~~

9 ~~(e) The registered hazardous waste transporter who is listed as~~
10 ~~the transporter on the Uniform Hazardous Waste Manifest used~~
11 ~~to ship used oil out of state shall submit a report, on or before~~
12 ~~March 1st of each year, to the department, containing all of the~~
13 ~~following information for the preceding year:~~

14 ~~(1) Total volume of used oil shipped out of state.~~

15 ~~(2) Date of each shipment of used oil out of state.~~

16 ~~(3) Uniform Hazardous Waste Manifest tracking number used~~
17 ~~to ship used oil out of the state.~~

18 ~~(4) Volume of used oil shipped out of state listed on each~~
19 ~~manifest.~~

20 ~~(5) Information pertaining to the out-of-state facility to which~~
21 ~~the used oil was shipped including facility name, facility address,~~
22 ~~and facility EPA ID number.~~

23 ~~(6) Transporter name and EPA ID number used to transport~~
24 ~~used oil out of the state.~~

25 ~~(7) Signed certification that all used oil shipped out of the state~~
26 ~~was analyzed and conformed to the requirements of subdivision~~
27 ~~(a), including identification of the accredited laboratory utilized~~
28 ~~to test and analyze the used oil shipments.~~

29 ~~(8) Any other information which the department may require.~~

30 ~~(f) This section does not prohibit the transportation of used oil~~
31 ~~to a facility located outside the state, or to impose liability other~~
32 ~~than compliance with the requirements in this section upon, or in~~
33 ~~any other way affect the liability of a generator whose used oil is~~
34 ~~transported to a facility located outside the state.~~

35 *25250.29. (a) Before shipping of a load of used oil to a transfer*
36 *facility, recycling facility, or facility located out of the state, the*
37 *used oil shall be tested and analyzed by a laboratory accredited*
38 *by the State Department of Public Health pursuant to Article 3*
39 *(commencing with Section 100825) of Chapter 4 of Part 1 of*

- 1 *Division 101, to ensure that the used oil meets all of the following*
2 *characteristics:*
- 3 *(1) A flashpoint above 100 degrees Fahrenheit.*
4 *(2) A polychlorinated biphenyls (PCB) concentration of less*
5 *than 5 ppm.*
6 *(3) A concentration of total halogens of 1000 ppm or less, unless*
7 *the presumption in subclause (I) of clause (v) of subparagraph (C)*
8 *of paragraph (1) of subdivision (a) of Section 25250.1 has been*
9 *rebutted pursuant to subclause (II) of clause (v) of subparagraph*
10 *(C) of paragraph (1) of subdivision (a) of Section 25250.1.*
- 11 *(b) The testing and analysis of a load required pursuant to*
12 *subdivision (a) shall be accomplished by a registered hazardous*
13 *waste transporter before shipment of the load to a transfer facility,*
14 *recycling facility, or a facility located out of the state, except the*
15 *transporter is not required to perform the testing and analysis if*
16 *the transporter can demonstrate that testing and analysis has been,*
17 *or will be, performed by one of the following:*
- 18 *(1) (A) The generator of the used oil prior to shipment.*
19 *(B) Subparagraph (A) does not require the generator of the*
20 *used oil to perform the testing and analysis required by this section.*
- 21 *(2) By a transfer facility permitted by the department pursuant*
22 *to this chapter prior to, or after, consolidation in a tank, and prior*
23 *to offsite shipment.*
- 24 *(3) By a recycling facility permitted by the department pursuant*
25 *to this chapter, prior to, or after consolidation in a tank, but prior*
26 *to recycling.*
- 27 *(c) (1) If the generator or transporter has not performed the*
28 *testing required by this section, the transfer facility shall perform*
29 *the testing, unless the transfer facility can demonstrate that the*
30 *testing is performed by the recycling facility pursuant to paragraph*
31 *(3) of subdivision (b).*
- 32 *(2) A transporter shall not require a used oil collection center*
33 *to test tanks or containers that contain only used lubricating oil*
34 *or oil filters accepted from the public as a condition of accepting*
35 *the oil for shipment.*
- 36 *(d) This section does not exempt a recycling facility from*
37 *performing any other test required by the department, including,*
38 *but not limited to, a test required pursuant to the facility's waste*
39 *analysis plan.*

1 (e) The department may adopt regulations establishing different
2 or additional testing and analysis standards for used oil transfer
3 facilities or used oil recycling facilities that are issued a permit
4 by the department.

5 (f) The person performing a test required by subdivision (a)
6 shall maintain records of tests performed for used oil for at least
7 three years and is subject to audit and verification by the
8 department.

9 (g) The registered hazardous waste transporter who is listed
10 as the transporter on the Uniform Hazardous Waste Manifest used
11 to ship used oil out of state shall submit a report, on or before
12 March 1 of each year, to the department, containing all of the
13 following information for the preceding year:

14 (1) Total volume of used oil shipped out of state.

15 (2) Date of each shipment of used oil out of state.

16 (3) Uniform Hazardous Waste Manifest tracking number used
17 to ship used oil out of the state.

18 (4) Volume of used oil shipped out of state listed on each
19 manifest.

20 (5) Information pertaining to the out-of-state facility to which
21 the used oil was shipped, including the facility name, facility
22 address, and facility EPA ID number.

23 (6) Transporter name and EPA ID number used to transport
24 used oil out of the state.

25 (7) Signed certification that all used oil shipped out of the state
26 was analyzed and conformed to the requirements of subdivision
27 (a), including identification of the accredited laboratory utilized
28 to test and analyze the used oil shipments.

29 (8) Any other information that the department may require.

30 (h) (1) This section does not apply to a load for shipment that
31 consists exclusively of used lubricating oil accepted by a used oil
32 collection center from the public.

33 (2) This section does not require a generator to test used oil for
34 dielectric oil derived from highly refined mineral oil used in oil
35 filled electrical equipment. Nothing in this section exempts that
36 oil from any other testing requirement required by another section
37 of law.

38 (3) This section does not prohibit the transportation of used oil
39 to a facility located outside the state, or to impose liability other
40 than compliance with the requirements in this section upon, or in

1 *any other way affect the liability of a generator whose used oil is*
2 *transported to a facility located outside the state.*

3 SEC. 2. Section 48619.5 is added to the Public Resources Code,
4 to read:

5 48619.5. "Re-refined oil" means used oil that, after blending
6 with necessary additives and correction stock, passes testing in a
7 qualified engine testing facility and meets, at a minimum, the
8 requirements established by the American Petroleum Institute and
9 the International Lubricant Standard Approval Committee for a
10 10W-30 GF-IV passenger car motor oil.

11 SEC. 3. Section 48623 of the Public Resources Code is
12 amended to read:

13 48623. "Used oil hauler" means a hazardous waste transporter
14 registered pursuant to Chapter 6.5 (commencing with Section
15 25100) of Division 20 of the Health and Safety Code who
16 transports used oil to a used oil recycling facility certified pursuant
17 to Article 7 (commencing with Section 48660), to a used oil storage
18 facility, or to a used oil transfer facility.

19 SEC. 4. Section 48624 of the Public Resources Code is
20 amended to read:

21 48624. "Used oil recycling facility" means a facility that
22 produces recycled oil, *as defined in Section 25250.1 of the Health*
23 *and Safety Code*, and is eligible for certification pursuant to Section
24 48662.

25 SEC. 5. Section 48631 of the Public Resources Code is
26 amended to read:

27 48631. The used oil recycling program shall include, but is not
28 limited to, the following:

29 (a) A recycling incentive system as described in Article 6
30 (commencing with Section 48650).

31 (b) Grants or loans, as specified in Section 48632.

32 (c) Development and implementation of an information and
33 education program to promote alternatives to the illegal disposal
34 of used oil, methods to reduce the amount of used oil generated,
35 and the use of re-refined oil in automotive and industrial lubricants.

36 (d) A reporting, monitoring, and enforcement program to ensure
37 that all statutes and regulations relating to used oil are properly
38 carried out.

39 SEC. 6. Section 48651 of the Public Resources Code is
40 amended to read:

1 48651. (a) The board shall pay a recycling incentive to every
2 industrial generator, curbside collection program, and certified
3 used oil collection center, for used lubricating oil collected from
4 the public, or generated by the certified used oil collection center
5 or the industrial generator, and transported by a used oil hauler to
6 a used oil recycling facility certified in accordance with Section
7 48662 *that recycles the oil to meet the standards for recycled oil,*
8 *as defined in Section 25250.1 of the Health and Safety Code.*

9 (b) A person or entity that generates used industrial oil or a used
10 oil storage facility or a used oil transfer facility that accepts used
11 oil shall cause that oil to be transported by a used oil hauler to a
12 certified used oil recycling facility or an out-of-state recycling
13 facility operating in *substantial* compliance with Part 279 of Title
14 40 of the Code of Federal Regulations and with applicable
15 regulatory standards of the state in which the recycling facility is
16 located.

17 (c) The board shall not pay a recycling incentive pursuant to
18 subdivision (a) for any used oil that is burned or otherwise used
19 for energy recovery and that does not meet the purity standards
20 for recycled oil specified in subparagraph (B) of paragraph (3) of
21 subdivision (a) of Section 25250.1 of the Health and Safety Code.

22 SEC. 7. Section 48652 of the Public Resources Code is
23 amended to read:

24 48652. The board shall set the recycling incentive amount at
25 not less than four cents (\$0.04) per quart. The amount may be set
26 at an amount higher than four cents (\$0.04) if the board determines
27 that a higher amount is necessary to promote recycling of used
28 lubricating oil and sufficient funds are available in the fund. On
29 and after January 1, 2013, the recycling incentive shall be *no less*
30 *than* four and one-half cents (\$0.045) per quart of used oil recycled
31 into re-refined lubricating oil as defined in Section 48619.5. The
32 board shall not change the amount of the recycling incentive until
33 at least one year has passed since the amount was last set. The
34 board shall continue providing recycling incentives to certified
35 used oil collection centers at the previous rate for one month after
36 setting the recycling incentive at a different rate. The board shall
37 not raise the recycling incentive amount unless it finds that the
38 raise will not adversely affect funding required pursuant to Sections
39 48631, 48653, and 48660.5.

1 SEC. 8. Section 48653 of the Public Resources Code is
2 amended to read:

3 48653. The board shall deposit all amounts paid pursuant to
4 Section 48650 by manufacturers, civil penalties, or fines paid
5 pursuant to this chapter, and all other revenues received pursuant
6 to this chapter into the California Used Oil Recycling Fund, which
7 is hereby created in the State Treasury. Notwithstanding Section
8 13340 of the Government Code, the money in the fund is to be
9 appropriated solely as follows:

10 (a) Continuously appropriated to the board for expenditure for
11 the following purposes:

12 (1) To pay recycling incentives pursuant to Section 48651.

13 (2) To provide a reserve for contingencies, as may be available
14 after making other payments required by this section, in an amount
15 not to exceed one million dollars (\$1,000,000).

16 (3) To make block grants for the implementation of local used
17 oil collection programs adopted pursuant to Article 10
18 (commencing with Section 48690) to cities, based on the city's
19 population, and counties, based on the population of the
20 unincorporated area of the county, in a total annual amount equal
21 to ten million dollars (\$10,000,000) or half of the amount which
22 remains in the fund after the expenditures are made pursuant to
23 paragraphs (1) to (3), inclusive, and subdivision (b), whichever
24 amount is greater, multiplied by the fraction equal to the population
25 of cities and counties which are eligible for block grants pursuant
26 to Section 48690, divided by the population of the state. The board
27 shall use the latest population estimates of the state generated by
28 the Population Research Unit of the Department of Finance in
29 making the calculations required by this paragraph.

30 (4) For expenditures pursuant to Section 48656.

31 (b) The money in the fund may be expended by the board for
32 the administration of this chapter and by the department for
33 inspections and reports pursuant to Section 48661, only upon
34 appropriation by the Legislature in the annual Budget Act.

35 (c) The money in the fund may be transferred to the Farm and
36 Ranch Solid Waste Cleanup and Abatement Account in the General
37 Fund, upon appropriation by the Legislature in the annual Budget
38 Act, to pay the costs associated with implementing and operating
39 the Farm and Ranch Solid Waste Cleanup and Abatement Grant

1 Program established pursuant to Chapter 2.5 (commencing with
2 Section 48100).

3 (d) Appropriations to the board to pay the costs necessary to
4 administer this chapter, including implementation of the reporting,
5 monitoring, and enforcement program pursuant to subdivision (d)
6 of Section 48631, shall not exceed three million dollars
7 (\$3,000,000) annually.

8 (e) The Legislature hereby finds and declares its intent that the
9 sum of three hundred fifty thousand dollars (\$350,000) should be
10 annually appropriated from the California Used Oil Recycling
11 Fund in the annual Budget Act to the board, commencing with
12 fiscal year 1996–97, for the purposes of Section 48655.

13 SEC. 9. Section 48654 is added to the Public Resources Code,
14 to read:

15 48654. (a) It is the intent of the Legislature in enacting this
16 chapter that local government sponsored used motor oil collection
17 programs in rural counties continue to operate and be funded to
18 maintain or expand their existing collection efforts. As such,
19 funding should be increased according to increased costs due to
20 the imposition of new requirements under this chapter enacted in
21 Assembly Bill 1195 of the 2007–08 Regular Session of the
22 Legislature.

23 (b) (1) The board shall provide increases to block grants to
24 rural counties for local government sponsored collection efforts
25 to cover additional costs of testing or reduced availability of the
26 recycling incentive caused by increased regulatory expenses
27 pursuant to changes to Section 25250.29 of the Health and Safety
28 Code, and Sections 48619.19, 48623, 48631, 48632, 48633, 48651,
29 48662, and 48670 enacted in Assembly Bill 1195 of the 2007–08
30 Regular Session of the Legislature.

31 (2) To qualify for the increases, the public collection effort shall
32 demonstrate to the board that it had incurred additional costs and
33 that these costs could not have been avoided or lessened through
34 the use of a commercially viable alternative transporter or recycling
35 facilities that are in compliance with this chapter.

36 (c) The increases to block grants provided by this section shall
37 have the same funding priority as the block grants provided
38 pursuant to paragraph (3) of subdivision (a) of Section 48653.

39 SEC. 10. Section 48655 of the Public Resources Code is
40 amended to read:

1 48655. The board may enter into a contract with the department
2 that will utilize the resources of the department to provide for
3 greater investigation and enforcement efforts for used lubricating
4 oil transporter, handling and storage, and transfer facility
5 operations. The department shall assist the board in developing
6 the used oil program and providing assistance to local governments
7 in removing barriers to the establishment of used oil collection
8 programs.

9 SEC. 11. Section 48660.5 of the Public Resources Code is
10 amended to read:

11 48660.5. (a) If the board finds that a shipment of used oil from
12 a certified used oil collection center or a curbside collection
13 program or an uncertified publicly funded used oil collection center
14 in a small rural county is contaminated by hazardous materials in
15 excess of that which generally occurs in normal use, which renders
16 the used oil infeasible for recycling, and requires that the used oil
17 be destroyed at a substantially higher cost than the cost generally
18 to recycle used oil, the board shall, upon application by the used
19 oil collection center or curbside collection program, reimburse the
20 center or program for the additional disposal cost, subject to the
21 eligibility requirements of subdivision (b), except as provided in
22 subdivision (c).

23 (b) A used oil collection center or curbside collection program
24 is eligible for reimbursement only if it demonstrates to the
25 satisfaction of the board all of the following:

26 (1) The center or program has established procedures to ensure
27 that the used oil it generates and accepts from the public will not
28 be mixed with other hazardous wastes, especially halogenated and
29 polychlorinated biphenyl contaminated wastes. These procedures
30 shall include, but not be limited to, instructing the public and
31 employees that used oil shall not be mixed with other hazardous
32 waste. The board shall not require a center or program to test used
33 oil received from the public as part of these procedures.

34 (2) The shipment contains not more than five gallons or pounds
35 of contaminants combined, based on the contaminant
36 concentrations and the total volume or weight of the shipment.

