

MARIPOSA COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 8.36.130 and 8.36.160 and ADDING SECTION 8.36.170 OF CHAPTER 8.36 OF THE MARIPOSA COUNTY CODE ENTITLED "SOLID WASTE DISPOSAL"

WHEREAS, the Board of Supervisors desire to amend Sections 8.36.130 and 8.36.160 and add Section 8.36.170 of Chapter 8.36 of the Mariposa County Code, and

WHEREAS, this amendment will require the disposal of solid waste originating within the boundaries of Mariposa County at the facilities of the Mariposa County solid waste system and allow persons residing within the Lake Don Pedro Subdivision to use the facilities of the Mariposa County solid waste system for their solid waste and recyclables.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Sections 8.36.130, 8.36.160 and 8.36.170 of Chapter 8.36 of the Mariposa County Code is hereby amended to read as follows:

8.36.130 County area covered and excluded.

Certificate holders shall have the responsibility and the right to collect all garbage, refuse, and solid waste throughout the county on all private lands in the county excluding only those areas presently serviced by the National Park Service and for as long as said areas continue to be serviced by the National Park Service, subject to the conditions herein contained. (Ord. 493 (part), 1978). All certificate holders are required to dispose of all waste at solid waste facilities authorized by the Solid Waste & Recycling Manager.

8.36.160 Persons and entities permitted.

The following persons and entities are expressly permitted to dispose of solid waste, in compliance with the regulations of this chapter, in the Mariposa County solid waste system:

- A. Residents of Mariposa County bearing identification establishing residency.
- B. Owners of real property in Mariposa County bearing identification and listed on the property roles, and their tenants, lessees and agents.
- C. Persons or entities who have entered into contracts or agreements with Mariposa County for the use the Mariposa County solid waste system and transfer sites.
- D. Persons or entities who have entered into contracts or agreements with residents or owners of real property in Mariposa County.
- E. Notwithstanding anything to the contrary contained herein, commercial refuse collectors shall not be permitted to dump or dispose of solid waste and refuse in any transfer station in the County of Mariposa.

8.36.170 Persons and entities permitted.

The following persons and entities are expressly permitted to dispose of solid waste, in compliance with the regulations of this chapter, in the Mariposa County solid waste system:

- A. Residents of the Lake Don Pedro Subdivision.

SECOND READING

B. All persons, firms, corporations, and their agents that are not within the boundaries of the county who have a waste stream that is of beneficial use to the Mariposa County solid waste system, subject to the authorization of the Solid Waste & Recycling Manager.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this ____day of June 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

MARGIE WILLIAMS
Clerk of the Board

STEVEN W. DAHLEM
County Counsel

MARIPOSA COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING
CHAPTER 8.12 OF THE MARIPOSA COUNTY CODE
ENTITLED "SANITARY LANDFILLS"

WHEREAS, the Board of Supervisors desire to amend Chapter 8.12 of the Mariposa County Code, and

WHEREAS, this amendment will allow persons residing within the Lake Don Pedro Subdivision to use facilities of the Mariposa County solid waste system for their solid waste and recyclables.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Chapter 8.12 of the Mariposa County Code is hereby amended to read as follows:

- 8.12.010 Persons required to use.
- 8.12.020 Articles prohibited from landfill sites.
- 8.12.030 Persons prohibited from sites.
- 8.12.040 Violations – Penalty.

8.12.010 Persons privileged to use.

A. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of Mariposa County shall be privileged to use the facilities of the Mariposa County solid waste system for the disposal of solid waste originating with the boundaries of Mariposa County.

B. All persons, firms, corporations, and their agents whose residences or places of business are within the boundaries of the Lake Don Pedro Subdivision may use the facilities of the Mariposa County solid waste system for appropriately managing their solid waste and recyclables.

C. All persons, firms, corporations, and their agents whose residences or places of business are not within the boundaries of Mariposa County who have a waste stream that is of beneficial use to the Mariposa County solid waste system may use the facilities of the Mariposa County solid waste system, subject to the authorization of the Solid Waste and Recycling Manager.

