

**Summary Listing of All Solid Waste Related Bills**

May 5, 2008

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



# ESJPA BILLS

05/05/08

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CA AB 218    **AUTHOR:**                    Saldana (D)  
                  **TITLE:**                            Hazardous Waste: Electronic Waste  
                  **LAST AMEND:**                    01/31/2008  
                  **COMMITTEE:**                    Senate Environmental Quality Committee  
                  **HEARING:**                         05/12/2008 3:00 pm  
                  **SUMMARY:**  
Prohibits a producer from manufacturing for sale in the state electronic equipment that contains a hazardous substance for which the ROHS Directive would prohibit in the European Union. Requires the producer to prepare and submit technical documentation showing the equipment sold or offered for sale is not prohibited for sale by the Directive. Provides an exemption if there is no technically feasible alternative to the use of those hazardous substances or components and there is a plan for proper disposal.  
                  **STATUS:**  
02/14/2008                         Re-referred to SENATE Committee on ENVIRONMENTAL QUALITY.

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

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CA AB 501    **AUTHOR:**                    Swanson (D)  
                  **TITLE:**                            Pharmaceutical Devices  
                  **LAST AMEND:**                    03/13/2008  
                  **LOCATION:**                         Senate Health Committee  
                  **SUMMARY:**  
Requires a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen, or other prefilled injection device to arrange to provide, upon a request from a consumer, a postage prepaid, mail-back sharps container that has been approved by the United States Postal Service and the Department of Public Health or a sharps container for the safe storage and transport of sharps to a sharps consolidation location that accepts home-generated sharps waste.  
                  **STATUS:**  
03/13/2008                         From SENATE Committee on HEALTH with author's amendments.  
03/13/2008                         In SENATE. 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>	<u>Year-End-Report</u>	
Mary	ESJPA	OCT2007	

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CA AB 822    **AUTHOR:**                    Levine (D)  
                  **TITLE:**                            Solid Waste: Multifamily Dwellings  
                  **LAST AMEND:**                    01/07/2008  
                  **LOCATION:**                         Senate Environmental Quality Committee  
                  **SUMMARY:**  
Requires the owner of a multifamily dwelling to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

**STATUS:**  
01/31/2008 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

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CA AB 904 **AUTHOR:** Feuer (D)  
**TITLE:** Recycling: Food Containers  
**LAST AMEND:** 01/29/2008  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act. Prohibits a takeout food provider from distributing single-use food service packaging to a consumer, unless the packaging is either compostable packaging or recyclable packaging. Requires producers of such packaging to provide a list of the packaging distributed that is recyclable and compostable. Provides a civil penalty for violations.

**STATUS:**  
02/07/2008 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

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CA AB 1195 **AUTHOR:** Torrico (D)  
**TITLE:** Recycling: Used Oil: Incentive Payments  
**LAST AMEND:** 04/15/2008  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

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.

**STATUS:**  
04/15/2008 From SENATE Committee on APPROPRIATIONS with author's amendments.  
04/15/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>BOARD.PACKET</u>	<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>
JUN07 SEPT2007	Paul	Oppose.Unless.Amend	Mary
<u>Subject</u>	<u>Year-End-Report</u>		
ESJPA	OCT2007		

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CA AB 1778 **AUTHOR:** Ma (D)  
**TITLE:** California Redemption Value Containers  
**LAST AMEND:** 04/07/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Prohibits a junk dealer or recycler from providing payment for California Redemption Value containers unless the payment is made by check and the dealer or recycler obtains certain identifying information to be retained by the dealer or recycler for a

certain period of time; specifies that this provision does not apply to the redemption of CRV containers having a value of a certain amount in a single transaction.

**STATUS:**

04/07/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 1860 **AUTHOR:** Huffman (D)  
**TITLE:** Unsafe Products: Recall or Warning  
**LAST AMEND:** 04/29/2008  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/07/2008 9:00 am  
**SUMMARY:**  
Prohibits a commercial dealer, manufacturer, importer, distributor, wholesaler or retailer from manufacturing, remanufacturing, retrofitting, distributing selling at wholesale or retail, contracting to sell or resell, leasing or subletting or otherwise placing into the stream of commerce, a product that is unsafe. knowing the product is unsafe. Provides recall notification requirements. Requires providing for the safe return of the product to the manufacturer at no cost to the end consumer or retailer.  
**STATUS:**  
04/29/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
04/29/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 1879 **AUTHOR:** Feuer (D)  
**TITLE:** Hazardous Materials: Toxic Substances  
**LAST AMEND:** 04/03/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Authorizes the Department of Toxic Substances Control to regulate the sale of products containing specified chemicals or restrict the sale or use of those products to prevent the exposure of individuals or the environment to the specified chemicals. Authorizes the department to require a manufacturer of a consumer product containing the specified chemicals to label its product indicating the presence of the chemical and health effects associated with the chemical.  
**STATUS:**  
04/30/2008 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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

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CA AB 1960 **AUTHOR:** Nava (D)  
**TITLE:** Public Resources: Oil Production Facilities: Oil Spills  
**LAST AMEND:** 04/28/2008  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/07/2008 9:00 am  
**SUMMARY:**

Requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil production facilities, including oil wells. Requires a person proposing to construct, maintain, alter, or decommission an oil production facility to comply with these standards and obtain a permit from the division. Requires the division to inspect an oil production facility. Authorizes specified bond requirements for wells and facilities. Provides penalties for false oil spill reports.

**STATUS:**

04/28/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.  
04/28/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 1972 **AUTHOR:** DeSaulnier (D)  
**TITLE:** Solid Waste: Plastic Bags: Food and Beverage Containers  
**LAST AMEND:** 03/24/2008  
**LOCATION:** Senate Environmental Quality Committee  
**SUMMARY:**

Relates to existing law that prohibits a person from selling a plastic bag that is labeled as compostable or biodegradable unless the bag meets a current American Society for Testing and Materials (ASTM) standard specification for the term used on the label. Changes this exemption to the prohibition to require the bag to meet specified requirements. Expands the standard specifications for plastic food or beverage containers.

**STATUS:**

04/24/2008 To SENATE Committee on ENVIRONMENTAL QUALITY.

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

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CA AB 2058 **AUTHOR:** Levine (D)  
**TITLE:** Recycling: Plastic Carryout Bags  
**LAST AMEND:** 03/28/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Prohibits a store from providing plastic carryout bags to customers unless the store demonstrates an increased recycling diversion rate in the number of plastic carryout bags provided by the store during a specified period. Authorizes a store to sell a plastic carryout bag to a customer at a cost specified as an alternative to demonstrating the increased diversion rates. Requires a store that is not complying with the diversion rate requirements to sell plastic carryout bags to customers.

**STATUS:**

04/30/2008 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

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

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CA AB 2071 **AUTHOR:** Karnette (D)  
**TITLE:** Plastic Bags: Enforcement  
**FILE:** 52  
**LOCATION:** Assembly Second Reading File

**SUMMARY:**

Prohibits the sale of a plastic bag that is labeled with the term compostable, biodegrading, degradable or implies that the bag will break down in a landfill composting, marine, or other natural terrestrial environment, unless, at the time of the sale, the plastic bag meets specified standards for the term used on the label.

Authorizes a city, county or the state to impose civil liability, in for violations of the above provision.

**STATUS:**

04/30/2008

From ASSEMBLY Committee on APPROPRIATIONS: Do pass. To Consent Calendar.

Position

Watch

Staff

Mary

Subject

ESJPA

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CA AB 2347 **AUTHOR:**

Ruskin (D)

**TITLE:**

Mercury-Added Thermostats: Collection Program

**LAST AMEND:**

04/03/2008

**LOCATION:**

Senate Environmental Quality Committee

**SUMMARY:**

Enacts the Mercury Thermostat Collection Act. Requires a manufacturer that owns or owned the name brand of Mercury-added thermostats sold in this state, to establish and maintain a collection and recycling program for out-of-service thermostats. Requires a wholesaler to act as collection site. Requires a retailer or wholesaler that distributes new thermostats by mail to to include a Web site address and toll-free telephone number with instructions to obtain a prepaid mail-in label with the new thermostat.

**STATUS:**

05/01/2008

To SENATE Committee on ENVIRONMENTAL QUALITY.

Lobbyist

Paul

Position

Support

Staff

Mary

Subject

ESJPA

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CA AB 2415 **AUTHOR:**

Fuentes (D)

**TITLE:**

Solid Waste: Permit

**LOCATION:**

Assembly Natural Resources Committee

**SUMMARY:**

Amends the California Integrated Waste Management Act of 1989 that requires a person who proposes to operate a solid waste facility to file with the enforcement agency or the California Integrated Waste Management Board. Requires the board, in the case where the proposed or existing solid waste is located in multiple jurisdictions to obtain the approval of the designated and certified enforcement agency of each of the jurisdictions.

**STATUS:**

04/28/2008

In ASSEMBLY Committee on NATURAL RESOURCES: Not heard:

Lobbyist

Paul

Position

Watch

Staff

Mary

Subject

ESJPA

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CA AB 2505 **AUTHOR:**

Brownley (D)

**TITLE:**

Polyvinyl Chloride Packaging Container

**LAST AMEND:**

04/22/2008

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Relates to the Toxics in Packaging Prevention Act. Prohibits a person from selling or

distributing in commerce in this state a polyvinyl chloride packaging container. Provides for a civil penalty.

**STATUS:**

04/22/2008

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 2640 **AUTHOR:** Huffman (D)  
**TITLE:** Solid Waste: Compostable Organics Management  
**LAST AMEND:** 04/07/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires the source reduction and recycling element of integrated waste management plans to divert a portion of all solid waste from disposal through source reduction, recycling, and composting activities. Provides the beneficial reuse in the operation of a solid waste landfill constitutes diversion through recycling. Requires that a solid waste disposal facility operator must pay a fee for waste disposal and requires that these funds be used for grants for compostable organics management projects.

**STATUS:**

04/30/2008

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Oppose	Mary	ESJPA

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CA AB 2656 **AUTHOR:** Brownley (D)  
**TITLE:** Pupil Suspension  
**LAST AMEND:** 04/23/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires a pupil suspended from a school for specified reasons to complete all in-class assignments, tests, and homework he or she will miss or has missed during the period of suspension. School administrators or counselors would be required to ensure that the pupil is given all in-class assignments and homework that he or she will miss or has missed during the period of suspension and the opportunity to take any tests that will affect his or her grade for that period.

**STATUS:**

04/23/2008

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 2679 **AUTHOR:** Ruskin (D)  
**TITLE:** Solid Waste: Enforcement: Local Agencies  
**LAST AMEND:** 04/23/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Amends the Integrated Waste Management Act of 1989. Authorizes the state Integrated Waste Management Board to take any enforcement action that a local enforcement agency may take under the act. Authorizes a local agency to include the prevention of the illegal disposal of solid waste and its abatement to make the public



aware regarding such disposal; prohibits the disposing or accepting of solid waste accept at a permitted facility. Revises the provisions for imposition of related civil penalties.

**STATUS:**

04/23/2008

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 2695 **AUTHOR:** Niello (R)  
**TITLE:** Enforcement: Illegal Dumping  
**LAST AMEND:** 04/22/2008  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Defines illegal dumping and illegal dump. Provides that this act does not limit the power of local entities. Allows a local enforcement agency to include the inspection of illegal dumping activities in its inspection program. Establishes a grant and loan program for local, regional, and statewide illegal dumping enforcement. Requires adoption of a model local ordinance for the permitting of refuse hauler services and requires the ordinance to include standards for the inspection of hauling vehicles.

**STATUS:**

04/22/2008

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA AB 2730 **AUTHOR:** Leno (D)  
**TITLE:** Beverage Containers: Nonprofit Convenience Zones  
**LOCATION:** Assembly Second Reading File  
**SUMMARY:**

Deletes a requirement under the Beverage Container Recycling and Litter Reduction Act, that a nonprofit convenience zone recycler be located within a convenience zone. Requires a nonprofit convenience zone recycler to either be located within one mile of a supermarket that is in a convenience zone that is unserved by a recycling center, or require that the existence of that recycling center be the basis for an exemption from the requirement that there be a certified recycling center in every zone.

**STATUS:**

04/28/2008

From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended.

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

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CA AB 2829 **AUTHOR:** Davis (D)  
**TITLE:** Recycling: Plastic Carryout Bags  
**LAST AMEND:** 04/07/2008  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

Requires each plastic carryout bag provided by a store to have printed on the bag an environmental awareness message. Requires customers to pay a carryout bag impact fee. Creates a fund for the fees for litter prevention and cleanup. Deletes the prohibition on a city, county, or other public agency from imposing a plastic carryout

bag fee upon a store.

**STATUS:**

04/14/2008

In ASSEMBLY Committee on NATURAL RESOURCES: Failed passage.

04/14/2008

In ASSEMBLY Committee on NATURAL RESOURCES: Reconsideration granted.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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CA AB 2866

**AUTHOR:**

De Leon (D)

**TITLE:**

Solid Waste: Solid Waste Disposal Fees

**LAST AMEND:**

04/23/2008

**COMMITTEE:**

Assembly Appropriations Committee

**HEARING:**

05/07/2008 9:00 am

**SUMMARY:**

Amends the Integrated Waste Management Act that requires an operator of a solid waste disposal facility to pay a fee based on solid waste disposal. Provides that the fees will fund demonstration projects of hybrid hydraulic and electric propulsion recycling and garbage trucks, diversion of compostable organics from landfills and to be deposited in the State Solid Waste Closure Trust Subaccount. Provides that an operator of a disposal site who does abide by a closure plan is liable for costs.

**STATUS:**

04/23/2008

In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

BOARD\_PACKET  
March08

Lobbyist  
Paul

Position  
Oppose

Staff  
Mary

Subject  
ESJPA

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CA AB 2986

**AUTHOR:**

Leno (D)

**TITLE:**

Waste Discharge Requirements

**LAST AMEND:**

04/08/2008

**LOCATION:**

Assembly Appropriations Committee

**SUMMARY:**

Requires the Water Resources Control Board and each regional board to post on their web sites copies of specified water quality documents, to issue annually a letter grade for each sanitary sewer system and treatment plant, and to establish a list of all treatment plants for which it makes certain findings relating to wet weather peak flows. Requires the board to impose fees to owners of specified systems. Specifies that projects to install flow meters to reduce stormwater inflow are eligible for funding.

**STATUS:**

04/23/2008

In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

Lobbyist  
Kathy

Position  
Watch

Staff  
Mary

Subject  
ESJPA  
WaterQuality

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CA AB 3025

**AUTHOR:**

Lieber (D)

**TITLE:**

Polystyrene Packaging

**LAST AMEND:**

04/22/2008

**LOCATION:** Assembly Second Reading File

**SUMMARY:**

Prohibits, on or after a specified date, a wholesaler from selling or offering for sale, expanded polystyrene loose fill packaging in this state, unless it is 100% recycled material.

**STATUS:**

04/28/2008 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass as amended.

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

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CA AB 3031 **AUTHOR:** Lieber (D)  
**TITLE:** Hazardous Materials: Green Chemistry  
**LAST AMEND:** 04/21/2008  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/07/2008 9:00 am  
**SUMMARY:**

Requires the Environmental Protection Agency to develop an inventory of data identifying chemical uses by type, industry sector, and toxicity to show existing hazardous substance flows, changes, and endpoints to assist consumers, policymakers, researchers and the industry. Requires state agencies to inform the Environmental Protection Agency of data in their possession and to assist the agency in collecting additional necessary data, and would require the agency to seek data from other entities.

**STATUS:**

04/21/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments.

04/21/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA SB 447 **AUTHOR:** Maldonado (R)  
**TITLE:** Junk Dealers  
**LAST AMEND:** 01/18/2008  
**LOCATION:** Assembly Business and Professions Committee  
**SUMMARY:**

Requires a junk dealer or recycler to report specified written records of all sales and purchases made in the course of business to the chief of police of the city or the sheriff of the county in which the junk dealer or recycler sold or purchased the junk.

**STATUS:**

04/28/2008 To ASSEMBLY Committee on BUSINESS AND PROFESSIONS.

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

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CA SB 1016 **AUTHOR:** Wiggins (D)  
**TITLE:** Diversion: Annual Reports  
**LAST AMEND:** 04/10/2007  
**LOCATION:** Assembly Natural Resources Committee  
**SUMMARY:**

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.

**STATUS:**

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

	<u>BOARD.PACKET</u>		
	JAN08		
<u>Analyst</u>	JUN07	<u>Lobbyist</u>	<u>Position</u>
Nick	MAY2007	Paul	Support.If.Amended
	MAY2007		
	March08		
<u>Staff</u>	<u>Subject</u>	<u>Year-End-Report</u>	
Mary	ESJPA	OCT2007	

CA SB 1020 **AUTHOR:** Padilla (D)  
**TITLE:** Solid Waste: Diversion  
**LAST AMEND:** 06/26/2007  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

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.

**STATUS:**

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

	<u>BOARD.PACKET</u>		
	AUG2007		
	JAN08		
<u>Analyst</u>	JUN07	<u>Lobbyist</u>	<u>Position</u>
Nick	MAR07	Paul	Oppose
	MAY2007		
	MAY2007		
<u>Staff</u>	<u>Subject</u>	<u>Year-End-Report</u>	
Mary	ESJPA	OCT2007	

CA SB 1321 **AUTHOR:** Correa (D)  
**TITLE:** School Recycling Programs  
**LAST AMEND:** 04/23/2008  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/12/2008 10:00 am  
**SUMMARY:**

Requires each school district to maintain a sufficient number of beverage container recycling bins at each school campus and public office of that school district, but only to the extent that the district does not incur costs. Authorizes the Integrated Waste Management Board and the Department of Conservation to provide specified recycling supplies to a school district to which the bill is applicable upon request of that district.

**STATUS:**

04/23/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

<u>Lobbyist</u>	<u>Position</u>	<u>Staff</u>	<u>Subject</u>
Paul	Support	Mary	ESJPA

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CA SB 1357 **AUTHOR:** Padilla (D)  
**TITLE:** Beverage Containers: Processing Payments: Grants  
**LAST AMEND:** 04/23/2008  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/12/2008 10:00 am  
**SUMMARY:**  
Authorizes the Department of Conservation to extend up to a certain amount of funds during a certain period for either grants for beverage container recycling and litter reduction or regional community beverage container recycling and litter reduction. Amends existing law that requires the department to calculate a processing fee and a processing payment for each beverage container. Requires the department to use the most recently published, actual costs of recycling for a beverage container.  
**STATUS:**  
04/23/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA SB 1625 **AUTHOR:** Corbett (D)  
**TITLE:** Recycling: CRV Containers  
**LAST AMEND:** 04/21/2008  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/12/2008 10:00 am  
**SUMMARY:**  
Provides for the renaming of the Beverage Container Recycling and Litter Reduction Act. Revises the terms for beverage to include nut, grain or soy drinks that contain any percentage of juice and plastic bottle to mean a CRV container. Establishes certain Department of Conservation reporting requirements. Suspends the requirement to pay the processing fee for any container type with a certain recycling rate for specified calendar years. Relates to expending any funds collected or payable under the Act.  
**STATUS:**  
04/21/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

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

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CA SB 1663 **AUTHOR:** Denham (R)  
**TITLE:** Used and Waste Tires: Grants  
**LAST AMEND:** 04/21/2008  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/12/2008 10:00 am  
**SUMMARY:**  
Requires the tire recycling program established by the Integrated Waste Management Board under the Tire Recycling Act to include the awarding of grants to cities, counties, and other local government and nonprofit entities to provide assistance to owners of farm property used for specified agricultural activities. Require the grants to be expended only for the purposes of facilitating compliance with requirements regarding transportation of used and waste tires and the removal of illegally disposed tires.  
**STATUS:**

04/21/2008

In SENATE. Read second time and amended. Re-referred to  
Committee on APPROPRIATIONS.

Position  
Watch

Staff  
Mary

Subject  
ESJPA

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## Complete Text of Selected Solid Waste Bills

- AB 1195 Torrico      Recycling: used oil: payment
- AB 2640 Huffman    Solid waste: compostable organics management
- AB 2679 Ruskin     Solid waste: enforcement: local agencies
- AB 2695 Niello     Solid waste: enforcement: illegal dumping
- AB 2866 De Leon    Solid waste: solid waste disposal
- SB 1016 Wiggins    Diversion: annual reports
- SB 1625 Corbett    Recycling: CRV containers





AMENDED IN SENATE APRIL 15, 2008  
AMENDED IN SENATE FEBRUARY 4, 2008  
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**

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**Introduced by Assembly Member Torrico**  
***(Coauthors: Assembly Members Feuer and Hancock)***  
***(Coauthor: Senator Lowenthal Coauthors: Senators Corbett and***  
***Lowenthal)***

February 23, 2007

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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 an inspection 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. 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 require the board to pay a recycling incentive for any used oil that is burned or otherwise used for energy recovery only if the used oil meets 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, except as specified, 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 transporter can demonstrate that testing and analysis has been performed by the generator of the used oil or provide documentation that the testing will be performed by a transfer facility or a recycling facility issued a permit by the Department of Toxic Substances Control. The 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) Except as provided in paragraph (2) of  
4 subdivision (b) and subdivision (g), before a load of used oil is  
5 shipped to a transfer facility, recycling facility, or facility located  
6 out of the state, the used oil shall be tested and analyzed by a  
7 laboratory accredited by the State Department of Public Health  
8 pursuant to Article 3 (commencing with Section 100825) of  
9 Chapter 4 of Part 1 of Division 101, to ensure that the used oil  
10 meets all of the following characteristics:

11 (1) A flashpoint above 100 degrees Fahrenheit.

12 (2) A polychlorinated biphenyls (PCB) concentration of less  
13 than 5 ppm.

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

19 (b) The testing and analysis required pursuant to subdivision  
20 (a) shall be accomplished by a registered hazardous waste  
21 transporter prior to acceptance at a transfer facility, recycling  
22 facility, or shipment out of the state, except the transporter is not  
23 required to perform the testing and analysis if the transporter can  
24 do either of the following:

25 (1) (A) Demonstrate that testing and analysis has been  
26 performed by the generator of the used oil prior to shipment.

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

29 (2) Provide documentation that the testing will be performed  
30 by a transfer facility or a recycling facility issued a permit by the  
31 department pursuant to this chapter.

32 (c) (1) A transporter shall not require a used oil collection center  
33 to test tanks or containers that contain only used lubricating oil or

1 oil filters accepted from the public as a condition of accepting the  
2 oil for shipment.

3 (2) A transporter shall not require a generator to test used oil as  
4 a condition of accepting that used oil for shipment.

5 (3) Nothing in this subdivision is intended to alter a generator's  
6 responsibility to comply with regulations adopted by the  
7 department that govern the operation of a generator.

8 (d) This section does not affect or limit any testing requirement  
9 that the department may impose on a used oil transfer facility or  
10 used oil recycling facility as a condition of a permit issued by the  
11 department, including, but not limited to, any test required pursuant  
12 to a facility's waste analysis plan.

13 (e) The person performing a test required by subdivision (a)  
14 shall maintain records of tests performed for used oil for at least  
15 three years and is subject to audit and verification by the  
16 department.