37 (c) In any calendar year, a used oil collection center or curbside
38 collection program shall be reimbursed for not more than one
39 shipment and for not more than five thousand dollars (\$5,000) in
40 disposal costs for halogen-contaminated or more than the actual

1 net additional costs of disposing of polychlorinated biphenyl
2 contaminated wastes, subject to the availability of funds pursuant
3 to Section 48656.

4 SEC. 12. Section 48662 of the Public Resources Code is
5 amended to read:

6 48662. The board shall certify or recertify a used oil recycling
7 facility that meets either of the following requirements:

8 (a) (1) The used oil recycling facility is located in this state and
9 the board has received a report from the department pursuant to
10 Section 48661, unless the board determines that the facility is
11 engaged in a repeating or recurring pattern of noncompliance that
12 poses a significant threat to public health and safety or the
13 environment.

14 (2) If the board denies certification to a facility subject to this
15 subdivision the board may subsequently certify the facility if it
16 determines that the facility meets the standards for certification.

17 (b) (1) ~~(A) The used oil recycling facility is an out-of-state~~
18 ~~facility and the board receives a report from the out-of-state facility~~
19 ~~pursuant to this subdivision that demonstrates that the facility~~
20 ~~meets the substantive technical standards set forth in Part 279 of~~
21 ~~Title 40 of the Code of Federal Regulations, posted one million~~
22 ~~five hundred thousand dollars (\$1,500,000) in financial assurance~~
23 ~~for closure costs as set forth in subparagraph (B), and produces~~
24 ~~recycled oil. facility and the board receives a report from the~~
25 ~~department that the out-of-state facility has demonstrated to the~~
26 ~~satisfaction of the department that the facility substantially meets~~
27 ~~the requirements set forth in Part 279 of Title 40 of the Code of~~
28 ~~Federal Regulations.~~

29 ~~(B) An out-of-state used oil facility that seeks certification shall~~
30 ~~post one million five hundred thousand dollars (\$1,500,000) in~~
31 ~~financial assurance for closure costs in the form of a trust fund,~~
32 ~~bond, letter of credit, or insurance policy. The out-of-state facility's~~
33 ~~financial assurance mechanism shall contain a provision that~~
34 ~~requires it to be kept in place for the period subject to the annual~~
35 ~~certification. If the mechanism is eliminated or reduced below one~~
36 ~~million five hundred thousand dollars (\$1,500,000), the out-of-state~~
37 ~~facility shall notify the board in writing of the elimination or~~
38 ~~reduction.~~

39 ~~(2) Paragraph (1) does not require, as a condition of certification~~
40 ~~pursuant to this subdivision, that the out-of-state facility hold a~~

1 ~~hazardous waste facility permit issued pursuant to the Resource~~
2 ~~Conservation and Recovery Act of 1976, as amended (42 U.S.C.~~
3 ~~Sec. 6901 et seq.).~~

4 (3)

5 (2) An out-of-state used oil facility that seeks certification shall
6 annually certify, in writing to the board, conformance with the
7 standards specified in paragraph (1), under penalty of perjury.

8 SEC. 13. Section 48670 of the Public Resources Code is
9 amended to read:

10 48670. (a) To be eligible for payment of a recycling incentive,
11 an industrial generator of used lubricating oil, a used oil collection
12 center, or a curbside collection program shall report to the board,
13 for each quarter, the amount of lubricating oil purchased and the
14 amount of used lubricating oil that is transported to a used oil
15 recycling facility that is certified pursuant to Section 48662, to a
16 used oil storage facility, or to a used oil transfer facility.

17 (b) (1) The reports shall be submitted on or before the 45th day
18 following each quarter, in the form and manner which the board
19 may prescribe, and shall include copies of manifests or modified
20 manifest receipts from used oil haulers.

21 (2) The copies of manifests or modified manifest receipts
22 required by paragraph (1) shall be signed by the generator of the
23 used oil and shall specify the receiving used oil recycling facility
24 that is certified by the board pursuant to Section 48662.

25 (3) If the used oil was consolidated at a used oil transfer facility,
26 the report shall also include a written certification, under penalty
27 of perjury, provided by the used oil transfer facility, specifying
28 the certified used oil recycling facility that received the oil.

29 (c) The board may delegate to the executive officer of the board
30 the authority to accept reports submitted after the 45th day and to
31 reduce, eliminate, or approve the amount of incentive fee to be
32 paid due to the late submission of the report. The board may
33 provide, by regulation, for a longer reporting period for industrial
34 generators that generate less than 1,000 gallons of used oil
35 annually.

36 SEC. 14. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O

Overview of the current waste diversion system - CIWMB

The original intent of AB 939 was to reduce dependency on landfill disposal.

Overall problems that we see include: we are still disposing high amounts, and the system to estimate diversion has severe accuracy and timing issues.

In a nut shell, under the current diversion rate measurement system:

- Each jurisdiction starts by establishing a base-year waste generation amount.
- In subsequent years, the jurisdiction calculates waste generation using a formula to adjust for changes in demographic factors since the base-year.
- Also in each subsequent year, disposal is measured and reported as part of the Disposal Reporting System and this amount is compared to calculated generation to determine the diversion rate.

The current system is complicated. To make it more understandable, let's discuss these three steps a little more:

1. Establishing a base-year,
2. Calculating generation each year, and
3. Measuring disposal each year.

First --- Base-years

To establish a base-year, jurisdictions estimate both their disposal and diversion amounts which together make up solid waste generation. Quantifying disposal at the 145 landfills and 3 transformation facilities that are permitted and required to report to the Board can be challenging, but quantifying diversion is much more difficult.

Diversion activities occur at many locations from your backyard compost pile to recycled product manufacturers to compost facilities. Most of these entities are not permitted and to encourage diversion statute has never required that diversion activities be reported by jurisdiction even at permitted diversion facilities. In addition, diversion activities are hard to quantify accurately. For example, source reduction prevents waste from ever being generated. While it is at the top of the solid waste management hierarchy, how do you measure something that is not there?

Most jurisdictions started with a 1990 base-year, but about half of them have done new-base-years. Old base-years are problematic because much has changed since 1990 and the methods we use to adjust for changes are not precise and cannot account for all the changes accurately. New base-years are also problematic. New base-years are expensive to create and jurisdictions spend considerable amounts of money to hire consultants instead of applying those resources to implement diversion programs. Sometimes the new base-years take full advantage of the difficulties of diversion measurement and push the bounds of creativity. As a result, it can be difficult to tell whether a jurisdiction has a high diversion rate because it has worked hard to implement effective programs or it has hired a creative consultant who has inflated diversion. In the world of base-years, bean-counting and number games abound.

Accuracy is the key concern with this base-year step, but complexity is an issue as well.

Second --- Calculating generation each year

To calculate current generation, we apply demographic factors to the base-year. The adjustment method uses changes in population, employment and taxable sales (as adjusted for inflation) to account for changes in solid waste generation since the base-year.

We know that the adjustment method does not fully account for changes in solid waste generation. While it is a complex calculation to do, it is much simpler than the complexities of the real world of solid waste. Some jurisdiction's growth is not adequately reflected because construction activities cannot be factored in

adequately. Other jurisdictions benefit from adjustment factors that over estimate their growth and inflate their diversion rates.

There are many choices of factors: 2 for population, 4 for employment, 2 for taxable sales, and at least 2 for inflation correction. These choices are needed because situations vary and some flexibility is needed to account for regional economies and such. However, it can also result in the process being just a numbers game of shopping for the factor combination that maximizes the generation amount and the diversion rate.

Many people struggle to understand the math and the relationships behind the math. Even with the Board's automated on-line calculators, many jurisdictions hire consultants to do their calculations for them.

The factors themselves also are problematic. They are produced by a variety of state agencies for their own purposes and released in accordance with their time schedules. As a result, over the years they have delayed diversion rate reporting more and more. Currently, some factors are released more than 12 months after a reporting year is over. As a result, reporting is delayed and jurisdictions do not know what specific target they should have been aiming at until long after they can do anything about it.

As you can see, accuracy, complexity and timeliness are all major concerns with this step.

Third --- Measuring disposal and comparing it to calculated generation

Disposal is the only actual measurement that we have. Generation is a calculation and diversion is just estimated by subtracting disposal from generation.

Starting in 2006, most disposal facilities are required to have scales and to track disposal by jurisdiction for most loads of solid waste delivered to their gates. Facilities and counties are still struggling with these new requirements. There will always be some misallocation at the jurisdiction level; most of it is probably unintentional.

Solid waste collection systems and routes can be complex and cross jurisdiction boundaries. Confusion over jurisdiction boundaries can cause haulers to misreport. Changes in staff can result in lapses in reporting by haulers and facilities. One route consistently being misallocated by a hauler to a small jurisdiction can dramatically reduce its diversion rate. Even a few loads of misallocated C&D at the landfill can impact a small jurisdiction.

The timing for disposal reporting does not involve the delays that are found with the adjustment factors. Most facilities collect origin data daily. Facilities and counties report quarterly. To the extent that this happens, jurisdictions can monitor their progress as the year unfolds. Many counties revise the numbers numerous times each year, but final disposal numbers should all be submitted to the Board by June for the previous calendar year.

While accuracy will always be an ongoing concern with disposal reporting, we can adjust and improve the system as we did with the latest round of regulations. If disposal reporting stays at the jurisdiction level, additional enforcement tools and penalties may be needed to ensure that we can get accurate and timely reports.

That was a quick review of the current diversion rate measurement system (even) if it did not seem quick, and a little bit about why it needs to change.

Overview of what SB 1016 will do - CIWMB

Feedback from our Alt Diversion Measurement System workshops, per AB 2202, led us to our recommendation to change the measurement system.

- Overwhelmingly stakeholders wanted a more timely system and more focus on program implementation than numbers, etc.
- At the time of the workshops many jurisdictions liked the concept of going to countywide number as an indicator only, with program review at the jurisdiction level being the focus.

The proposed language is meant to be a framework. So, we can easily alter the dates, the percentages, and/or the reporting frequency as we move forward. We are glad to be working with stakeholders and are eager to hear your feedback. In this section we will describe the proposal as written, but there is room for improvement and we can discuss both our rationale for the current language and our ideas for changes as we go through "a" to "d" later in the agenda.

As written, the major points in the proposal include:

1. Switching to disposal-based measurement
2. Switching to a set of aggressive disposal reduction goals.
3. Setting more lenient disposal reduction goals for jurisdictions in rural counties.
4. Changing the frequency of jurisdiction reporting and board review.
5. Setting parallel disposal reduction goals for state agencies.

1. FIRST --- DISPOSAL-BASED MEASUREMENT

For all the reasons we talked about above, the CIWMB proposes to switch to a disposal-based measurement system. This will save jurisdictions time and money and give us all a much simpler and more accurate measure of what is happening. CIWMB's preference is that this be at the county-wide level as an overall indicator, triggering program review at the jurisdiction level.

2. SECOND --- AGGRESSIVE DISPOSAL REDUCTION GOALS

We want the goals to be simpler, more accurate and more timely than what we described earlier. We want it to be clear before a year even starts what level of disposal will be required so that jurisdictions can monitor and adjust as needed, rather than waiting 18 months to see what they should have disposed. Disposal is the only thing we can really measure so the goal is a disposal reduction goal.

Since 1990 statewide disposal has essentially remained flat, while the diversion rate has risen from 17% to 54%. Given the population increases and economic growth in California since 1990, recycling that growth has been a major accomplishment. However, the Board feels it is time to move to the next level. Holding disposal at current levels until 2020 is projected to result in a 75% diversion rate. This proposal goes well beyond that goal but measures it through disposal reduction goals.

The proposed goals are aggressive. We want the goals to result in reductions in actual disposal. We need reductions in disposal to reduce GHGs, conserve resources and progress toward zero waste. Except for jurisdictions in rural counties, there are no adjustments for growth. It is impossible to allow for growth on the one-hand and have actual and dramatic reductions in disposal amounts on the other-hand.

The switch to disposal reduction goals addresses the biggest measurement concerns from various stakeholders --- reducing the bean-counting and complexity, reducing the number games and diversion inflation, and putting the focus back on diversion program implementation not numbers that should be just indicators of progress. As currently written:

- The disposal base year would be 2006 for all jurisdictions.
- Until 2010 our current goal of 50% would be active but jurisdictions would know that come 2010 they would also need to curb disposal to 2006 levels.

- In 2010 and 2011 jurisdictions would need to keep their disposal at or below 2006 levels.
- From 2012 through 2019 jurisdictions would need to keep their disposal 25% lower than 2006 levels.
- Starting in 2020, jurisdictions would need to keep their disposal 50% lower than 2006 levels.

3. THIRD --- MORE LENIENT DISPOSAL REDUCTION GOALS FOR JURISDICTIONS IN RURAL COUNTIES

We wanted to provide a second tier of disposal based goals for jurisdictions in counties that dispose of less than 100,000 tons per year. There are approximately 20 counties with disposal under 100,000 tons. Combined, all these counties make up less than 2% of statewide disposal. They also face many challenges from distance to markets and no curbs for curbside to minimal staffing with the fire chiefs being solid waste managers too. As currently written:

- Jurisdictions in rural counties would need to keep their disposal at or below 2006 levels, but they could adjust that amount based on the gross domestic product for California.
- In other words, they will meet the disposal reduction goal as long as their disposal does not grow faster than the California economy grows.

4. FOURTH --- CHANGING THE FREQUENCY OF JURISDICTION REPORTING AND BOARD REVIEW

We wanted to provide for jurisdiction reporting that is consistent with the frequency of Board review. Under the current system, jurisdictions report annually but the Board only conducts a biennial review.

By requiring less paperwork, we hope to allow both Board staff and jurisdiction staff to focus their attention and energy on diversion program implementation.

We also wanted to reward jurisdictions that are in compliance for 2006 by reducing the reporting frequency. As currently written:

- Jurisdictions who are found to be in compliance in 2006 will be required to submit a progress report once every four years.
- Jurisdictions who are found to be out of compliance in 2006 will be required to submit a progress report once every two years.
- The Board would conduct its reviews consistent with these timelines.

Please keep in mind that we will STILL have annual disposal information for each jurisdiction so we can monitor for changes in disposal patterns and bring issues to the Board earlier for direction.

5. FIFTH --- FOR CONSISTENCY THE PROPOSAL ALSO SETS PARALLEL DISPOSAL REDUCTION GOALS FOR STATE AGENCIES

Discussion on items that have been identified as concerns - All

(a) Why are we using 2006 as the base year? Could we use a three year average as the new base year?

We need to set a base from which to measure disposal, but there are several options we could use. We selected 2006 for several reasons:

- 2006 is a single starting point and would create a level playing field.
- 2006 is after all the 1066 extensions have expired so jurisdictions would all be starting from similar statuses.
- 2006 is after the disposal reporting improvements (scales, more frequent origin surveys, etc.) so the data should be more accurate.
- 2006 has already passed, so there is no way to manipulate the numbers for future benefit.

We could use an average of prior years. We could use the maximum disposal from a range of prior years to reflect the progress jurisdictions have already made. Older data, especially original base-year data which pre-dates the disposal reporting system is very inaccurate. Even disposal reporting data from the 1990s is much less accurate than 2006. It has taken time for haulers, facilities and counties to learn and adequately implement the disposal reporting system.

Jurisdictions have anomalous years in which disposal may be much higher than normal due to peak construction, a disaster, or major events. A high year like this will build in automatic disposal reduction credit when disposal returns to normal in subsequent years. Over longer periods, it is much more likely to include an atypical year. While it is true that for some jurisdictions 2006 may be higher than normal or lower than normal, we need to start somewhere. Changing the base would be a minor technical fix.

(b) Siting element of NDFE - should it include processing capacity or host credit language?

Including information on facilities' processing capacities whenever the NDFE is updated may be helpful for planning purposes both for local jurisdictions and the Board. However, statute may need to be amended to require facilities to provide this information.

Requiring minimum capacities would be a significant revision to the proposal. Currently jurisdictions are not required to locate diversion facilities in their community. Could this end up requiring a MRF in every city regardless of whether one is across the street in the next town over? Note that local governments can plan to use a facility but choose not use it. They can also plan to use a facility and then other jurisdictions get there first so they cannot. When we did siting elements, the requirement was to have 15 years of permitted disposal capacity --- there were two ways to do this: 1) city or county run landfills with 15 year capacity, or 2) contracts with landfills for 15 year capacity. Would we require jurisdictions to have contracts for diversion capacity? For what timeframe? By material? With specific end users, or just a hauler who says they will find end markets?