D. No person, firm, corporation, or their agents, other than those designated in subsections A, B, and C, shall enter into or upon the lands of the Mariposa County solid waste system for any purpose whatsoever, unless authorized to do so by the Solid Waste and Recycling Manager.

SECOND READING

8.12.020 Articles prohibited from solid waste system.

It is unlawful for any person, firm, or corporation or their agent having the right to use the Mariposa County solid waste system to deposit household hazardous waste, medical waste, asbestos-containing materials, explosives, radioactive material or other materials as determined by the Solid Waste & Recycling Manager. (Ord. 409 Sec. 2, 1975)

8.12.030 Persons prohibited from sites.

Persons under the age of twelve years are not allowed on the grounds of the various sanitary landfill sites on the Count of Mariposa unless:

- A. Accompanied by a parent or guardian; and
- B. Remain within the vehicle during the use of the solid waste facilities.

8.12.040 Violation – Penalty.

Violations of this chapter shall be punishable by a fine not to exceed two hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both fine and imprisonment.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this _____ day of May 2009 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

BRAD ABORN, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

MARGIE WILLIAMS
Clerk of the Board

STEVE DAHLEM
County Counsel



ORDINANCE No. 2287

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING SECTIONS G-IV 8.16 AND G-IV 8.17 OF CHAPTER IV, ARTICLE 8 OF THE GENERAL CODE OF THE COUNTY OF NEVADA ESTABLISHING A SCHEDULE OF PARCEL CHARGES WITHIN WESTERN NEVADA COUNTY, AND GATE FEES FOR SOLID WASTE DISPOSAL SERVICES EFFECTIVE JULY 1, 2009

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

The County of Nevada owns and operates a solid waste disposal system to provide service to all real property within the western county. This system consists of facilities located on McCourtney Road and transfer stations located in the communities of North San Juan and Washington. Since all residents and businesses within the western county benefit by being able to use the solid waste disposal system, the Board of Supervisors has determined that all improved property within the western county should pay parcel charges (as a form of user fees) and/or gate fees that are fair and equitable in relation to their use or potential use of the system. It is the purpose of this Ordinance to establish an equitable schedule of fees and charges for solid waste disposal system effective July 1, 2009, as authorized by State law (including but not limited to Government Code Sections 25823 and 25830).

Effective July 1, 2009, parcel charges will be imposed on all improved real property within Western Nevada County based upon the actual or estimated volume of refuse generated thereon, as determined by the actual use of the property. The parcel charges are intended to equitably fund the fixed costs of the County's solid waste disposal system. The gate fees are intended to fund the cost of disposing of the

refuse out of county. An additional charge shall be assessed to improved residential property based upon the nature of the use of the property to fund the cost of recycling, hazardous waste disposal and other services.

In addition, gate fees will be imposed for all special waste that is disposed of through the Western Nevada County Solid Waste System, that reflects the cost of disposal of such material, as set out in Section G-IV 8.17.

In adopting this Ordinance, it is further the intent of the Board of Supervisors that the provisions of Sections G-IV 8.13 (regarding Severability) and G-IV 8.19 (regarding Statute of Limitations in which any litigation may be initiated contesting the provisions of this Ordinance) shall apply hereto and to the extent that any court may find that it is necessary to specifically incorporate such provisions into this Ordinance, the Board does hereby further incorporate the provisions of these two sections into this Ordinance by this reference.

SECTION II:

Section G-IV 8.16 of Chapter IV, Article 8 of the General Code of the County of Nevada is hereby amended to read as follows:

Sec. G-IV 8.16 Parcel Charges – Western Nevada County

A. CHARGES ESTABLISHED - WESTERN NEVADA COUNTY

1. Parcel charges are hereby established effective July 1, 2009, for the use of and/or disposal of refuse at the McCourtney Road Transfer Station and/or any authorized convenience station, as to all improved real property within Western Nevada County. The property benefiting from the use or the availability of the Western Nevada County Solid Waste Disposal System is generally all of that property that lies within the following County Service Areas (CSA) and tax rate areas:

CSA 1A ZONE 1: 72007; **CSA 1A ZONE 2:** 62024, 72042; **CSA 1A ZONE 3:** 62069, 72041; **CSA 2:** 62025; **CSA 12 ZONE 1:** 72012; **CSA 12 ZONE 2:** 72043; **CSA 13 ZONE 1:** 72013; **CSA 13 ZONE 2:** 72044; **CSA 13 ZONE 3:** 72045; **CSA 14 ZONE 1:** 72014; **CSA 14 ZONE 2:** 72032, 72047; **CSA 14 ZONE 3:** 57013, 72033; **CSA 14 ZONE 4:** 57014, 72034; **CSA 14 ZONE 5:** 57008, 57021, 72015; **CSA 16:** 56000, 56002, 57001, 57002, 57005, 57006, 57012, 57015, 57017, 57019, 57023, 62005, 62006, 62009, 62015, 62018, 62019, 62020, 62022, 62023, 62026, 62027, 62028, 62032, 62034, 62037, 62038, 62040, 62041, 62043, 62057, 62061, 62062, 62075, 62077, 68001, 68005, 68006, 68007, 68010, 68012, 68013, 68026, 68038, 72001, 72003, 72004, 72005, 72006, 72009, 72028, 72030, 72036, 73000, 73001, 73002, 73003, 73005, 73009, 73010, 74000, 74001, 74002, 74004, 74005, 74007, 74009,

74012, 74014, 78001, 78002, 78005, 78007, 78008, 79000, 79001, 79002, 79005, 79006, 79008, 79011; CSA 18: 57010, 57024, 72019; CSA 21: 57009, 57016, 72020, 72038, 74006, 74010; CSA 22 ZONE 1: 62045; CSA 22 ZONE 2: 62063; CSA 24 ZONE 1: 62051, 62078; CSA 24 ZONE 2: 62066, 62079; CSA 32: 01051, 01054, 01056, 01061, 01072, 01073, 01100; CSA 33: 02002, 02005, 68032

2. All improved property that uses, or for which the solid waste disposal system is available for their use, shall pay a parcel charge effective July 1, 2009:

| | |
|--|---|
| Single Family Residential | \$59.40 per year |
| Multi-Family Residential (i.e., apartments, duplexes, granny houses and guest houses) | \$46.28 per year per residential unit |
| Mobile Homes Spaces (in mobile home parks) | \$41.44 per year per mobile home |

All other developed parcels ("non-residential parcels"):

These parcels shall be charged a parcel charge at the rate of \$54.38 per ton per week based upon the actual volume (weight) of the refuse generated on the property, which volumes shall be established for each such parcel by the Department of Sanitation based upon an on-site visit to the property and/or from such other information as may accurately establish the amount of refuse generated from the property (including but not limited to use of the records provided by the franchised hauler serving the property showing the waste disposal for the property for the preceding fiscal year). The Director of the Department of Sanitation shall set a minimum billing volume based on the cost per account to administer the billing system. Any business generating less than the minimum shall not be billed.

3. On or before September 29, 2009, the Department of Sanitation shall provide to the Clerk of the Board of Supervisors and to the County Auditor a complete list of all developed non-residential parcels within western Nevada County, together with the refuse generation information for each such parcel and the amount of the actual parcel charge for each parcel effective July 1, 2009.
4. Any non-residential parcel which exceeds the amount of refuse that is established for the property as the basis for the calculation of the parcel charge shall be subject to the imposition of an additional charge at the rate of \$54.38 per ton per week for any additional refuse that is generated on the property. The Department of Sanitation shall be authorized and instructed to perform random reviews of the waste generation of property in order to insure that the amount of the refuse has been appropriately and fairly determined for the property. An additional charge shall be imposed at the rate of \$54.38 per ton per week for any additional refuse generated on the property that is over the amount which was used as the basis for establishing the parcel charge.