17 (f) The registered hazardous waste transporter who is listed as  
18 the transporter on the Uniform Hazardous Waste Manifest used  
19 to ship used oil out of state shall submit a report, on or before  
20 March 1 of each year, to the department, containing all of the  
21 following information for the preceding year:

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

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

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

26 (4) Volume of used oil shipped out of state listed on each  
27 manifest.

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

31 (6) Signed certification that all used oil shipped out of the state  
32 was analyzed and conformed to the requirements of subdivision  
33 (a), including identification of the accredited laboratory utilized  
34 to test and analyze the used oil shipments.

35 (7) Any other information that the department may require.

36 (g) (1) This section does not apply to a load for shipment that  
37 consists exclusively of used lubricating oil accepted by a used oil  
38 collection center from the public.

39 (2) This section does not require a generator to test used oil for  
40 dielectric oil derived from highly refined mineral oil used in oil

1 filled electrical equipment. Nothing in this section exempts that  
2 oil from any testing requirement required by any other section of  
3 law.

4 (3) This section does not prohibit the transportation of used oil  
5 to a facility located outside the state, or impose liability other than  
6 compliance with the requirements of this section upon, or in any  
7 other way affect the liability of, a generator whose used oil is  
8 transported to a facility located outside the state.

9 SEC. 2. Section 48619.5 is added to the Public Resources Code,  
10 to read:

11 48619.5. "Re-refined oil" means a lubricant base stock or oil  
12 base that has been derived from used oil and meets all the following  
13 criteria:

14 (a) Processed using a series of mechanical or chemical methods,  
15 or both, including, but not limited to, vacuum distillation, followed  
16 by solvent refining or hydrotreating.

17 (b) Capable for meeting the Physical and Compositional  
18 Properties, in addition to the Contaminants and Toxicological  
19 Properties, as defined under the American Society for Testing and  
20 Materials (ASTM) D6074-99 standard.

21 (c) Processed into a material that has a quality level suitable for  
22 use in a finished lubricant.

23 SEC. 3. Section 48623 of the Public Resources Code is  
24 amended to read:

25 48623. "Used oil hauler" means a hazardous waste transporter  
26 registered pursuant to Chapter 6.5 (commencing with Section  
27 25100) of Division 20 of the Health and Safety Code who  
28 transports used oil to a used oil recycling facility certified pursuant  
29 to Article 7 (commencing with Section 48660), to a used oil storage  
30 facility, or to a used oil transfer facility.

31 SEC. 4. Section 48624 of the Public Resources Code is  
32 amended to read:

33 48624. "Used oil recycling facility" means a facility that  
34 produces recycled oil, as defined in Section 25250.1 of the Health  
35 and Safety Code, and is eligible for certification pursuant to Section  
36 48662.

37 SEC. 5. Section 48631 of the Public Resources Code is  
38 amended to read:

39 48631. The used oil recycling program shall include, but is not  
40 limited to, the following:

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

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

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

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

11 SEC. 6. Section 48651 of the Public Resources Code is  
12 amended to read:

13 48651. (a) The board shall pay a recycling incentive to every  
14 industrial generator, curbside collection program, and certified  
15 used oil collection center, for used lubricating oil collected from  
16 the public, or generated by the certified used oil collection center  
17 or the industrial generator, and transported by a used oil hauler to  
18 a used oil recycling facility certified in accordance with Section  
19 48662 that recycles the oil to meet the standards for recycled oil,  
20 as defined in Section 25250.1 of the Health and Safety Code.

21 (b) A person or entity that generates used industrial oil or a used  
22 oil storage facility or a used oil transfer facility that accepts used  
23 oil shall cause that oil to be transported by a used oil hauler to a  
24 certified used oil recycling facility or an out-of-state recycling  
25 facility operating in substantial compliance with Part 279 of Title  
26 40 of the Code of Federal Regulations and with applicable  
27 regulatory standards of the state in which the recycling facility is  
28 located.

29 (c) The board shall pay a recycling incentive pursuant to  
30 subdivision (a) for any used oil that is burned or otherwise used  
31 for energy recovery only if the used oil meets the purity standards  
32 for recycled oil specified in subparagraph (B) of paragraph (3) of  
33 subdivision (a) of Section 25250.1 of the Health and Safety Code.

34 SEC. 7. Section 48652 of the Public Resources Code is  
35 amended to read:

36 48652. The board shall set the recycling incentive amount at  
37 not less than four cents (\$0.04) per quart. The amount may be set  
38 at an amount higher than four cents (\$0.04) if the board determines  
39 that a higher amount is necessary to promote recycling of used  
40 lubricating oil and sufficient funds are available in the fund. On

1 and after January 1, 2013, the recycling incentive shall be no less  
2 than four and one-half cents (\$.045) per quart of used oil recycled  
3 into re-refined lubricating oil as defined in Section 48619.5. The  
4 board shall not change the amount of the recycling incentive until  
5 at least one year has passed since the amount was last set. The  
6 board shall continue providing recycling incentives to certified  
7 used oil collection centers at the previous rate for one month after  
8 setting the recycling incentive at a different rate. The board shall  
9 not raise the recycling incentive amount unless it finds that the  
10 raise will not adversely affect funding required pursuant to Sections  
11 48631, 48653, and 48660.5.

12 SEC. 8. Section 48653 of the Public Resources Code is  
13 amended to read:

14 48653. The board shall deposit all amounts paid pursuant to  
15 Section 48650 by manufacturers, civil penalties, or fines paid  
16 pursuant to this chapter, and all other revenues received pursuant  
17 to this chapter into the California Used Oil Recycling Fund, which  
18 is hereby created in the State Treasury. Notwithstanding Section  
19 13340 of the Government Code, the money in the fund is to be  
20 appropriated solely as follows:

21 (a) Continuously appropriated to the board for expenditure for  
22 the following purposes:

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

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

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



1 (4) For expenditures pursuant to Section 48656.

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

6 (c) The money in the fund may be transferred to the Farm and  
7 Ranch Solid Waste Cleanup and Abatement Account in the General  
8 Fund, upon appropriation by the Legislature in the annual Budget  
9 Act, to pay the costs associated with implementing and operating  
10 the Farm and Ranch Solid Waste Cleanup and Abatement Grant  
11 Program established pursuant to Chapter 2.5 (commencing with  
12 Section 48100).

13 (d) Appropriations to the board to pay the costs necessary to  
14 administer this chapter, including implementation of the reporting,  
15 monitoring, and enforcement program pursuant to subdivision (d)  
16 of Section 48631, shall not exceed three million dollars  
17 (\$3,000,000) annually.

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

23 SEC. 9. Section 48654 is added to the Public Resources Code,  
24 to read:

25 48654. (a) It is the intent of the Legislature in enacting this  
26 chapter that local government sponsored used motor oil collection  
27 programs in rural counties continue to operate and be funded to  
28 maintain or expand their existing collection efforts. As such,  
29 funding should be increased according to increased costs due to  
30 the imposition of new requirements under this chapter enacted in  
31 Assembly Bill 1195 of the 2007-08 Regular Session of the  
32 Legislature.

33 (b) (1) The board shall provide increases to block grants to  
34 rural counties for local government sponsored collection efforts  
35 to cover additional costs of testing or reduced availability of the  
36 recycling incentive caused by increased regulatory expenses  
37 pursuant to changes to Section 25250.29 of the Health and Safety  
38 Code, and Sections ~~48619, 19~~; 48623, 48631, 48632, 48633, 48651,  
39 48662, and 48670 enacted in Assembly Bill 1195 of the 2007-08  
40 Regular Session of the Legislature.

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

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

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

11 48655. The board may enter into a contract with the department  
12 that will utilize the resources of the department to provide for  
13 greater investigation and enforcement efforts for used lubricating  
14 oil transporter, handling and storage, and transfer facility  
15 operations. The department shall assist the board in developing  
16 the used oil program and providing assistance to local governments  
17 in removing barriers to the establishment of used oil collection  
18 programs.

19 SEC. 11. Section 48660.5 of the Public Resources Code is  
20 amended to read:

21 48660.5. (a) If the board finds that a shipment of used oil from  
22 a certified used oil collection center or a curbside collection  
23 program or an uncertified publicly funded used oil collection center  
24 in a small rural county is contaminated by hazardous materials in  
25 excess of that which generally occurs in normal use, which renders  
26 the used oil infeasible for recycling, and requires that the used oil  
27 be destroyed at a substantially higher cost than the cost generally  
28 to recycle used oil, the board shall, upon application by the used  
29 oil collection center or curbside collection program, reimburse the  
30 center or program for the additional disposal cost, subject to the  
31 eligibility requirements of subdivision (b), except as provided in  
32 subdivision (c).

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

36 (1) The center or program has established procedures to ensure  
37 that the used oil it generates and accepts from the public will not  
38 be mixed with other hazardous wastes, especially halogenated and  
39 polychlorinated biphenyl contaminated wastes. These procedures  
40 shall include, but not be limited to, instructing the public and

1 employees that used oil shall not be mixed with other hazardous  
2 waste. The board shall not require a center or program to test used  
3 oil received from the public as part of these procedures.

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

7 (c) In any calendar year, a used oil collection center or curbside  
8 collection program shall be reimbursed for not more than one  
9 shipment and for not more than five thousand dollars (\$5,000) in  
10 disposal costs for halogen-contaminated or more than the actual  
11 net additional costs of disposing of polychlorinated biphenyl  
12 contaminated wastes, subject to the availability of funds pursuant  
13 to Section 48656.

14 SEC. 12. Section 48662 of the Public Resources Code is  
15 amended to read:

16 48662. The board shall certify or recertify a used oil recycling  
17 facility that meets either of the following requirements:

18 (a) (1) The used oil recycling facility is located in this state and  
19 the board has received a report from the department pursuant to  
20 Section 48661, unless the board determines that the facility is  
21 engaged in a repeating or recurring pattern of noncompliance that  
22 poses a significant threat to public health and safety or the  
23 environment.

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

27 (b) (1) The used oil recycling facility is an out-of-state facility  
28 and the board receives a report from the department that the  
29 out-of-state facility has demonstrated to the satisfaction of the  
30 department that the facility substantially meets the requirements  
31 set forth in Part 279 of Title 40 of the Code of Federal Regulations.

32 (2) ~~An out-of-state used oil facility that seeks certification shall~~  
33 ~~annually certify, in writing to the board, conformance with the~~  
34 ~~standards specified in paragraph (1), under penalty of perjury.~~  
35 *annually certify, in writing to the board, under penalty of perjury,*  
36 *that the facility substantially meets the requirements set forth in*  
37 *Part 279 (commencing with Section 279.1) of Title 40 of the Code*  
38 *of Federal Regulations.*

39 (3) *Paragraphs (1) and (2) do not require the department to*  
40 *inspect or prohibit the department from inspecting an out-of-state*

1 facility to determine whether the department is satisfied that the  
 2 facility substantially meets the requirements set forth in Part 279  
 3 (commencing with Section 279.1) of Title 40 of the Code of Federal  
 4 Regulations.

5 (4) As a condition of demonstrating compliance pursuant to  
 6 paragraph (1), a facility shall enter into an agreement with the  
 7 department pursuant to Section 25201.9 of the Health and Safety  
 8 Code to pay the department's full expenses for conducting the  
 9 review and any inspection costs the department may incur in  
 10 determining whether the facility substantially meets the  
 11 requirements set forth in Part 279 (commencing with Section 279.1)  
 12 of Title 40 of the Code of Federal Regulations.

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

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

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

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

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

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

1 SEC. 14. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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AMENDED IN ASSEMBLY APRIL 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2640**

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**Introduced by Assembly Member Huffman**  
*(Coauthor: Assembly Member Dymally)*

February 22, 2008

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An act to amend ~~Sections 41781.3 and~~ Section 48000 of, to add Section 41781.5 to, and to add Article 3 (commencing with Section 48030) to Chapter 2 of Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2640, as amended, Huffman. Solid waste: compostable organics management.

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

The act requires the source reduction and recycling element to divert 50% of all solid waste subject to the element from disposal through source reduction, recycling, and composting activities, with specified exceptions. Under the act, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, constitutes diversion through recycling and is not considered disposal for purposes of the act. ~~The act requires the board, prior to December 31, 1997, to adopt rules and regulations establishing conditions for the use of alternative daily cover that are~~

~~consistent with the act and requires, until the board adopts those regulations, that the use of alternative daily cover be governed by specified existing regulations.~~

This bill would require the board to adopt policies and to develop and implement programs; to ensure that, on and after January 1, 2020, the amount of compostable organics subject to landfill disposal or otherwise deposited in landfills is reduced as specified.

~~This bill would provide that, on and after January 1, 2015, the use of green material, as defined, for beneficial reuse in the construction and operation of a solid waste landfill, including the use of green material as alternative daily cover, would not constitute diversion and would require that green material be considered disposal for purposes of the act. The bill would require the board to notify operators of disposal facilities of this provision on or before July 1, 2009.~~

~~This bill would require the board, on or before July 1, 2010, to adopt or revise regulations that establish conditions for the use of alternative daily cover that are consistent with the act. The bill also would delete an obsolete reference to the board's existing regulations.~~

~~This bill would impose a state-mandated local program by imposing new duties upon local agencies related to implementing those provisions.~~

(2) The act requires an operator of a solid waste disposal facility to pay a quarterly fee of up to \$1.40 per ton based on the amount of all solid waste disposed of at each disposal site and requires the State Board of Equalization to collect the fees and deposit the fees in the Integrated Waste Management Account in the Integrated Waste Management Fund (fund) in the State Treasury. The act requires the Integrated Waste Management Board to use the moneys in the account, upon appropriation by the Legislature, for specified purposes.

This bill, with regard to green material used for beneficial reuse, including use as alternative daily cover, at a disposal site, would ~~instead, beginning January 1, 2010,~~ require an operator of a solid waste disposal facility to pay a quarterly fee of \$1.40 per ton, would establish the Organics Management Account in the fund, and would require the State Board of Equalization to collect and deposit the fees imposed on that green material in the account, *as specified*. The bill would require the California Integrated Waste Management Board to expend the moneys in the account, upon appropriation by the Legislature, for competitive grants and loans for compostable organics management projects and, commencing on July 1, 2010, for a program adopted by the board for compostable organics management.



~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

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

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

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

- 1 SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3 (a) With the enactment of the California Integrated Waste  
4 Management Act of 1989 (the act), the Legislature declared that  
5 the California Integrated Waste Management Board and local  
6 agencies shall promote recycling and composting over land disposal  
7 and transformation.
- 8 (b) Since the enactment of the act, local governments and private  
9 industries have worked jointly to create an extensive material  
10 collection infrastructure and have implemented effective programs  
11 to achieve a statewide diversion rate greater than 50 percent.
- 12 (c) Although California now leads the nation in waste reduction  
13 and recycling, the state continues to dispose of more than 10  
14 million tons of compostable organics each year in solid waste  
15 landfills.
- 16 (d) The landfilling of compostable organics, including organic  
17 materials used as landfill cover, squanders dwindling disposal  
18 capacity, adds to landfill volatility, and results in the emission of  
19 greenhouse gases, volatile organic compounds, and ammonia.
- 20 (e) Composting organic materials results in substantial  
21 environmental and agricultural benefits, including the reduction  
22 of methane gas and naturally occurring volatile organic compounds  
23 and ammonia.
- 24 (f) The Economic and Technology Advancement Advisory  
25 Committee, formed pursuant to the California Global Warming  
26 Solutions Act of 2006 (A.B. 32, 2005–06 Reg. Sess.), has identified  
27 composting as a cost-effective technology for reducing greenhouse  
28 gas emissions and has recommended providing financial incentives  
29 to assist compost operators to offset the cost of complying with  
30 new and existing environmental regulations.

1 (g) The application of compost in agriculture and landscaping  
2 has been shown to offer significant water quality benefits, provide  
3 erosion control, reduce the need for synthetic fertilizers and  
4 pesticides, and conserve water and irrigation-associated energy.

5 (h) The use of compostable organics as alternative daily cover  
6 in the construction and operation of solid waste landfills deprives  
7 California agriculture and the environment of compostable organic  
8 material for compost and other higher and better uses.

9 (i) The California Integrated Waste Management Board has  
10 adopted a Strategic Directive to reduce the amount of organics in  
11 the waste stream by 50 percent by the year 2020 and has identified  
12 the need for as many as 100 additional facilities in the state to  
13 process compostable organics.

14 (j) In order to reduce the landfilling of organics, increase  
15 composting, and meet the organics disposal reduction target  
16 adopted by the California Integrated Waste Management Board,  
17 the state should reduce barriers to, and provide incentives for,  
18 increasing processing capacity and end-use markets for  
19 compostable organics.

20 ~~SEC. 2.—Section 41781.3 of the Public Resources Code is~~  
21 ~~amended to read:~~

22 ~~41781.3. (a) (1) The use of solid waste for beneficial reuse~~  
23 ~~in the construction and operation of a solid waste landfill, including~~  
24 ~~the use of alternative daily cover, which reduces or eliminates the~~  
25 ~~amount of solid waste being disposed pursuant to Section 40124,~~  
26 ~~shall constitute diversion through recycling and shall not be~~  
27 ~~considered disposal for the purposes of this division.~~

28 ~~(2) On and after January 1, 2015, the use of green material, as~~  
29 ~~defined in regulations adopted by the board pursuant to Section~~  
30 ~~40502, for beneficial reuse in the construction and operation of a~~  
31 ~~solid waste landfill, including the use of green material as~~  
32 ~~alternative daily cover, shall not constitute diversion through~~  
33 ~~recycling and shall be considered disposal for purposes of this~~  
34 ~~division.~~

35 ~~(3) On January 1, 2009, the board shall provide notice to all~~  
36 ~~operators of disposal facilities of the requirements of paragraph~~  
37 ~~(2).~~

38 ~~(b) On or before July 1, 2010, pursuant to the board's authority~~  
39 ~~to adopt rules and regulations pursuant to Section 40502, the board~~  
40 ~~shall adopt or revise regulations that establish conditions for the~~

1 use of alternative daily cover that are consistent with this division.  
2 In adopting the regulations, the board shall consider, but is not  
3 limited to, all of the following criteria:

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

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

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

12 (e) ~~Until the adoption of additional regulations, the use of~~  
13 ~~alternative daily cover shall be governed by the conditions~~  
14 ~~established by the board in its existing regulations as those~~  
15 ~~regulations read on the effective date of the amendments to this~~  
16 ~~section, as enacted by the Statutes of 2008.~~

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

23 ~~SEC. 3.~~

24 ~~SEC. 2.~~ Section 41781.5 is added to the Public Resources Code,  
25 to read:

26 41781.5. The board shall adopt policies and develop and  
27 implement programs to ensure that, on and after January 1, 2020,  
28 the amount of compostable organics subject to landfill disposal or  
29 otherwise deposited in landfills in the state annually is 50 percent  
30 or less of the amount of compostable organics disposed or  
31 otherwise deposited in landfills during the 2008 calendar year.

32 ~~SEC. 4.~~

33 ~~SEC. 3.~~ Section 48000 of the Public Resources Code is  
34 amended to read:

35 48000. (a) An operator of a disposal facility shall pay a fee  
36 quarterly to the State Board of Equalization that is based on the  
37 amount, by weight or volumetric equivalent, as determined by the  
38 board, of all solid waste disposed of at each disposal site, except  
39 solid waste for which the payment of a fee is required pursuant to  
40 Section 48030.

1 (b) The fee for solid waste disposed of shall be one dollar and  
 2 thirty-four cents (\$1.34) per ton. Commencing with the 1995-96  
 3 fiscal year, the amount of the fee shall be established by the board  
 4 at an amount that is sufficient to generate revenues equivalent to  
 5 the approved budget for that fiscal year, including a prudent  
 6 reserve, but shall not exceed one dollar and forty cents (\$1.40) per  
 7 ton.

8 (c) The board shall notify the State Board of Equalization on  
 9 the first day of the period in which the rate shall take effect of any  
 10 rate change adopted pursuant to this section.

11 (d) The board and the State Board of Equalization shall ensure  
 12 that all the fees for solid waste imposed pursuant to this section  
 13 that are collected at a transfer station are paid to the State Board  
 14 of Equalization in accordance with this article.

15 ~~SEC. 5.~~

16 *SEC. 4.* Article 3 (commencing with Section 48030) is added  
 17 to Chapter 2 of Part 7 of Division 30 of the Public Resources Code,  
 18 to read:

19  
 20 Article 3. Organics Management Account

21  
 22 48030. (a) ~~(1) On and after January 1, 2009~~ *Commencing*  
 23 *January 1, 2010*, an operator of a disposal facility shall pay a fee  
 24 quarterly to the State Board of Equalization that is based on the  
 25 amount, by weight or volumetric equivalent, as determined by the  
 26 board, of all green material, as defined in regulations adopted by  
 27 the California Integrated Waste Management Board pursuant to  
 28 Section 40502, that is used for beneficial reuse, including use as  
 29 alternative daily cover, at each disposal site.

30 *(2) Notwithstanding paragraph (1), the State Board of*  
 31 *Equalization may require the payment of the fee imposed pursuant*  
 32 *to this section and the filing of returns for other than quarterly*  
 33 *periods.*

34 *(3) An operator of a disposal facility shall pay the fee imposed*  
 35 *pursuant to this section by the 25th day of the calendar month*  
 36 *following the quarterly period for which the fee is due.*

37 *(4) (A) Each payment of a fee pursuant to this section shall be*  
 38 *accompanied by a return in the form as prescribed by the State*  
 39 *Board of Equalization, including, but not limited to, electronic*  
 40 *media. The return shall include the following information:*

1 (i) *The total amount of green material subject to the fee.*

2 (ii) *The amount of the fee for the period covered by the return.*

3 (iii) *Other information that the State Board of Equalization*  
4 *determines to be necessary.*

5 (B) *A return submitted pursuant to this paragraph shall be*  
6 *authenticated pursuant to methods as may be prescribed by the*  
7 *State Board of Equalization.*

8 (b) The fee imposed pursuant to this section shall be one dollar  
9 and forty cents (\$1.40) per ton.

10 (c) The board and the State Board of Equalization shall ensure  
11 that all fees for green material imposed pursuant to this section  
12 that are collected at a transfer station are paid to the State Board  
13 of Equalization in accordance with this article.

14 (d) *The State Board of Equalization shall collect the fee imposed*  
15 *pursuant to this section in accordance with the Fee Collection*  
16 *Procedures Law (Part 30 (commencing with Section 55001) of*  
17 *Division 2 of the Revenue and Taxation Code).*

18 48031. (a) The revenue from the fees paid pursuant to Section  
19 48030 shall, after payment of refunds and administrative costs of  
20 collection, be deposited in the Organics Management Account,  
21 which is hereby created in the Integrated Waste Management Fund.

22 (b) For purposes of this article, "account" means the Organics  
23 Management Account, created pursuant to subdivision (a).

24 48032. The state board shall adopt rules and regulations to  
25 carry out Section 48030, including, but not limited to, provisions  
26 governing collections, reporting, refunds, and appeals.

27 48033. The state board shall not spend more than one-half of  
28 1 percent of the total revenues deposited, or anticipated to be  
29 deposited, in the account during a fiscal year for the administration  
30 of this article during that fiscal year.

31 48034. (a) The board shall expend the moneys in the account,  
32 upon appropriation by the Legislature, for the administration and  
33 implementation of this article.

34 (b) The board shall adopt rules and regulations governing the  
35 expenditure of the moneys in the account, in accordance with the  
36 purposes set forth in this article.