"Host credit" will complicate the disposal reduction system and encourage facilities that may not otherwise be necessary or efficient, while other activities are neglected.

(c) Transformation and biomass credit and how does it translate to a disposal measurement system?

As a preface, the proposed language is meant to set new, clear goals and establish a level playing field for moving forward. Since AB 939 was enacted, there have been numerous credits, re-definitions, adjustments, and corrections added to the statute. While everyone agrees that the system is too complicated and should be simplified, we anticipate that it will be difficult to change many or perhaps any of these modifications.

Transformation, biomass and emerging technologies all need to be clearly addressed in this proposal. Because they are very different in practical measurement terms it would really help if we can talk about them separately and not lump them together.

TRANSFORMATION

As currently defined, transformation (both counting disposal and credit for diversion) is limited to waste-to-energy at three existing facilities (1 in Stanislaus County and 2 in Los Angeles County). In the current diversion rate system, up to 10% of generation can be used for a transformation credit. In other words 10 out of the 50 "points" can come from transformation. Most jurisdictions dispose of less than this amount so all the waste they send to transformation counts as diversion. A few send far more to transformation and the remainder counts as

disposal in those cases. While the proposed language describes disposal as landfilling and transformation, that is used to set the initial level of annual disposal. We are not proposing to do away with the transformation credit.

Transformation facilities are permitted by the Board and required to report under the disposal reporting system. They will be part of the 2006 disposal base year and any credit will be easy to subtract. The proposal does not specify exactly how the transformation credit should be calculated. Whatever credit formula is selected it will be easy to subtract it from the amount of transformation reported initially as disposal in the disposal reporting system. We knew this would be a good topic for stakeholder discussions. There are two obvious options but they each have limitations:

1. Setting a percentage of disposal that is equivalent to the 10% of generation will depend on a jurisdiction's current diversion rate. At a 25% diversion rate (after the current transformation credit), the 10% of generation is equivalent to about 12% of disposal. At exactly 50% diversion rate (after the current transformation credit), the 10% of generation is equivalent to about 17% of disposal. At 75% diversion rate (after the current transformation credit), the 10% of generation is equivalent to about 29% of disposal.
2. Setting a tonnage cap based on 2006 levels would limit credit to those jurisdictions and amounts used in 2006. It could be seen as limiting other jurisdiction's options and holding transformation facilities below their full capacity if they had down time or did not operate to full capacity in 2006.

BIOMASS

In the current diversion rate system, up to 10% of generation can be used for a biomass credit (as long as no transformation credit is claimed). In other words 10 out of the 50 "points" can come from biomass. Few jurisdictions claim this credit. Few report biomass in excess of the credit and consequently biomass does not impact disposal amounts.

Biomass facilities are not permitted by the Board and are not required to report under the disposal reporting system. Biomass facilities will not be part of the 2006 disposal base year and it will be difficult to determine how to apply any credit. Much like in the current system, waste sent to biomass facilities will count once automatically by reducing the amount disposed and then may count a second time through a biomass credit.

While the proposed language is silent on the biomass credit, we are not proposing to do away with the biomass credit. It simply does not lend itself to inclusion. Since they are not reported as disposal, any biomass credit amount would need to be subtracted from the amount actually landfilled. Since biomass facilities do not report directly to the Board and they will not be part of the disposal base, it may be more difficult to fashion a logical biomass credit. Subtracting biomass from the amount actually landfilled is more than a little counter-intuitive. Stakeholder input and ideas would be appreciated.

EMERGING TECHNOLOGIES

Emerging technologies, if they are to be included, will need to be considered and placed into the disposal and/or diversion framework through legislation. There are no clear definitions or diversion credits for emerging technologies. How emerging technologies will fit into the permitting and reporting requirements is not clear. Stakeholder input and ideas would be appreciated.

(d) Reward/benefit for jurisdictions who are currently at 50 percent or higher?

As a preface, the proposed language is meant to set new goals and establish a level playing field for moving forward, so that all jurisdictions have clear goals.

It is true that different jurisdictions have put out different levels of effort and have achieved different results. However, it is also difficult to tell whether a high diversion rate is due to good program implementation or creative new base-years (source reduction calculations, pre-existing industrial diversion, or other atypical practices), creative adjustment factor selection and/or other number games. If diversion rates were somehow transformed into disposal reduction rates we would lock in all the current errors and inequities.

That being said, the current language proposes that jurisdictions who are in compliance in 2006 will report and be reviewed less often (every 4 years rather than every 2 years).

Stakeholder input and ideas would be appreciated.

DIVISION 30. WASTE MANAGEMENT

PART 1. INTEGRATED WASTE MANAGEMENT

Chapter 1. General Provisions

ARTICLE 1. FINDINGS AND DECLARATIONS

40001. (a) The Legislature declares that the responsibility for solid waste management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated within the state and shall oversee the design and implementation of local integrated waste management plans.

(b) The Legislature further declares that it is the policy of the state to assist local governments in minimizing duplication of effort, and in minimizing the costs incurred, in implementing this division through the development of regional cooperative efforts and other mechanisms which comply with this division.

(c) The Legislature further declares that market development is the key to successful and cost-effective implementation of the 25 percent and 50 percent diversion-solid waste disposal reduction requirements required pursuant to Section 41780, and that the state must take a leadership role, pursuant to Chapter 1 (commencing with Section 42000) of Part 3, in encouraging the expansion of markets for recycled products by working cooperatively with the public, private, and nonprofit sectors.

(d) The Legislature further declares that all solid waste should be properly managed in order to minimize the generation of waste, maximize the diversion of solid waste away from disposal facilities, and manage all solid waste to its highest and best use, in accordance with the waste management hierarchy in section 40051 and in support of the California Global Warming Solutions Act of 2006.

(e) The Legislature further declares that to increase the environmental benefits of diversion and decrease the environmental impacts of solid waste disposal, the amount of solid waste disposed annually must be decreased through the implementation of a comprehensive array of diversion programs.

(f) The Legislature further declares that the way in which diversion progress is measured needs to change to ensure increased accuracy, timeliness, and emphasis on implementing diversion programs instead of chasing numbers.

(g) The Legislature further declares that jurisdiction and statewide disposal and reductions in disposal shall be measured using the board's disposal reporting system pursuant to section 41821.5.

(h) The Legislature further declares that while the goals set forth in the Act are measured and discussed in terms of disposal reductions, the intent is for disposal to be reduced through source reduction, recycling and composting consistent with the waste management hierarchy in section 40051.

(i) The Legislature further declares that in order to allow jurisdictions time to build the necessary markets and diversion infrastructure, the new series of aggressive disposal reduction goals are to be phased in as follows:

(1) phase one (2010 through 2011) will limit disposal to 2006 disposal levels. By preventing increases in disposal due to economic growth, phase one will create increased diversion of materials from landfills and economic benefits as markets and infrastructure are developed and enhanced.

(2) phase two (2012 through 2019) will require annual disposal to be reduced by 25% compared to 2006 disposal levels.

(3) phase three will require annual disposal to be reduced by 50% compared to 2006 disposal levels starting on January 1, 2020. Holding statewide disposal at 2006 levels until 2020 would be approximately equivalent to 75% diversion statewide; further reducing statewide disposal by 50% by 2020 will be approximately equivalent to 88% diversion statewide.

(j) The Legislature further declares that most jurisdictions have made significant efforts in increasing diversion and decreasing disposal and that those jurisdictions who have exceeded existing goals and/or complied with existing laws should have those efforts recognized and not be penalized by uniform processes that treat all jurisdictions the same regardless of prior efforts and achievements.

(k) The Legislature further declares that because rural counties (counties which disposed of 100,000 tons or less in 2006), make up only 2% of statewide disposal, face unique challenges

with distance to markets and economies of scale and present the biggest challenge to accurate disposal goal measurement, they should have reduced goals which reflect these difficulties.

Chapter 2. Definitions

40105.5. "Base tonnage " means the total tonnage of solid waste disposed of by a jurisdiction during the calendar year 2006, as determined by the board pursuant to Section 41821.5.

40127. "Diversion program" means a program in the jurisdiction source reduction and recycling element, that have the purpose of diverting solid waste from landfill disposal or transformation, through source reduction, recycling, and composting activities.

40144. "Jurisdiction" means a city, county, city and county, or board approved regional agency.

40205. "Uniform Electronic Transactions Act" means Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code.

PART 2. INTEGRATED WASTE MANAGEMENT PLANS

Chapter 2. City Source Reduction and Recycling Elements

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

41033. Any waste characterization component prepared by a city pursuant to Section 41032, and any other information submitted by a city to the board on the quantities of solid waste disposed of by the city, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the board, to the maximum extent possible, to accurately measure the diversion requirements of ~~paragraph (2) of subdivision (a)~~ of Section 41780.

ARTICLE 3. SOURCE REDUCTION COMPONENT

41050. The city source reduction component shall include a program and implementation schedule which shows the methods by which the city will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of by the city to comply with the diversion requirements of Section 41780.

ARTICLE 4. RECYCLING COMPONENT

41070. The city recycling component shall include a program and implementation schedule which shows the methods by which the city will, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of by the city to comply with the diversion requirements of Section 41780.

ARTICLE 5. COMPOSTING COMPONENT

41200. The city composting component shall include a program and implementation schedule which shows the methods by which the city will, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of by the city to comply with the diversion requirements of Section 41780.

Chapter 3. County Source Reduction and Recycling Elements

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

41333. Any waste characterization component prepared by a county pursuant to Section 41332, and any other information submitted by a county to the board on the quantities of solid waste disposed of, shall include data which is as accurate as practicable, on the quantities of solid waste ~~generated, diverted, and~~ disposed of, to enable the board, to the maximum extent possible, to accurately measure the ~~diversion~~ requirements of ~~paragraph (2) of subdivision (a)~~ of Section 41780.

ARTICLE 3. SOURCE REDUCTION COMPONENT

41350. The county source reduction component shall include a program and implementation schedule which shows the methods by which the county will, in combination with the recycling and composting components, reduce a sufficient amount of solid waste disposed of within the unincorporated area of the county to comply with the ~~diversion~~ requirements of Section 41780.

ARTICLE 4. RECYCLING COMPONENT

41370. The county recycling component shall include a program and implementation schedule which shows the methods by which the county will, in combination with the source reduction and composting components, reduce a sufficient amount of solid waste disposed of within the unincorporated area of the county to comply with the ~~diversion~~ requirements of Section 41780.

ARTICLE 5. COMPOSTING COMPONENT

41400. The county composting component shall include a program and implementation schedule which shows the methods by which the county will, in combination with the source reduction and recycling components, reduce a sufficient amount of solid waste disposed of within the unincorporated area of the county to comply with the ~~diversion~~ requirements of Section 41780.

Chapter 4.5. Nondisposal Facility Elements

ARTICLE 3. REQUIREMENTS

41732. (a) City, county, and regional agency nondisposal facility elements prepared pursuant to Section 41730, 41731, or 41750.1, as the case may be, shall include a description of any new solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element and to thereby meet the ~~diversion~~ requirements of Section 41780. The nondisposal facility element may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element.

(b) In complying with the requirements of subdivision (a), the jurisdiction shall utilize the pertinent information that is available to it at the time that the nondisposal facility element is prepared.

Chapter 6. Planning Requirements

ARTICLE 1. WASTE DIVERSION

~~41780. (a) Each city or county source reduction and recycling element shall include an implementation schedule that shows both of the following:~~

~~— (1) For the initial element, the city or county shall divert 25 percent of all solid waste from landfill disposal or transformation by January 1, 1995, through source reduction, recycling, and composting activities.~~

~~— (2) Except as provided in Sections 41783, 41784, and 41785, for the first and each subsequent revision of the element, the city or county shall divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.~~

~~— (b) Nothing in this part prohibits a city or county from implementing source reduction, recycling, and composting activities designed to exceed these requirements.~~

(a) Commencing with January 1, 2010, each jurisdiction shall adequately implement the diversion programs set forth in its source reduction and recycling element and household hazardous waste element, including any amendments, revisions, or updates to the element, and any programs set forth in any time extensions, alternative requirements, or compliance orders approved pursuant to this part. The diversion programs shall be designed to reach or exceed the goals set forth in this section and these programs shall be adequate to accomplish this purpose consistent with Section 40051.

(b) The following disposal reduction goals shall apply:

(1) For jurisdictions in counties that disposed of 100,000 tons or more in 2006:

(A) From January 1, 2010 to December 31, 2011, a jurisdiction's annual disposal shall not exceed 2006 disposal.

(B) From January 1, 2012 to December 31, 2019, a jurisdiction's annual disposal shall be reduced by 25% compared to 2006 disposal.

(C) Starting on January 1, 2020, a jurisdiction's annual disposal shall be reduced by 50% compared to 2006 disposal.

(2) Starting on January 1, 2010, a jurisdiction in a county that disposed of less than 100,000 tons in 2006 shall not exceed 2006 disposal levels, as adjusted for economic growth using the percentage change in the Gross Domestic Product of California as published by the U.S. Department of Commerce.

(c) Nothing in this part prohibits a jurisdiction from implementing diversion programs to exceed these requirements.

41780.1. (a) Prior to January 1, 2010, Notwithstanding any other requirement of this part, for the purposes of determining the amount of solid waste that a regional agency is required to divert from disposal or transformation through source reduction, recycling, and composting to meet the diversion requirements of Section 41780., the regional agency shall use the solid waste disposal projections in the source reduction and recycling elements of the regional agency's member agencies. The method prescribed in Section 41780.2 shall be used to determine the maximum amount of disposal allowable to meet the diversion requirements of Section 41780.

(b) Notwithstanding any other requirement of this part, for the purposes of determining the amount of solid waste that a city or county is required to divert from disposal or transformation through source reduction, recycling, and composting to meet the diversion requirements of Section 41780, the city or county shall use the solid waste disposal projections in the source reduction and recycling elements of the city or county. The method prescribed in Section 41780.2 shall be used to determine the maximum amount of disposal allowable to meet the diversion requirements of Section 41780.

(c) To determine achievement of the diversion requirements of Section 41780 in 1995 and in the year 2000, projections of disposal amounts from the source reduction and recycling elements shall be adjusted to reflect annual increases or decreases in population and other factors affecting the waste stream, as determined by the board. By January 1, 1994, the board shall study the factors which affect the

generation and disposal of solid waste and shall develop a standard methodology and guidelines to be used by cities, counties, and regional agencies in adjusting disposal projections as required by this section.

(d) The amount of additional diversion required to be achieved by a regional agency to meet the diversion requirements of Section 41780 shall be equal to the sum of the diversion requirements of its member agencies. To determine the maximum amount of disposal allowable for the regional agency to meet the diversion requirements of Section 41780, the maximum amount of disposal allowable for each member agency shall be added together to yield the agency disposable maximum.

(e) This section shall remain in effect only until January 1, 2010 and as of that date is repealed.

41780.2. (a) Prior to January 1, 2010, Each city, county, or member agency of a regional agency shall determine the amount of reduction in solid waste disposal and the amount of additional diversion required from the base-year amounts by using the methods set forth in this section.

(b) The city, county, or member agency of a regional agency shall multiply the total amount of base-year solid waste generation, as adjusted using the methods described in subdivision (c) of Section 41780.1, by 0.75 to determine the maximum amount of total disposal allowable in 1995 to meet the diversion requirements of Section 41780.

(c) The city, county, or member agency of a regional agency shall multiply the total amount of base-year solid waste generation, as adjusted using the methods described in subdivision (c) of Section 41780.1, by 0.50 to determine the maximum amount of total disposal allowable in the year 2000 to meet the diversion requirements of Section 41780.

(d) The city, county, or member agency of a regional agency shall multiply the total amount of base-year solid waste generation, as adjusted using the methods described in subdivision (c) of Section 41780.1, by 0.25 to determine the minimum amount of total diversion needed in the year 1995 to meet the diversion requirements of Section 41780.