5. Any parcel that is used for a home occupation (as that term is defined in the Nevada County zoning ordinances) that disposes of more than 1.02 tons of refuse a year shall pay an additional charge at the rate of \$54.38 per ton. Those individuals that generate both residential and commercial waste at their residential location exceeding 1.02 tons, will pay the business rate and will receive a residential credit on their non-residential parcel charge.
6. For the purpose of this Section, a residence shall be deemed to exist and a parcel charge shall be assessed as to each residential unit on real property upon which one or more persons lives or stays thereon for 30 days or more (consecutively or in the aggregate) during a 12 month period.
7. Any parcel containing a single family residential unit as a separate structure or unit and one or more other residential units (such as a "granny" or handicapped unit, or any other structure or shelter in which people live on the property) shall pay a parcel charge for the single family unit at the rate of \$59.40 and an additional amount of \$46.28 for each additional unit.
8. For the purpose of this Section, a parcel shall be deemed to be improved if the property is used for a purpose that customarily generates refuse and/or recyclable material during the period when the property was in use. A parcel shall also be deemed to be improved if at any time during the year a building permit exists authorizing construction on the property, or there is any construction on the property which would require the issuance of a building permit. Whenever a building permit has been issued and/or construction is undertaken for other than a single family residence, the property shall be deemed to be improved with a non-residential use, and the parcel charge shall be based upon an estimate of the volume of the construction and such other waste that may come from the property during the portion of the fiscal year during which the property was in use.

"NO USE" PROPERTY. Property which does not have any refuse generated thereon effective July 1, 2009, shall not have a parcel charge levied thereon.

B. LOW INCOME CREDITS

Any owner of residential property which is situated in Western Nevada County whose personal or family income is less than or equal to the amounts established herein shall, upon application, receive a credit against the parcel charges assessed against their primary residence in the amount equal to \$59.40, said credit to be paid from solid waste parcel charge revenues. The applicant shall attest under oath as to the number of people living on the property, that he and/or she is the owner and occupier of the property for which the application is submitted, and that the applicant's income (including the income to all family members living on the property) is at or below levels which are equal to 125% of the federal poverty levels.

Any application made under the above provisions shall be made no later than April 30, 2010. The application shall be filed with the Director of Sanitation who shall promptly review same and determine its completeness and qualifications under the above provisions. Upon proof of payment of the parcel charge, the Director of Sanitation shall authorize the payment of the low income credit to the qualifying property owner. In no event shall the Director authorize any such payment until the property owner has paid in full the parcel charge on his or her property.

A maximum of 631 applications shall be approved effective July 1, 2009, under the provisions of this Section. The Board of Supervisors reserves the right to reduce or to eliminate the low income credits in the event that the Board reduces the amount of the parcel charges effective July 1, 2009.

C. ADJUSTMENTS TO PARCEL CHARGES

1. Any parcel charge shall be adjusted where, upon application filed by the property owner or upon discovery by the Director of the Department of Sanitation of any error, it is established that:
 - a. As to single family residences, the property was erroneously classified under the provisions of this Section (i.e., shown as some other type of use), or that the parcel qualifies as a "no use" parcel (property) under the provisions of subparagraph A above.
 - b. As to mobile home parks and multi-family residential properties, the total number of units that are available for occupancy during the year (or any portion of the year) has been erroneously calculated.
 - c. As to all other uses of property, the amount of refuse that is reasonably expected to be generated from the property during the entire fiscal year (July 1 to June 30) has been erroneously calculated.
2. The following procedures shall apply with regard to any request for adjustment:
 - a. Any property owner of a non-residential parcel seeking an adjustment of the parcel charge as to his or her property (or business) shall, on or before April 14 of the fiscal year in which the parcel charge was assessed, file an application for adjustment with the County Department of Sanitation on the form to be provided by the Department for that purpose. The application shall be executed under penalty of perjury but shall not require any filing fee. The application shall include information sufficient to identify the property and the nature of the use or uses occurring on the property. If the property contains multiple residential units, the applicant shall state the number of units that are or may be located on the property during the year. In addition, for all non-residential properties for which an application for adjustment is filed, the application shall state the amount of refuse that the property (or business) owner reasonably anticipates to be generated on the property (or by the business) during the fiscal year, together with a

detailed explanation of the method and basis for calculating the projected refuse generation for the property (or business).