37 48035. (a) (1) The board shall develop a program of grants  
38 and loans for compostable organics management projects.

1 (2) In expending the moneys in the account pursuant to  
2 paragraph (1), the board shall support only projects that meet or  
3 exceed new or existing state environmental standards.

4 (b) The board shall adopt a program, to commence on July 1,  
5 2010, for compostable organics management. The program shall  
6 be administered by the board pursuant to regulations adopted by  
7 the board.

8 ~~SEC. 6. No reimbursement is required by this act pursuant to~~  
9 ~~Section 6 of Article XIII B of the California Constitution because~~  
10 ~~a local agency or school district has the authority to levy service~~  
11 ~~charges, fees, or assessments sufficient to pay for the program or~~  
12 ~~level of service mandated by this act, within the meaning of Section~~  
13 ~~17556 of the Government Code.~~

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AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007-08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2679**

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**Introduced by Assembly Member Ruskin  
(Coauthor: Assembly Member Nunez)**

February 22, 2008

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An act to amend Sections 40120.1, 40122, 40141, 40160, 40192, 43209, 43214, 43300, 44100, 44306, 45000, 45002, 45005, 45010, 45011, 45012, 45013, 45017, 45019, 45020, 45021, 45022, 45023, and 45040 of, to add Sections 40115.5, 40142, 40150.1, 40162, 44000.5, 45000.1, 45003, 45010.1, and 45010.2 to, to add Chapter 2 (commencing with Section 45025) to Part 5 of Division 30 of, and to repeal Sections 40123 and 45033 of, the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Ruskin. Solid waste: enforcement: local agencies.

(1) Existing law, the California Integrated Waste Management Act of 1989, regulates the management of solid waste. The act provides that the California Integrated Waste Management Board may designate and certify a local enforcement agency within each county to carry out specified powers and duties and requires the board and certified local enforcement agencies to perform specified functions with regard to the regulation of solid waste management, including the issuance and enforcement of solid waste facilities permits. Existing law defines various terms for purposes of the act, including defining the term

“disposal site owner” as a person who holds title to property used as a disposal site after January 1, 1977.

The bill would repeal the definition of disposal site owner and would additionally define the terms “closed disposal site,” “illegal disposal site,” “minor violation,” and “owner.” The bill would also revise the existing definitions of the terms “disposal,” “disposal site,” “hazardous waste,” “operator,” and “solid waste disposal” for purposes of the act.

(2) Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and authorizes an enforcement agency to issue a solid waste facilities permit only if it makes certain findings regarding the consistency of the permit with the act and the regulations adopted by the board. The enforcement agency is required to take specified actions, including establishing and maintaining an inspection program.

Existing law requires the board to periodically inspect solid waste facilities to determine if the enforcement agency is enforcing state minimum standards. Existing law allows an enforcement agency to issue an administrative order requiring the owner or operator of a solid waste facility to take corrective action and to issue a cease and desist order. An enforcement agency is allowed to include an administrative civil penalty of up to \$5,000 for each day on which a violation occurs. Existing law also provides for the imposition of a civil penalty of up to \$10,000 per day upon an owner or operator of a solid waste facility who violates certain requirements or a person who violates a standard adopted by the board. Existing law requires all civil penalties paid to the board pursuant to the enforcement provisions of the act to be deposited in the Solid Waste Disposal Site Cleanup Trust Fund, which is continuously appropriated to the board for specified purposes with regard to the cleanup of solid waste disposal sites.

This bill would make conforming changes to the enforcement and penalty provisions of the act to additionally include violations of the act regarding disposal sites and solid waste handling activities. The bill would authorize the board to take any enforcement action that a local enforcement agency may take under the enforcement provisions of the act. The bill would authorize an enforcement agency to include, as part of its funding of the inspection program required to be conducted by the enforcement agency, the prevention of the illegal disposal of solid waste, the abatement of the illegal disposal of solid waste, and activities to make the public aware regarding that disposal.



The bill would allow the board to require an environmental restriction to be imposed on a disposal site where the solid waste remains in place after closure or environmental remediation.

The bill would require the board or enforcement agency to take specified actions when a minor violation is detected in the course of an inspection.

The bill would prohibit a person from disposing of solid waste, causing solid waste to be disposed of, arranging for the disposal of solid waste, transporting solid waste, or accepting solid waste for disposal, except at a solid waste disposal facility issued a solid waste facilities permit, or as otherwise authorized. This bill would revise the procedures for the imposition of civil penalties to authorize the board or an enforcement agency to issue an order imposing a civil penalty of not more than \$5,000 upon a person who violates the act, a regulation adopted pursuant to the act or, an order issued under the enforcement provisions of the act applicable to a solid waste facility, solid waste handling activity, or a disposal site, or the terms or conditions of a solid waste facilities permit. The bill would require the board or an enforcement agency before issuing an order, except as specified, to follow specified procedures regarding notification and meeting with the owner, operator, or person to determine what actions, if any, that the operator, owner, or person may voluntarily take to bring the facility, activity, or site into compliance by the earliest feasible date.

The bill would impose a state-mandated local program by requiring local agencies to take specified enforcement actions under the act.

The bill would *additionally* authorize the imposition of a civil penalty of not more than \$10,000 upon a person who ~~disposes or arranges for the disposal of, or generates, transports, or arranges for the transport of, a solid waste that is not disposed of at a solid waste facility issued a solid waste facilities permit~~ *own or operates a solid waste handling activity or disposal site and who intentionally or negligently violates a solid waste facilities permit or a standard, requirement, or order, or a person who intentionally or negligently violates the act or a regulation, administrative order, or standard, with respect to a solid waste facility, solid waste handling activity, or disposal site*, for each day the violation or operation occurs.

Because the civil penalties that would be imposed by the board are required to be deposited in the Solid Waste Disposal Site Cleanup Trust Fund, which is a continuously appropriated fund, the bill would make an appropriation.

The bill would make a person convicted of violating certain provisions of the act guilty of a misdemeanor punishable by a fine in an amount of not less than \$500 and not more than \$10,000, by imprisonment in a county jail for not more than 6 months, or by both, for each violation. The bill would impose a state-mandated local program by creating new crimes.

(3) Existing law requires all orders and determinations issued under the act to take effect immediately after any time period for appeal has expired. However, under existing law, a request for a hearing stays the effect of the order pending completion of all appeals, but a request for a hearing does not stay a provision of the order, or the order as a whole, when there is an imminent and substantial threat to public health and safety or the environment, as specified.

This bill would instead allow a person subject to an order in the case of extraordinary circumstances to petition the board to stay the order, pending the completion of specified administrative appeals pursuant to a specified procedure.

(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 specified reasons.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. Section 40115.5 is added to the Public Resources
- 2 Code, to read:
- 3 40115.5. "Closed disposal site" means a disposal site that
- 4 ceases to accept solid waste and is closed in accordance with
- 5 applicable statutes, regulations, and local ordinances in effect at
- 6 the time of the closure.
- 7 SEC. 2. Section 40120.1 of the Public Resources Code is
- 8 amended to read:
- 9 40120.1. "Disposal" or "dispose" has the same meaning as
- 10 "solid waste disposal" as defined in Section 40192.
- 11 SEC. 3. Section 40122 of the Public Resources Code is
- 12 amended to read:

1 40122. "Disposal site" or "site" means the place, location, tract  
2 of land, area, or premises in use, intended to be used, or which has  
3 been used, for the disposal of solid wastes.

4 SEC. 4. Section 40123 of the Public Resources Code is  
5 repealed.

6 SEC. 5. Section 40141 of the Public Resources Code is  
7 amended to read:

8 40141. (a) "Hazardous waste" means a waste, defined as a  
9 "hazardous waste" in accordance with Section 25117 of the Health  
10 and Safety Code, or a combination of wastes, which because of  
11 its quantity, concentration, or physical, chemical, or infectious  
12 characteristics may do either of the following:

13 (1) Cause, or significantly contribute to, an increase in mortality  
14 or an increase in serious irreversible, or incapacitating reversible,  
15 illness.

16 (2) Pose a substantial present or potential hazard to human health  
17 or environment when improperly treated, stored, transported, or  
18 disposed of, or otherwise managed.

19 (b) Unless expressly provided otherwise, "hazardous waste"  
20 includes extremely hazardous waste and acutely hazardous waste.

21 SEC. 6. Section 40142 is added to the Public Resources Code,  
22 to read:

23 40142. "Illegal disposal site" means a disposal site that meets  
24 both of the following conditions:

25 (a) The site does not have a solid waste facilities permit, if the  
26 site is required to obtain a solid waste facilities permit pursuant to  
27 this division.

28 (b) The site is not closed in accordance with the requirements  
29 of this division.

30 SEC. 7. Section 40150.1 is added to the Public Resources Code,  
31 to read:

32 40150.1. "Minor violation" means the failure of a person to  
33 comply with a requirement or condition of an applicable law,  
34 regulation, permit, information request, order, variance, or other  
35 requirement, whether procedural or substantive, that an  
36 enforcement agency or the board is authorized to implement or  
37 enforce pursuant to Part 5 (commencing with Section 45000) and  
38 that does not otherwise include any of the following:

- 1 (a) A violation that results in injury to persons or property or  
2 that presents a significant threat to human health or the  
3 environment.
- 4 (b) A ~~knowing-willful~~ *knowing, willful*, or intentional violation.
- 5 (c) A violation that is a chronic violation or that is committed  
6 by a recalcitrant violator. In determining whether a violation is  
7 chronic or a violator is recalcitrant, the enforcement agency or  
8 board, whichever issues the notice to comply, shall consider  
9 whether there is evidence indicating that the violator has engaged  
10 in a pattern of neglect or disregard with respect to applicable  
11 regulatory requirements.
- 12 (d) A violation that results in an emergency response from a  
13 public safety agency.
- 14 (e) A violation that enables the violator to benefit economically  
15 from the noncompliance, either by reduced costs or competitive  
16 advantage.
- 17 SEC. 8. Section 40160 of the Public Resources Code is  
18 amended to read:
- 19 40160. (a) "Operator" means a person who operates a solid  
20 waste facility, conducts a solid waste handling activity, or operates  
21 a disposal site.
- 22 (b) For purposes of an enforcement action pursuant to Part 5  
23 (commencing with Section 45000) or a cost recovery action  
24 pursuant to Section 48023, "operator" includes the current operator  
25 and a person who, at any time before the date of the commencement  
26 of the enforcement action or cost recovery action, operated a solid  
27 waste facility, conducted a solid waste handling activity, or  
28 operated a disposal site during which time the operation of the  
29 property or the activity may have contributed to, caused the  
30 circumstances giving rise to, or caused the condition of the property  
31 giving rise to, the enforcement action or cost recovery action.
- 32 SEC. 9. Section 40162 is added to the Public Resources Code,  
33 to read:
- 34 40162. (a) "Owner" means a person who holds fee title to, or  
35 a leasehold or other possessory interest in, real property that is  
36 presently in use as a solid waste facility, is a disposal site, or is  
37 presently used for any solid waste handling activity.
- 38 (b) For purposes of an enforcement action pursuant to Part 5  
39 (commencing with Section 45000) or a cost recovery action  
40 pursuant to Section 48023, "owner" includes a person who, at any

1 time before the commencement of the enforcement action or  
2 recovery action, held fee title to, or held a leasehold or other  
3 possessory interest in, real property that was used as the site of a  
4 solid waste facility or a disposal site, or was used for any solid  
5 waste handling activity, during which time the operation of the  
6 property or the activity may have contributed to, caused the  
7 circumstances giving rise to, or caused the condition of the property  
8 giving rise to, the enforcement action or cost recovery action.

9 SEC. 10. Section 40192 of the Public Resources Code is  
10 amended to read:

11 40192. (a) Except as provided in subdivisions (b) and (c),  
12 "solid waste disposal," "disposal," or "dispose" means the final  
13 deposition of solid wastes onto land, into the atmosphere, or into  
14 the waters of the state.

15 (b) For purposes of Part 2 (commencing with Section 40900),  
16 "solid waste disposal," "dispose," or "disposal" means the  
17 management of solid waste through landfill disposal or  
18 transformation at a permitted solid waste facility, unless the term  
19 is expressly defined otherwise.

20 (c) For purposes of Chapter 16 (commencing with Section  
21 42800) and Chapter 19 (commencing with Section 42950) of Part  
22 3, Part 4 (commencing with Section 43000), Part 5 (commencing  
23 with Section 45000), Part 6 (commencing with Section 45030),  
24 and Chapter 2 (commencing with Section 47901) of Part 7, "solid  
25 waste disposal," "dispose," or "disposal" means the final deposition  
26 of solid wastes onto land.

27 SEC. 11. Section 43209 of the Public Resources Code is  
28 amended to read:

29 43209. The enforcement agency, within its jurisdiction and  
30 consistent with its certification by the board, shall do all of the  
31 following:

32 (a) Enforce applicable provisions of this part, regulations  
33 adopted under this part, and terms and conditions of permits issued  
34 pursuant to Chapter 3 (commencing with Section 44001).

35 (b) Request enforcement by appropriate federal, state, and local  
36 agencies of their respective laws governing solid waste storage,  
37 handling, and disposal.

38 (c) File with the board, upon its request, information the board  
39 determines to be necessary.

- 1 (d) Develop, implement, and maintain inspection, enforcement,  
2 permitting, and training programs.
- 3 (e) (1) Establish and maintain an enforcement program  
4 consistent with regulations adopted by the board to implement this  
5 chapter, the standards adopted pursuant to this chapter, and the  
6 terms and conditions of permits issued pursuant to Chapter 3  
7 (commencing with Section 44001).
- 8 (2) The enforcement agency may establish specific local  
9 standards for solid waste handling and disposal subject to approval  
10 by a majority vote of its local governing body, by resolution or  
11 ordinance.
- 12 (3) A standard established pursuant to this subdivision shall be  
13 consistent with this division and all regulations adopted by the  
14 board.
- 15 (f) Keep and maintain records of its inspection, enforcement,  
16 permitting, training, and regulatory programs, and of any other  
17 official action in accordance with regulations adopted by the board.
- 18 (g) (1) Consult, as appropriate, with the appropriate local health  
19 agency concerning all actions which involve health standards.
- 20 (2) The consultation required by this subdivision shall include  
21 affording the health agency adequate notice and opportunity to  
22 conduct and report the evaluation as it reasonably determines is  
23 appropriate.
- 24 (h) Establish and maintain an inspection program.
- 25 (1) The inspection program required by this subdivision shall  
26 be designed to determine whether any solid waste facility is  
27 operating under any of the following:
- 28 (A) The facility is operating without a permit.
- 29 (B) The facility is operating in violation of state minimum  
30 standards.
- 31 (C) The facility is operating in violation of the terms and  
32 conditions of its solid waste facilities permit.
- 33 (D) The facility may pose a significant threat to public health  
34 and safety or to the environment, based on any relevant  
35 information.
- 36 (2) The inspection program established pursuant to this  
37 subdivision shall also ensure frequent inspections of solid waste  
38 facilities that have an established pattern of noncompliance with  
39 this division, regulations adopted pursuant to this division, or the  
40 terms and conditions of a solid waste facilities permit.

1 (3) The enforcement agency may include, as part of its funding  
2 of the inspection program required by this subdivision, enforcement  
3 to prevent the illegal disposal of solid waste, the abatement of the  
4 illegal disposal of solid waste, and activities to make the public  
5 aware of that disposal.

6 SEC. 12. Section 43214 of the Public Resources Code is  
7 amended to read:

8 43214. (a) The board shall develop performance standards for  
9 evaluating certified local enforcement agencies and shall  
10 periodically review each certified enforcement agency and its  
11 implementation of the permit, inspection, and enforcement  
12 program. The board's review shall include periodic inspections of  
13 solid waste facilities, disposal sites, and solid waste handling  
14 activities within the jurisdiction of each enforcement agency for  
15 the purpose of evaluating whether the enforcement agency is  
16 appropriately applying and enforcing state minimum standards  
17 within its jurisdiction.

18 (b) Following initial certification of an enforcement agency by  
19 the board, the board shall conduct a performance review of the  
20 enforcement agency every three years, or more frequently as  
21 determined by the board.

22 (c) In conducting performance reviews of enforcement agencies,  
23 the board shall, based on the performance standards developed  
24 pursuant to subdivision (a), determine whether each enforcement  
25 agency is in compliance with the requirements of this article and  
26 the regulations adopted to implement this article. If the board finds  
27 that an enforcement agency is not fulfilling its responsibilities  
28 pursuant to this article and if the board also finds that this lack of  
29 compliance has contributed to significant noncompliance with  
30 state minimum standards at solid waste facilities, disposal sites,  
31 or solid waste handling activities within the jurisdiction of the  
32 enforcement agency, the board shall withdraw its approval of  
33 designation pursuant to Sections 43215 and 43216.  
34 Notwithstanding Sections 43215 and 43216, if the board finds that  
35 conditions at solid waste facilities, disposal sites, or solid waste  
36 handling activities within the jurisdiction of the enforcement  
37 agency threaten public health and safety or the environment, the  
38 board shall, within 10 days of notifying the enforcement agency,  
39 become the enforcement agency until another enforcement agency  
40 is designated locally and certified by the board.

1 (d) The board shall find that an enforcement agency is not  
2 fulfilling its responsibilities pursuant to this article, and may take  
3 action as prescribed by subdivision (c), if the board, in conducting  
4 its performance review, makes one or more of the following  
5 findings with regard to compliance with this part and Part 5  
6 (commencing with Section 45000):

7 (1) The enforcement agency has failed to exercise due diligence  
8 in the inspection of solid waste facilities, disposal sites, and solid  
9 waste handling activities.

10 (2) The enforcement agency has intentionally misrepresented  
11 the results of inspections.

12 (3) The enforcement agency has failed to prepare, or cause to  
13 be prepared, permits, permit revisions, or closure and postclosure  
14 maintenance plans.

15 (4) The enforcement agency has approved permits, permit  
16 revisions, or closure and postclosure maintenance plans that are  
17 not consistent with this part and Part 5 (commencing with Section  
18 45000).

19 (5) The enforcement agency has failed to take appropriate  
20 enforcement actions.

21 (6) The enforcement agency has failed to comply with, or has  
22 taken actions that are inconsistent with, or that are not authorized  
23 by, this division or the regulations adopted by the board pursuant  
24 to this division. However, nothing in this paragraph is intended to  
25 affect the authority of enforcement agencies pursuant to subdivision  
26 (e) of Section 43209.

27 SEC. 13. Section 43300 of the Public Resources Code is  
28 amended to read:

29 43300. The board may enforce all provisions of this division,  
30 and the regulations adopted thereto, for the protection of the  
31 environment and the public health and safety, and to prevent or  
32 abate a public nuisance in the same manner as if it were the  
33 designated enforcement agency for the local jurisdiction.

34 SEC. 14. Section 44000.5 is added to the Public Resources  
35 Code, to read:

36 44000.5. (a) A person shall not dispose of solid waste, cause  
37 solid waste to be disposed of, arrange for the disposal of solid  
38 waste, transport solid waste for purposes of disposal, or accept  
39 solid waste for disposal, except at a solid waste disposal facility  
40 issued a solid waste facilities permit pursuant to this chapter or as



1 otherwise authorized pursuant to this division and the regulations  
2 adopted by the board pursuant to this division.

3 (b) A violation of this section is an unlawful act.

4 SEC. 15. Section 44100 of the Public Resources Code is  
5 amended to read:

6 44100. (a) The enforcement agency, in issuing or reviewing  
7 a solid waste facilities permit or in connection with an action  
8 relating to a solid waste facility permit or authorized by this  
9 division, may investigate the operation by a person of a solid waste  
10 facility, a solid waste handling activity, a transfer or processing  
11 station, a disposal site, collection or handling equipment, or a  
12 storage area for solid wastes.

13 (b) In the investigation, the enforcement agency may require a  
14 person, who is, or proposes to become, an operator of a solid waste  
15 facility, a solid waste handling activity, a transfer or processing  
16 station, a disposal site, collection or handling equipment, or a  
17 storage area for solid wastes, or a person that the enforcement  
18 agency believes may have information concerning a suspected  
19 violation of this division, to furnish, under penalty of perjury, any  
20 nonprivileged technical or monitoring program or other reports  
21 that the enforcement agency may specify.

22 (c) (1) If the owner of property upon which solid waste is  
23 unlawfully stored, stockpiled, disposed, handled, or maintained  
24 refuses to allow or provide the board, the local enforcement agency,  
25 or a contractor of the board or local enforcement agency with  
26 access to enter onto the property and perform all necessary cleanup,  
27 abatement, or remedial work as authorized pursuant to Section  
28 45000 or 48020, the court shall issue the board, local enforcement  
29 agency, or a contractor of the board or local enforcement agency  
30 a warrant pursuant to the procedure set forth in Title 13  
31 (commencing with Section 1822.50) of Part 3 of the Code of Civil  
32 Procedure to permit reasonable access to the property to perform  
33 that activity, if the following conditions have been met:

34 (A) An administrative order requiring corrective action has been  
35 issued or obtained pursuant to Section 45000 against the property  
36 owner.

37 (B) The board or local enforcement agency finds that there is a  
38 significant threat to public health or the environment.

39 (2) Notwithstanding paragraph (1), if there is an emergency  
40 affecting public health or safety, the board, local enforcement

1 agency, or a contractor of the board or local enforcement agency  
2 may enter the property without consent or the issuance of a warrant  
3 to perform any necessary cleanup, abatement, or remedial work.

4 SEC. 16. Section 44306 of the Public Resources Code is  
5 amended to read:

6 44306. The enforcement agency may, after holding a hearing  
7 in accordance with the procedures set forth in Section 44310,  
8 revoke a solid waste facilities permit if the enforcement agency  
9 determines any of the following:

10 (a) The permit was obtained by a material misrepresentation or  
11 failure to disclose relevant factual information.

12 (b) The operator has, during the previous three years, been  
13 convicted of, or been issued a final order for, one or more violations  
14 of this division, regulations adopted pursuant to this division, or  
15 the terms and conditions of the permit, and the violation meets  
16 both of the following criteria:

17 (1) The violation demonstrates a chronic recurring pattern of  
18 noncompliance that has posed, or may pose, a significant risk to  
19 public health and safety or to the environment.

20 (2) The violation has not been corrected or reasonable progress  
21 toward correction has not been achieved.

22 (c) The operator has failed to pay in full any monetary penalty  
23 imposed pursuant to Part 5 (commencing with Section 45000) not  
24 more than 90 days from the date when the penalty is required to  
25 be paid.

26 SEC. 17. Section 45000 of the Public Resources Code is  
27 amended to read:

28 45000. (a) Except as provided in subdivision (b), the  
29 enforcement agency may issue an administrative order requiring  
30 the owner or operator of a solid waste facility, solid waste handling  
31 activity, or disposal site or a person in violation of Section 44000.5,  
32 to take corrective action as necessary to abate a nuisance, or to  
33 protect human health and safety or the environment.

34 (b) An administrative order shall not be issued for a minor  
35 violation that is corrected immediately in the presence of the  
36 inspector. Immediate compliance in that manner shall be noted in  
37 the inspection report.

38 (c) The enforcement agency or the board may contract for  
39 corrective action after an order issued pursuant to subdivision (a)

1 becomes final and the owner or operator fails to comply with the  
2 order by the date specified in the order.