(e) The city, county, or member agency of a regional agency shall multiply the total amount of base-year solid waste generation, as adjusted using the methods described in subdivision (c) of Section 41780.1, by 0.50 to determine the minimum amount of total diversion needed in the year 2000 to meet the diversion requirements of Section 41780.

(f) The city, county, or member agency of a regional agency shall subtract the total amount of base-year existing diversion from the minimum total diversion required as determined in subdivision (d) or (e) to determine the amount of additional diversion needed to meet the diversion requirements of Section 41780. This amount of additional diversion shall be equal to the minimum amount of additional reduction in disposal amounts which is needed to comply with Section 41780.

(g) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

~~41781. (a) Except as provided in Sections 41781.1, and 41781.2, for the purpose of determining the base rate of solid waste from which diversion requirements shall be calculated, "solid waste" includes only the following:~~

~~—(1) The amount of solid waste generated within a local agency's jurisdiction, the types and quantities of which were disposed of at a permitted disposal facility as of January 1, 1990. Nothing in this section requires local agencies to perform waste characterization in addition to the waste characterization requirements established under Sections 41030, 41031, 41330, 41331, and 41332.~~

~~—(2) The amount of solid waste diverted from a disposal facility or transformation facility through source reduction, recycling, or composting.~~

~~—(b) For the purposes of this section, "solid waste" does not include any solid waste which would not normally be disposed of at a disposal facility.~~

~~—(c) For the purposes of this chapter, the amount of solid waste from which the required reductions are measured shall be the amount of solid waste existing on January 1, 1990, with future adjustments for increases or decreases in the quantity of waste caused only by changes in population or changes in the number or size of~~

~~governmental, industrial, or commercial operations in the jurisdiction.~~

(a) The disposal reduction requirements of section 41780 shall be measured by comparing a jurisdiction's base tonnage of solid waste disposed during calendar year 2006 to a jurisdiction's annual disposal in subsequent years.

(b) For 2006 and subsequent years, a jurisdiction's disposal shall include only solid waste disposed at landfills and transformation facilities as reported pursuant to section 41821.5

(c) The board shall determine the base tonnage of solid waste disposed of by each jurisdiction for calendar year 2006 pursuant to section 41821.5.

(d) The board shall determine the tonnage of solid waste disposed of by each jurisdiction annually thereafter pursuant to section 41821.5.

41781.1. (a) Prior to January 1, 2010, in determining that whether the diversion of sludge may be counted toward the diversion requirements established under Section 41780, but within 180 days of receiving such a request, the board shall do both of the following:

(1) Make a finding at a public hearing, based upon substantial evidence, that the sludge has been adequately analyzed and will not pose a threat to public health or the environment for the reuse which is proposed.

(A) Except as provided in subparagraph (B), prior to making the finding required to be made pursuant to this paragraph, the board shall consult with each of the following agencies, and obtain their concurrence in the finding, to the extent of each agency's jurisdiction over the sludge or its intended reuse:

(i) The state water board and the regional water boards.

(ii) The State Department of Health Services.

(iii) The State Air Resources Board and air pollution control districts and air quality management districts.

(iv) The Department of Toxic Substances Control.

(B) If, prior to the board making the finding required to be made pursuant to this paragraph, an agency specified in subparagraph (A) issues a permit, waste discharge requirements, or imposes other conditions for the reuse of sludge, the agency shall have been deemed to have concurred in that finding.

(2) Establish, or ensure that one or more of the agencies specified in subparagraph (A) of paragraph (1) establishes, ongoing monitoring requirements which ensure that the proposed sludge reuse does not pose a threat to health and safety or the environment.

(b) It is not the intent of this section to require the board, or the agencies listed in subparagraph (A) of paragraph (1) of subdivision (a), to impose additional requirements or approval procedures for sludge or sludge reuse applications, apart from the requirements and approval procedures already imposed by state and federal law. It is the intent of this section to require that the board determine that each sludge diversion, for which diversion credit is sought, meets all applicable requirements of state and federal law, and thereby provides for maximum protection of the public health and safety and the environment.

(c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

41781.2. (a) (1) It is the intent of the Legislature in enacting this section not to require cities, counties, and regional agencies to revise source reduction and recycling elements prior to their submittal to the board for review and approval, except as the elements would otherwise be required to be revised by the board pursuant to this part. Pursuant to Sections 41801.5 and 41811.5, compliance with this section shall be determined by the board when source reduction and recycling elements are submitted to the board pursuant to Section 41791.5. However, any city or county may choose to revise its source reduction and recycling element or any of its components prior to board review of the source reduction and recycling element for the purpose of complying with this section.

(2) It is further the intent of the Legislature in enacting this section to ensure that compliance with the diversion requirements of Section 41780 shall be accurately determined based upon a correlation between solid waste which was disposed of at permitted disposal facilities and diversion claims which are subsequently made for that solid waste.

(b) For the purposes of this section, the following terms have the following meaning:

(1) "Action by a city, county, regional, or local governing body" means franchise or contract conditions, rate or fee schedules, zoning or land use decisions, disposal facility permit conditions, or activities by a waste hauler, recycler, or disposal facility operator acting on behalf of a city, county,

regional agency, or local governing body, or other action by the local governing body if the local government action is specifically related to the claimed diversion.

(2) "Scrap metal" includes ferrous metals, nonferrous metals, aluminum scrap, other metals, and auto bodies, but does not include aluminum cans, steel cans, or bimetal cans.

(3) "Inert solids" includes rock, concrete, brick, sand, soil, fines, asphalt, and unsorted construction and demolition waste.

(4) "Agricultural wastes" includes solid wastes of plant and animal origin, which result from the production and processing of farm or agricultural products, including manures, orchard and vineyard prunings, and crop residues, which are removed from the site of generation for solid waste management. Agriculture refers to SIC Codes 011 to 0291, inclusive.

(c) Prior to January 1, 2010, for purposes of determining the base amount of solid waste from which the diversion requirements of this article shall be calculated, "solid waste" does not include the diversion of agricultural wastes; inert solids, including inert solids used for structural fill; discarded, white-coated, major appliances, and scrap metals; unless all of the following criteria are met:

(1) The city, county, or regional agency demonstrates that the material was diverted from a permitted disposal facility through an action by the city, county, or regional agency which specifically resulted in the diversion.

(2) The city, county, or regional agency demonstrates that, prior to January 1, 1990, the solid waste which is claimed to have been diverted was disposed of at a permitted disposal facility in the quantity being claimed as diversion. If historical disposal data is not available, that demonstration may be based upon information available to the city, county, or regional agency which substantiates a reasonable estimate of disposal quantities which is as accurate as is feasible in the absence of historical disposal data.

(3) The city, county, or regional agency is implementing, and will continue to implement, source reduction, recycling, and composting programs, as described in its source reduction and recycling element.

(d) If a city, county, or regional agency source reduction and recycling element submitted pursuant to this chapter includes the diversion of any of the wastes specified in subdivision (c) for years preceding the year commencing January 1, 1990, that diversion shall not apply to the diversion requirements of Section 41780, unless the criteria in subdivision (c) are met.

(e) If a city, county, or regional agency source reduction and recycling element submitted pursuant to this chapter does not contain information sufficient for the city, county, or regional agency to demonstrate to the board whether the criteria in subdivision (c) have been met, the city, county, or regional agency may provide additional information following board review of the source reduction and recycling element pursuant to Section 41791.5. In providing the additional information, Sections 41801.5 and 41811.5 shall apply.

(f) In demonstrating whether the requirements of paragraph (1) of subdivision (c) have been met, the city, county, or regional agency shall submit information to the board on local government programs which are specifically related to the claimed diversion.

(g) Notwithstanding any other provision of law, for purposes of determining the base amount of solid waste from which the diversion requirements of this article shall be calculated for a city, county, or regional agency which includes biomass conversion in its source reduction and recycling element pursuant to Section 41783.1, the base amount shall include those materials disposed of in the base year at biomass conversion facilities.

(h) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

41782. (a) The board may make adjustments to the amounts reported pursuant to subdivisions (a) and (c) of Section 41821.5, if the city, county, or regional agency demonstrates, and the board concurs, based on substantial evidence in the record, that achievement of the ~~diversion~~ requirements of Section 41780 is not feasible due to either of the following circumstances:

(1) A medical waste treatment facility, as defined in subdivision (a) of Section 25025 of the Health and Safety Code, accepts untreated medical waste, which was generated outside of the jurisdiction, for purposes of treatment, and the medical waste, when treated, becomes solid waste.

(2) (A) A regional diversion facility within the jurisdiction accepts material generated outside the jurisdiction and the conversion or processing of that material results in the production of residual solid waste that cannot feasibly be diverted. Any adjustment provided pursuant to this paragraph shall apply only to that portion of the residual solid waste produced as a consequence of processing material that is not subject to the reporting requirements of subdivisions (a) and (c) of Section 41821.5 and that cannot feasibly be allocated to the originating jurisdiction.

(B) For purposes of granting the reduction specified in subparagraph (A) and for the purpose of calculating compliance with the ~~diversion~~-requirements of Section 41780, "regional diversion facility" means a facility which meets all of the following criteria:

(1) The facility accepts material for recycling from both within and without the jurisdiction of the city or county within which it is located.

(2) All material accepted by the facility has been source-separated for the purpose of being processed prior to its arrival at the facility.

(3) The residual solid waste generated by the facility is a byproduct of the recycling that takes place at the facility.

(4) The facility is not a solid waste facility or solid waste handling operation pursuant to Section 43020.

(5) The facility contributes to regional efforts to divert solid waste from disposal.

(b) If the board makes an adjustment pursuant to subdivision (a), the annual report required pursuant to Section 41821 by the jurisdiction, within which a medical waste treatment facility or regional diversion facility described in subdivision (a) is located, shall include all of the following information:

(1) The total amount of residual solid waste produced at the facility.

(2) The waste types and amounts in the residual solid waste that cannot feasibly be diverted.

(3) The factors that continue to prevent the waste types from being feasibly diverted.

(4) Any changes since the petition for adjustment was granted or since the last annual report.

(5) The additional efforts undertaken by the jurisdiction to divert the waste produced at the facility.

(c) Based upon the information submitted pursuant to subdivision (b), if the board finds, as part of the biennial review pursuant to Section 41825, that the residual solid waste that previously could not be diverted can now be diverted, the board shall rescind the adjustment commensurate with the amount of diversion of the residual tonnages.

(d) It is not the intent of the Legislature to exempt any solid waste facility or handling operation from periodic tracking and the reporting of disposal tonnages in accordance with the regulations adopted by the board pursuant to subdivisions (a) and (c) of Section 41821.5, or from the permitting requirements pursuant to Section 43020.

41786. (a) Notwithstanding Section 41780, the board may ~~reduce~~ modify the ~~diversion~~ requirements specified in Section 41780 for any city or county which, on or before January 1, 1990, disposed of 75 percent or more of its solid waste, collected by the jurisdiction or its authorized agents or contractors, by transformation if either of the following conditions exist:

(1) The attainment of the ~~25 percent or 50 percent diversion~~ requirements specified in Section 41780 will result in substantial impairment of the obligations of one or more contracts in existence on January 1, 1990, for the city or county to furnish solid waste for fuel. A substantial impairment of obligations includes, but is not limited to, instances where a city has entered into a contract or franchise for 20 or more years with a joint powers authority for the operation of a transformation facility, and meeting the ~~diversion~~ requirements of Section 41780 may increase the city's costs by 15 percent or more.

(2) The attainment of the ~~25 percent or 50 percent diversion~~ requirements specified in Section 41780 will substantially interfere with the repayment of debt incurred to finance or refinance the transformation project, if the refinancing is done for the purpose of reducing debt service and not for the expansion of the transformation project.

(b) If the board ~~reduces~~ modifies the ~~diversion~~ requirements for a city or county pursuant to subdivision (a), the board shall establish new ~~diversion~~ requirements which require the maximum feasible amount of source reduction, recycling, and composting but which will not result in the conditions described in paragraphs (1) and (2) of subdivision (a).

ARTICLE 1.5. RURAL ASSISTANCE

41787. (a) (1) The board may reduce the ~~diversion~~-requirements of Section 41780 for a rural city if the rural city demonstrates, and the board concurs, based on substantial evidence in the record, that achievement of the ~~diversion~~-requirements is not feasible due to both of the following conditions:

(A) The small geographic size or low population density of the rural city.

(B) The small quantity of solid waste generated within the rural city.

(2) The board may reduce the ~~diversion~~-requirements of Section 41780 for the unincorporated area of a rural county if the rural county demonstrates, and the board concurs, based on substantial evidence in

the record, that achievement of the ~~diversion~~ requirements is not feasible due to both of the following conditions:

(A) The large geographic size or low population density of the rural county.

(B) The small quantity of solid waste generated within the rural county.

(3) The board may grant a reduction in ~~diversion~~ requirements pursuant to this subdivision only if the rural city or the rural county demonstrates to the board, and the board concurs, based on substantial evidence in the record, that it has, at a minimum, implemented all of the following programs:

(A) A source reduction and recycling program designed to handle the predominant classes and types of solid waste generated within the rural city or rural county.

(B) A public sector diversion and procurement program.

(C) A public information and education program.

(b) If, as part of the review performed pursuant to Section 41825, the board finds that a rural city or a rural county, which previously qualified for a reduction in ~~diversion~~ requirements pursuant to subdivision (a), is no longer eligible for that reduction, the board shall issue an order requiring the rural city or rural county to comply with the ~~diversion~~ requirements of Section 41780.

41787.1. (a) Rural cities and rural counties may join to form rural regional agencies pursuant to Article 3 (commencing with Section 40970) of Chapter 1.

(b) A rural regional agency, and not the rural cities or rural counties which are member jurisdictions of the rural regional agency, may be responsible for compliance with Article 1 (commencing with Section 41780) of Chapter 6 if specified in the agreement pursuant to which the rural regional agency is formed.

(c) (1) The board may reduce the ~~diversion~~ requirements of Section 41780 for a rural regional agency, if the rural regional agency demonstrates, and the board concurs, based on substantial evidence in the record, that achievement of the ~~diversion~~ requirements is not feasible because adverse market or economic conditions beyond the control of the rural regional agency prevent it from meeting the requirements of Section 41780.

(2) Before a rural regional agency may be granted a reduction in ~~diversion~~ requirements pursuant to paragraph (1), it shall demonstrate that, at a minimum, it has established all of the following regionwide programs:

(A) A source reduction and recycling program or programs designed to handle the predominant classes and types of solid waste generated within the rural regional agency.

(B) A regional diversion and procurement program or programs.

(C) A regional public information and education program or programs.

(d) (1) Notwithstanding Section 40974, any civil penalty imposed on a rural regional agency by the board pursuant to Section 41813 or 41850 shall be imposed only on a member rural city or county that is in violation of this division as a city or county irrespective of its membership in the rural regional agency. If a rural regional agency elects to apportion penalties pursuant to this subdivision, the member jurisdiction to that rural regional agency shall, as a condition of the agreement establishing the rural regional agency, be required to account on an individual jurisdictional basis for their compliance with the ~~diversion~~ requirements of Section 41780, as prescribed by Section 41780.2.

(2) In determining whether to impose a penalty on a member of a rural regional agency pursuant to this subdivision, the board may consider all of the following:

(A) The relevant circumstances that resulted in the agency's failure to achieve the ~~diversion~~ requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, and whether the member contributed to the circumstances that resulted in the failure to achieve the ~~diversion~~ requirements.

(B) Whether the agency's joint powers agreement specifies that all liability for fines and penalties rests with the member, with no liability assigned to the agency.

(C) Whether the imposition of penalties on members and not on the agency would provide for flexibility that would allow the agency to resolve the problem that is preventing the members from meeting the ~~diversion~~ requirements.

(D) Limiting penalties to a maximum of ten thousand dollars (\$10,000) per day if a member's failure does not cause other members or the agency to fail to implement programs in the agency's source reduction and recycling element.