- b. Upon receipt of any such application, the Department of Sanitation shall promptly review it to determine whether the appropriate parcel charge was assessed against the property (or business) in accordance with the provisions of this Section. The Director of the Department of Sanitation shall be authorized to approve any adjustment upon a determination that the adjustment is in keeping with the provisions of this Section.
- c. The Director of the Department of Sanitation shall also be directed to make adjustments to parcel charges billed to any parcel where it is determined that the parcel (or business) has been undercharged or overcharged for its use or potential use of the Western Nevada County Solid Waste System upon discovery of facts warranting an adjustment. Any correction of the parcel charge to increase or decrease the parcel charge shall be made on or before June 30, 2010, and shall conform with Revenue & Taxation Code Section 5097.
- d. If the Director of the Department of Sanitation adjusts the parcel charge for any property (or business) so as to lower or raise the parcel charge, he/she shall authorize a refund of the amount which the Director determines represents the overcharge to the property (or business) owner. Any such refund shall be paid out by the Auditor only (1) upon certification by the Director that he/she has verified that the full amount of the parcel charge has been paid to the Tax Collector, or (2) upon written request by the property owner, whereupon the Auditor shall issue a warrant representing the amount of the refund which shall be made payable to the Tax Collector and which shall be tendered by the Auditor to the Tax Collector at the time the property owner tenders payment of his or her tax bill (including all parcel charges). Any such certification by the Director of the Department of Sanitation shall identify the property (by Assessor's parcel number), the property owner shown on the assessment roll, the parcel charge as imposed, the corrected amount and the amount to be refunded.
- e. If the Director of the Department of Sanitation adjusts the parcel charge for property or business so as to raise the parcel charge, a supplemental bill shall be issued by the Department of Sanitation for any increase in the property's (or business') parcel charge.
- f. Any property or business owner whose application for adjustment is denied by the Director of Sanitation may, within 30 days of the mailing of written notification of the Director's decision, file an appeal with the Board of Supervisors for further review on the application for adjustment. The application for review by the Board of Supervisors shall be on a form to be provided by the Clerk of the Board of Supervisors. This appeal shall be at no charge. The Board of Supervisors shall hear all such appeals, or the Board may establish such other hearing body or officer as it deems appropriate to hear and decide appeals filed under the provisions of this

Section. All references herein to the Board of Supervisors as the appeal body shall be deemed to mean such other hearing body or officer as the Board may subsequently establish.

- g. Upon receipt of an application for review by the Board of Supervisors, the Clerk of the Board shall schedule an appeal hearing which shall be no later than 90 days from the receipt of the application. The Clerk shall provide the applicant mailed notice no later than 10 calendar days in advance of the hearing date.
- h. At the appeal hearing the applicant shall be allowed 15 minutes to present his or her evidence concerning the proper classification and/or the number of residential units on the subject real property and the refuse generation therefrom. The Director of the Department of Sanitation shall have a representative of the Department present to provide a statement of the reasons for the Director's decision regarding the adjustment request. Based upon the information submitted at the hearing, the Board shall determine the proper classification and/or the number of residential units on the real property and the refuse generation therefrom in order to impose the appropriate parcel charges in accordance with the provisions of this Section.
- i. The Board shall announce its decision at the conclusion of the hearing or within 21 days thereafter. If the Board does not orally announce its decision at the conclusion of the hearing, upon its subsequent announcement it shall direct the Clerk of the Board to promptly mail written notice of the Board's decision to the applicant. If the Board orally announces its decision at the conclusion of the hearing, the Clerk will not be required to provide the applicant with written notification of the Board's decision.
- j. Any suit to attack, set aside, void or annul this ordinance or any decision of the Board of Supervisors regarding the classification, use, size of buildings or actual refuse generation of property (or any business) for the purpose of parcel charges shall be filed in the Nevada County Superior Court within 60 days of the Board's oral pronouncement of its decision or, if no oral decision is rendered at the hearing, within 60 days of the date of mailing of the notification of the Board's decision. Any such suit shall be brought pursuant to the provisions of California Code of Civil Procedure Section 860, et seq.