3 (d) If an enforcement agency or the board expends any funds  
4 pursuant to subdivision (b), the owner or operator of the solid  
5 waste facility, solid waste handling activity, or disposal site or a  
6 person in violation of Section 44000.5 shall reimburse the  
7 enforcement agency or the board for the amount expended,  
8 including, but not limited to, a reasonable amount for contract  
9 administration, and an amount equal to the interest that would have  
10 been earned on the expended funds. The amount expended shall  
11 be recoverable in a civil action by the Attorney General, upon  
12 request of the local enforcement agency or the board.

13 (e) A contract for corrective action entered into by the board is  
14 exempt from approval by the Department of General Services  
15 pursuant to Section 10295 of the Public Contract Code.

16 (f) A corrective action shall incorporate by reference applicable  
17 waste discharge requirements issued by the state water board or a  
18 regional water board, and shall be consistent with all applicable  
19 water quality control plans adopted pursuant to Section 13170 of,  
20 and Article 3 (commencing with Section 13240) of Chapter 4 of  
21 Division 7 of, the Water Code, and state policies for water quality  
22 control adopted pursuant to Article 3 (commencing with Section  
23 13140) of Chapter 3 of Division 7 of the Water Code, existing at  
24 the time of the corrective action or proposed corrective action.

25 SEC. 18. Section 45000.1 is added to the Public Resources  
26 Code, to read:

27 45000.1. For purposes of adequately protecting the public  
28 health and safety and the environment, the board may require an  
29 environmental restriction to be imposed on a disposal site where  
30 the solid waste remains in place after closure or after environmental  
31 remediation that is conducted by a public agency or the owner of  
32 the disposal site. The environmental restriction shall meet the  
33 requirements described in Section 1471 of the Civil Code, and the  
34 environmental restriction shall run with the land.

35 SEC. 19. Section 45002 of the Public Resources Code is  
36 amended to read:

37 45002. (a) Except as provided in subdivision (b), an order  
38 issued pursuant to this part or Part 4 (commencing with Section  
39 43000) shall provide the person subject to that order with a notice

1 of that person's right to appeal pursuant to Part 4 (commencing  
2 with Section 43000) and Part 6 (commencing with Section 45030).

3 (b) The recipient of a notice to comply issued pursuant to Section  
4 45003 may request that a hearing be conducted in accordance with  
5 Section 44307, but only with respect to an action taken by an  
6 enforcement agency of the board that arises from a minor violation  
7 that the owner or ~~operation~~ *operator* fails to correct or fails to  
8 certify, in a timely manner, as having been corrected.

9 SEC. 20. Section 45003 is added to the Public Resources Code,  
10 to read:

11 45003. (a) (1) An authorized representative of the enforcement  
12 agency or board who, in the course of conducting an inspection,  
13 detects a minor violation, shall take an enforcement action as to  
14 the minor violation only in accordance with this section.

15 (2) In a proceeding concerning an enforcement action taken  
16 pursuant to this section, there shall be a rebuttable presumption  
17 upholding the determination made by the enforcement agency or  
18 board regarding whether the violation is a minor violation.

19 (b) A notice to comply shall be the only means by which an  
20 enforcement agency or board may cite a minor violation, unless  
21 the person cited fails to correct the violation or fails to submit the  
22 certification of correction within the time period prescribed in the  
23 notice, in which case the enforcement agency or board may take  
24 any enforcement action, including imposing a penalty, as  
25 authorized by this part.

26 (c) (1) The enforcement agency or the board shall commence  
27 an enforcement action under this section by serving a notice to  
28 comply on the owner or operator of the solid waste facility, solid  
29 waste handling activity, or disposal site at which a violation has  
30 occurred, specifying the violation and the manner in which the  
31 violation may be corrected.

32 (2) A person who receives a notice to comply detailing a minor  
33 violation shall have not more than 30 days from the date of the  
34 notice to comply in which to correct any violation cited in the  
35 notice to comply. Within five working days of correcting the  
36 violation, the person cited or an authorized representative shall  
37 sign the notice to comply, certifying that any violation has been  
38 corrected, and return the notice to the enforcement agency or board,  
39 whichever issued the notice to comply.

1 (3) A false certification that a violation has been corrected is  
2 punishable as a misdemeanor.

3 (4) The effective date of the certification that a violation has  
4 been corrected shall be one of the following dates, whichever  
5 occurs first:

6 (A) The date the certification is received by the enforcement  
7 agency or the board, whichever issued the notice to comply,  
8 including receipt of an electronic or facsimile version of the  
9 certification.

10 (B) The date the certification is postmarked by the United States  
11 Postal Service.

12 (C) The date the certification is accepted for delivery by a  
13 national express delivery service as evidenced by a receipt.

14 (d) If a notice to comply is issued, a single notice to comply  
15 shall be issued for all minor violations noted during the inspection,  
16 and the notice to comply shall list all of the minor violations and  
17 the manner in which each of the minor violations may be brought  
18 into compliance.

19 (e) If a person who receives a notice to comply pursuant to  
20 subdivision (a) disagrees with one or more of the alleged violations  
21 listed on the notice to comply, the person shall provide the  
22 enforcement agency or board that issued the notice to comply a  
23 written notice of disagreement along with the returned signed  
24 notice to comply. If the person disagrees with all of the alleged  
25 violations, the written notice of disagreement shall be returned in  
26 lieu of the signed certification of correction within 30 days of the  
27 date of issuance of the notice to comply. If the issuing agency takes  
28 administrative enforcement action on the basis of the disputed  
29 violation, that action may be appealed in the same manner as any  
30 other alleged violation under Section 44307.

31 (f) This section does not do any of the following:

32 (1) Prevent a reinspection to ensure compliance with this  
33 division or to ensure that minor violations cited in a notice to  
34 comply have been corrected and that the facility or site is in  
35 compliance with this division.

36 (2) Prevent the enforcement agency or board from requiring a  
37 person to submit necessary documentation needed to support the  
38 person's claim of compliance pursuant to subdivision (c).

39 (3) Restrict the power of a city attorney, district attorney, county  
40 counsel, or the Attorney General to bring, in the name of the people

1 of California, any criminal proceeding otherwise authorized by  
2 law.

3 (4) Prevent the enforcement agency or board from cooperating  
4 with, or participating in, a proceeding specified in paragraph (3).

5 SEC. 21. Section 45005 of the Public Resources Code is  
6 amended to read:

7 45005. An enforcement agency or the board may issue a cease  
8 and desist order to any of the following:

9 (a) A person who is operating, has operated, or proposes to  
10 operate a solid waste facility, conducts a solid waste handling  
11 activity, or operates a disposal site in an unauthorized manner, or  
12 who is disposing of solid waste in any of the following manners:

13 (1) In violation of a solid waste facilities permit or in violation  
14 of this division, or any regulation adopted pursuant to this division.

15 (2) Without a solid waste facilities permit.

16 (3) In a manner that causes or threatens to cause a condition of  
17 hazard, pollution, or nuisance.

18 (b) A person who has violated, is violating, or proposes to  
19 violate Section 44000.5.

20 SEC. 22. Section 45010 of the Public Resources Code is  
21 amended to read:

22 45010. (a) The board and enforcement agencies shall impose  
23 civil penalties on the operators of solid waste facilities in a  
24 judicious manner and shall impose those penalties only after all  
25 reasonable efforts pursuant to Section 45010.2 have been made  
26 by enforcement agencies to provide proper notice of violations to  
27 alleged violators as well as a reasonable opportunity to bring solid  
28 waste facilities, solid waste handling activities, and disposal sites  
29 into compliance with this division.

30 (b) An enforcement agency shall not deposit funds collected  
31 through the imposition of civil penalties pursuant to this article in  
32 the General Fund of the local enforcement agency, but instead  
33 shall deposit those funds in a segregated account and use those  
34 funds exclusively for enhancing solid waste enforcement within  
35 the local enforcement agency's jurisdiction, including, but not  
36 limited to, all of the following:

37 (1) Increasing enforcement programs.

38 (2) Expanding the agency's enforcement capabilities.

39 (3) Bringing solid waste facilities and solid waste handling  
40 activities into compliance with this division.

1 (4) Remediating illegal or abandoned solid waste disposal sites.

2 (c) Civil penalties paid to the board pursuant to this article shall  
3 be deposited in the Solid Waste Disposal Site Cleanup Trust Fund  
4 created pursuant to Section 48027.

5 SEC. 23. Section 45010.1 is added to the Public Resources  
6 Code, to read:

7 45010.1. (a) The board or an enforcement agency may issue  
8 an order imposing a civil penalty of not more than five thousand  
9 dollars (\$5,000) for each violation, for each day that the violation  
10 continues, upon a person who violates a requirement of this  
11 division, a regulation adopted pursuant to this division, or a order  
12 issued under this chapter, if the requirement, regulation, or order  
13 is applicable to a solid waste facility, solid waste handling activity,  
14 or a disposal site or who violates the terms or conditions of a solid  
15 waste facilities permit. An enforcement agency or the board may  
16 impose the penalty administratively pursuant to this part.

17 (b) In determining the amount of civil liability to be imposed  
18 pursuant to this section, the board or enforcement agency shall  
19 take into consideration the factors specified in Section 45016.

20 SEC. 24. Section 45010.2 is added to the Public Resources  
21 Code, to read:

22 45010.2. Before issuing an order under this chapter, except for  
23 a notice to comply pursuant to Section 45003, the board or  
24 enforcement agency shall do both of the following:

25 (a) Notify the owner or operator of the solid waste facility, the  
26 person conducting the solid waste handling activity, or the owner  
27 or operator of the disposal site, that the facility, activity, or site is  
28 in violation of this division, a regulation adopted pursuant to this  
29 division, or an order issued under this division, applicable to a  
30 solid waste facility, solid waste handling activity, or disposal site.

31 (b) Upon the request of the owner or operator of the solid waste  
32 facility, the person conducting the solid waste handling activity,  
33 or the owner or operator of the disposal site, meet with the owner,  
34 operator, or person to clarify the applicable requirements and to  
35 determine what actions, if any, that the operator, owner, or person  
36 may voluntarily take to bring the facility, activity, or site into  
37 compliance by the earliest feasible date.

38 SEC. 25. Section 45011 of the Public Resources Code is  
39 amended to read:

1 45011. If an enforcement agency or the board determines that  
2 a solid waste facility, solid waste handling activity, or disposal  
3 site is in violation of this division, a regulation adopted pursuant  
4 to this division, the terms or conditions of a solid waste facilities  
5 permit, an order issued under this division, or poses a potential or  
6 actual threat to public health and safety or the environment, or  
7 determines that a person has disposal solid waste at an unpermitted  
8 disposal site in violation of Section 44000.5, the enforcement  
9 agency or board may issue an order establishing a time schedule  
10 according to which the facility, activity, or site shall be brought  
11 into compliance with this division. The order may also provide for  
12 a civil penalty, to be imposed administratively by the enforcement  
13 agency, or board if compliance is not achieved in accordance with  
14 that time schedule.

15 SEC. 26. Section 45012 of the Public Resources Code is  
16 amended to read:

17 45012. (a) The board, through the board's executive director  
18 or the executive director's delegate, may take any enforcement  
19 action that a local enforcement agency may take under this part.  
20 The board shall not take an enforcement action specified in this  
21 part without providing notice to the local enforcement agency and  
22 the violator of the board's intent to take that action, allowing the  
23 local enforcement agency and the violator a reasonable opportunity  
24 to correct the violation. In taking the enforcement action, the board  
25 is vested, in addition to its other powers, with all of the powers of  
26 a local enforcement agency under this division.

27 (b) Notwithstanding subdivision (a), if the board finds that a  
28 local enforcement agency's failure to take enforcement action  
29 constitutes an imminent threat to public health or safety or to the  
30 environment, the board may take the enforcement action, as the  
31 board determines is necessary.

32 (c) When the board takes an enforcement action pursuant to this  
33 section, the board shall coordinate that action with the enforcement  
34 agency to prevent a party from being subject to duplicate  
35 enforcement for the same violation.

36 SEC. 27. Section 45013 of the Public Resources Code is  
37 amended to read:

38 45013. The board shall provide guidance and assistance to the  
39 enforcement agency regarding the inspection, investigation,  
40 enforcement, and remediation of illegal, abandoned, inactive, or



1 closed disposal sites to ensure that public health and safety and  
2 the environment are protected.

3 SEC. 28. Section 45017 of the Public Resources Code is  
4 amended to read:

5 45017. (a) (1) Except as provided in paragraph (2), all orders  
6 and determinations issued pursuant to this part or Part 4  
7 (commencing with Section 43000) shall take effect immediately  
8 upon service.

9 (2) (A) A person subject to an order or determination issued  
10 pursuant to this part or Part 4 (commencing with Section 43000)  
11 may petition the board to stay the effect of the order or  
12 determination, or portion thereof, pending the completion of  
13 administrative appeals before the hearing panel or hearing officer  
14 or the board.

15 (B) A petition submitted pursuant to subparagraph (A) shall be  
16 in writing and shall state the extraordinary circumstances that  
17 justify the stay.

18 (C) The board shall consider and act on a petition submitted  
19 pursuant to this paragraph no later than its next regularly scheduled  
20 meeting. The board may order the stay to be in effect from the  
21 effective date of the order or determination or other appropriate  
22 date.

23 (D) The board may delegate to the executive officer of the board  
24 the authority to consider and act on a petition for a stay submitted  
25 pursuant to this paragraph. The executive officer may redelegate  
26 this authority to one or more of his or her subordinates.

27 (b) For purposes of this section, service may be effected by any  
28 of the following:

29 (1) Personal delivery.

30 (2) First-class United States mail, if it is made by certified mail  
31 with a return receipt requested.

32 (3) Express delivery by a national express mail service that  
33 provides evidence of delivery.

34 SEC. 29. Section 45019 of the Public Resources Code is  
35 amended to read:

36 45019. At least 10 days prior to the date of issuance of an  
37 enforcement order which is not for an emergency, or within five  
38 days from the date of issuance of an enforcement order for an  
39 emergency, or within 15 days from the date of discovery of a  
40 violation of a state law, regulation, or term or condition of a solid

1 waste facilities permit for a solid waste facility, solid waste  
2 handling activity, or disposal site, which is likely to result in an  
3 enforcement action, the following agencies shall, to the extent that  
4 the enforcement action involves a violation that may also be under  
5 the jurisdiction of another state regulatory agency, provide a written  
6 statement providing an explanation of, and justification for, the  
7 enforcement order or a description of the violation in the following  
8 manner:

9 (a) The local enforcement agency, as appropriate, shall provide  
10 the statement to the regional water board, the board, the air  
11 pollution control district or air quality management district, and  
12 the Department of Toxic Substances Control.

13 (b) A regional water board, as appropriate, shall provide the  
14 statement to the local enforcement agency, the board, the air  
15 pollution control district or air quality management district, and  
16 the Department of Toxic Substances Control.

17 (c) An air pollution control district or an air quality management  
18 district, as appropriate, shall provide the statement to the local  
19 enforcement agency, the board, the regional water board, and the  
20 Department of Toxic Substances Control.

21 (d) The Department of Toxic Substances Control, as appropriate,  
22 shall provide the report of inspection required by paragraph (1) of  
23 subdivision (c) of Section 25185 of the Health and Safety Code  
24 to the local enforcement agency, the board, the regional water  
25 board, and the air pollution control district or air quality  
26 management district.

27 SEC. 30. Section 45020 of the Public Resources Code is  
28 amended to read:

29 45020. (a) Within 30 days from the date of receipt of a notice  
30 of the issuance of, or the proposal to issue, an enforcement order  
31 pursuant to Section 45022, the regional water board, the  
32 enforcement agency, or the air pollution control district or the air  
33 quality management district, and the Department of Toxic  
34 Substances Control, as appropriate, shall inspect the solid waste  
35 facility, solid waste handling activity, or disposal site to determine  
36 whether any state law, regulation, or term or condition of a permit,  
37 which that board or agency is authorized to enforce, is being  
38 violated.

39 (b) Each agency, to the maximum extent allowed by law, shall  
40 do all of the following with respect to enforcement activities at

1 solid waste facilities, solid waste handling activities, and disposal  
2 sites:

3 (1) Coordinate enforcement activities to eliminate duplication  
4 and facilitate compliance.

5 (2) Notify the owner and operator of the solid waste facility,  
6 person conducting the solid waste handling activity, or owner and  
7 operator of the disposal site of a violation before imposing an  
8 administrative civil penalty.

9 (3) Prior to imposing an administrative penalty, and upon the  
10 request of the owner or operator of the solid waste facility, person  
11 conducting the solid waste handling activity, or owner or operator  
12 of the disposal site, meet with the owner, operator, or person to  
13 clarify the regulatory requirements and to determine what actions,  
14 if any, the owner, operator, or person could voluntarily take to  
15 bring the solid waste facility, solid waste handling activity, or  
16 disposal site into compliance by the earliest feasible date. If a  
17 contemporaneous enforcement action or investigation dealing with  
18 the same violation or with similar violations is being pursued by  
19 another regulatory agency, a city attorney, a district attorney, or  
20 the Attorney General, the operator may request a meeting with all  
21 those investigating and enforcement entities.

22 (4) Consider the factors prescribed in Section 45016 in  
23 determining appropriate enforcement actions.

24 SEC. 31. Section 45021 of the Public Resources Code is  
25 amended to read:

26 45021. If any board or agency specified in Section 45019  
27 receives a complaint concerning a solid waste facility, solid waste  
28 handling activity, or disposal site and the board or agency  
29 determines that it is not authorized to take action concerning the  
30 complaint, the board or agency shall refer the complaint within 30  
31 days from the date of receipt to another state agency that it  
32 determines is authorized to take action.

33 SEC. 32. Section 45022 of the Public Resources Code is  
34 amended to read:

35 45022. If any agency or board specified in Section 45019  
36 receives a complaint concerning a solid waste facility, solid waste  
37 handling activity, or disposal site that the agency or board does  
38 not refer to another state agency pursuant to Section 45021, or if  
39 the agency or board receives this complaint referred to it by another  
40 agency or board pursuant to Section 45021, the agency or board

1 shall either take appropriate enforcement action concerning the  
2 facility, activity, or site pursuant to this part, or refer the complaint  
3 to the Attorney General, the district attorney, or city attorney,  
4 whichever is applicable, or, at the earliest feasible date, not to  
5 exceed 60 days, provide the person who filed the complaint with  
6 a written statement explaining why an enforcement action would  
7 not be appropriate.

8 SEC. 33. Section 45023 of the Public Resources Code is  
9 amended to read:

10 45023. ~~(a)~~—A civil penalty of not more than ten thousand dollars  
11 (\$10,000), may be imposed upon a person who, for each day the  
12 violation or operation occurs:

13 (1)

14 (a) Owns or operates a solid waste facility, solid waste handling  
15 activity, or disposal site and who intentionally or negligently  
16 violates or causes or permits another to violate the terms and  
17 conditions of a solid waste facilities permit or a standard,  
18 requirement, or order applicable to a solid waste facility, solid  
19 waste handling activity, or disposal site.

20 (2)

21 (b) Operates a solid waste facility without a solid waste facilities  
22 permit.

23 (3)

24 (c) With respect only to a solid waste facility, solid waste  
25 handling activity, or disposal site, intentionally or negligently  
26 violates a provision of this division, or a regulation, administrative  
27 order, or standard adopted by the board or an enforcement agency.

28 ~~(b) A person who disposes of, arranges for the disposal of, or~~  
29 ~~generates, transports, or arranges for the transport of, a solid waste~~  
30 ~~that is not disposed of at a solid waste facility issued a solid waste~~  
31 ~~facilities permit pursuant to Chapter 3 (commencing with Section~~  
32 ~~44001) of Part 4 is subject to a civil penalty not to exceed ten~~  
33 ~~thousand dollars (\$10,000) for each day the violation or operation~~  
34 ~~occurs.~~

35 SEC. 34. ~~The heading of Chapter 2 (commencing with Section~~  
36 ~~45025) is added to Part 5 of Division 30 of the Public Resources~~  
37 ~~Code, to read:~~

CHAPTER 2. CRIMINAL ENFORCEMENT

~~45025.~~

SEC. 34. Chapter 2 (commencing with Section 45025) is added to Part 5 of Division 30 of the Public Resources Code, to read:

CHAPTER 2. CRIMINAL ENFORCEMENT

45025. (a) A violation of Part 4 (commencing with Section 43000) is a misdemeanor punishable by a fine of not less than five hundred dollars (\$500) and not more than ten thousand dollars (\$10,000), by imprisonment in a county jail for not more than six months, or both the fine and imprisonment, for each violation. Each instance of disposal that violates Section 44000.5 is a separate violation.

(b) In addition to any fine imposed upon a conviction, the court may require, as a condition of probation and in addition to any other condition of probation, that the person convicted under this section remove, or pay the cost of removing, any solid waste the person unlawfully disposed, caused, or arranged to be disposed, transported, or accepted for disposal.

SEC. 35. Section 45033 of the Public Resources Code is repealed.

SEC. 36. Section 45040 of the Public Resources Code is amended to read:

45040. (a) Within 30 days from the date of service of a copy of a decision or order issued by the board pursuant to Section 45031 or 45032, any aggrieved party may file with the superior court a petition for a writ of mandate for review thereof.

(b) (1) The filing of a petition for writ of mandate shall not stay any enforcement action taken or the accrual of any penalties assessed, pursuant to this part or Part 5 (commencing with Section 45000).

(2) Paragraph (1) shall not prohibit the court from granting any appropriate relief within its jurisdiction.

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

1 be incurred by a local agency or school district will be incurred  
2 because this act creates a new crime or infraction, eliminates a  
3 crime or infraction, or changes the penalty for a crime or infraction,  
4 within the meaning of Section 17556 of the Government Code, or  
5 changes the definition of a crime within the meaning of Section 6  
6 of Article XIII B of the California Constitution.

O

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 9, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007-08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2695**

**Introduced by Assembly Member Niello**

February 22, 2008

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An act to amend Sections 40001, 43209, 45014, and 45024 of, to add Sections ~~40144 and 45025~~ 40053.5 and 40144 to, to add Chapter 2.7 (commencing with Section 48300) to Part 7 of, and to add Chapter 8 (commencing with Section 49700) to Part 8 of, Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2695, as amended, Niello. Solid waste: enforcement: illegal dumping.

(1) The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board.

The act defines various terms for purposes of the act.

This bill would additionally define "illegal dumping" as meaning the disposal of solid waste at a location that is not a permitted solid waste facility or is not otherwise authorized for the disposal of solid waste pursuant to the act and regulations adopted by the board and would define "illegal dump" as meaning a location at which illegal dumping has occurred.

*The bill would provide that the act does not limit the power of a city, county, or district to impose and enforce any conditions or restrictions*

*on, or abate the effects of, illegal dumping or any other disposal or abandonment of solid waste at a location that violates a local ordinance or regulation, as specified.*

(2) The act allows a local governing body to designate a local enforcement agency, subject to certification by the board, to enforce specified provisions of the act. If a local enforcement agency is not designated and certified, the act requires the board to be the enforcement agency. The act requires an enforcement agency to, among other things, establish and maintain an inspection program designed to determine whether a solid waste facility is operating without a permit, in violation of state minimum standards, in violation of the terms and conditions of its solid waste facilities permit, or may pose a significant threat to public health and safety or to the environment.