41787.2. (a) Prior to January 1, 2010, A rural city or a rural county, which has received, or is eligible for, a reduction in diversion requirements pursuant to Section 41787, may become a member of a rural regional agency for the purpose of complying with the diversion requirements of Section 41780, in which case the region's maximum disposal tonnage allowable shall be calculated as follows:

- (1) Determining the regional maximum disposal tonnage allowable, excluding members with reduced diversion requirements.
 - (2) Determining the maximum disposal tonnage allowable for those members authorized to meet reduced diversion requirements.
 - (3) Adding the calculated maximum disposal tonnages determined pursuant to paragraphs (1) and (2) to determine the regional maximum disposal tonnage allowable.
- (b) (1) A rural regional agency may not assume responsibility for compliance with diversion requirements upon formation pursuant to subdivision (b) of Section 41787.1, and for compliance with Article 1 (commencing with Section 41780), if the rural regional agency is comprised of more than two rural counties, unless authorized by the board pursuant to paragraph (2).
 - (2) The board may authorize the assumption of responsibility for compliance with the diversion requirements by a rural regional agency upon formation, which is comprised of more than two rural counties, if the board finds that the rural regional agency's assumption of responsibility will not adversely affect compliance with this part.
- (c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

41787.4. Prior to January 1, 2010, Notwithstanding Section 41820, the board may grant a two-year time extension from the diversion requirements of Section 41780 to a rural city, rural county, or rural regional agency if all of the following conditions are met:

- (a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural regional agency from meeting the diversion requirements.
 - (b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.
 - (c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.
- (d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

Chapter 7. Approval of Local Planning

ARTICLE 1. BOARD APPROVAL

41801. Before approving or conditionally approving a countywide or regional integrated waste management plan, or any element of the plan, pursuant to Section 41800, the board shall adopt written findings, based on substantial evidence in the record, that implementing the plan or element will achieve the requirements established pursuant to this part, including the diversion requirements of Section 41780.

41801.5. (a) Prior to January 1, 2010, If an element submitted to the board for final review includes the diversion of any solid wastes specified in subdivision (c) of Section 41781.2 for years preceding the year commencing January 1, 1990, and the board is unable to determine whether the requirements of Section 41781.2 have been met, the board shall notify the city, county, or regional agency that the diversion is excluded for purposes of calculating compliance with Section 41780. The board shall notify the city, county, or regional agency of the exclusion within 60 days from the date of receipt of the element for final review. If an element has been submitted to the board for final review prior to January 1, 1993, the board shall notify the submitting city, county, or regional agency of the exclusion on or before March 1, 1993.

(b) The notice shall be based upon a summary review undertaken solely for the purpose of determining whether the source reduction and recycling element includes any diversion of wastes excluded by Section 41781.2, and whether the element contains information sufficient for the board to determine whether the requirements of that section have been met. The summary review and notice shall be undertaken by the board concurrent with the board's review and approval, conditional approval, or disapproval of source reduction and recycling elements pursuant to Section 41800.

(c) The board shall approve or conditionally approve the source reduction and recycling element, if wastes have been excluded pursuant to Section 41781.2, if the board finds, pursuant to Section 41801, that,

notwithstanding that exclusion, the element will achieve the requirements established pursuant to this part, including the diversion requirements of Section 41780.

(d) If the source reduction and recycling element is approved or conditionally approved pursuant to this section, the city, county, or regional agency shall revise the element to reflect the excluded wastes and shall submit any such revisions to the board pursuant to Section 41822.

(e) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

ARTICLE 2. DEFICIENCIES

41811.5. (a) Prior to January 1, 2010, if the board disapproves an element for which a city, county, or regional agency has received a notification of excluded wastes pursuant to Section 41801.5, the city, county, or regional agency may, concurrent with the procedures specified in Section 41811, submit additional information to substantiate that the requirements of Section 41781.2 have been met. The additional information shall be submitted to the board within 60 days of disapproval of the element.

(b) Following the receipt of additional information pursuant to subdivision (a) the board shall determine, within 60 days, whether all, or a portion of, the excluded waste will be included in the source reduction and recycling element for purposes of calculating compliance with Section 41780.

(c) Based upon the board's determination pursuant to subdivision (b), the city, county, or regional agency shall revise its source reduction and recycling element to correct any deficiencies resulting from the exclusion of wastes pursuant to Section 41781.2, and shall resubmit the element to the board. The element shall be resubmitted within 120 days of a board determination pursuant to subdivision (b). Notwithstanding Section 41811, if an element is disapproved pursuant to Section 41800, and the notice of deficiency issued pursuant to Section 41810 identifies reasons for disapproval, including, but not limited to, noncompliance with Section 41781.2, the city, county, or regional agency shall correct all deficiencies, and readopt and resubmit the element to the board pursuant to the requirements of this section.

(d) In revising the source reduction and recycling element to address deficiencies arising from noncompliance with Section 41781.2, a city, county, or regional agency may limit the revisions to an identification and description of the specific measures that will be undertaken to achieve compliance with Section 41780.

(e) If a city, county, or regional agency is unable to resubmit the source reduction and recycling element within 120 days, the board may, on a case-by-case basis, extend the deadline imposed by subdivision (c) for submittal of a revised element.

(f) This section shall remain in effect only until January 1, 2010, and as of that date is repealed.

ARTICLE 3. OTHER PROVISIONS

41820.6. (a) In addition to its authority under Section 41820, the board may, after a public hearing, grant a time extension from the diversion requirements of Section 41780 to a city if both of the following conditions exist:

(1) The city was incorporated pursuant to Division 3 (commencing with Section 56000) of Title 5 of the Government Code on or after January 1, 2001.

(2) The county within which the city is located did not include provisions in its franchises that ensured that the now incorporated area would comply with the diversion requirements of Section 41780.

(b) The board may authorize a city that meets the requirements of subdivision (a) to submit a source reduction and recycling element that includes an implementation schedule that shows that the city shall divert 50 percent of its estimated generation amount of solid waste from landfill or transformation facilities meet the requirements of Section 41780, within three years from the date on which the source reduction and recycling element is due pursuant to subdivision (b) of Section 41791.5, through source reduction, recycling, and composting activities.

~~41821. (a) (1) Each year following the board's approval of a city, county, or regional agency's source reduction and recycling element, household hazardous waste element, and nondisposal facility element, the city, county, or regional agency shall submit a report to the board summarizing its progress in reducing solid waste as required by Section 41780.~~

~~—(2) The annual report shall be due on or before August 1 of the year following board approval of the source reduction and recycling element, the household hazardous waste element, and the nondisposal facility element, and on or before August 1 in each subsequent year. The information in this report shall encompass the previous calendar year, January 1 to December 31, inclusive.~~

~~—(b) Each jurisdiction's annual report to the board shall, at a minimum, include the following:~~

~~—(1) Calculations of annual disposal reduction.~~

~~—(2) Information on the changes in waste generated or disposed of due to increases or decreases in population, economics, or other factors in complying with subdivision (c) of Section 41780.1.~~

~~—(3) A summary of progress made in implementing the source reduction and recycling element and the household hazardous waste element. The city, county, or regional agency may also include information about existing and new programs it is implementing that are not part of the original or modified source reduction and recycling element adopted by the jurisdiction and approved by the board to achieve the diversion requirements of Section 41780.~~

~~—(4) A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government and quantitative data, where available.~~

~~—(5) If the jurisdiction has been granted a time extension by the board pursuant to Section 41820, the jurisdiction shall include a summary of progress made in meeting the source reduction and recycling element implementation schedule pursuant to paragraph (2) of subdivision (a) of Section 41780 and complying with the jurisdiction's plan of correction, prior to the expiration of the time extension.~~

~~—(6) If the jurisdiction has been granted an alternative source reduction, recycling, and composting requirement pursuant to Section 41785, the jurisdiction shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.~~

~~—(7) Other information relevant to compliance with Section 41780.~~

~~—(c) A jurisdiction may also include, in the report required by this section, all of the following:~~

~~—(1) Any factor that the jurisdiction believes would affect the accuracy of the estimated waste disposal reduction calculation provided in the report pursuant to paragraph (1) of subdivision (b) to accurately reflect the changes in the amount of solid waste that is actually disposed. The jurisdiction may include, but is not limited to including, all of the following factors:~~

~~—(A) Whether the jurisdiction hosts a solid waste facility.~~

~~—(B) The effects of self-hauled waste and construction and demolition waste.~~

~~—(C) The original or subsequent base year calculation, the amount of orphan waste, and the waste disposal reduction adjustment methodology.~~

~~—(2) Information regarding the programs the jurisdiction is undertaking to respond to the factors specified in paragraph (1), and why it is not feasible to implement programs to respond to other factors that affect the amount of waste that is disposed.~~

~~—(3) An estimate that the jurisdiction believes reflects that jurisdiction's annual reduction or increase in the disposal of solid~~

waste.

~~— (d) The board shall use, but is not limited to the use of, the annual report in the determination of whether the jurisdiction's source reduction and recycling element needs to be revised.~~

~~— (e) (1) The board shall adopt procedures for requiring additional information in a jurisdiction's annual report. The procedures shall require the board to notify a jurisdiction of any additional required information no later than 120 days after the board receives the report from the jurisdiction.~~

~~— (2) Paragraph (1) does not prohibit the board from making additional requests for information in a timely manner. A jurisdiction receiving a request for information shall respond in a timely manner.~~

~~— (f) The board shall adopt procedures for conferring with a jurisdiction regarding the implementation of a diversion program or changes to a jurisdiction's calculation of its annual disposal reduction.~~

(a) If the board found a jurisdiction in compliance with Section 41780 for calendar year 2006, then on or before September 2013, and on or before September 1 every four years thereafter, a jurisdiction shall submit a report that encompasses the previous four calendar years from January 1 to December 31, inclusive to the board.

(b) If the board did not find a jurisdiction in compliance with Section 41780 for calendar year 2006, then on or before September 1, 2011, and on or before September 1 every two years thereafter, a jurisdiction shall submit a report that encompasses the previous two calendar years from January 1 to December 31, inclusive, to the board

(c) The report to the board shall include all of the following information:

(1) A summary of the jurisdiction's implementation of diversion programs set forth in its source reduction and recycling element and the programs set forth in its household hazardous waste element.

(2) An update of the jurisdiction's source reduction and recycling element and household hazardous waste element to include any new or expanded programs the jurisdiction has implemented or plans to implement.

(3) An update of the jurisdiction's nondisposal facility element to reflect all new or expanded nondisposal facilities the jurisdiction is using or planning to use.

(4) A summary of progress made in diversion of construction and demolition of waste material, including information on programs and ordinances implemented by the local government and quantitative data, where available.

(d) In addition to the requirements listed above, the report may include the following:

(1) any information on disposal reported pursuant to section 41821.5 that the jurisdiction believes may be relevant to the board's determination of whether or not the jurisdiction has met the disposal reduction requirements of section 41780(b).

(2) any disposal characterization studies or other studies done that show the effectiveness of the programs being implemented.

(3) any factors that the jurisdiction believes would affect the accuracy of, or mitigate the amount of, solid waste disposed by the jurisdiction including, but is not limited to:

(A) Whether the jurisdiction hosts a solid waste facility or diversion facility.

(B) The effects of self-hauled waste and construction and demolition waste.

(4) Information regarding any programs the jurisdiction is undertaking to address specific disposal challenges and why it is not feasible to implement programs to respond to other factors that affect the amount of waste disposed.

(5) Other information describing the good faith efforts of the jurisdiction.

(e) The board shall use, but is not limited to the use of, the progress report in the determination of whether the jurisdiction's source reduction and recycling element needs to be updated.

(f) (1) The board shall adopt procedures for requiring additional information in a jurisdiction's progress report. The procedures shall require the board to notify a jurisdiction of any additional required information no later than 120 days after the board receives the report from the jurisdiction.

(2) Paragraph (1) does not prohibit the board from making additional requests for information in a timely manner. A jurisdiction receiving a request for information shall respond in a timely manner.

(g) The board shall adopt procedures for conferring with a jurisdiction regarding the implementation of a diversion programs.

(h) Notwithstanding the Uniform Electronic Transactions Act, the progress report shall be submitted electronically using the board's electronic reporting format system.

ARTICLE 4. REVIEW AND ENFORCEMENT

~~41825. (a) At least once every two years, the board shall review each city, county, or regional agency source reduction and recycling element and household hazardous waste element.~~

~~— (b) If after a public hearing, which, to the extent possible, is held in the local or regional agency's jurisdiction, the board finds that the city, county, or regional agency has failed to implement its source reduction and recycling element or its household hazardous waste element, the board shall issue an order of compliance with a specific schedule for achieving compliance. The compliance order shall include those conditions that the board determines to be necessary for the local agency or regional agency to complete in order to implement its source reduction and recycling element or household hazardous waste element.~~

~~— (c) (1) The board shall confer with a jurisdiction regarding conditions relating to a proposed order of compliance, with a first meeting occurring not less than 60 days before issuing a notice of intent to issue an order of compliance.~~

~~— (2) The board shall issue a notice of intent to issue an order of compliance not less than 30 days before the board holds a hearing to issue the notice of compliance. The notice of intent shall specify all of the following:~~

~~— (A) The proposed basis for issuing an order of compliance.~~

~~— (B) Proposed actions that board staff recommends are necessary for the jurisdiction to complete in order to implement its source reduction and recycling element or household hazardous waste element.~~

~~— (C) Proposed staff recommendations to the board.~~

~~— (3) The board shall consider any information provided pursuant to subdivision (c) of Section 41821 if the proposed issuance of an order of compliance involves changes to a jurisdiction's calculation of annual disposal reduction.~~

(a) If the board found a jurisdiction in compliance with Section 41780 for calendar year 2006, then at least every four years commencing in January 2013, the board shall review each jurisdiction source reduction and recycling element and household hazardous waste element.

(b) If the board did not find a jurisdiction in compliance with Section 41780 for calendar year, then at least once every two years commencing in 2011, the board shall review each jurisdiction source reduction and recycling element and household hazardous waste element.

(c) For the purposes of this section, "good faith effort" means all reasonable and feasible efforts by a jurisdiction to implement those programs or activities identified in its source

reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(d) The board shall consider the following when considering whether a jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element:

(1) Natural disasters.

(2) Budgetary conditions within a jurisdiction that could not be remedied by the imposition or adjustment of solid waste fees.

(3) Work stoppages that directly prevent a jurisdiction from implementing its source reduction and recycling element or household hazardous waste element.

(4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction.

(5) The extent to which a jurisdiction has implemented additional source reduction, recycling, and composting activities.

(6) The extent to which the jurisdiction is implementing programs to prevent an increase in countywide disposal as compared to the base tonnage year.

(7) Whether a local jurisdiction has provided information to the board concerning whether construction and demolition waste material is at least a moderately significant portion of the waste stream, and, if so, whether the local jurisdiction has adopted an ordinance for diversion of construction and demolition waste materials from solid waste disposal facilities, has adopted a model ordinance pursuant to subdivision (a) of Section 42912 for diversion of construction and demolition waste materials from solid waste disposal facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

(8) For purposes of this section "good faith effort" may also include the evaluation by a jurisdiction of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the jurisdiction to adequately address all sources of significant disposal and the jurisdiction has submitted a compliance schedule (pursuant to Section 41825), and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(9) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

(e) If after a public hearing, which, to the extent possible, is held in the local or regional agency's jurisdiction, the board finds that the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board shall initiate the process to issue an order of compliance with a specific schedule for achieving compliance.

(ef) (1) The board shall confer with a jurisdiction regarding conditions relating to a proposed order of compliance, with a first meeting occurring not less than 60 days before issuing a notice of intent to issue an order of compliance.

(2) The board shall issue a notice of intent to issue an order of compliance not less than 30 days before the board holds a hearing to issue the notice of compliance. The notice of intent shall specify all of the following:

(A) The proposed basis for issuing an order of compliance.

(B) Proposed actions that board staff recommends are necessary for the jurisdiction to complete in order to implement its source reduction and recycling element or household hazardous waste element.

(C) Proposed staff recommendations to the board.

(3) The board shall consider any information provided pursuant to section 41821 if the proposed issuance of an order of compliance involves changes to a jurisdiction's calculation of annual disposal reduction.

(g) The board may issue a compliance order only if the board determines that the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element, including updates, or its household hazardous waste element, including updates and has determined that additional program implementation is necessary to adequately address all significant sources of disposal.

(1) In making a determination, the board may consider jurisdiction disposal reduction progress only as an indication of whether the jurisdiction adequately implemented its diversion programs but shall not consider this fact to be determinative as to whether the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element.