D. LEVY AND COLLECTION

1. The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of July 1, 2009. If any real property is improved (as defined herein) after July 1, 2009, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.
2. Upon the issuance of a building permit or such other activity constituting the "improvement" of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Sanitation shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within 30 days of the date of the mailing thereof. Any such bill which is not paid within the allowed 30 days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.
3. Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

E. ALTERNATIVE COLLECTION

As an alternative to the provisions of subparagraph D.3 above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill.

Bills issued under the provisions of this subparagraph may be issued on a semi-annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within 60 days of the date of issuance thereof. Failure to pay any such bill when due shall result in a 10% administrative fee attaching thereto with interest due thereon at the rate of 1% simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

F. PARCEL CHARGES FOR PRIOR YEARS

The amendment to the provisions of this Section to establish parcel charges effective July 1, 2009, shall not be construed to repeal or invalidate the assessment and levy of any parcel charge for any prior year.

G. PARCEL CHARGES FOR GOVERNMENTAL AGENCIES

Parcel charges (as a form of service charges) shall be imposed as to all improved or occupied real property owned or used by any governmental agency, based upon the actual volume of refuse generated thereon that is disposed of through the County's Solid Waste Disposal System at the rate of \$54.38 per ton. As used herein, occupied real property shall include but not be limited to all parks and campgrounds. The parcel charges for governmental agencies shall be billed in two installments, the first on October 1, 2009, and the second on February 1, 2010.

H. EXCHANGE OF SERVICES

Notwithstanding anything to the contrary in this Section, the Board of Supervisors may allow a reduction or elimination of the disposal fees as to any public agency where said agency provides services to the County of Nevada. Any such reduction or elimination of disposal fees shall be accompanied by a mutual service agreement between the County and the other public agency reciting the service and its actual value to the County and the manner by which the services are to be delivered. If the services are not rendered for the benefit of the facility, the service agreement shall require that the Board transfer funds to the solid waste disposal budget in an amount that corresponds to the proposed reduction or elimination.

I. AUTHORITY TO REDUCE PARCEL CHARGES AND GATE FEES

In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder.

SECTION III:

Section G-IV 8.17 of Chapter IV, Article 8 of the General Code of the County of Nevada is hereby amended to read as follows:

Sec. G-IV 8.17 Solid Waste Disposal Fees

Disposal fees (as a form of user fees) for the use of the McCourtney Road Facility and/or for any convenience (transfer) station provided by the County are hereby established and shall be effective as of July 1, 2009.

A. GATE FEES

Any person, firm or entity that brings refuse to the McCourtney Road Facility or to any County transfer station, the origin of which is from property which has paid a parcel charge pursuant to the provisions of Section G-IV 8.16, shall pay a gate fee in the amount of \$70.00 per ton. For convenience in the processing of small loads, there shall be a minimum charge of \$6.00 per load.

Refuse from all other sources shall pay gate fees at the rate of \$ 140.00 per ton. Loads shall be covered as required by section G-IV 8.5.B of Chapter IV, Article 8, of the General Code of the County of Nevada.

B. FEES FOR SPECIAL WASTE

Any person, firm or entity disposing or depositing any of the following items of special waste at the McCourtney Road Facility or at any transfer station shall pay disposal fees for such special waste as set forth below:

North San Juan and Washington Transfer Stations

| | |
|---|---------------|
| Tires: | |
| Passenger, 16" rim size or less | \$ 2.50 each |
| Truck, greater than 16" to 24" rim size | \$ 9.50 each |
| Tractor, larger than 24" rim size | \$ 10.50 each |

Tires on rims will be charged three times the above prices.

McCourtney Road Recycling Center

| | |
|---|---------------|
| Refrigerated appliances | \$ 20.00 each |
| Tires: | |
| Passenger, 16" rim size or less | \$ 2.00 each |
| Truck, greater than 16" to 24" rim size | \$ 9.00 each |
| Tractor, larger than 24" rim size | \$ 10.00 each |

Tires on rims will be charged three times the above prices.

| | |
|---|---|
| Construction and Demolition Materials Recycling | \$ 59.50 per ton |
| Wood/yard waste | \$ 30.00 per ton (\$3.00 per cubic yard) |

NOTE: Whole motor vehicle bodies and earth moving equipment tires will not be accepted at any facility. Transfer stations at North San Juan and Washington shall not accept animal carcasses, major appliances, demolition debris or wood/yard waste. Any load may be rejected if not delivered in a manner that allows for the reloading of the refuse into vehicles for the shipment of the refuse from the transfer stations.