This bill would additionally allow an enforcement agency to include the inspection of illegal dumping activities in its inspection program.

(3) The act prohibits a person from operating a solid waste facility without a permit if that facility is required to have a permit pursuant to the act. The act requires a person who is operating, or proposing to operate, a solid waste facility in violation of the act or permit requirements, upon order of the board or a local enforcement agency, to cease and desist the prohibited activities.

The act authorizes the administrative imposition of civil penalties of up to \$5,000 for each day on which a violation of a specified order occurs and up to \$10,000 for each day of a violation of the terms or conditions of a solid waste facilities permit, the operation of a solid waste facility without a permit, or the violation of a standard adopted by the board. The act authorizes an attorney authorized to act on behalf of the board or a local enforcement agency to petition a superior court for injunctive relief to enforce a permit or standards adopted by the board and the local enforcement agency. The act also requires the Attorney General, upon request of the board, to seek a preliminary or permanent injunction, or both, for a failure of a person to comply with a final order issued by the board or a local enforcement agency.

This bill would additionally apply those procedures to injunctive relief to enforce, and civil penalties imposed for violations of, specified provisions relating to garbage and refuse disposal.

~~The bill would also provide that, in a civil action to enforce those provisions, in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it would not be necessary to allege or prove at any stage of the proceeding that irreparable damage~~



~~will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued or that the remedy at law is inadequate and would require a court to issue that injunctive relief without those allegations and without that proof.~~

(4) The act requires the board to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at specified hazardous substances release sites where the responsible party cannot be identified or is unable or unwilling to pay for remediation, and where that cleanup is needed to protect public health and safety or the environment. Under that program, the board is authorized to expend funds directly for cleanup, to provide loans to parties that demonstrate the ability to repay state funds, to provide partial grants to public entities to assist in site cleanup, and to abate illegal disposal sites.

This bill would allow the board to establish a grant and loan program to make loans and grants to public agencies and nonprofit organizations to fund local, regional, or statewide illegal dumping enforcement programs to reduce the occurrence of illegal dumping in the state. The bill would allow the board to expend moneys in the Integrated Waste Management Account in the Integrated Waste Management Fund, and other funds, upon appropriation by the Legislature, for the purposes of that program. The bill would require the board to adopt regulations to implement the illegal dumping grant and loan program before making any of *these* grants or loans.

(5) The act authorizes a local governmental agency to determine aspects of solid waste handling that are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and the nature, location, and extent of providing solid waste handling services.

This bill would require the board to adopt a model local ordinance for the permitting of refuse hauler service providers, as defined, on or before January 1, 2010, and would require that model ordinance to include, among other things, standards for the inspection of hauling vehicles, as defined. The bill would require the board to post the model ordinance on its Internet Web site, upon adoption of that model ordinance. The bill would authorize a local governmental agency to adopt the model local ordinance.

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

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

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

3 (a) Refuse hauler service providers are an important component  
4 of the system for handling solid waste in most communities in  
5 California.

6 (b) Refuse hauler service providers supplement the organized  
7 collection, transportation, and disposal of solid waste provided by  
8 franchisees by providing fee-based, on-request services to  
9 residential dwellings and businesses, including the collection,  
10 transfer, and disposal of solid waste.

11 (c) In some instances, unethical business practices, illegal  
12 dumping, and related conditions threaten the public health and  
13 safety and the environment and require local regulation of refuse  
14 hauler service providers to protect the health, safety, and welfare  
15 of the citizens of California.

16 SEC. 2. Section 40001 of the Public Resources Code is  
17 amended to read:

18 40001. (a) The Legislature declares that the responsibility for  
19 solid waste management is a shared responsibility between the  
20 state and local governments. The state shall exercise its legal  
21 authority in a manner that ensures an effective and coordinated  
22 approach to the safe management of all solid waste generated  
23 within the state and shall oversee the design and implementation  
24 of local integrated waste management plans.

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

30 (c) The Legislature further declares that market development  
31 is the key to successful and cost-effective implementation of the  
32 25-percent and 50-percent diversion requirements required pursuant  
33 to Section 41780, and that the state must take a leadership role,  
34 pursuant to Chapter 1 (commencing with Section 42000) of Part  
35 3, in encouraging the expansion of markets for recycled products  
36 by working cooperatively with the public, private, and nonprofit  
37 sectors.

1 (d) The Legislature further declares that illegal dumping  
2 abatement, enforcement, and public awareness programs should  
3 be included among the services provided by state and local  
4 integrated waste management programs and the state should  
5 coordinate illegal dumping programs.

6 *SEC. 3. Section 40053.5 is added to the Public Resources Code,*  
7 *to read:*

8 *40053.5. This division, or any rules or regulations adopted*  
9 *pursuant thereto, is not a limitation on the power of a city, county,*  
10 *or district to impose and enforce any conditions or restrictions*  
11 *on, or abate the effects of, illegal dumping or any other disposal*  
12 *or abandonment of solid waste at a location that violates a local*  
13 *ordinance or regulation, if the conditions or restrictions do not*  
14 *conflict with or impose lesser requirements than the policies,*  
15 *standards, and requirements of this division and all regulations*  
16 *adopted pursuant to this division.*

17 ~~SEC. 3:~~

18 *SEC. 4. Section 40144 is added to the Public Resources Code,*  
19 *to read:*

20 40144. "Illegal dumping" means the disposal of solid waste at  
21 a location that is not a permitted solid waste disposal facility or  
22 that is not otherwise authorized for the disposal of solid waste  
23 pursuant to this division or regulations adopted by the board.  
24 "Illegal dump" means a location at which illegal dumping has  
25 occurred.

26 ~~SEC. 4:~~

27 *SEC. 5. Section 43209 of the Public Resources Code is*  
28 *amended to read:*

29 43209. The enforcement agency, within its jurisdiction and  
30 consistent with its certification by the board, shall do all of the  
31 following:

32 (a) Enforce applicable provisions of this part, regulations  
33 adopted under this part, and terms and conditions of permits issued  
34 pursuant to Chapter 3 (commencing with Section 44001).

35 (b) Request enforcement by appropriate federal, state, and local  
36 agencies of their respective laws governing solid waste storage,  
37 handling, and disposal.

38 (c) File with the board, upon its request, information the board  
39 determines to be necessary.

1 (d) Develop, implement, and maintain inspection, enforcement,  
2 permitting, and training programs.

3 (e) Establish and maintain an enforcement program consistent  
4 with regulations adopted by the board to implement this chapter,  
5 the standards adopted pursuant to this chapter, and the terms and  
6 conditions of permits issued pursuant to Chapter 3 (commencing  
7 with Section 44001). The enforcement agency may establish  
8 specific local standards for solid waste handling and disposal  
9 subject to approval by a majority vote of its local governing body,  
10 by resolution or ordinance. Those standards shall be consistent  
11 with this division and all regulations adopted by the board.

12 (f) Keep and maintain records of its inspection, enforcement,  
13 permitting, training, and regulatory programs, and of any other  
14 official action in accordance with regulations adopted by the board.

15 (g) Consult, as appropriate, with the appropriate local health  
16 agency concerning all actions which involve health standards. The  
17 consultation shall include affording the health agency adequate  
18 notice and opportunity to conduct and report the evaluation as it  
19 reasonably determines is appropriate.

20 (h) Establish and maintain an inspection program. The inspection  
21 program shall be designed to determine whether a solid waste  
22 facility is operating without a permit, or in violation of state  
23 minimum standards, or in violation of the terms and conditions of  
24 its solid waste facilities permit, or may pose a significant threat to  
25 public health and safety or to the environment, based on any  
26 relevant information. The inspection program shall also ensure  
27 frequent inspections of solid waste facilities that have an  
28 established pattern of noncompliance with this division, regulations  
29 adopted pursuant to this division, or the terms and conditions of a  
30 solid waste facilities permit. The inspection program may include  
31 the inspection of illegal dumping activities.

32 ~~SEC. 5.~~

33 *SEC. 6.* Section 45014 of the Public Resources Code is  
34 amended to read:

35 45014. (a) Upon the failure of a person to comply with a final  
36 order issued by a local enforcement agency or the board, the  
37 Attorney General, upon request of the board, shall petition the  
38 superior court for the issuance of a preliminary or permanent  
39 injunction, or both, as may be appropriate, restraining the person  
40 from continuing to violate the order or complaint.

1 (b) An attorney authorized to act on behalf of the local  
2 enforcement agency or the board may petition the superior court  
3 for injunctive relief to enforce this part, Part 8 (commencing with  
4 Section 49000), a term or condition in a solid waste facilities  
5 permit, or a standard adopted by the board or the local enforcement  
6 agency.

7 (c) In addition to the administrative imposition of civil penalties  
8 pursuant to this part and Article 6 (commencing with Section  
9 42850) of Chapter 16 of Part 3, an attorney authorized to act on  
10 behalf of the local enforcement agency or the board may apply, to  
11 the clerk of the appropriate court in the county in which the civil  
12 penalty was imposed, for a judgment to collect the penalty. The  
13 application, which shall include a certified copy of the decision or  
14 order in the civil penalty action, constitutes a sufficient showing  
15 to warrant issuance of the judgment. The court clerk shall enter  
16 the judgment immediately in conformity with the application. The  
17 judgment so entered shall include the amount of the court filing  
18 fee which would have been due from an applicant who is not a  
19 public agency, and has the same force and effect as, and is subject  
20 to all the provisions of law relating to, a judgment in a civil action,  
21 and may be enforced in the same manner as any other judgment  
22 of the court in which it is entered if the amount of the unpaid court  
23 filing fee is paid to the court prior to satisfying any of the civil  
24 penalty amount. Thereafter, a civil penalty or judgment recovered  
25 shall be paid, to the maximum extent allowed by law, to the board  
26 or to the local enforcement agency, whichever is represented by  
27 the attorney who brought the action.

28 ~~SEC. 6.~~

29 *SEC. 7.* Section 45024 of the Public Resources Code is  
30 amended to read:

31 45024. An attorney authorized to act on behalf of the board or  
32 a local enforcement agency may petition the superior court to  
33 impose, assess, and recover the civil penalties authorized by  
34 Section 45023 or Part 8 (commencing with Section 49000).  
35 Penalties recovered pursuant to this section shall be paid, to the  
36 maximum extent allowed by law, to the board or to the local  
37 enforcement agency, whichever is represented by the attorney  
38 bringing the action.

39 ~~SEC. 7.~~ Section 45025 is added to the Public Resources Code;  
40 to read:

1     ~~45025. In a civil action brought pursuant to this chapter in~~  
2     ~~which a temporary restraining order, preliminary injunction, or~~  
3     ~~permanent injunction is sought, it shall not be necessary to allege~~  
4     ~~or prove at any stage of the proceeding that irreparable damage~~  
5     ~~will occur should the temporary restraining order, preliminary~~  
6     ~~injunction, or permanent injunction not be issued, or that the~~  
7     ~~remedy at law is inadequate; and the temporary restraining order,~~  
8     ~~preliminary injunction, or permanent injunction shall issue without~~  
9     ~~those allegations and without that proof.~~

10    SEC. 8. Chapter 2.7 (commencing with Section 48300) is added  
11    to Part 7 of Division 30 of the Public Resources Code, to read:

12  
13    CHAPTER 2.7. ILLEGAL DUMPING GRANT AND LOAN PROGRAM

14  
15    48300. (a) The board may establish an illegal dumping grant  
16    and loan program to provide grants and loans to public agencies  
17    and nonprofit organizations to fund local, regional, or statewide  
18    illegal dumping enforcement programs for the purpose of reducing  
19    the occurrence of illegal dumping in the state.

20    (b) Grants and loans provided by the board pursuant to  
21    subdivision (a) may be used for, but shall not be limited to, the  
22    following purposes:

- 23    (1) Equipment.
- 24    (2) Abatement.
- 25    (3) Training.
- 26    (4) Public education.
- 27    (5) Program development.

28    48301. The board shall adopt regulations to implement the  
29    illegal dumping grant and loan program described in Section 48300  
30    before making a grant or loan pursuant to that section.

31    48302. The board may expend moneys in the Integrated Waste  
32    Management Account in the Integrated Waste Management Fund  
33    and other funds as appropriate, upon appropriation by the  
34    Legislature, for purposes of providing grants and loans pursuant  
35    to Section 48300.

36    SEC. 9. Chapter 8 (commencing with Section 49700) is added  
37    to Part 8 of Division 30 of the Public Resources Code, to read:

1 CHAPTER 8. REFUSE HAULER SERVICE PROVIDER LOCAL PERMIT  
2 MODEL ORDINANCE  
3

4 49700. For purposes of this chapter, the following terms have  
5 the following meanings:

6 (a) "Hauling vehicle" means a motor-propelled or self-propelled  
7 vehicle that is used for hauling solid waste over the public streets  
8 of unincorporated and incorporated areas of a county for  
9 compensation, regardless of whether the operations of that vehicle  
10 extend beyond the boundaries of the county.

11 (b) "Refuse hauler service provider" means a person who, for  
12 compensation, accepts or collects, and transports, solid waste from  
13 a residential, commercial, or industrial location, for the purpose  
14 of subsequent transfer or disposal of that solid waste. "Refuse  
15 hauler service provider" does not include a public agency or  
16 franchise hauler that transports solid waste in accordance with a  
17 franchise agreement with a local government or other public  
18 agency.

19 49700.2. (a) On or before January 1, 2010, the board shall  
20 adopt a model ordinance that establishes a permitting program for  
21 refuse hauler service providers. The model ordinance may include,  
22 but shall not be limited to, the following elements:

23 (1) Permitting requirements for refuse hauler service providers.

24 (2) Standards for inspection of hauling vehicles.

25 (3) Penalties for noncompliance and other enforcement  
26 mechanisms.

27 (4) Administrative hearing procedures for appeals of  
28 enforcement actions.

29 (5) Requirements for hauling vehicles relating to safety,  
30 cleanliness, and signage.

31 (6) Standards for providing receipts of service.

32 (7) Local funding mechanisms.

33 (b) The board shall post the model ordinance described in  
34 subdivision (a) on its Internet Web site.

35 (c) A city or county may, but is not required to, adopt the model  
36 ordinance described in this section.

O





AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2866**

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**Introduced by Assembly Member De Leon**

February 22, 2008

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An act to amend Section 48000 of, and to add Sections 43610.5 and 48001.5 to, the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2866, as amended, De Leon. Solid waste: closure liability: solid waste disposal fees.

(1) Existing law, the California Integrated Waste Management Act of 1989, requires an operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization based on the amount of solid waste disposed of at each disposal site. Commencing with the 1995–96 fiscal year, the act requires the California Integrated Waste Management Board to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. The fees are required to be deposited in the Integrated Waste Management Account in the Integrated Waste Management Fund, and the board is authorized to expend the money in the account, upon appropriation by the Legislature, to administer and implement the act.

This bill would, on and after July 1, 2009, establish the amount of the fee in an amount of \$2 per ton and would require \$0.60 of that fee after that date to be deposited by the State Board of Equalization in the

Solid Waste Mitigation Account, which this bill would create in the fund.

The bill would continuously appropriate the fee revenues in that account to the board for expenditure in accordance with a specified schedule, of which, from July 1, 2009, until June 30, 2016, 25% of the fee revenues would be required to be expended to fund demonstration projects by operators of diesel and natural gas fleets to accelerate the commercialization of hybrid hydraulic and hybrid electric propulsion systems in medium- and heavy-duty trucks used for the collection of recyclables, yard waste, and garbage, and in trucks used for the delivery and servicing of residential and commercial solid waste, recycling, and yard waste containers. The bill would require, on and after July 1, 2016, that 25% of the fee revenues be expended by the board, upon appropriation by the Legislature in the annual Budget Act.

The bill would also require, from July 1, 2009, until June 30, 2020, that 50% of the fee revenues be expended for projects to divert 50% of compostable organics from land disposal by the year 2020, and for projects that demonstrate the commercial viability of producing clean transportation fuels, including ethanol, from municipal solid waste, and converting landfill gas to clean transportation fuels, as specified. The bill would require, on and after July 1, 2020, that 50% of the fee revenues be expended by the board, upon appropriation by the Legislature in the annual Budget Act.

The bill would require the board, on and after July 1, 2009, to deposit 25% of the fee revenues in the State Solid Waste Closure Trust Subaccount, which the bill would establish in the Solid Waste Mitigation Account and continuously appropriate to the board. The bill would authorize the board to expend the money in the subaccount to pay for any future liability of the state resulting from the failure of a landfill operator to meet its responsibilities for landfill closure and postclosure care. The board would be required to maintain an amount of \$50,000,000 in the subaccount, and if the amount of the fee revenues allocated to the subaccount exceeds that amount, the board would be required to expend those excess amounts proportionally for the other purposes, as appropriated by the Legislature in the annual Budget Act.

(2) The act requires a person owning or operating a solid waste landfill to submit to the board, the appropriate California regional water quality control board, and the local enforcement agency, a closure plan and a postclosure maintenance plan for the solid waste landfill. The act requires that person to also submit to the board evidence of financial

ability in an amount, as specified, to provide for the closure and postclosure maintenance required by the closure and postclosure maintenance plans for the landfill. The act requires the owner and operator of a solid waste landfill to close, and to maintain the landfill during postclosure, in accordance with the most recent closure plan and the most recent postclosure maintenance plan approved by the board.

This bill would provide that an owner or operator of a disposal site who does not close and maintain the disposal site in accordance with the most recent closure plan or postclosure plan approved by the board is liable for any costs incurred by the board as a result of that failure. The board would be authorized to recover from that owner or operator any costs incurred by the board for the closure and postclosure maintenance of that site. The bill would require that any money recovered by the board be deposited in the Integrated Waste Management Account.

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

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

1 SECTION 1. Section 43610.5 is added to the Public Resources  
2 Code, to read:

3 43610.5. (a) An owner or operator of a disposal site who does  
4 not close or maintain the disposal site in accordance with the most  
5 recent closure plan or postclosure plan approved by the board is  
6 liable for any costs incurred by the board as a result of that failure.  
7 The board may recover from the owner or operator of the disposal  
8 site any costs incurred by the board for the closure and postclosure  
9 maintenance of that site. The amount of any costs that may be  
10 recovered pursuant to this section shall include, where applicable,  
11 interest on any amount paid.

12 (b) The amount of costs determined pursuant to this section  
13 shall be recoverable, at the discretion of the board, either in a  
14 separate action or by way of intervention as of right in an action  
15 for contribution or indemnity.

16 (c) Money recovered by the board pursuant to this section shall  
17 be deposited in the Integrated Waste Management Account.

18 SEC. 2. Section 48000 of the Public Resources Code is  
19 amended to read:

1 48000. (a) An operator of a disposal facility shall pay a fee  
2 quarterly to the State Board of Equalization which is based on the  
3 amount, by weight or volumetric equivalent, as determined by the  
4 board, of all solid waste disposed of at each disposal site.

5 (b) Until July 1, 2009, the amount of the fee shall be established  
6 by the board at an amount that is sufficient to generate revenues  
7 equivalent to the approved budget for that fiscal year, including a  
8 prudent reserve, but the fee shall not exceed one dollar and forty  
9 cents (\$1.40) per ton.

10 (c) On and after July 1, 2009, the amount of the fee shall equal  
11 two dollars (\$2) per ton.

12 (d) The board and the State Board of Equalization shall ensure  
13 that all the fees for solid waste imposed pursuant to this section  
14 that are collected at a transfer station are paid to the State Board  
15 of Equalization in accordance with this article.

16 (e) Notwithstanding Section 48001, on and after July 1, 2009,  
17 an amount of sixty cents (\$0.60) of the fee imposed for each ton  
18 of solid waste disposed of at each disposal site shall be deposited  
19 by the State Board of Equalization in the Solid Waste Mitigation  
20 Account created by Section 48001.5.

21 SEC. 3. Section 48001.5 is added to the Public Resources Code,  
22 to read:

23 48001.5. The fee revenues collected by the State Board of  
24 Equalization pursuant to subdivision (e) of Section 48000 shall be  
25 deposited in the Solid Waste Mitigation Account, which is hereby  
26 established in the fund. Notwithstanding Section 13340 of the  
27 Government Code, the revenues deposited in the Solid Waste  
28 Mitigation Account are hereby continuously appropriated to the  
29 board for expenditure in accordance with the following:

30 (a) (1) On and after July 1, 2009, until June 30, 2016, 25 percent  
31 of the fee revenues shall be expended to fund demonstration  
32 projects by operators of diesel and natural gas fleets to accelerate  
33 the commercialization of hybrid hydraulic and hybrid electric  
34 propulsion systems in medium- and heavy-duty trucks used for  
35 the collection of recyclables, yard waste, and garbage, and in trucks  
36 used for the delivery and servicing of residential and commercial  
37 solid waste, recycling, and yard waste containers.

38 (2) On and after July 1, 2016, 25 percent of the fee revenues  
39 shall be expended by the board, upon appropriation by the  
40 Legislature in the annual Budget Act.

1 (b) (1) On and after July 1, 2009, until June 30, 2020, 50 percent  
2 of the fee revenues shall be expended by the board for both of the  
3 following:

4 (A) Projects to achieve the goal of diverting 50 percent of  
5 compostable organics from land disposal by the year 2020.

6 (B) Projects that demonstrate the commercial viability of  
7 producing clean transportation fuels, including ethanol, from  
8 municipal solid waste, and converting landfill gas to clean  
9 transportation fuels, including compressed natural gas, liquefied  
10 natural gas, or methane-based fuels, for use in existing diesel  
11 engines as a means of reducing both criteria air pollutants and  
12 greenhouse gas emissions from on-road or off-road vehicles. *A*  
13 *project that utilizes thermal technologies is not eligible for*  
14 *expenditure pursuant to this subparagraph.*

15 (2) On and after July 1, 2020, 50 percent of the fee revenues  
16 shall be expended by the board, upon appropriation by the  
17 Legislature in the annual Budget Act.

18 (c) On and after July 1, 2009, except as provided in paragraph  
19 (3), 25 percent of the fee revenues shall be deposited in the State  
20 Solid Waste Closure Trust Subaccount, which is hereby established  
21 in the State Solid Waste Mitigation Account and continuously  
22 appropriated for expenditure by the board.

23 (2) The board may expend the money in the State Solid Waste  
24 Closure Trust Subaccount to pay for any future liability of the state  
25 resulting from the failure of a landfill operator to meet its  
26 responsibilities for landfill closure and postclosure care.

27 (3) The board shall continue to deposit the percentage amount  
28 of the fees specified in paragraph (1) to maintain an amount of  
29 fifty million dollars (\$50,000,000) in the State Solid Waste Closure  
30 Trust Subaccount. If the amount of the fee revenues allocated to  
31 the State Solid Waste Closure Trust Subaccount exceeds that  
32 amount, the board shall expend those excess amounts upon  
33 appropriation by the Legislature in the annual Budget Act.



727 774 Six of The Sacramento Bee

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## Waste Management to use landfill gas to power trucks

By Ngoc Nguyen - [ngnguyen@sacbee.com](mailto:ngnguyen@sacbee.com)  
Published 12:00 am PDT Monday, May 5, 2008

The nation's largest trash collector plans to power hundreds of trucks in its fleet on garbage.

Houston-based Waste Management Inc. and the Linde Group, a global natural gas producer and distributor, will build a plant to purify and liquefy landfill gas at the waste disposal company's Altamont site near Livermore. The plant is expected to open next year.