(h) In addition to considering the good faith efforts to implement a diversion program, the board shall consider all of the following factors in determining whether or not to issue a compliance order:

(A) The rural nature of the jurisdiction.

(B) Whether exceptional growth rate that may have affected compliance.

(C) Other information that the jurisdiction may provide that indicates the effectiveness of the jurisdiction's programs, such as disposal characterization studies, or other jurisdiction-specific information.

(i) The compliance order shall include those conditions that the board determines to be necessary for the jurisdiction to complete in order to implement its source reduction and recycling element or household hazardous waste element.

ARTICLE 5. ENFORCEMENT

41850. (a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the ~~city, county, and regional agency jurisdiction~~ has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars (\$10,000) per day until the ~~city, county, and regional agency jurisdiction~~ implements the element.

(b) In determining whether or not to impose any penalties, or in determining the amount of any penalties imposed under this section, including any penalties imposed due to the exclusion of solid waste pursuant to Section 41781.2 that results in a reduction in the quantity of solid waste diverted by a ~~city, county, and regional agency jurisdiction~~, the board shall consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. In addition, the board shall consider only those relevant circumstances that have prevented a ~~city, county, and regional agency jurisdiction~~ from meeting the requirements of this division, including the ~~diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780~~, including, but not limited to, all of the following:

(1) Natural disasters.

(2) Budgetary conditions within a ~~city, county, and regional agency jurisdiction~~ that could not be remedied by the imposition or adjustment of solid waste fees.

(3) Work stoppages that directly prevent a ~~city, county, and regional agency jurisdiction~~ from implementing its source reduction and recycling element or household hazardous waste element.

(4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.

(c) In addition to the factors specified in subdivision (b), the board shall consider all of the following:

(1) The extent to which a ~~city, county, and regional agency jurisdiction~~ has implemented additional source reduction, recycling, and composting activities to comply with the ~~diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.~~

(2) The extent to which a ~~city, county, and regional agency jurisdiction~~ is meeting the ~~diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.~~

(3) Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.

(4) Whether a local jurisdiction has provided information to the board concerning whether construction and demolition waste material is at least a moderately significant portion of the waste stream, and, if so, whether the local jurisdiction has adopted an ordinance for diversion of construction and demolition waste materials from solid waste disposal facilities, has adopted a model ordinance pursuant to subdivision (a) of Section 42912 for diversion of construction and demolition waste materials from solid waste disposal facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

(d) (1) For the purposes of this section, "good faith effort" means all reasonable and feasible efforts by a ~~city, county, and regional agency jurisdiction~~ to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(2) For purposes of this section "good faith effort" may also include the evaluation by a ~~city, county, and regional agency jurisdiction~~ of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the ~~city, county, and regional agency jurisdiction~~ to meet the ~~diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780,~~ provided that the ~~city, county, and regional agency jurisdiction~~ has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(3) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

41850.5. Any administrative civil penalty imposed by the board pursuant to Section 41813 or 41850 shall be deposited in the Local Government Assistance Account, which is hereby created in the Integrated Waste Management Fund. Any funds deposited in that account shall be used solely for the purposes of assisting local governments in complying with the ~~diversion requirements established under Section 41780,~~ and shall not be used by the board for administrative purposes.

41851. Nothing in this chapter shall infringe on the existing authority of counties and cities to control land use or to make land use decisions, and nothing in this chapter provides or transfers new authority over that land use to the board.

PART 3. STATE PROGRAMS

Chapter 18.5. State Agency Integrated Waste Management Plan

~~42921. (a) Each state agency and each large state facility shall divert at least 25 percent of all solid waste generated by the state agency from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and composting activities.~~

~~(b) On and after January 1, 2004 2010, each state agency and each large state facility shall adequately implement the diversion programs set forth in its integrated waste management plan.~~

~~(b) The diversion programs in the integrated waste management plan shall be designed to meet the following disposal reduction goals:~~

~~(1) From January 1, 2010 to December 31, 2011, annual disposal shall not exceed 2006 disposal.~~

(2) From January 1, 2012 to December 31, 2019, annual disposal shall be reduced by 25% compared to 2006 disposal.

(3) Starting on January 1, 2020, annual disposal shall be reduced by 50% compared to 2006 disposal.

divert at least 50 percent of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.

42922. (a) On and after January 1, 2002, upon the request of a state agency or a large state facility, the board may establish a source reduction, recycling, and composting requirement that would be an alternative to the 50 percent requirement imposed pursuant to subdivision (b) of Section 42921, if the board holds a public hearing and makes all of the following findings based upon substantial evidence on the record:

(1) The state agency or a large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.

(2) The state agency or the large state facility has been unable to meet the 50 percent diversion requirement despite implementing the measures described in paragraph (1).

(3) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the state agency or the large state facility may reasonably and feasibly achieve.

(b) In making the decision whether to grant an alternative requirement pursuant to subdivision (a), and in determining the amount of the alternative requirement, the board shall consider circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the state agency or the large state facility. The state agency or the large state facility may provide the board with any additional information that the state agency or the large state facility determines to be necessary to demonstrate to the board the need for the alternative requirement.

(c) If a state agency or a large state facility that requests an alternative source reduction, recycling, and composting requirement has not previously requested an extension pursuant to Section 42923, the state agency or the large state facility shall provide information to the board that explains why it has not requested an extension.

(d) A state agency or a large state facility that has previously been granted an alternative source reduction, recycling, and composting requirement may request another alternative source reduction, recycling, and composting requirement. A state agency or a large state facility that requests another alternative requirement shall provide information to the board that demonstrates that the circumstances that supported the previous alternative source reduction, recycling, and composting requirement continue to exist, or shall provide information to the board that describes changes in those previous circumstances that support another alternative source reduction, recycling, and composting requirement. The board shall review the original circumstances that supported the state agency's or the large state facility's request, as well as any new information provided by the state agency or the large state facility that describes the current circumstances, to determine whether to grant another alternative requirement. The board may approve another alternative requirement if the board holds a public hearing and makes both of the following findings based upon substantial evidence in the record:

(1) The state agency or the large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.

(2) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount the state agency or the large state facility may reasonably and feasibly achieve.

(e) If the board establishes a new alternative requirement or rescinds the existing alternative requirement, the board shall do so at a public hearing. If the board establishes a new alternative requirement, it shall make all of the following findings based upon substantial evidence in the record:

(1) The state agency or the large state facility has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its integrated

waste management plan, and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.

(2) The former alternative diversion requirement is no longer appropriate.

(3) The new alternative requirement represents the greatest amount of diversion that the state agency or the large state facility may reasonably and feasibly achieve.

(f) (1) No single alternative requirement may be granted for a period that exceeds three years and, if after the granting of the original alternative requirement, another alternative requirement is granted, the combined period that the original and the new alternative requirement is in force and effect shall not exceed a total of five years.

(2) No alternative requirement shall be granted for any period after January 1, 2006, and no alternative requirement shall be effective after January 1, 2006.

(3) No state agency or large state facility shall be granted an alternative requirement if the state agency or the large state facility has failed to meet, on or before January 1, 2002, the requirements of subdivision (a) of Section 42921.

(g) (1) When considering a request for an alternative source reduction, recycling, and composting requirement, the board may make specific recommendations for the implementation of the alternative plan.

(2) Nothing in this section precludes the board from disapproving any request for an alternative requirement.

(3) If the board disapproves a request for an alternative requirement, the board shall specify, in writing, the reasons for its disapproval.

(h) If the board grants an alternative source reduction, recycling, and composting requirement, the state agency may request technical assistance from the board to assist it in meeting the alternative source reduction, recycling, and composting requirement. If requested by the state agency or the large state facility, the board shall assist with identifying model policies and plans implemented by other agencies.

(i) A state agency or a large state facility that is granted an alternative requirement pursuant to this section shall continue to implement source reduction, recycling, and composting programs, and shall report the status of those programs in the report required pursuant to Section 42926.

(j) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

42923. (a) The board may grant one or more single or multiyear time extensions from the requirements of subdivision (a) of Section 42921 to any state agency or large state facility if all of the following conditions are met:

(1) Any multiyear extension that is granted does not exceed three years, and a state agency or a large state facility is not granted extensions that exceed a total of five years.

(2) An extension is not granted for any period after January 1, 2006, and an extension is not effective after January 1, 2006.

(3) The board considers the extent to which a state agency or a large state facility complied with its plan of correction before considering another extension.

(4) The board adopts written findings, based upon substantial evidence in the record, as follows:

(A) The state agency or the large state facility is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.

(B) The state agency or the large state facility submits a plan of correction that demonstrates that the state agency or the large state facility will meet the requirements of Section 42921 before the time extension expires, including the source reduction, recycling, or composting steps the state agency or the large state facility will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.

(b) (1) When considering a request for an extension, the board may make specific recommendations for the implementation of the alternative plans.

(2) Nothing in this section shall preclude the board from disapproving any request for an extension.

(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval.

(c) (1) In determining whether to grant the request by a state agency or a large state facility for the time extension authorized by subdivision (a), the board shall consider information provided by the state agency or the large state facility that describes relevant circumstances that contributed to the request for extension, such as a lack of markets for recycled materials, local efforts to implement source reduction, recycling, and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed by the agency or facility.

(2) The state agency or the large state facility may provide the board with any additional information that the state agency or the large state facility determines to be necessary to demonstrate to the board the need for the extension.

(d) If the board grants a time extension pursuant to subdivision (a), the state agency may request technical assistance from the board to assist it in meeting the diversion requirements of subdivision (a) of Section 42921 during the extension period. If requested by the state agency or the large state facility, the board shall assist the state agency or the large state facility with identifying model policies and plans implemented by other agencies.

(e) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

42927.5. A community college district may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a state agency integrated waste management plan prepared pursuant to this division. The fees shall be based on the types or amounts of the solid waste, and shall be used to pay the actual costs incurred by the community college district in preparing, adopting, and implementing the plan, as well as in setting and collecting the fees. In determining the amounts of the fees, a community college district shall include only those costs directly related to the preparation, adoption, and implementation of the plan and the setting and collection of the fees. The fees may also include an amount to cover actual costs incurred since the effective date of this Chapter.

42928. (a) The board may adopt regulations that establish specified criteria for granting, reviewing, and considering reductions or extensions pursuant to Sections 42922 and 42923.

(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

AMENDED IN ASSEMBLY JUNE 26, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 1020

Introduced by Senator Padilla
(Coauthors: Senators Perata and Romero)

February 23, 2007

An act to amend Sections 41780, 41820.5, and 41820.6 add Article 4 (commencing with Section 40520) to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as amended, Padilla. Solid waste: diversion.

~~(1) The~~

~~The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.~~

~~This bill would increase that requirement to require, on and after January 1, 2012, with exceptions, that a city or county divert from landfill disposal or transformation no less than 75% of all solid waste, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties upon local agencies with regard to the management of solid waste.~~

~~This bill would also make nonsubstantive technical changes.~~

~~(2) 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 bill would require the board, by July 1, 2009, to develop a strategic and comprehensive plan to achieve, on or before January 1, 2020, a diversion of 75% of solid waste statewide from landfill disposal or transformation.~~

~~The bill would require the board to adopt policies, programs, and incentives to ensure that on or before December 21, 2012, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, 2020, and annually thereafter, that 75% of all solid waste generated is source reduced, recycled, or composted.~~

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

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

1 SECTION 1. Article 4 (commencing with Section 40520) is
2 added to Chapter 3 of Part 1 of Division 30 of the Public Resources
3 Code, to read:

4
5 Article 4. Statewide Diversion

6
7 40520. The Legislature finds and declares all of the following:

8 (a) Since the enactment of this division, local governments and
9 private industry have worked jointly to create an extensive material
10 collection and recycling infrastructure and have implemented
11 effective programs to achieve a statewide diversion rate above 50
12 percent.

13 (b) Although the state now leads the nation in waste reduction
14 and recycling, the state continues to dispose of more than 40
15 million tons of waste each year, which is more than the national
16 average on a per capita basis.

17 (c) To meet the goals of the California Global Warming Solution
18 Act of 2006 (Division 25.5 (commencing with Section 38500) of
19 the Health and Safety Code), there is an urgent need to reduce

1 *greenhouse gas emissions from all aspects of solid waste handling*
2 *through increased source reduction, reuse, and recycling.*

3 *(d) The purpose of this article is to build on the successful efforts*
4 *of local governments and private industry to achieve a statewide*
5 *diversion rate of 75 percent by January 1, 2020, through strategic*
6 *statewide initiatives developed and implemented by the board.*

7 *40521. On or before July 1, 2009, the board shall develop a*
8 *strategic and comprehensive plan to achieve, on or before January*
9 *1, 2020, a diversion of 75 percent of solid waste statewide from*
10 *landfill disposal or transformation. The plan developed by the*
11 *board shall include all of the following:*

12 *(a) Place primary emphasis on programs that minimize the*
13 *generation of solid waste, maximize diversion from landfills, and*
14 *manage materials to their highest and best use in accordance with*
15 *the waste management hierarchy specified in Section 40051 and*
16 *in support of the California Global Warming Solution Act of 2006*
17 *(Division 25.5 (commencing with Section 38500) of the Health*
18 *and Safety Code).*

19 *(b) Include specific statewide strategies for promoting producer*
20 *responsibility, increasing commercial recycling, expanding the*
21 *recovery of construction and demolition debris, increasing the*
22 *diversion of organics, and increasing recycling opportunities for*
23 *multifamily housing.*

24 *(c) Identify opportunities to update and expand the source*
25 *reduction and recycling elements of the local integrated waste*
26 *management plans prepared pursuant to Chapter 2 (commencing*
27 *with Section 41000) or Chapter 3 (commencing with Section*
28 *41300) of Part 3, to include cost-effective opportunities to advance*
29 *waste management practices that increase diversion and reduce*
30 *greenhouse gas emissions.*

31 *(d) Include specific strategies that would enable each state*
32 *agency to achieve a diversion rate of 75 percent on or before*
33 *January 1, 2015.*

34 *(e) Identify incentives, investments, and environmentally sound*
35 *processing technologies that will be needed to achieve a 75 percent*
36 *diversion rate.*

37 *40522. The board shall adopt policies, programs, and*
38 *incentives to ensure that solid waste generated in this state is*
39 *source reduced, recycled, or composted, in accordance with the*
40 *following schedule:*

1 (a) On or before December 21, 2012, ensure that 60 percent of
2 all solid waste generated is source reduced, recycled, or
3 composted.

4 (b) On or before January 1, 2020, and annually thereafter,
5 ensure that 75 percent of all solid waste generated is source
6 reduced, recycled, or composted.

7 SECTION 1. ~~Section 41780 of the Public Resources Code is~~
8 ~~amended to read:~~

9 41780. (a) Each city or county source reduction and recycling
10 element shall include an implementation schedule that shows both
11 of the following:

12 (1) ~~For the initial element, the city or county shall divert 25~~
13 ~~percent of all solid waste from landfill disposal or transformation~~
14 ~~by January 1, 1995, through source reduction, recycling, and~~
15 ~~composting activities.~~

16 (2) ~~Except as provided in Sections 41783 and 41784, for the~~
17 ~~first and each subsequent revision of the element, the city or county~~
18 ~~shall divert 50 percent of all solid waste by January 1, 2000, and~~
19 ~~75 percent on and after January 1, 2012, through source reduction,~~
20 ~~recycling, and composting activities.~~

21 (b) ~~Nothing in this part prohibits a city or county from~~
22 ~~implementing source reduction, recycling, and composting~~
23 ~~activities designed to exceed these requirements.~~

24 SEC. 2. ~~Section 41820.5 of the Public Resources Code is~~
25 ~~amended to read:~~

26 41820.5. (a) ~~The board may, after a public hearing, grant a~~
27 ~~time extension from the diversion requirements of Section 41780~~
28 ~~to a city if both of the following conditions exist:~~

29 (1) ~~The city was incorporated pursuant to Division 3~~
30 ~~(commencing with Section 56000) of Title 5 of the Government~~
31 ~~Code after January 1, 1990, and before January 1, 2001.~~

32 (2) ~~The county within which the city is located did not include~~
33 ~~provisions in its franchises that ensured that the now incorporated~~
34 ~~area would comply with the diversion requirements of Section~~
35 ~~41780.~~

36 (b) ~~The board may authorize a city that meets the requirements~~
37 ~~of subdivision (a) to submit a source reduction and recycling~~
38 ~~element that includes an implementation schedule that shows both~~
39 ~~of the following:~~

1 (1) The city shall divert 25 percent of its estimated generation
2 amount of solid waste from landfill or transformation facilities
3 within three years from the date on which the source reduction
4 and recycling element is due pursuant to subdivision (b) of Section
5 41791.5, through source reduction, recycling, and composting
6 activities.