As used in this subsection, "wood and yard waste" shall mean material free of contaminants and no greater than eight inches (8") thick, consisting only of (1) clean lumber free of metal, sheet rock, stucco, insulation or other materials except incidental nails less than 20d; (2) clean brush, including branches, limbs, prunings and stems, but excluding palm fronds, flax or pampas grass; or (3) clean mulch and small pieces of plant material such as leaves, clippings, pine needles, chips, blossoms and weeds. Any load may be rejected if not delivered in a manner that allows for the reloading of the refuse into vehicles for the shipment of the refuse from the transfer stations.

Refuse brought to the McCourtney Road Facility shall either be weighed or, at the option of the Department of Sanitation, the volume measured or estimated. The Board specifically finds that it is not feasible to weigh loads of less than 40 lbs. on the scales at the facility. In no event shall the minimum charge be less than \$6.00. Refuse brought to any other transfer station shall have the volume of material estimated and shall pay at the rate of \$ 8.25 per uncompacted cubic yard.

- C. Any person delivering any refuse or material (including but not limited to recyclable materials) to the McCourtney Road Facility or to any other transfer station in the County, the source of which makes such refuse or material subject to the payment of gate fees at the rate of \$140.00 per ton, in accordance with the provisions of subparagraph A above, shall be required to announce the source of the refuse and material. Any person, firm or entity that fails to comply with the provisions of this subparagraph shall be guilty of a misdemeanor and shall be subject to the criminal penalties as provided for by law. In addition, any such person, firm or entity failing to comply herewith shall be subject to payment of an administrative penalty in the amount of \$100 per violation.
- D. Unless otherwise expressly authorized herein, no person, company or entity shall dispose of refuse at the McCourtney facility or any convenience station without paying the fees as set out herein. Payment shall be in cash or by check (no second party checks shall be accepted) in accordance with policies as may be established by the County Treasurer-Tax Collector and/or County Auditor. Violation of the provisions of this subsection shall constitute a misdemeanor.
- E. In the event that any person or entity fails to pay the appropriate fee, the Director of the Department of Sanitation shall be and is hereby directed to bill such person or entity for the difference between the appropriate fee (for all use of the facility under the terms of this Section) and the fee which was actually paid and such delinquent fee shall be immediately due and owing. If any such fee is delinquent for more than 30 days, the Director shall take such legal steps as are required to enforce the obligation for payment. A \$50 administrative fee shall be assessed for any such collection.
- F. Any business or entity which is located within the boundaries of Western Nevada County and which is a regular user of the facility may request to be placed on an account billing system for payment of fees. The Director of the Department of Sanitation shall establish such an account billing system with the approval of the County Auditor and the County Executive Officer. The account billing system shall require that payments are made on a monthly basis and shall be

due within 30 days after the end of the billing period (i.e., July payments shall be due by August 31st). As a condition precedent to a business being placed on such an account billing system, the business or entity shall deposit security with the County in an amount equal to 30 days' use of the facility, as determined by the Director of the Department of Sanitation. Security may be in the form of a cash deposit, a fidelity/guarantee bond, or a letter of credit. The form of any such security shall be approved by the County Counsel's office. Failure to promptly pay any billing by the County or to maintain adequate security shall result in the immediate revocation of the account billing for any business or entity. The requirement to post security shall be waived as to any franchised waste hauler where the terms of the performance bond posted by the hauler as part of its franchise agreement is amended to reflect that the bond (in the amount required by the franchise agreement) will also serve as security pursuant to this Section. The requirement to post security shall also be waived as to any public agency where the agency acknowledges in writing to the County that it will agree to timely pay the fees as imposed by this Section upon the presentation of a bill or other request for payment by the County. In the event of the failure of any such business or entity to pay the fees within the 30 days after the end of the billing period, the Director of the Department of Sanitation shall promptly submit a written demand for payment to the party. If the fees (as billed and due) are not paid within 15 days from the date of any such demand, the Director of the Department of Sanitation shall take any such delinquencies from the security and thereafter place any such party on a cash only basis for use of the landfill.