The company has a number of collection operations in the Sacramento area and runs a landfill in Reno.

The conversion of part of Waste Management's fleet of 3,000 trucks to run on biogas comes as conventional fuel prices are rising. California businesses also face mounting pressure by regulators to reduce greenhouse gas emissions and particulate pollution from sources such as passenger cars and diesel-powered trucks and buses.

"Natural gas is the cleansed fuel that is available for use in a heavy-duty truck," Waste Management spokesman Kent Stoddard said.

California's Air Resources Board and the state's Integrative Waste Management Board are among agencies that provided \$1.6 million in grants to help fund the \$15 million liquid natural gas plant, Stoddard said.

Waste Management already harnesses landfill gas to produce electricity at about 100 of its 280 landfills nationwide. This is the first time the company will convert landfill gas into liquid natural gas to power trucks.

Conventional natural gas is a fossil fuel, but natural gas derived from biomass, such as organic waste decomposing in landfills, is a renewable resource.

Landfill gas – a mixture of half methane and half carbon dioxide – is collected, purified, compressed and supercooled to form liquid natural gas. Only methane is used to form the fuel. As with all landfills, Stoddard said, some carbon dioxide is released into the air but under limits set by the state.

Producing energy from waste is the "best" scenario, said Patricia Monahan of the Union of Concerned Scientists, and the process also recycles methane, a potent greenhouse gas.

"It's the best we can hope for," she said.

Landfill gas from the Altamont site currently generates about 8 megawatts of electricity and feeds into the Pacific Gas and Electric Co. power grid, Stoddard said. Some of the additional landfill gas will power the plant, he added, while the rest will be converted to liquid natural gas.

The plant is expected to generate 13,000 gallons per day of the fuel, enough to power about 300 trucks. The company expects to reduce its greenhouse gas emissions by 30,000 tons a year using biogas.

Stoddard said several hundred other Waste Management trucks in California's fleet run on compressed or liquid natural gas, shipped in from Arizona.

"It becomes much better when you can avoid that long transportation trip, and produce (the liquefied gas) more locally and from a waste-derived source. That's extremely beneficial," he said.

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# California Environmental Protection Agency



Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards

Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

## MEMORANDUM

TO: The Members of the Assembly Natural Resources Committee and SB 1016 Stakeholders

FROM: CIWMB

DATE: April 18, 2008

SUBJECT: SB 1016 (Wiggins) Disposal Measurement System

SB 1016 (Wiggins) was introduced after two years of stakeholder meetings and workshops to address the concern regarding the accuracy and timeliness of the current diversion rate calculation. Under the current measurement system, the only true measurement is the disposal reporting number, whereas the diversion rate is based on an estimated waste generation calculation that has a large degree of uncertainty. SB 1016 moves from the current emphasis on diversion measurement to more timely and simple disposal measurement and adjusts for growth using the Department of Finance's population number as reported for each individual jurisdiction. It does not change AB 939's diversion goals.

The attached spreadsheet shows what some of your districts' municipal solid waste jurisdictions' disposal numbers look like under the current measurement system, and how they would translate under SB 1016. It is important to note that the per capita disposal number is a unique goal for each jurisdiction, depending on their population, economic characteristics, and other factors which vary greatly. Hence, the per capita indicates the individual jurisdiction's performance and cannot be compared to other jurisdictions.

Lbs./person/day	Jurisdictions in each Range	Jurisdictions at or above 50%	Jurisdictions below 50%
1.5 to 5.0	118	79	39
5.1 to 10.0	233	161	72
10.1 to 20.0	46	37	9
Over 20.0	14	8	6

Enacting SB 1016 will allow the CIWMB to redirect staff into the field to provide valuable and timely technical assistance to reduce, reuse and recycle. It is our hope that this spreadsheet provides a reference point to show that if a jurisdiction is in compliance under current system, they will be in compliance under SB 1016 and if they currently are out of compliance, they will be as well under SB 1016.

We would be happy to provide more detail, including statistical analyses on the reported disposal numbers from all the jurisdictions. If you would like more information, please contact Elizabeth Huber, CIWMB Legislative & External Affairs Director at 916-341-6283.

Attachment: Spreadsheet

## SB 1016 (Wiggins) – Disposal Measurement System Act of 2008

In order for the CIWMB and jurisdictions to focus on successful program implementation under the Integrated Waste Management Act of 1989 (AB 939), SB 1016 has two primary components: 1) Moves the current emphasis on an estimated diversion measurement number to using an actual disposal measurement number as an indicator of program implementation; and, 2) Reduces the frequency of reporting and reviewing of the annual report. This memo provides an overview of how these components will be implemented under a disposal measurement system and includes examples of actual jurisdictions 50% diversion rate “equivalent” and per capita disposal rates under SB 1016.

### I. Overview of SB 1016

SB 1016 does not change the AB 939 50% requirement. The intent of SB 1016 is to build on AB 939 compliance requirements by implementing a simplified and timelier indicator of jurisdictions’ performance by changing to a disposal based number as reported by disposal facilities. The disposal reporting number will be reported as a per capita disposal rate. The per capita disposal rate uses only two factors: a jurisdiction’s population and disposal. The Department of Finance reports annually on each jurisdiction’s population while disposal facilities and counties report quarterly on jurisdiction level disposal.

In contrast, the current system uses a set of complex adjustment factors that are not timely – typically they are not available from other state agencies until 14 months or more after the end of the reporting period and an additional 4-6 months after that for a jurisdiction to report. Thus, it can be 24-36 months after the reporting period that the CIWMB determines compliance for all jurisdictions reporting. Furthermore, the current system does not rely on actual numbers, but instead it relies on assumptions, extrapolations and estimates of waste generation numbers to calculate an estimated diversion rate. By focusing on actual disposal, the CIWMB and jurisdictions can place their focus and resources on programs that divert solid waste from landfills and emphasize programs that reduce, reuse and recycle.

The existing reporting system requires the submission of annual reports by each jurisdiction, an annual review by CIWMB staff and a biennial review by the Board Members. By going from an annual reporting system with a review every two years to jurisdiction reporting either every two or four years depending upon compliance status with corresponding reviews by CIWMB staff and Board members, SB 1016 would allow all parties involved to concentrate their efforts on diversion program implementation rather than paper work and bean counting. Jurisdictions would be allowed to still provide electronic updates on their program information more frequently than every four years if they choose. To ensure local performance, CIWMB staff will visit jurisdictions and State Agencies at least once annually and use the Disposal Reporting System (DRS) to identify disposal trends/anomalies that indicate potential performance problems. While the proposed compliance review would be every two years or four years depending on a jurisdiction’s compliance status, the CIWMB would have the authority to review local jurisdiction performance at any time based on performance problems.

The following addresses questions that have been raised by stakeholders regarding what SB 1016 does or doesn’t change:

#### 50% Requirement

- This proposal **does not** change the existing 50% requirement, but it does change how the requirement is measured.
- Converts current 50% diversion requirement measurement to a disposal requirement **equivalent** measurement.

- The 50% disposal reduction requirement is approximately equivalent to the 50% diversion requirement.
- The 50% equivalent expressed in terms of per capita disposal equals the per capita disposal a jurisdiction would have had if it been at exactly 50% diversion during the period of 2003 to 2006.
- The calculation for the 50% equivalent does rely upon generation, which is an estimate. It will be important to continue to emphasize that because of the inaccuracies related to the base year generation this equivalent should only be considered as an indicator.
- A comparison of actual annual per capita disposal to the 50% per capita equivalent (the average of 50% of generation in 2003 through 2006 expressed in terms of per capita) will be useful for measuring progress.
  - For those jurisdictions not meeting the per capita equivalent, it is the trend in per capita disposal that the Board would focus on. If the trend in per capita disposal is increasing significantly, then the Board would conduct a more detailed review of the jurisdiction's program implementation, just as the Board does now when a jurisdiction is below 50%.
- **Does not** create a per capita statewide standard.
  - As is the current practice, each jurisdiction is unique and will be reviewed on a case base case, and the CIWMB would review a jurisdiction's per capita rate and 50% equivalent per capita rate as a trend over time.
  - Each jurisdiction would be evaluated on its own achievement, not a statewide standard. This is **no change** from how the current review system is set up, since comparisons between jurisdictions are not truly comparable due to circumstances that vary between jurisdictions.

#### 50% Disposal Equivalent as an Indicator

- Uses per capita disposal to measure and allow for growth. As population increases, overall disposal can increase and still be consistent with the 50% disposal equivalent even though the per capita disposal remains the same.
- Uses disposal as an indicator of program implementation and local jurisdiction performance.
- Increases timeliness and allows the CIWMB to begin assisting jurisdictions in addressing implementation issues earlier rather than waiting until long after they have already manifested.
- Compliance would be determined primarily through the implementation of programs. Under the existing diversion measurement system there has been a strong tendency to place emphasis on the diversion rate number as opposed to actual program implementation.
- The per capita disposal rate would not be based upon one baseline year but an average of 2003 to 2006.
  - The CIWMB would look at the per capita disposal indicator trend from year to year, specific to each jurisdiction.
  - Based upon the feedback from stakeholders, staff would also compare it to the average level of disposal the jurisdiction would have had if it had reached 50% diversion in the years 2003 through 2006. Comparing per capita annual disposal in later years to this four-year average of the per capita equivalent of each jurisdiction's 50% diversion rate will allow CIWMB to assess how jurisdictions are progressing in relation to the indicator. In addition, each two or four year review cycle will present a trend in per capita disposal.
  - CIWMB would have the flexibility to look at long term trends, address anomaly years, etc. SB 1016 affords that flexibility.
  - SB 1016 does not limit the CIWMB or jurisdictions on the number of years for reviewing a trend. Based upon feedback from stakeholders, CIWMB is proposing that typically a four year trend would be used. However, if there was a need to review a longer period of time CIWMB could do so, thus allowing the CIWMB to further evaluate spikes or

anomalies in disposal and how they may or may not be indicative of the jurisdiction's programs, for example, a natural disaster.

- The 50% disposal rate equivalent rewards those jurisdictions that have performed well over the years and who have already achieved substantial progress in implementing their diversion programs.
  - Because the 50% disposal rate equivalent is based on the level of disposal each jurisdiction would have achieved if it had reached 50% diversion in the base period (2003-2006), the intent of SB 1016 is that jurisdictions compliance status would not change.
  - While the conversion of this system requires converting what a jurisdiction's disposal rate would be if they were at the 50% diversion rate and takes an average of four years, there are a few jurisdictions that were above 50% diversion, but due to averaging they do not meet their 50% diversion equivalent. As long as these jurisdictions' program implementation efforts continued, their compliance status would remain the same as under the existing system.

#### Jurisdiction Reporting and Review

- Changes jurisdictions' reporting frequency from annual to: every four years if in compliance/every two years if not in compliance.
  - Increases the jurisdiction and State Agency field visits by CIWMB Local Assistance Market Development staff.
- Changes the Board's minimum review of jurisdictions' compliance from: every four years if in compliance/every two years if not in compliance.
  - To further ensure local performance, CIWMB staff will visit jurisdictions and State Agencies at least once annually and use the Disposal Reporting System (DRS) to identify disposal trends/anomalies that indicate potential performance problems. The CIWMB would have the authority to review local jurisdiction performance at any time in a given year based on performance problems.

#### Rural Definition

- Changes the definition of rural jurisdictions.
  - This is necessary because the current definition is complex and relies on a jurisdiction's location in relation to primary metropolitan statistical areas (PMSA). PMSA are no longer defined and obsolete, so this criterion is no longer available.
  - Under the proposal this would affect jurisdictions located within 26 counties or multi-county regional agencies that have a total disposal of 200,000 tons annually and contribute less than 5% of the total disposal in California.
  - Small size, lack of economies of scale, distance to markets and other rural issues are common to this group of jurisdictions.

#### Transformation and Biomass

- Converts the allowance for diversion through transformation to a disposal based equivalent, but does not change the amount that jurisdictions are credited under the existing system.
  - The proposed allowance maintains an approximate equivalent to the current 10 percent diversion credit.
- Removes biomass reporting year extra-credit. Biomass has never been included in jurisdictions' base year generation amounts. Biomass is outside the measured waste stream.

## II. Summary and Examples of Per Capita Analysis for Local Jurisdictions Under SB 1016

Under SB 1016 each jurisdiction's per capita disposal rate would be compared to their 50% per capita disposal equivalent. Increases in per capita disposal would indicate that disposal has increased faster than the jurisdiction has grown. The CIWMB would use an increase as an indicator that program implementation efforts must be more closely examined. The CIWMB review may indicate a variety of things including:

- A jurisdiction needs to expand existing programs or implement new programs. Under this situation the CIWMB, as they do now, would continue to work collaboratively with a jurisdiction to identify program opportunities.
- A jurisdiction is fully implementing their programs and there are disposal inaccuracies.
- A jurisdiction is fully implementing their programs and a number of factors are contributing to their increase, but the jurisdiction is found to be making a good faith effort.

In other words, the CIWMB is proposing the same process of program review that exists under the current system. Thus if a jurisdiction's per capita is above their 50% per capita equivalent (same as saying under the 50% diversion rate), then the Board staff would work with the jurisdiction to determine if program implementation is lacking or if the jurisdiction is making a good faith effort.

The following is a hypothetical example:

There are two jurisdictions. The average per capita generation from 2003 to 2006 for both jurisdictions is 10.0 lbs/person/day. Therefore the 50% equivalent in terms of per capita disposal is 5.0 lbs/person/day; this is the new per capita disposal base against progress will be measured.

**Jurisdiction A** is at a diversion rate of 70% in 2006, far exceeding the diversion goal of 50% in 2006. In terms of per capita disposal, they would be disposing of 3.0 lbs/person/day. In order to maintain a 50% disposal equivalent, they would need to keep their disposal under 5.0 lbs/person/day.

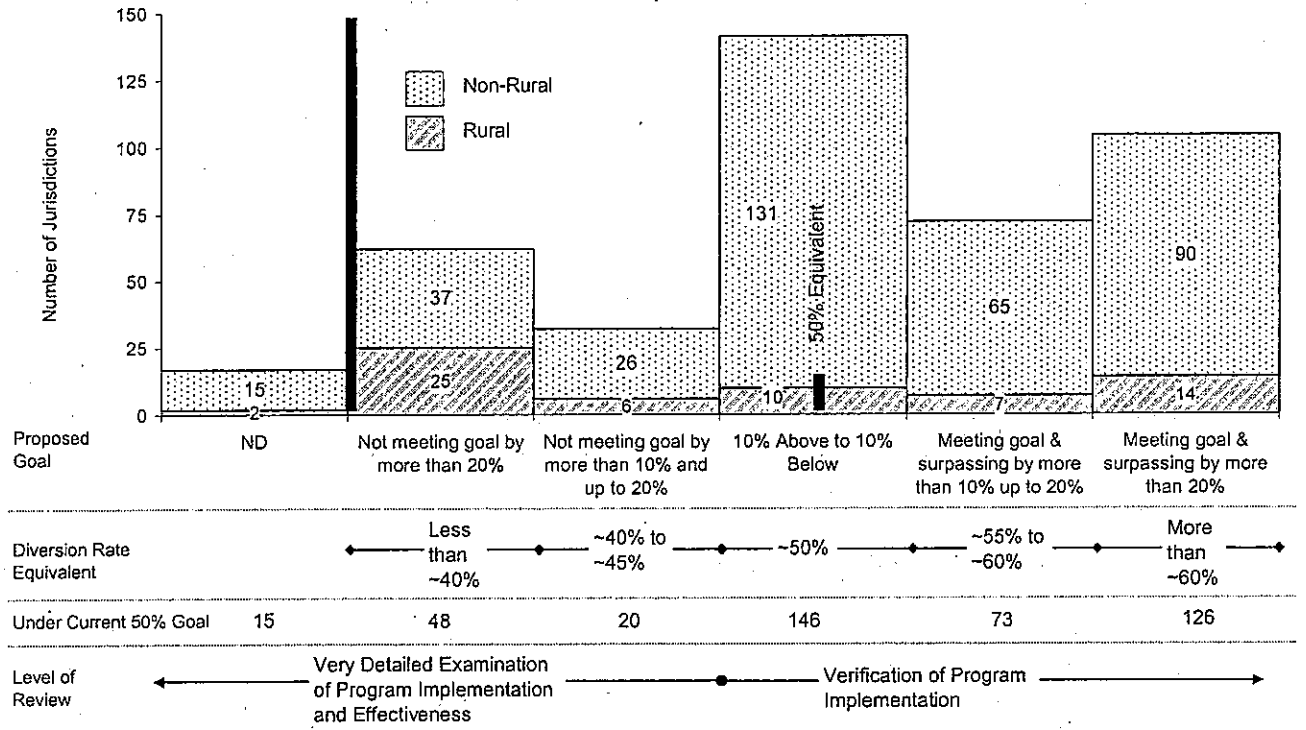
However, **Jurisdiction B** is at a diversion rate of 40%, below the goal of 50% in 2006. In terms of per capita disposal, they would be disposing of 6.0 lbs/person/day. In order to get to a 50% disposal equivalent, they would need to reduce their disposal to be below 5.0 lbs.

This system recognizes the efforts of those jurisdictions that have already exceeded their 50% diversion goals, while leaving those jurisdictions below 50% something to work on.

Note: Jurisdiction per capita disposal is jurisdiction disposal in tons multiplied by 2000 lbs/ton divided by jurisdiction-level population.

The following table provides a summary of the status of California jurisdictions using per capita disposal and the 50% equivalent. The table separates out the status of rural versus non-rural jurisdictions. The table is intended to show current compliance and SB 1016 compliance as well as the level of review that jurisdictions would have as a result of their per capita disposal rate.

**Number of Jurisdictions by Indicator Status Using Per Capita Disposal & 50% Diversion Equivalent**



Attached you will find three spreadsheets.

Sheet 1: Examples of jurisdictions in compliance under current system and SB 1016, jurisdictions currently out of compliance and out of compliance under SB 1016, and a rural jurisdiction's compliance and review under current system and SB 1016.

Sheet 2: Jurisdiction compliance performance under current system and SB 1016.

Sheet 3: SB 1016 Calculator.

**SB 1016 PER CAPITA DISPOSAL EQUIVALENT DRAFT CALCULATOR:**

**1. Determining the per capita disposal equivalent & transformation credit limit:**

This part will be done once, thereafter only part 2 will be done annually.  
 Step A. Enter the jurisdiction's generation and population values in the 8 upper boxes.  
 Step B. Change diversion requirement level if granted a reduced diversion requirement in lower box.

Year	Year	Year	Year	Year	Year	Year	Year
2003	2004	2005	2006	2003	2004	2005	2006
110	110	150	120	100	105	108	110
Jurisdiction Generation (Annual Tons)				Jurisdiction Population (People)			

Four-year Average of Calculated Generation:  
 Diversion requirement level (default = 50%, unless reduced requirement):

6.3	50%
3.2	
0.6	

Calculated Per Capita Generation  
 (Lbs./Person/Day)

6.0  
5.7  
7.6  
6.0

**2. Determining annual indicator level for the Per Capita Disposal Equivalent:**

Step A. Enter the year, jurisdiction's total annual disposal, and population in the 3 upper boxes.  
 Step B. Enter the amount transformed in the lower box.  
 Reported Jurisdiction Disposal (Landfilled, Transformed, & Exported in Annual Tons)

Year	Year	Year	Year
2006	2006	2006	2006
70	70	110	110
Reported Jurisdiction Disposal (Landfilled, Transformed, & Exported in Annual Tons)		Jurisdiction Population (People)	

Reported Jurisdiction Transformation (Annual Tons)	Reported Per Capita Transformation (Lbs./Person/Day)	Maximum Transformation Credit (from above)	Reported Per Capita Disposal without Transformation Credit (Lbs./Person/Day)
201	1.0	0.6	2.9
			3.5

Is the jurisdiction's per capita disposal less than the per capita disposal equivalent? **Yes**



AMENDED IN SENATE APRIL 21, 2008  
AMENDED IN SENATE MARCH 28, 2008

**SENATE BILL**

**No. 1625**

**Introduced by Senator Corbett**  
*(Coauthor: Senator Kuehl)*

February 22, 2008

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An act to amend Sections 14500, 14501, 14504, 14505, 14512.7, 14551, and 14575 of, to add Sections 14517.1 and 14518.6 to, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1625, as amended, Corbett. Recycling: CRV containers.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a minimum refund value. A distributor is required to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Conservation and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department for the payment of refund values and processing fees. A violation of the act is a crime.

"Beverage" is defined, for purposes of the act, to include, among other things, beer and other malt beverages, wine and distilled spirit coolers, carbonated mineral and soda waters, noncarbonated fruit drinks, and vegetable juices, in liquid form that are intended for human consumption, but excludes from that definition vegetable drinks in beverage containers of more than 16 ounces. The act also excludes, from the definition of "beverage," any product sold in a container that

is not an aluminum beverage container, a glass container, a plastic beverage container, or a bimetal container.

This bill would rename the act as the California Container Recycling and Litter Reduction Act. The bill would define the term "plastic bottle" as an individual rigid or semirigid container with a body consisting primarily of plastic and with a neck narrower than the body in which one gallon or less of any nonbeverage product is sold. The bill would define the term "CRV container" to mean a beverage container or a plastic bottle and would provide that the term "beverage container," when used in the act, means a CRV container.

The bill would also revise the term "beverage" to include nut, grain, or soy drinks that contain any percentage of juice, and would delete the requirement that a vegetable drink subject to the act be sold in a container of 16 ounces or less. The bill would delete the exclusion from the term "beverage," for a product that is not sold in the above-specified types of containers. The bill would also make conforming changes to other definitions, for purposes of the act.

Since the payments for the plastic beverage containers and other CRV containers that this bill would make subject to the act would be deposited in a continuously appropriated fund, the bill would make an appropriation. The bill would also impose a state-mandated local program by creating new crimes relating to CRV containers.

(2) The Department of Conservation is required to establish reporting periods of 6 months each for redemption rates and recycling rates for specified types of beverage containers. The act also requires the department to determine the redemption rates and recycling rates for those beverage containers for each reporting period and to issue a report on those determinations. The act defines various words for purposes of those provisions, including "redemption rate." The act also makes various findings and declarations, including a declaration that, when the redemption rate for any one type of beverage container falls below 65%, the act provides for an increased refund value.

This bill would delete the provisions that require the department to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers. The bill also would delete the definition of redemption rate.

(3) The existing act requires the department to calculate a processing fee and a processing payment for each beverage container with a specified scrap value. The processing fee is required to be paid by beverage manufacturers for each beverage container sold or transferred

to a dealer. Existing law requires the department to pay processing payments for redeemed containers to processors, for each type of beverage container, in a specified manner. The department is required to reduce the processing fee for calendar year 2007 to zero for a container that has a recycling rate equal to, or greater than, 40%.

This bill would instead require the department to suspend the requirement to pay the processing fee for any container type with a certain recycling rate for calendar years 2009 and 2010 if the balance of the fund is more than \$150,000,000.

(4) The bill would prohibit the department from expending any funds collected pursuant to the California Beverage Container Recycling and Litter Reduction Act that were collected or payable on or before January 1, 2009, for a beverage container, for making any refund value, processing payment, handling fee, or other expenditures related to a CRV container that was not subject to the act on January 1, 2007.