7 (2) The city shall divert 50 percent of its estimated generation
8 amount of solid waste from landfill or transformation facilities
9 within eight years from the date on which the source reduction
10 and recycling element is due pursuant to subdivision (b) of Section
11 41791.5, through source reduction, recycling, and composting
12 activities.

13 SEC. 3. Section 41820.6 of the Public Resources Code is
14 amended to read:

15 41820.6. (a) The board may, after a public hearing, grant a
16 time extension from the diversion requirements of Section 41780
17 to a city if both of the following conditions exist:

18 (1) The city was incorporated pursuant to Division 3
19 (commencing with Section 56000) of Title 5 of the Government
20 Code on or after January 1, 2001.

21 (2) The county within which the city is located did not include
22 provisions in its franchises that ensured that the now incorporated
23 area would comply with the diversion requirements of Section
24 41780.

25 (b) The board may authorize a city that meets the requirements
26 of subdivision (a) to submit a source reduction and recycling
27 element that includes an implementation schedule that shows that
28 the city shall divert 50 percent of its estimated generation amount
29 of solid waste from landfill or transformation facilities, within
30 three years from the date on which the source reduction and
31 recycling element is due pursuant to subdivision (b) of Section
32 41791.5, through source reduction, recycling, and composting
33 activities.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or

1 ~~level of service mandated by this act, within the meaning of Section~~
2 ~~17556 of the Government Code.~~

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Summary Listing of All Solid Waste Related Bills

October 10, 2007

To obtain a copy of the actual bill language, go to: <http://www.leginfo.ca.gov/bilinfo.html>

ESJPA POSITION BILLS

10/10/07

CA AB 501

AUTHOR: Swanson (D)
TITLE: Pharmaceutical Devices
LAST AMEND: 06/21/2007
LOCATION: Assembly Health Committee
SUMMARY:

2 Year Bill

Requires a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen needle, or other prefilled injection device to provide each person who uses the product with a container for the safe disposal of the used sharps from the device. Requires the container to have a sticker with a specified warning and a toll-free telephone number that identifies safe disposal methods. Requires the manufacturer to keep specified records.

RCRC was very engaged on this bill

STATUS:
06/21/2007 From ASSEMBLY Committee on HEALTH with author's amendments.
06/21/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on HEALTH.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	MAR07	Paul	Support 03/26/2007
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		

CA AB 679

AUTHOR: Benoit (R)
TITLE: Illegal Dumping: Assessments
LAST AMEND: 08/28/2007
LOCATION: To Governor
SUMMARY:

To Governor

Requires the court to impose a infraction or misdemeanor fine on violators for illegal dumping in addition to any other penalty or fine. Requires that the money from the fines be deposited in the city's or county's general fund for use for illegal dumping enforcement.

STATUS:
09/21/2007 *****To GOVERNOR.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
JUN07	Paul	Support 4/27/07; 9/14/07	Mary
SEPT2007			
<u>Subject</u>			
ESJPA			

CA AB 712

AUTHOR: De Leon (D)
TITLE: Solid Waste and Recycling Vehicle Clean Air Program
LAST AMEND: 07/12/2007
LOCATION: Senate Appropriations Committee
SUMMARY:

Dead

Creates a fee for solid waste disposal at a disposal facility. Creates the Off-Road Solid Waste and Recycling Vehicle Clean Air Account. Distributes the fees to an operator of an off-road solid waste, composting, and recycling vehicle for the costs of complying with a certain State Air Resources Board regulation. Awards grants for projects that divert organic materials from disposal in order to reduce greenhouse

gas emission from landfills. Requires the board to provide specified related reports.
 RCRC was very **STATUS:**
 engaged in this 08/30/2007 In SENATE Committee on APPROPRIATIONS: Not heard.
 bill

BOARD.PACKET

AUG2007
 JUN07
 MAY2007
 MAY2007
 SEPT2007

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Paul	Oppose 4/19/07, 5/22/07	Mary

Subject
 ESJPA

CA AB 722

AUTHOR: Levine (D)
TITLE: Energy: General Service Lamp
LAST AMEND: 06/04/2007
LOCATION: Assembly Inactive File
SUMMARY:

Dead

Amends the Warren-Alquist State Resources Conservation and Development Act which requires the State Energy Resources Conservation and Development Commission to prescribe the minimum level of operating efficiency for lighting devices. Requires general service lamps sold in the state within specified ranges of lumen output to meet a minimum energy efficiency standard of a specified lumens per watt.

STATUS:
 06/07/2007 In ASSEMBLY. To Inactive File.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Kathy	Oppose	Mary	ESJPA Energy

CA AB 1109

AUTHOR: Huffman (D)
TITLE: Energy Resources: Lighting Efficiency: Hazardous Waste
LAST AMEND: 08/31/2007
LOCATION: To Governor
SUMMARY:

**To
 Governor**

Enacts the Lighting Efficiency and Toxics Reduction Act. Prohibits a person from selling or offering for sale general purpose lights that contain levels of hazardous substances prohibited by the European Union pursuant to the RoHS Directive. Provides exceptions. Requires a manufacturer to prepare a technical document or other information showing that its general purpose lights comply with the requirements of that directive. Convenes a task force to consider proper collection and recycling of such lights.

STATUS:
 09/27/2007 *****To GOVERNOR.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Support	Mary

Subject
 ESJPA

CA AB 1193

AUTHOR: Ruskin (D)
TITLE: Mercury-Added Thermostats: Collection Program
LAST AMEND: 03/29/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

Dead

Enacts the Mercury Thermostat Collection Act of 2007. Requires a manufacturer that sold mercury added thermostats in this state to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. Prohibits a manufacturer from selling a thermostat in this state unless the manufacturer complies with the act. Requires a collection and recycling program for out-of-service thermostats to meet certain requirements.

STATUS:
05/31/2007 In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

<u>Analyst</u> Nick	<u>Lobbyist</u> Paul	<u>Position</u> Support 4/2/07	<u>Staff</u> Mary
<u>Subject</u> ESJPA			

CA AB 1195

AUTHOR: Torrico (D)
TITLE: Recycling: Used Oil: Incentive Payments
LAST AMEND: 08/01/2007
LOCATION: Senate Appropriations Committee
SUMMARY:

Dead

Requires a used oil recycling program that pays a recycling incentive to specified entities for the collection of used oil that is transported to a used oil recycling facility to promote methods to reduce the amount of used oil generated and the use of re-refined oil in automotive and industrial lubricants. Requires used lubrication oil for which an incentive was paid to be transported to a certified facility that recycles oil to meet specified standards. Prohibits an incentive for burning certain oil.

RCRC was very engaged on this bill

STATUS:
08/30/2007 In SENATE Committee on APPROPRIATIONS: Not heard.

<u>BOARD.PACKET</u> JUN07 SEPT2007	<u>Lobbyist</u> Paul	<u>Position</u> Oppose.Unless.Amend 7/02/07	<u>Staff</u> Mary
<u>Subject</u> ESJPA			

CA SB 697

AUTHOR: Wiggins (D)
TITLE: Compost
LAST AMEND: 06/25/2007
LOCATION: Assembly Inactive File
SUMMARY:

2 YEAR BILL

Relates to the Integrated Waste Management Act of 1989 which requires the Department of Transportation to use compost in place or, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program. Requires the compost used by the department and all persons contracting with the department, to be produced in the state.

STATUS:
07/19/2007 In ASSEMBLY. To Inactive File.

<u>Position</u> Support	<u>Staff</u> Mary	<u>Subject</u> ESJPA
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CA SB 966

AUTHOR: Simitian (D)
TITLE: Pharmaceutical Drug Waste Disposal
LAST AMEND: 09/05/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Requires the Integrated Waste Management Board to develop model programs for the collection and proper disposal of pharmaceutical drug waste. Requires the model programs to include specified actions and informational elements. Provides that these provisions shall not apply to a controlled substance. Increases the total amount of grants that the board may issue annually to local entities with solid waste management responsibilities and hazardous waste disposal at disposal sites.

STATUS:
09/14/2007 *****To GOVERNOR.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	SEPT2007	Paul	Support 03/26/2007, 9/18/07
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		

CA SB 1016

AUTHOR: Wiggins (D)
TITLE: Diversion: Annual Reports
LAST AMEND: 04/10/2007
LOCATION: Assembly Natural Resources Committee
SUMMARY:

**2 Year
Bill**

Authorizes the Integrated Waste Management Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to submit once every 2 years the information required in a specified report. Provides that, for a city or county submitting the report every 2 years, they must return to annual submission if they fail to divert 50% of the solid waste, or if the board rescinds the authorization.

RCRC is very engaged on this bill

STATUS:
05/24/2007 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Analyst</u>	<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>
Nick	JUN07 MAY2007 MAY2007	Paul	Support if amended 4/11/07, 5/25/07
<u>Staff</u>	<u>Subject</u>		
Mary	ESJPA		

CA SB 1020

AUTHOR: Padilla (D)
TITLE: Solid Waste: Diversion
LAST AMEND: 06/26/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

**2 Year
Bill**

Requires the State Integrated Waste Management Board to adopt policies and incentives to ensure that, on or before a specified date, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that, on or before a specified date, 75% of all solid waste generated is source reduced, recycled, or composted.

RCRC is very engaged on this bill

STATUS:
08/30/2007 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.

BOARD.PACKET
AUG2007
Analyst JUN07 Lobbyist Position
Nick MAR07 Paul **Oppose** 4/11/07, 9/5/07
MAY2007
MAY2007
Staff Subject
Mary ESJPA

CA SB 1021 **AUTHOR:** Padilla (D)
TITLE: Beverage Containers: Grants
LAST AMEND: 09/07/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Authorizes the Department of Conservation to expend specified funds to provide grants to place source separated beverage container recycling receptacles in multifamily housing. Authorizes the department to expend a specified amount of money from the Beverage Container Recycling Fund for the administrative costs of implementing the program.

STATUS:
09/20/2007 *****To GOVERNOR.

BOARD.PACKET
Analyst MAY2007 Lobbyist Position
Nick MAY2007 Paul **Support** 4/11/07, 9/18/07
SEPT2007
Staff Subject
Mary ESJPA

ESJPA OTHER BILLS

10/10/07

CA AB 48

AUTHOR: Saldana (D)
TITLE: Hazardous Waste: Electronic Equipment
LAST AMEND: 09/07/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Relates to the Electronic Waste Recycling Act of 2003. Revises the definition of electronic equipment for purposes of being sold or offered for sale to mean a device that is dependent on electric currents or electromagnetic fields to work properly or that is a device for the generation, transfer, or measurement of electronic current or fields that meets specified requirements. Exempts specified equipment from these provisions.

STATUS:
09/26/2007 *****To GOVERNOR.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 258

AUTHOR: Krekorian (D)
TITLE: Water Quality: Plastic Discharges
LAST AMEND: 08/27/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Requires the State Water Resources Control Board and regional boards to implement a program for the control of discharges of preproduction plastics, from point and nonpoint sources, including waste discharge, monitoring, and reporting requirements that target plastic manufacturing, handling, and transportation facilities, and the implementation of minimum best management practices. Includes criteria for no exposure certification in all permits.

STATUS:
09/18/2007 *****To GOVERNOR.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Kathy	Watch	Mary	ESJPA WaterQuality

CA AB 484

AUTHOR: Nava (D)
TITLE: Landfill Disposal: Concrete
LAST AMEND: 09/05/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Prohibits a contractor, under contract with the Department of Transportation, from disposing of asphalt concrete or Portland cement in a solid waste landfill, unless the contractor determines that no other means of using or disposing of the material is feasible or the concrete will be used for beneficial reuse in the construction or operation of a solid waste landfill or in inert debris engineered fill activity. Requires a related report to the Legislature or posted on the department's Web site.

STATUS:
09/27/2007 *****To GOVERNOR.

CA AB 729

AUTHOR: Mullin (D)
TITLE: Recycling: E-Waste
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Dead

Requires the integrated Waste Management Board to adopt regulations for the proper and legal donation of covered electronic devices intended for reuse by a nonprofit organization including, but not limited to, the development of a form that may be used by an authorized collector when a covered electronic device is transferred by a person or company for refurbishing or reuse by a nonprofit organization.

STATUS:
03/12/2007 To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 820

AUTHOR: Karnette (D)
TITLE: Recycling Polystyrene: State Facilities
LAST AMEND: 04/09/2007
LOCATION: Assembly Appropriations Committee
SUMMARY:

Dead

Prohibits a state facility from selling, possessing, or distributing an expanded polystyrene food container. Directs a state agency to require each prospective bidder or contractor to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement will adhere to this prohibition. Provides that this requirement applies to the campuses of the University of California under specified circumstances. Provides exemptions for prisons and state mental health facilities.

STATUS:
05/31/2007 In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 844

AUTHOR: Berryhill (R)
TITLE: Junk Dealers and Recyclers: Scrap Metal and Alloys
LAST AMEND: 06/26/2007
LOCATION: Senate Business, Professions & Economic Development Committee
SUMMARY:

2 Year Bill

Prohibits a junk dealer or recycler from providing payment for non ferrous material, the payment is made by check, the check is provide no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information to be retained by the dealer or recycler for a certain period of time. Provides these provisions do not apply to the redemption of such materials of a certain value at a recycling center, a coin dealer, or automobile recyclers. Prohibits related actions.

STATUS:
07/10/2007 In SENATE Committee on ENVIRONMENTAL QUALITY: Not heard.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 904

AUTHOR: Feuer (D)
TITLE: Recycling: Food Containers
LAST AMEND: 06/01/2007
LOCATION: Assembly Inactive File
SUMMARY:

Dead

Enacts the Plastic and Marine Debris Reduction, Recycling, and Composing Act. Prohibits a take-out food provider from distributing single use food service packaging to a consumer, unless that packaging is either compostable packaging or recyclable packaging. Prohibits a take-out food provider from distributing single use food service packaging to packaging is also recovered for composting at a specified rate statewide or in the city or the unincorporated area of the county. Imposes a civil penalty.

STATUS:
06/07/2007 In ASSEMBLY. To Inactive File.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1023

AUTHOR: DeSaulnier (D)
TITLE: Recycling: Compostable and Biodegradable Plastic
LAST AMEND: 06/21/2007
LOCATION: Chaptered
SUMMARY:

Chaptered

Amends the existing law that requires a manufacturer of plastic trash bags to obtain from its supplier of recycled plastic postconsumer material a statement containing specified information, and that requires the manufacturer to certify to the Integrated Waste Management Board that it is in compliance with the recycled plastic postconsumer material requirements. Exempts from these requirements a plastic bag that is labeled with one of the terms required and meets the standards.

STATUS:
07/27/2007 *****To GOVERNOR.
07/27/2007 Signed by GOVERNOR.
07/27/2007 Chaptered by Secretary of State. Chapter No. 143

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1048

AUTHOR: Richardson (D)
TITLE: Illegal Dumping Enforcement Officers
LAST AMEND: 08/20/2007
LOCATION: Chaptered
SUMMARY:

Chaptered

Corrects an erroneous cross-reference and provide that illegal dumping enforcement officers, shall be among those persons who enforce provisions of law relating to solid waste disposal. Provides that the Attorney General may furnish illegal dumping enforcement officers state summary criminal history information upon the showing of a compelling need. Requires the Attorney General to provide criminal history information to city attorneys pursuing civil gang injunctions, or drug abatement actions.

STATUS:
09/10/2007 Signed by GOVERNOR.
09/10/2007 Chaptered by Secretary of State. Chapter No. 201

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1075

AUTHOR: Cook (R)
TITLE: Solid Waste Diversion
LAST AMEND: 03/28/2007
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Dead

Relates to the Integrated Waste Management Program that allows the solid waste reduction and recycling element of the program to include not more than 10% diversion through transformation and not more than 10% diversion through biomass conversion and if the ash from the biomass conversion is considered class 1 hazardous waste, then the ash is to be sent to a class 1 hazardous waste facility. Specifies the existing authority for making the classification of such waste facility. Defines transformation.

STATUS:
03/28/2007 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.
03/28/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1150

AUTHOR: Lieu (D)
TITLE: Solid Waste: Transformation
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Dead

Relates to a transformation integrated waste management program. Defines transformation as the incineration of solid waste, or the processing of solid waste through a noncombustion thermal, chemical, or biological process.

STATUS:
03/15/2007 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1207

AUTHOR: Smyth (R)
TITLE: Solid Waste: Biosolids
LOCATION: Assembly Natural Resources Committee
SUMMARY:

2 Year Bill

Relates to existing law that requires the State Water Resources Control Board to adopt minimum standards for solid waste facilities. Requires those minimum standards to include standards for the land application of biosolids which would include standards for the land application of biosolids according to sound principles of land use, agriculture, conservation, resource management, public health, and protection of ground water.

STATUS:
03/26/2007 To ASSEMBLY Committees on NATURAL RESOURCES and ENVIRONMENTAL SAFETY AND TOXIC MATERIALS.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
JUN07	Paul	Pending	Mary
<u>Subject</u>			
ESJPA			

CA AB 1237

AUTHOR: Hancock (D)
TITLE: Solid Waste: Solid Waste Facilities
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Dead

Relates to existing law which requires the Integrated Waste Management Board to either concur or object to the issuance or revision of a solid waste facility permit within 60 days from the board's receipt of a facility permit. Extends the time period in which the board may concur or object to 90 days. Eliminates the need for a public hearing prior to an enforcement action by the board.

STATUS:
03/15/2007 To ASSEMBLY Committee on NATURAL RESOURCES.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u>			
ESJPA			

CA AB 1447

AUTHOR: Calderon C (D)
TITLE: Hazardous Waste: Major Appliances
LAST AMEND: 06/12/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Allows an appliance service technician to remove refrigerant from a major appliance. Allows a person who is not a certified appliance recycler to transport, deliver, or sell a discarded major appliance to a certified appliance recycler. Requires a scrap recycling facility that accepts an appliance from a person who is not certified as an appliance recycler to submit a report to the appropriate government agencies. Revises the application for a certified appliance recycler to include additional information.

STATUS:
09/17/2007 *****To GOVERNOR.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1473

AUTHOR: Feuer (D)
TITLE: Solid Waste Facility: Temporary Permits
LAST AMEND: 09/06/2007
LOCATION: To Governor
SUMMARY:

**To
Governor**

Requires the State Integrated Waste Management Board to adopt emergency regulations authorizing a local enforcement agency to issue a temporary solid waste facilities permit to a person operating a solid waste transfer or processing station or a composting facility. Provides the application process and requirements for the permit. Requires the local enforcement agency to notify the operators of such license availability.

STATUS:
09/28/2007 *****To GOVERNOR.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA AB 1535

AUTHOR: Huffman (D)
TITLE: Electronic Waste: Personal Computers

LOCATION: Assembly Appropriations Committee
SUMMARY:

Dead

Relates to the Electronic Waste Recycling Act of 2003, to include a personal computer. Provides that a retailer would be required to collect a fee from the consumer at the time of the retail sale of a personal computer.

STATUS:

05/31/2007 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.

<u>Analyst</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
Nick	Paul	Watch	Mary
<u>Subject</u> ESJPA			

CA SB 492 **AUTHOR:** Maldonado (R)
TITLE: Vehicles: Abandonment: Fines
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Dead

Increases to \$1,000 the minimum fine for a person convicted of abandoning a vehicle.

STATUS:

05/08/2007 In SENATE Committee on TRANSPORTATION AND HOUSING:
Failed passage.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 577 **AUTHOR:** Oropeza (D)
TITLE: State Highways
LOCATION: Senate Rules Committee
SUMMARY:

Dead

Relates to existing law that requires the Department of Transportation to maintain the state highways, to assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas, and to use litter traps in drains.

STATUS:

03/08/2007 To SENATE Committee on RULES.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 585 **AUTHOR:** Lowenthal (D)
TITLE: Recycled Concrete: Department of Transportation
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Dead

Requires the Department of Transportation to report on the amount of recycled concrete materials used. Requires the department to contract with the Institute of Transportation Studies to conduct workshops for public works professionals on using recycled concrete materials.

STATUS:

03/08/2007 To SENATE Committees on TRANSPORTATION AND HOUSING
and ENVIRONMENTAL QUALITY.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>

Watch

Mary

ESJPA

CA SB 697

AUTHOR: Yee (D)
TITLE: Health Care Coverage: Provider Charges
LAST AMEND: 09/07/2007
LOCATION: Assembly Health Committee
SUMMARY:

2 Year Bill

Prohibits a health care provider from seeking reimbursement for covered services furnished to a person enrolled in the Healthy Families Program or the Access for Infants and Mothers Program from other than the participating health plan covering that person.

STATUS:
09/07/2007 In ASSEMBLY. Read third time and amended. To third reading.
09/07/2007 Re-referred to ASSEMBLY Committee on HEALTH.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 735

AUTHOR: Wiggins (D)
TITLE: Recycling: Paving Materials: Tracking
LAST AMEND: 09/04/2007
LOCATION: To Governor
SUMMARY:

2 Year Bill

Relates to procurement of paving materials. Requires the Department of Transportation to track the type of recycled material, the amount and percentage, the projects, the dates of the projects and the location of the projects in which specified recycled materials are used. Requires the department to report the information to the Legislature. Relates to use of virgin material for subbase, base and lean concrete base.

STATUS:
09/14/2007 *****To GOVERNOR.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 842

AUTHOR: Scott (D)
TITLE: Integrated Waste Management
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Dead

Relates to the Integrated Waste Management Act of 1989 and the definition of the term gasification as meaning a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity. Requires that the technology produces no discharges of air contaminants or emissions exceeding standards set by the State Air Resources Board, air pollution control districts, or air quality management districts.

STATUS:
03/08/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 896

AUTHOR: Negrete McLeod (D)

TITLE: Solid Waste: Beverage Container Recycling
LOCATION: Senate Environmental Quality Committee
SUMMARY:

Dead

Provides that the California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation, for each beverage container sold or transferred, for deposit in the California Beverage Container Recycling Fund. Provides that the moneys in the fund are to pay refund values, administrative fees, and a reserve for contingencies.

STATUS:

03/15/2007 To SENATE Committee on ENVIRONMENTAL QUALITY.

<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Watch	Mary	ESJPA

CA SB 937

AUTHOR: Perata (D)
TITLE: County Highways: Construction
LOCATION: Senate Rules Committee
SUMMARY:

Dead

Relates to existing law which requires counties, with the approval of the board of supervisors, to comply with certain procedures when soliciting and evaluating bids and awarding contracts for the construction, repair, or maintenance of a county highways, as specified.

STATUS:

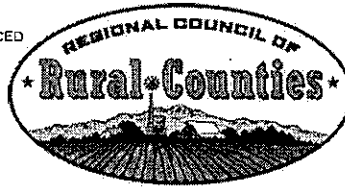
03/15/2007 To SENATE Committee on RULES.

<u>Analyst</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Melissa	Watch	Mary	ESJPA Transportation

2007 Legislation

Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 679 Benoit Illegal dumping (request for signature 9/14/07)
- SB 966 Kuehl Pharmaceutical drug disposal (request for signature 9/18/07)
- SB 1020 Padilla Solid waste: diversion (oppose 9/5/07)
- SB 1021 Padilla Beverage containers: grants (request for signature 4/11/07)



HAIR – SUE HORNE, NEVADA COUNTY
IRST VICE CHAIR – DAVID FINIGAN, DEL NORTE COUNTY
ECOND VICE CHAIR – HARRY OVITT, SAN LUIS OBISPO COUNTY
AST CHAIR – RICHARD FORSTER, AMADOR COUNTY

PRESIDENT AND CEO – GREG NORTON
EXECUTIVE VICE PRESIDENT – PATRICIA J. MEGASON
VICE PRESIDENT OF HOUSING – JEANETTE KOPICO

September 14, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 679 (Benoit) – REQUEST FOR SIGNATURE

Dear Governor Schwarzenegger:

The Regional Council of Rural Counties (RCRC) respectfully urges your signature of Assembly Bill 679 authored by Assemblyman John Benoit relating to illegal dumping.

RCRC is an association of thirty rural California counties. In virtually every one of our member counties, illegal dumping of items is a serious problem and the cost to clean-up this dumping can be extensive. Although, a number of other counties devote resources to employ persons whose duties are to enforce illegal dumping laws; however, our rural counties do not have adequate resources to properly deal with this problem.

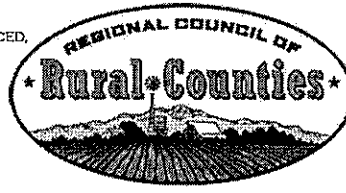
AB 679 would assist jurisdictions, including rural counties, in providing resources to combat illegal dumping. Specifically, AB 679 would have courts impose a fine of \$100 for each infraction and \$200 for each misdemeanor that result from committing the offense of illegal dumping. Proceeds from the fine would be directed to the jurisdiction where the illegal dumping occurred and those monies would be used for further enforcement of illegal dumping laws.

RCRC respectfully requests your signature on AB 679. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable John Benoit, Member of the State Assembly



CHAIR – SUE HORNE, NEVADA COUNTY
FIRST VICE CHAIR – DAVID FINIGAN, DEL NORTE COUNTY
SECOND VICE CHAIR – HARRY OVITT, SAN LUIS OBISPO COUNTY
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September 18, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Senate Bill 966 (Simitian) – Request for Signature

Dear Governor Schwarzenegger:

The Regional Council of Rural Counties (RCRC) respectfully urges your signature of Senate Bill 966, authored by Senator Joe Simitian, which requires the Integrated Waste Management Board, in consultation with other state agencies, to develop model programs for the collection and proper disposal of pharmaceutical waste.

RCRC is composed of members of the Boards of Supervisors from thirty California counties. In addition, twenty-two member counties have formed a joint powers authority to address solid waste issues for our respective counties. In many cases, these counties operate or contract for collection services, transfer stations, recycling centers, municipal waste disposal landfills, and household hazardous waste collection programs. Furthermore, RCRC counties must deal with storm water runoff and other issues that cause pollution in our rivers and streams.

We join a number of entities that believe our state needs viable options to remove unused pharmaceutical drugs from the solid waste stream and/or waste water stream. Rural counties provide the majority of drinking water to the people of California and it is critical that water quality remains free of pharmaceutical drugs. This is why we are eager to see this bill signed into law so that the subsequent model programs can be developed.

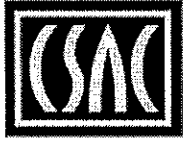
RCRC is also pleased to see that SB 966 will make available additional grant funds to local governments to help prevent the disposal of hazardous wastes. Rural counties currently go to great expense in our attempt to handle hazardous wastes and hopefully these grant monies will help explore more cost-effective methods.

RCRC respectfully requests your signature on SB 966. Thank you for your consideration in this matter.

Sincerely,

Patricia Megason
Executive Vice President

cc: The Honorable Joe Simitian, Member of the State Senate



CALIFORNIA STATE ASSOCIATION OF COUNTIES
1100 K Street, Suite 101
Sacramento, CA 95814
916/327-7500



REGIONAL COUNCIL OF RURAL COUNTIES
801 12th Street, # 600
Sacramento, CA 95814
916/447-4806

September 5, 2007

The Honorable Alex Padilla
Member, California State Senate
State Capitol, Room 4032
Sacramento, CA 95814

**RE: Senate Bill 1020 (Padilla) – Solid Waste Diversion
Opposed As Proposed To Be Amended**

Dear Senator Padilla:

On behalf of the Regional Council of Rural Counties (RCRC) and the California State Association of Counties (CSAC), we are respectfully writing to express our "Oppose" position to your proposed amendments to Senate Bill 1020, which would institute new solid waste diversion goals.

First, we want to offer our appreciation to you and your staff in working to craft a measure which addresses the amount of solid waste diverted in California. Our state truly is at a crossroads with respect to dealing with solid waste and much attention must be made in the coming years.

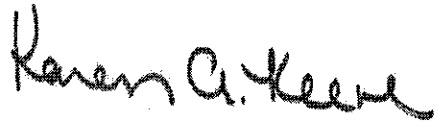
CSAC and RCRC have had an opportunity to carefully review the proposed amendments to SB 1020. At this time, we would respectfully request that you delay action on this measure and the proposed amendments until next year. Failure to take this approach leaves our organizations in the difficult position of "Oppose." Simply put, the language slated for SB 1020 lacks an adequate road map for municipalities to achieve the 60% and 75% goals at their specified dates. Most concerning is the absence of 'producer responsibility' and emerging technology language that is vital to counties' ability to increase their diversion rates. In addition, other than intent language, there are no provisions that address the issue of adding capacity to the diversion system or addressing the way diversion and/or disposal is calculated.

We also have concerns with the proposed amendment that would mandate cities and counties to adopt a commercial recycling ordinance. Although we appreciate the exclusion for the smallest counties, larger counties would be extensively impacted. SB 1020 seems to imply that the increased diversion goals can be accomplished simply by a mandatory commercial recycling ordinance. Jurisdictions need more tools to reach the proposed next goals. We view this requirement as an unwarranted intrusion into the local decision-making process.

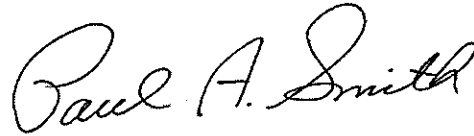
Finally, SB 1020 puts forth new diversion goals and applies them statewide – a departure from current practice that imposes requirements on a city or county basis with the Integrated Waste Management Board (the Waste Board) charged with enforcement. The measure currently offers no prescribed way for the State – via the Waste Board or otherwise – to enforce the new goals nor does it specify which jurisdictions should 'bear the burden.'

For these reasons, CSAC and RCRC respectfully request SB 1020 be made a two-year bill and must oppose if not delayed until next year. Please feel free to contact either Karen Keene of CSAC at (916) 327-7500, x-511 and/or Paul A. Smith of RCRC at (916) 447-4806 to further discuss this important matter.

Sincerely,



KAREN KEENE
Legislative Representative
California State Association of Counties



PAUL A. SMITH
Director of Legislative Affairs
Regional Council of Rural Counties

cc: Members of the Senate
Members of the Assembly
Mr. Steve Archibald, Assembly Appropriations Committee
Mr. John Moffett, Office of Governor Arnold Schwarzenegger



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September 18, 2007

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Senate Bill 1021 (Padilla) – Request for Signature

Dear Governor Schwarzenegger:

The Regional Council of Rural Counties (RCRC) respectfully urges your signature of Senate Bill 1021, authored by Senator Alex Padilla relating to beverage container grants. SB 1021 would authorize the Department of Conservation to expend up to \$15 million to fund grants to assist in collecting beverage containers in multi-family residential complexes.

Since the inception of our state's bottle bill program, there has been a desire to more adequately collect used beverage containers that are discarded in multi-family housing complexes. Despite several legislative attempts – including this year's AB 548 (Levine) - to mandate collection programs in these complexes, no such requirement exists upon apartment owners, residents, waste haulers or municipal governments. As such, millions of bottles and cans are not collected and recycled. This provides an important missed opportunity to reach recycling goals set out in current law for recycling beverage containers.

Collection of beverage containers in multi-family complexes can oftentimes be a challenge. Space, access, awareness, and ease-of-use by residents are all issues when coordinating an effective collection program. Cost also comes into play when instituting a viable option for apartment residents to recycle their bottles and cans. These costs are exacerbated in rural counties where the economies of scale are not achievable when instituting collection programs.

RCRC respectfully requests your signature on SB 1021. Thank you for your consideration in this matter.

Sincerely,

PATRICIA MEGASON
Executive Vice President

cc: The Honorable Alex Padilla, Member of the State Senate