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

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

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

3 (a) California has demonstrated a more than 20-year  
4 commitment to reducing and recycling materials that would  
5 otherwise become waste.

6 (b) California's commitment to waste reduction and recycling  
7 has demonstrated itself in the development and implementation  
8 of a comprehensive waste reduction and recycling policy that has  
9 succeeded in a 50 percent diversion of solid waste from landfills.

10 (c) California's commitment has further demonstrated itself in  
11 the development and implementation of the nation's most  
12 expansive and cost effective beverage container recycling system  
13 that has succeeded in recycling 60 percent of beverage containers  
14 generated.

1 (d) Despite the commitment and efforts of the public, local  
2 agencies, and the state; to reduce waste and increase recycling, the  
3 lack of incentives and opportunities for the recycling of most plastic  
4 bottles has resulted in a recycling failure.

5 (e) Studies by the California Integrated Waste Management  
6 Board (CIWMB) and the United States Environmental Protection  
7 Agency reveal that each year California generates more than 13  
8 billion plastic bottles and disposes of more than 315,000 tons of  
9 plastic bottle waste.

10 (f) A recent study by the CIWMB further revealed that while  
11 96 percent of the plastic bottles not currently covered by the state's  
12 container recycling law are made from readily recyclable and  
13 marketable polyethylene terephthalate (PET) and high density  
14 polyethylene (HDPE) plastic, less than 12 percent of these plastic  
15 bottles are currently recycled.

16 (g) Relying exclusively on California's curbside recycling  
17 infrastructure to collect the more than six billion non-California  
18 Refund Value (CRV) plastic bottles littered and landfilled in  
19 California annually has proven unsuccessful and even moderate  
20 success, 50 percent recycling, if it were possible, would cost local  
21 agencies and ratepayers in excess of thirty-five million dollars  
22 (\$35,000,000) annually in higher collection and processing costs.

23 (h) Compounding the problem of plastic litter and waste, the  
24 California Ocean Protection Council (OPC) has determined that  
25 marine debris poses a serious threat to California's marine  
26 environment and ocean-based economies, and that 60 to 80 percent,  
27 inclusive, of all marine debris and 90 percent of all floating debris  
28 is plastic.

29 (i) To help reduce the problem of plastic marine debris, the OPC  
30 in February unanimously adopted a resolution stating in part: "The  
31 state should look closely at extending the CRV or similar Extended  
32 Producer Responsibility programs to include other plastics  
33 commonly found in marine debris."

34 (j) California's 20 years of experience demonstrates that  
35 extending the financial incentives and convenient return  
36 opportunities of the state's successful container recycling and litter  
37 reduction law to all plastic bottles regardless of content represents  
38 the single most expeditious and cost-effective means of reducing  
39 and recycling the more than six billion non-CRV plastic bottles  
40 that are littered and landfilled in California annually.

1 SEC. 2. Section 14500 of the Public Resources Code is  
2 amended to read:

3 14500. This division shall be known and may be cited as the  
4 California Container Recycling and Litter Reduction Act.

5 SEC. 3. Section 14501 of the Public Resources Code is  
6 amended to read:

7 14501. The Legislature finds and declares as follows:

8 (a) Experience in this state and others demonstrates that financial  
9 incentives and convenient return systems ensure the efficient and  
10 large-scale recycling of ~~beverage~~ containers. Accordingly, it is the  
11 intent of the Legislature to encourage increased, and more  
12 convenient, ~~beverage~~ container redemption opportunities for all  
13 consumers. These redemption opportunities shall consist of dealer  
14 and other shopping center locations, independent and industry  
15 operated recycling centers, curbside programs, nonprofit dropoff  
16 programs, and other recycling systems that assure all consumers,  
17 in every region of the state, the opportunity to return ~~beverage~~  
18 containers conveniently, efficiently, and economically.

19 (b) California grocery, beer, soft drink, container manufacturing,  
20 labor, agricultural, consumer, environmental, government, citizen,  
21 recreational, taxpayer, and recycling groups have joined together  
22 in calling for an innovative program to generate large-scale  
23 redemption and recycling of ~~beverage~~ containers.

24 (c) This division establishes a beverage container recycling goal  
25 of 80 percent.

26 (d) It is the intent of the Legislature to ensure that every  
27 container type proves its own recyclability.

28 (e) It is the intent of the Legislature to make redemption and  
29 recycling convenient to consumers, and the Legislature hereby  
30 urges cities and counties, when exercising their zoning authority,  
31 to act favorably on the siting of multimaterial recycling centers,  
32 reverse vending machines, mobile recycling units, or other types  
33 of recycling opportunities, as necessary for consumer convenience,  
34 and the overall success of litter abatement and ~~beverage~~ container  
35 recycling in the state.

36 (f) The purpose of this division is to create and maintain a  
37 marketplace where it is profitable to establish sufficient recycling  
38 centers and locations to provide consumers with convenient  
39 recycling opportunities through the establishment of minimum  
40 refund values and processing fees and, through the proper

1 application of these elements, to enhance the profitability of  
2 recycling centers, recycling locations, and other beverage container  
3 recycling programs.

4 (g) The responsibility to provide convenient, efficient, and  
5 economical redemption opportunities rests jointly with  
6 manufacturers, distributors, dealers, recyclers, processors, and the  
7 Department of Conservation.

8 (h) It is the intent of the Legislature, in enacting this division,  
9 that all empty beverage containers redeemed shall be recycled,  
10 and that the responsibilities and regulations of the department shall  
11 be determined and implemented in a manner which favors the  
12 recycling of redeemed containers, as opposed to their disposal.

13 (i) Nothing in this division shall be interpreted as affecting the  
14 current business practices of scrap dealers or recycling centers,  
15 except that, to the extent they function as a recycling center or  
16 processor, they shall do so in accordance with this division.

17 (j) The program established by this division will contribute  
18 significantly to the reduction of the beverage container component  
19 of litter in this state.

20 SEC. 4. Section 14504 of the Public Resources Code is  
21 amended to read:

22 14504. (a) Except as provided in subdivision (b), "beverage"  
23 means any of the following products if those products are in liquid,  
24 ready-to-drink form, and are intended for human consumption:

- 25 (1) Beer and other malt beverages.
- 26 (2) Wine and distilled spirit coolers.
- 27 (3) Carbonated water, including soda and carbonated mineral  
28 water.
- 29 (4) Noncarbonated water, including noncarbonated mineral  
30 water.
- 31 (5) Carbonated soft drinks.
- 32 (6) Noncarbonated soft drinks and "sport" drinks.
- 33 (7) Except as provided in paragraph (3) of subdivision (b),  
34 vegetable, nut, grain, soy, or noncarbonated fruit drinks that contain  
35 any percentage of juice.
- 36 (8) Coffee and tea drinks.
- 37 (9) Carbonated fruit drinks.

38 (b) "Beverage" does not include any of the following:

- 39 (1) Wine, or wine from which alcohol has been removed, in  
40 whole or in part, whether or not sparkling or carbonated.

1 (2) Milk, medical food, or infant formula.

2 (3) One hundred percent fruit juice in containers that are 46  
3 ounces or more in volume.

4 (c) For purposes of this section, the following definitions shall  
5 apply:

6 (1) "Infant formula" means any liquid food described or sold  
7 as an alternative for human milk for the feeding of infants.

8 (2) (A) "Medical food" means a food or beverage that is  
9 formulated to be consumed, or administered enterally under the  
10 supervision of a physician, and that is intended for specific dietary  
11 management of diseases or health conditions for which distinctive  
12 nutritional requirements, based on recognized scientific principles,  
13 are established by medical evaluation.

14 (B) A "medical food" is a specially formulated and processed  
15 product, for the partial or exclusive feeding of a patient by means  
16 of oral intake or enteral feeding by tube, and is not a naturally  
17 occurring foodstuff used in its natural state.

18 (C) "Medical food" includes any product that meets the  
19 definition of "medical food" in the federal Food, Drug, and  
20 Cosmetic Act (21 U.S.C. Sec. 360ee (b)(3)).

21 (3) "Noncarbonated soft drink" means a nonalcoholic,  
22 noncarbonated naturally or artificially flavored water containing  
23 sugar or sweetener or trace amounts of various elements from both  
24 natural and synthetic sources.

25 SEC. 5. Section 14505 of the Public Resources Code is  
26 amended to read:

27 14505. (a) "Beverage container" means the individual, separate  
28 bottle, can, jar, carton, or other receptacle, however denominated,  
29 in which a beverage is sold, and which is constructed of metal,  
30 glass, or plastic, or other material, or any combination of these  
31 materials. "Beverage container" does not include cups or other  
32 similar open or loosely sealed receptacles.

33 (b) "California Refund Value container" or "CRV container"  
34 means a beverage container or a plastic bottle, as defined in Section  
35 14517.1.

36 (c) Except as provided in subdivision (a), whenever the term  
37 "beverage container" is used in this division, it shall be deemed  
38 to mean a CRV container.

39 (d) Whenever the term "distributor" is used in this division, it  
40 shall be deemed to mean a CRV container distributor.

1 (e) Whenever the term “beverage manufacturer” is used in this  
2 division, it shall be deemed to mean a CRV container manufacturer.

3 SEC. 6. Section 14512.7 of the Public Resources Code is  
4 amended to read:

5 14512.7. “Fund” means the California Container Recycling  
6 Fund established pursuant to subdivision (a) of Section 14580.

7 SEC. 7. Section 14517.1 is added to the Public Resources Code,  
8 to read:

9 14517.1. (a) “Plastic bottle” means an individual rigid or  
10 semirigid container with a body consisting primarily of plastic and  
11 with a neck narrower than the body in which one gallon or less of  
12 a nonbeverage product is sold.

13 (b) The department may develop, maintain, and regularly update  
14 a list of products and containers that meet the definition of “plastic  
15 bottle” in this section.

16 (c) “Plastic bottle” does not mean a container for a beverage,  
17 as defined in Section 14504, or a product expressly excluded from  
18 the definition of beverage pursuant to subdivision (b) of Section  
19 14504.

20 (d) “Plastic bottle” does not mean a container for any toxic or  
21 hazardous product that contains a toxic or hazardous product that  
22 is regulated by the Federal Insecticide, Fungicide, and Rodenticide  
23 Act (7 U.S.C. Sec. 136 et seq.).

24 SEC. 8. Section 14518.6 is added to the Public Resources Code,  
25 to read:

26 14518.6. “Product manufacturer” means a person who bottles  
27 or otherwise fills a plastic bottle or imports a filled plastic bottle,  
28 for sale to a distributor, dealer, or consumer.

29 SEC. 9. Section 14523.5 of the Public Resources Code is  
30 repealed.

31 SEC. 10. Section 14551 of the Public Resources Code is  
32 amended to read:

33 14551. (a) The department shall establish reporting periods  
34 for the reporting of recycling rates. Each reporting period shall be  
35 six months. The department shall determine all of the following  
36 for each reporting period and shall issue a report on its  
37 determinations, within 130 days of the end of each reporting period:

38 (1) Sales of beverages in aluminum beverage containers, bimetal  
39 beverage containers, glass beverage containers, plastic beverage



1 containers, and other beverage containers in this state, including  
2 refillable beverage containers.

3 (2) Returns for recycling, and returns not for recycling, of empty  
4 aluminum beverage containers, bimetal beverage containers, glass  
5 beverage containers, plastic beverage containers, and other  
6 beverage containers in this state, including refillable beverage  
7 containers returned to distributors pursuant to Section 14572.5.  
8 These numbers shall be calculated using the average current  
9 weights of beverage containers, as determined and reported by the  
10 department.

11 (3) An aluminum beverage container recycling rate, the  
12 numerator of which shall be the number of empty aluminum  
13 beverage containers returned for recycling, including refillable  
14 aluminum beverage containers, and the denominator of which shall  
15 be the number of aluminum beverage containers sold in this state.

16 (4) A bimetal beverage container recycling rate, the numerator  
17 of which shall be the number of empty bimetal containers returned  
18 for recycling, including refillable bimetal beverage containers, and  
19 the denominator of which shall be the number of bimetal beverage  
20 containers sold in this state.

21 (5) A glass beverage container recycling rate, the numerator of  
22 which shall be the number of empty glass beverage containers  
23 returned for recycling, including refillable glass beverage  
24 containers, and the denominator of which shall be the number of  
25 glass beverage containers sold in this state.

26 (6) A plastic beverage container recycling rate, the numerator  
27 of which shall be the number of empty plastic beverage containers  
28 returned for recycling, including refillable plastic beverage  
29 containers, and the denominator of which shall be the number of  
30 plastic beverage containers sold in this state.

31 (7) A recycling rate for other beverage containers, the numerator  
32 of which shall be the number of empty beverage containers other  
33 than those containers specified in paragraphs (1) to (6), inclusive,  
34 returned for recycling, and the denominator of which shall be the  
35 number of beverage containers, other than those containers  
36 specified in paragraphs (1) to (6), inclusive, sold in this state.

37 (8) The department may define categories of other beverage  
38 containers, and report a recycling rate for each of those categories  
39 of other beverage containers.

1 (9) The volumes of materials collected from certified recycling  
2 centers, by city or county, as requested by the city or county, if  
3 the reporting is consistent with the procedures established pursuant  
4 to Section 14554 to protect proprietary information.

5 (b) The department shall determine the manner of collecting  
6 the information for the reports specified in subdivision (a),  
7 including establishing procedures, to protect any proprietary  
8 information concerning the sales and purchases.

9 SEC. 11. Section 14575 of the Public Resources Code is  
10 amended to read:

11 14575. (a) If any type of empty CRV container with a refund  
12 value established pursuant to Section 14560 has a scrap value less  
13 than the cost of recycling, the department shall, on January 1, 2000,  
14 and on or before January 1 annually thereafter, establish a  
15 processing fee and a processing payment for the container by the  
16 type of the material of the container.

17 (b) The processing payment shall be at least equal to the  
18 difference between the scrap value offered to a statistically  
19 significant sample of recyclers by willing purchasers, and except  
20 for the initial calculation made pursuant to subdivision (d), the  
21 sum of both of the following:

22 (1) The actual cost for certified recycling centers, excluding  
23 centers receiving a handling fee, of receiving, handling, storing,  
24 transporting, and maintaining equipment for each container sold  
25 for recycling or, only if the container is not recyclable, the actual  
26 cost of disposal, calculated pursuant to subdivision (c). The  
27 department shall determine the statewide weighted average cost  
28 to recycle each container type, which shall serve as the actual  
29 recycling costs for purposes of paragraph (2) of subdivision (c),  
30 by conducting a survey of the costs of a statistically significant  
31 sample of certified recycling centers, excluding those recycling  
32 centers receiving a handling fee, for receiving, handling, storing,  
33 transporting, and maintaining equipment.

34 (2) A reasonable financial return for recycling centers.

35 (c) The department shall base the processing payment pursuant  
36 to this section upon either of the following:

37 (1) The department shall use the average scrap values paid to  
38 recyclers between October 1, 2001, and September 30, 2002, for  
39 the 2003 calculation and the same 12-month period directly

1 preceding the year in which the processing fee is calculated for  
2 any subsequent calculation.

3 (2) For calculating processing payments that will be in effect  
4 on and after January 1, 2004, the department shall determine the  
5 actual costs for certified recycling centers, every second year,  
6 pursuant to paragraph (1) of subdivision (b). The department shall  
7 adjust the recycling costs annually to reflect changes in the cost  
8 of living, as measured by the Bureau of Labor Statistics of the  
9 United States Department of Labor or a successor agency of the  
10 United States government.

11 (d) Except as specified in subdivision (g), the actual processing  
12 fee paid by a beverage manufacturer shall equal 65 percent of the  
13 processing payment calculated pursuant to subdivision (b).

14 (e) The department, consistent with Section 14581 and subject  
15 to the availability of funds, shall reduce the processing fee paid  
16 by beverage manufacturers by expending funds in each material  
17 processing fee account, in the following manner:

18 (1) On January 1, 2005, and annually thereafter, the processing  
19 fee shall equal the following amounts:

20 (A) Ten percent of the processing payment for a container type  
21 with a recycling rate equal to or greater than 75 percent.

22 (B) Eleven percent of the processing payment for a container  
23 type with a recycling rate equal to or greater than 65 percent, but  
24 less than 75 percent.

25 (C) Twelve percent of the processing payment for a container  
26 type with a recycling rate equal to or greater than 60 percent, but  
27 less than 65 percent.

28 (D) Thirteen percent of the processing payment for a container  
29 type with a recycling rate equal to or greater than 55 percent, but  
30 less than 60 percent.

31 (E) Fourteen percent of the processing payment for a container  
32 type with a recycling rate equal to or greater than 50 percent, but  
33 less than 55 percent.

34 (F) Fifteen percent of the processing payment for a container  
35 type with a recycling rate equal to or greater than 45 percent, but  
36 less than 50 percent.

37 (G) Eighteen percent of the processing payment for a container  
38 type with a recycling rate equal to or greater than 40 percent, but  
39 less than 45 percent.

1 (H) Twenty percent of the processing payment for a container  
2 type with a recycling rate equal to or greater than 30 percent, but  
3 less than 40 percent.

4 (I) Sixty-five percent of the processing payment for a container  
5 type with a recycling rate less than 30 percent.

6 (2) Notwithstanding this section, for calendar years 2009 and  
7 2010 only, if the balance of the fund that is subject to expenditure  
8 pursuant to Section 14581 on September 30, 2007, and on  
9 September 30 of each year thereafter, is more than one hundred  
10 fifty million dollars (\$150,000,000) the requirement to pay a  
11 processing fee for any container type shall be suspended during  
12 the subsequent calendar year (January 1 to December 31) for each  
13 container type with a recycling rate as follows:

14 (A) Fifty-five percent for the 12-month period ending June 30,  
15 2008, for the suspension in 2009.

16 (B) Sixty percent for the 12-month period ending June 30, 2009,  
17 for the suspension in 2010.

18 (C) For any container type with a recycling rate of less than the  
19 required thresholds, the processing fee payment shall be in the  
20 amount provided in paragraph (1).

21 (3) The department shall calculate the recycling rate for purposes  
22 of paragraphs (1) and (2) based on the 12-month period ending on  
23 June 30 that directly precedes the date of the January 1 processing  
24 fee determination.

25 (f) Not more than once every three months, the department may  
26 make an adjustment in the amount of the processing payment  
27 established pursuant to this section notwithstanding any change  
28 in the amount of the processing fee established pursuant to this  
29 section, for any beverage container, if the department makes the  
30 following determinations:

31 (1) The statewide scrap value paid by processors for the material  
32 type for the most recent available 12-month period directly  
33 preceding the quarter in which the processing payment is to be  
34 adjusted is 5 percent more or 5 percent less than the average scrap  
35 value used as the basis for the processing payment currently in  
36 effect.

37 (2) Funds are available in the processing fee account for the  
38 material type.

39 (3) Adjusting the processing payment is necessary to further  
40 the objectives of this division.

1 (g) (1) Except as provided in paragraphs (2) and (3), every  
2 beverage manufacturer shall pay to the department the applicable  
3 processing fee for each container sold or transferred to a distributor  
4 or dealer within 40 days of the sale in the form and in the manner  
5 which the department may prescribe.

6 (2) (A) Notwithstanding Section 14506, with respect to the  
7 payment of processing fees for beer and other malt beverages  
8 manufactured outside the state, the beverage manufacturer shall  
9 be deemed to be the person or entity named on the certificate of  
10 compliance issued pursuant to Section 23671 of the Business and  
11 Professions Code. If the department is unable to collect the  
12 processing fee from the person or entity named on the certificate  
13 of compliance, the department shall give written notice by certified  
14 mail, return receipt requested, to that person or entity. The notice  
15 shall state that the processing fee shall be remitted in full within  
16 30 days of issuance of the notice or the person or entity shall not  
17 be permitted to offer that beverage brand for sale within the state.  
18 If the person or entity fails to remit the processing fee within 30  
19 days of issuance of the notice, the department shall notify the  
20 Department of Alcoholic Beverage Control that the certificate  
21 holder has failed to comply, and the Department of Alcoholic  
22 Beverage Control shall prohibit the offering for sale of that  
23 beverage brand within the state.

24 (B) The department shall enter into a contract with the  
25 Department of Alcoholic Beverage Control, pursuant to Section  
26 14536.5, concerning the implementation of this paragraph, which  
27 shall include a provision reimbursing the Department of Alcoholic  
28 Beverage Control for its costs incurred in implementing this  
29 paragraph.

30 (3) (A) Notwithstanding paragraph (1), if a beverage  
31 manufacturer displays a pattern of operation in compliance with  
32 this division and the regulations adopted pursuant to this division,  
33 to the satisfaction of the department, the beverage manufacturer  
34 may make a single annual payment of processing fees, if the  
35 beverage manufacturer meets either of the following conditions:

36 (i) If the redemption payment and refund value is not increased  
37 pursuant to paragraph (3) of subdivision (a) of Section 14560, the  
38 beverage manufacturer's projected processing fees for a calendar  
39 year total less than ten thousand dollars (\$10,000).

1 (ii) If the redemption payment and refund value is increased  
2 pursuant to paragraph (3) of subdivision (a) of Section 14560, the  
3 beverage manufacturer's projected processing fees for a calendar  
4 year total less than fifteen thousand dollars (\$15,000).

5 (B) An annual processing fee payment made pursuant to this  
6 paragraph is due and payable on or before February 1 for every  
7 beverage container sold or transferred by the beverage  
8 manufacturer to a distributor or dealer in the previous calendar  
9 year.

10 (C) A manufacturer shall notify the department of its intent to  
11 make an annual processing fee payment pursuant to this paragraph  
12 on or before January 31 of the calendar year for which the payment  
13 will be due.

14 (4) The department shall pay the processing payments on  
15 redeemed containers to processors, in the same manner as it pays  
16 refund values pursuant to Sections 14573 and 14573.5. The  
17 processor shall pay the recycling center the entire processing  
18 payment representing the actual costs and financial return incurred  
19 by the recycling center, as specified in subdivision (b).

20 (h) When assessing processing fees pursuant to subdivision (a),  
21 the department shall assess the processing fee on each container  
22 sold, as provided in subdivisions ~~(e) and (f)~~ (d) and (e), by the type  
23 of material of the container, assuming that every container sold  
24 will be redeemed for recycling, whether or not the container is  
25 actually recycled.

26 (i) The container manufacturer, or a designated agent, shall pay  
27 to, or credit, the account of the beverage manufacturer in an amount  
28 equal to the processing fee.

29 (j) If, at the end of any calendar year for which glass recycling  
30 rates equal or exceed 45 percent and sufficient surplus funds remain  
31 in the glass processing fee account to make the reduction pursuant  
32 to this subdivision or if, at the end of any calendar year for which  
33 PET recycling rates equal or exceed 45 percent and sufficient  
34 surplus funds remain in the PET processing fee account to make  
35 the reduction pursuant to this subdivision, the department shall  
36 use these surplus funds in the respective processing fee accounts  
37 in the following calendar year to reduce the amount of the  
38 processing fee that would otherwise be due from glass or PET  
39 beverage manufacturers pursuant to this subdivision.

1 (1) The department shall reduce the glass or PET processing  
2 fee amount pursuant to this subdivision in addition to any reduction  
3 for which the glass or PET beverage container qualifies under  
4 subdivision ~~(f)~~ (e).

5 (2) The department shall determine the processing fee reduction  
6 by dividing two million dollars (\$2,000,000) from each processing  
7 fee account by an estimate of the number of containers sold or  
8 transferred to a distributor during the previous calendar year, based  
9 upon the latest available data.

10 SEC. 12. The Department of Conservation shall not expend  
11 any funds collected pursuant to Division 12.1 (commencing with  
12 Section 14500) of the Public Resources Code that were collected  
13 or payable ~~on or before~~ *prior to* January 1, 2009 for a beverage  
14 container, as defined in Section 14505, as that section read ~~on~~  
15 *immediately preceding* January 1, 2009, for making any refund  
16 value, processing payment, handling fee, or any program or other  
17 expenditure related to a CRV container that was not subject to the  
18 California Beverage Recycling and Litter Reduction Act ~~on January~~  
19 ~~1, 2007~~ *immediately preceding January 1, 2009.*

20 SEC. 13. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

29  
30  
31  
32  
33

CORRECTIONS:  
Text—Page 15.

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## 2008 Legislation

### Position Letters Sent by RCRC on Solid Waste Related Bills

- AB 501 Swanson      Pharmaceutical devices – support (3/26/08)
- AB 1860 Huffman      Recalled products – support (3/24/08)
- AB 1931 Silva      Illegal dumping enforcement officers – support (4/23/08)
- AB 2347 Ruskin      Mercury-containing thermostats – support (3/24/08)
- AB 2640 Huffman      Green waste - oppose (3/24/08)
- AB 2695 Niello      Solid waste: enforcement: illegal dumping – support (4/14/08)
- AB 2866 De Leon      Solid waste disposal fee – oppose (4/1/08)
- SB 1321 Correa      School recycling programs – support (3/24/08)
- SB 1345 Ashburn      Volunteerism prevailing wage exemption - support (4/8/08)



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March 26, 2008

The Honorable Sandre Swanson  
Member, California State Assembly  
State Capitol, Room 6012  
Sacramento, CA 95814

**RE: Assembly Bill 501 (Swanson) –SUPPORT IF AMENDED**

Dear Assembly Member Swanson:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I offer our "Support if Amended" position for your Assembly Bill 501. AB 501 gives manufacturers of pre-filled injection needles (commonly known as sharps) the option of providing customers, "upon request", with a take-back option and/or directing customers to facilities that properly handle the disposal of these used items.

RCRC is composed of members of the Boards of Supervisors from thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The issue of safely disposing used sharps is a major concern of the solid waste managers who operate landfills and transfer stations in rural counties.

As you know, effective September 1<sup>st</sup> of this year, California imposes a ban on the disposal of used sharps in solid waste, recycling, and green waste containers. Therefore, we have been working with you, your staff and other stakeholders in an attempt to find the best way to safely dispose of these items without imposing further burdens on the people who rely on these injections.

Unfortunately, we have concerns with the most recent version of AB 501 and we would suggest further amendments. We view the latest version as providing pharmaceutical manufacturers with minimal responsibilities in collecting used sharps. Furthermore, we are concerned that these manufacturers will simply direct these products to county-operated household hazardous waste facilities, thus adding costs and increasing the burden of processing their disposal. We recognize that you, your staff, and sponsors have worked tirelessly on this effort; however, we would prefer that amendments be incorporated into AB 501 that remove "upon request" and impose on the manufacturer a strong take-back scheme rather than have them direct their customers to other disposal options.

The Honorable Sandre Swanson  
March 26, 2008  
Page 2

If you should have any questions or concerns regarding our change in position, please do not hesitate to contact me at 916-447-4806.

Sincerely,

  
PAUL A. SMITH  
Director of Legislative Affairs

cc: The Honorable Sheila Kuehl, Chair of the Senate Health Committee  
Members of the Senate Health Committee

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March 24, 2008

The Honorable Jared Huffman  
Member, California State Assembly  
State Capitol, Room 4139  
Sacramento, CA 95814

**RE: Assembly Bill 1860 (Huffman) – SUPPORT**

Dear Assemblyman Huffman:

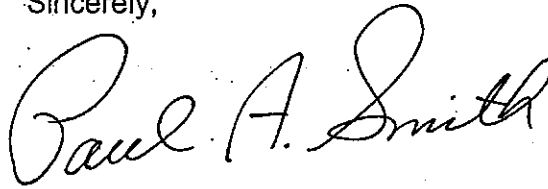
On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to offer our support for your Assembly Bill 1860, which requires the manufacturer of a recalled product to establish and maintain a collection system in the event a recall is issued for that product.

RCRC is composed of members of the Boards of Supervisors from our thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to counties regarding the management of solid waste. The issue of safely disposing and managing the surge-volume of recalled products is a major concern of the solid waste managers who operate landfills and transfer stations in rural counties.

In many instances, when a recall is issued by either the manufacturer or a government agency, consumers are directed to either dispose of the product or return it to the retailer for compensation. In both of those circumstances, it is the local solid waste manager who ultimately receives the product and must pay for the cost of disposal. RCRC believes that it is the producer who ultimately must bear the cost and responsibility of these products. As such, a system should be required for a manufacturer to collect and aggregate these products when they are no longer suitable for market.

RCRC appreciates your introduction of AB 1860. We look forward to working with you to ensure this bill is enacted into law. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

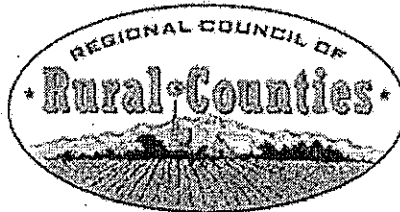
Sincerely,

A handwritten signature in cursive script that reads "Paul A. Smith". The signature is written in black ink and is positioned above the typed name.

PAUL A. SMITH  
Director of Legislative Affairs

cc: The Honorable Loni Hancock, Chair of the Assembly Natural Resources  
Committee  
Members of the Assembly Natural Resources Committee  
Ms. Heidi Sanborn, California Product Stewardship Council

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April 23, 2008

The Honorable Jim Silva  
Member, California State Assembly  
State Capitol, Room 3149  
Sacramento, CA 95814

**RE: Assembly Bill 1931 (Silva) - SUPPORT**

Dear Assembly Member Silva:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to offer our support for your Assembly Bill 1931, which addresses the issue and qualifications for illegal dumping officers.

RCRC is comprised of members of the Boards of Supervisors from thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The illegal dumping of solid waste is and continues to be a problem for California's rural counties as it is easier to elude law enforcement by traveling to the remote parts of the state to dump products. The costs associated with the clean up of illegal dumping is expensive not only for counties, but also lowers private property values and threatens the stability of environmentally sensitive lands and the state's water quality.

Specifically, AB 1931 makes revisions to the definition of an illegal dumping officer to include persons who are employed full-time, part-time, and volunteers provided they obtain and complete the proper training. This bill will help ensure that the proper personnel are in the field to enforce our illegal dumping laws in order to minimize the amount of illegal waste placed in inappropriate places.

RCRC appreciates your introduction of AB 1931. We look forward to working with you to ensure this bill is enacted into law. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

Sincerely,

PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Assembly Public Safety Committee  
Margo Reid Brown, Integrated Waste Management Board  
Rosalie Mule, Integrated Waste Management Board





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March 24, 2008

The Honorable Ira Ruskin  
Member, California State Assembly  
State Capitol, Room 3123  
Sacramento, CA 95814

**RE: Assembly Bill 2347 (Ruskin) – SUPPORT**

Dear Assembly Member Ruskin:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to offer our support for your Assembly Bill 2347, which requires the manufactures of mercury-containing thermostats to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats.

RCRC is composed of members of the Boards of Supervisors from our thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority (ESJPA) to provide assistance to counties regarding the management of solid waste. The issue of safely disposing used thermostats which contain mercury is a major concern of the solid waste managers who operate landfills and transfer stations in rural counties.

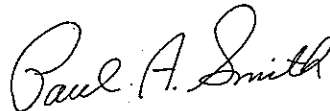
The ESJPA is a participant in the California Product Stewardship Council (CPSC), which is an organization of California local governments who are working towards a single mission: To shift California's product waste management system from one focused on government-funded and ratepayer-financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

Under current law, products containing mercury are classified as hazardous waste and must be disposed at a household hazardous waste facility – a special facility that handles and disposes products that cannot be discarded in a traditional landfill. Operating a household hazardous waste facility is very expensive. Furthermore, many rural counties lack a household hazardous waste facility and thus must pay for the cost of handling and transporting these classified products to a facility. We believe it is appropriate – from a standpoint of cost and safety – that manufacturers of products that contain mercury be responsible for their products when they have reached their end-of-life. As such, we believe AB 2347 is appropriate as it requires manufacturers to establish and maintain collections programs for used mercury-thermostats.

The Honorable Ira Ruskin  
March 24, 2008  
Page 2

RCRC appreciates your continued involvement in this important issue, and we look forward to working with you to ensure AB 2347 is enacted into law. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

Sincerely,



PAUL A. SMITH  
Director of Legislative Affairs

cc: The Honorable Jared Huffman, Chair of the Assembly Environmental Safety &  
Toxic Materials Committee  
Members of the Assembly Environmental Safety & Toxic Materials Committee  
Ms. Kate Riley, Consultant to the Assembly Environmental Safety & Toxic  
Materials Committee  
Ms. Heidi Sanborn, California Product Stewardship Council

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March 24, 2008

The Honorable Jared Huffman  
Member, California State Assembly  
State Capitol, Room 4139  
Sacramento, CA 95814

**RE: Assembly Bill 2640 (Huffman) – OPPOSE**

Dear Assemblyman Huffman:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I regret to inform you of our opposition to your Assembly Bill 2640, which addresses the issue of using “green waste” as alternative daily cover (ADC) for solid waste landfills.

RCRC is composed of members of the Boards of Supervisors from thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties’ Environmental Services Joint Powers Authority (ESJPA) to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements to cover the face of landfills as well as reduce the amount of waste that is disposed in California.

Unfortunately, we must oppose the two key components of AB 2640 – the levying of the \$1.40 per ton state disposal fee on green waste used as ADC and the phase-out of diversion credit for using green waste as ADC. First, levying a fee on material that is being beneficially reused sets a bad precedent. Green waste is not the only material that is reused as daily cover or used for other engineered applications and we question why green waste would be subject to the disposal fee when other materials used for the same purpose are not.

Operators of landfills have a number of options to use as cover including dirt, green waste or other approved waste materials, and tarps. Without question, using green waste (garden clippings, agricultural clippings, etc.) is the most cost-effective and reliable option for many of the rural jurisdictions. Furthermore, in many rural counties, if green waste were not to be used as ADC, it would simply be committed to the landfill due to the lack of other cost-effective options.

The Honorable Jared Huffman  
March 24, 2008  
Page 2

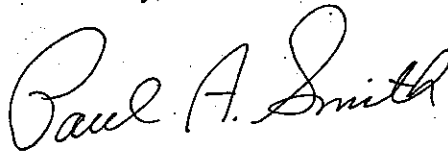
Diversion credit for ADC is an important component for rural counties to reach their 50% diversion goals. As mentioned, if green waste were not converted into ADC, many rural counties would simply commit it to the landfill. Thus, it makes sense that this waste – which is being reused – should be counted as diversion when it is used for alternative purpose. Also, keep in mind that not all green waste received at a landfill can be converted into ADC.

Finally, it should be noted that there have been a number of legislative attempts to increase the mandatory diversion number above 50%. Taking away diversion credit for green waste/ADC would simply make it even more difficult, especially for rural jurisdictions, to achieve these new diversion goals.

Much has been made that green waste should not be used as ADC in favor of using as compost material or feedstock for waste-to-energy facilities. While this may be attractive for some, it presents a number of challenges for rural counties. First, implementing cost-effective composting operations in rural areas is difficult given the low volumes and types of materials. Second, it is very difficult for local governments to obtain the necessary local and state air and water permits to construct and put in place a composting operation. Third, the cost associated with transporting, over great distances, compost feedstock to either a compost facility or energy facility is very expensive. And finally, in most rural counties, particularly those outside the San Joaquin or Sacramento Valleys, not enough green waste is generated locally to support a waste-to-energy facility.

For the above-mentioned reasons, we must respectfully oppose your AB 2640. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

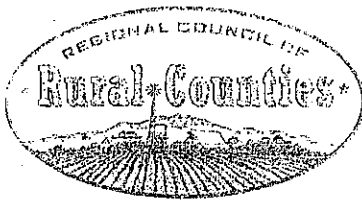
Sincerely,



PAUL A. SMITH  
Director of Legislative Affairs

cc: Members of the Assembly Natural Resources Committee

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA  
DEL NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LAKE  
LASSEN, MADERA, MARIPOSA, MENDOCINO, MERCED



*Mary*  
MOJAVE, MONO, NAPA, NEVADA, PLACER, PLUMAS  
SAN BENITO, SAN LUIS OBISPO, SHASTA, SIERRA  
SISKIYOU, SUTTER, TEHAMA, TRINITY, TUOLUMNE

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CHIEF FINANCIAL OFFICER - KARI LOCK

April 14, 2008

The Honorable Roger Niello  
Member, California State Assembly  
State Capitol, Room 6027  
Sacramento, CA 95814

RE: Assembly Bill 2695 (Niello) - SUPPORT

Dear Assemblyman Niello:

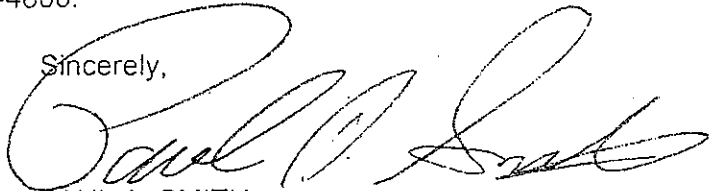
On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to offer our support for your Assembly Bill 2695, which addresses the issue of illegal dumping.

RCRC is composed of members of the Boards of Supervisors from our thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to counties regarding the management of solid waste. The issue of properly disposing and managing solid waste is a major concern for all rural counties.

Specifically, AB 2695 strengthens existing solid waste enforcement laws to assist state and local efforts aimed at combating illegal dumping of solid waste. The bill also authorizes the Integrated Waste Management Board (Waste Board) to establish a grant and loan program to help fund illegal dumping enforcement programs. Finally, AB 2695 requires the Waste Board to adopt a model local ordinance for the permitting of refuse hauler service providers.

The illegal dumping of solid waste is and continues to be a problem for California's rural counties as it is easier to elude law enforcement by traveling to the remote parts of the state to dump products. The costs associated with the clean up of illegal dumping is expensive not only for counties, but also lowers private property values and threatens the stability of environmentally sensitive lands and the state's water quality.

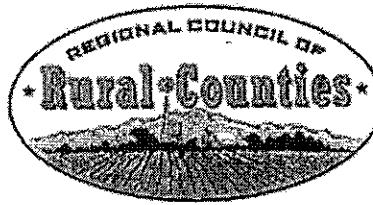
RCRC appreciates your introduction of AB 2695. We look forward to working with you to ensure this bill is enacted into law. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

Sincerely,  
  
PAUL A. SMITH  
Director of Legislative Affairs

cc: Margo Reid Brown, Integrated Waste Management Board  
Rosalie Mule, Integrated Waste Management Board  
Members, Assembly Judiciary Committee  
Consultant, Assembly Judiciary Committee



ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA DEL  
NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LAKE,  
LASSEN, MADERA, MARIPOSA, MENDOCINO, MERCED



MODOC, MONO, NAPA, NEVADA, PLACER, PLUMAS,  
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April 1, 2008

The Honorable Kevin De Leon  
Member, California State Assembly  
State Capitol, Room 4140  
Sacramento, CA 95814

**RE: Assembly Bill 2866 (De Leon) – OPPOSE**

Dear Assembly Member De Leon:

On behalf of the thirty-one members of the Regional Council of Rural Counties (RCRC), I am writing to express our opposition to your Assembly Bill 2866, which increases the state-imposed solid waste disposal fee (commonly known as the “tipping fee”) and dedicates the proceeds to a variety of efforts.

In many California counties and cities, the municipality operates a landfill. In others, those operations are contracted with another party. Regardless of which party owns/operates the landfill, \$1.40 per ton must be collected and remitted to the Integrated Waste Management Board (the Waste Board). The \$1.40 per ton is solely used to fund a variety of activities by the Waste Board to assist in reducing or managing the disposal of waste throughout the State.

AB 2866 proposes to increase our state's tipping fee by \$0.60 per ton in order to provide a funding stream for four efforts:

- Provide matching grants to assist public solid waste landfill operators in complying with measures adopted by the State Air Resources Board to enhance the capture of fugitive landfill gas emissions.
- Fund projects to accelerate the commercialization of hybrid trucks for the collection of recyclables, yard waste, and garbage.
- Fund projects to demonstrate the commercial viability of producing clean transportation fuels from municipal solid waste and landfill gas.
- Establish and maintain \$50 million in the Solid Waste Mitigation Account at the Waste Board to pay for any future liability of the state resulting from the failure of a landfill operator to meet its responsibilities for landfill closure and postclosure care.

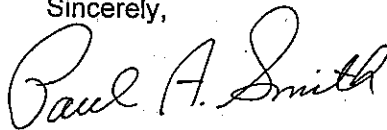
The Honorable Kevin De Leon  
April 1, 2008  
Page 2

Last year we raised a number of concerns with your Assembly Bill 712 which would have increased our state's tipping fee by \$0.50 per ton in order to raise monies for the Air Resources Board which would have been allocated to operators for retrofitting off-road diesel-powered vehicles that are used in the operation of a landfill. Like last year, we are concerned with any increase in the tipping fee which is used to address matters outside the purview of the Waste Board. We are not aware of any itemized additional fee in the waste hauling and disposal industry, put forth in statute, which is levied to cover the costs of complying or addressing state-imposed regulations outside the Waste Board's purview. We believe the costs to comply/address these regulations should be approved at the local level through the already-established rate setting processes. As such, creating funding streams for landfill gas capture (an Air Board activity), promoting hybrid waste hauling vehicles (an Air Board/Energy Commission activity), clean alternative fuels (an Air Board activity) – while laudable – should not be funded through a disposal fee increase. We view this as a dangerous precedent of putting forth a fee attachment that is used for an issue that is not directly related to reducing the amount of waste being disposed in California. Otherwise, we believe this invites others to see the tipping fee as a vehicle for raising revenue for other projects.

The fourth effort included in AB 2866's tipping fee increase addresses an activity within the purview of the Waste Board – ensuring adequate financial assurance for the costs of closing a landfill and maintaining the care of the landfill decades after closure. The Waste Board has been reviewing the issue of financial assurance for over a year and is in the process of developing options to ensure financial assurance. First, we question whether the Legislature needs to increase the tipping fee for this purpose at this time. Nevertheless, if the Legislature believes action should be taken before the Waste Board concludes this process, we would ask that public landfill owners and operators be exempt from collecting the increase. Owner/operators can already meet their financial assurance obligations with a "pledge of revenue" – basically the full faith and credit of the taxpayers of those jurisdictions. Unlike corporations, companies, or proprietorships who can file for bankruptcy or walk away from their obligations, counties and cities cannot and do not have those options. Furthermore, it is doubtful that public entities would ever utilize the fund created in AB 2866 under our pledge of revenue mechanisms.

For the above-mentioned reasons, RCRC must respectfully oppose Assembly Bill 2866. If you have any questions or concerns about our position, please do not hesitate to contact me.

Sincerely,

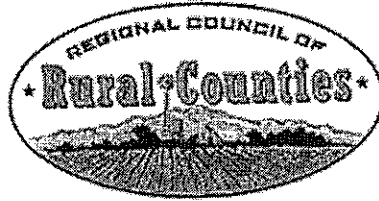


PAUL A. SMITH  
Director of Legislative Affairs

cc: Members, Assembly Natural Resources Committee  
Ms. Elizabeth MacMillan, Assembly Natural Resources Committee  
Ms. Carol Baker, Office of Assembly Speaker Fabian Nunez  
Mr. John Kennedy, Assembly Republican Caucus



ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA DEL  
NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LAKE,  
LASSEN, MADERA, MARIPOSA, MENDOCINO, MERCED



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March 24, 2008

The Honorable Lou Correa  
Member, California State Senate  
State Capitol, Room 4062  
Sacramento, CA 95814

**RE: Senate Bill 1321 (Correa) – SUPPORT**

Dear Senator Correa:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to offer our support for your Senate Bill 1321, which requires each school district that has a secondary school to maintain beverage container recycling bins on each secondary school campus and the administrative office of that school district.

RCRC is composed of members of the Boards of Supervisors from our thirty-one California counties. In addition, twenty-two RCRC member counties have formed the Rural Counties' Environmental Services Joint Powers Authority to provide assistance to solid waste managers in rural counties. These solid waste managers have been charged with ensuring that their respective counties meet state-imposed requirements to reduce the amount of waste that is disposed in California.

State law requires counties to divert 50% of their solid waste from landfills. The California Integrated Waste Management Board (Waste Board) enforces this requirement and works with counties to achieve these diversion requirements. Many RCRC counties have been unable to reach the 50% requirement due to a number of factors. Thankfully, the Waste Board recognizes many of these factors and limitations; however, we are constantly working with the Waste Board to implement programs that ultimately reduce waste disposal into landfills. One option that continues to surface is to have schools participate in recycling programs.

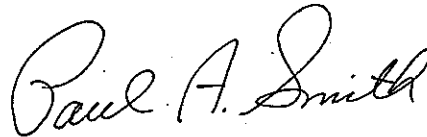
While beverage containers are a small portion of the waste stream, we believe that any effort to have items diverted (recycled) should be implemented. And while we recognize the up-front costs to school districts to implement campus-based beverage container

The Honorable Lou Correa  
March 24, 2008  
Page 2

recycling, we point out that these costs can be recovered when these containers are redeemed.

RCRC appreciates your authorship of SB 1321. We look forward to working with you to ensure this measure is enacted into law. If you should have any questions or concerns, please do not hesitate to contact me at 916-447-4806.

Sincerely,

A handwritten signature in cursive script that reads "Paul A. Smith".

PAUL A. SMITH  
Director of Legislative Affairs

cc: The Honorable Jack Scott, Chair of the Senate Education Committee  
Members of the Senate Education Committee

ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA DEL  
NORTE, EL DORADO, GLENN, IMPERIAL, INYO, LAKE,  
LASSEN, MADERA, MARIPOSA, MENDOCINO, MERCED



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April 8, 2008

The Honorable Carole Migden, Chair  
Senate Labor and Industrial Relations Committee  
Room 5114, State Capitol  
Sacramento, CA 95814

**Re: Senate Bill 1345 (Ashburn) – SUPPORT**

Dear Senator Migden:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am writing to express our support for Senate Bill 1345, by Senator Ashburn, relating to volunteerism. By eliminating the sunset in current law, SB 1345 would extend the volunteer worker prevailing wage exemption indefinitely.

Volunteers provide a very valuable contribution to government-financed projects such as litter cleanup in our state's waterways and on our beaches, among other things. SB 1345 would allow volunteers to continue supporting local efforts and result in local cost savings.

RCRC requests your favorable consideration and "aye" vote for SB 1345 when it is heard before you on April 9, 2008.

Sincerely,

Kathy Mannion  
Director of Water and Power

cc: Senator Ashburn  
Members, Senate Labor and Industrial Relations Committee  
Committee Consultant  
Minority Consultant