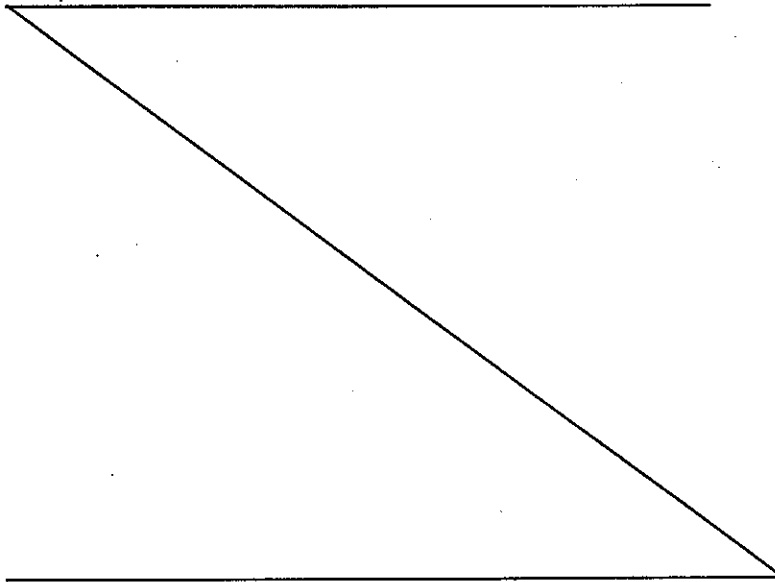
- G. (This subparagraph is intentionally blank.)
- H. (Former subsection G-IV 8.17.H, now see G-IV 8.16.I.)
- I. (This subparagraph is intentionally left blank. Former subparagraph I was repealed by Ordinance No. 1832.)
- J. (This subparagraph is intentionally left blank. Former subparagraph J was repealed by Ordinance No. 1832.)
- K. Notwithstanding any other provision of County ordinance to the contrary or any contrary provision in the franchise documents issued by the County pertaining to a refuse disposal company authorized to provide solid waste disposal service in Western Nevada County, any such franchised hauler ("hauler") shall be allowed to adjust the rates charged to their residential and commercial customers, within the unincorporated territory of the County, so as to pass on to their customers any increase or decrease in the fees at the McCourtney Road facility and/or at any transfer stations provided by the County, without securing the separate approval of the Board of Supervisors through a rate review application and hearing. Within 15 days of the date of adoption of any decrease in the fees charged by the County, any such franchised hauler shall change their rates to pass on to their customers the full amount of any such decrease, beginning on the first day that any such reduction was in effect. In the event that a franchised hauler adjusts its rates (or is required hereunder to adjust its rates due to a reduction in the fees charged by the County), the hauler shall notify the County by sending a written statement setting forth the amount of the rate adjustment, together with full and proper justification and documentation for same (clearly showing how the rate adjustment was calculated), to the Clerk of the Board of Supervisors and to the Director of the Department of Sanitation. This notification shall be presented to the County no less than ten days prior to the effective date

of any such increase in the hauler's rate and no later than 15 days after the County reduces rates charged to the hauler (thereby requiring a decrease in the hauler's rates to its customers). Following receipt of any such notification, and upon the recommendation of the Director of the Department of Sanitation, or upon its own initiative, the Board may, but shall not be required to, schedule a public hearing to review the new rates of the hauler. The Board's action in determining to set a public hearing shall be at the Board's sole discretion. The public hearing shall be scheduled no sooner than 15 days following the mailing of notification thereof to the hauler by the Clerk of the Board. At the time that the Board elects to call such a public hearing, the Board may direct the immediate suspension of the rate increase, in whole or in part, if the Director of the Department of Sanitation attests to the Board that the rate increase is either unwarranted or is in excess of that permitted by this subsection (as to any class of customers). The hauler shall attend any such hearing and shall within 10 days of the hearing provide to the Clerk of the Board of Supervisors and to the Department of Sanitation all relevant evidence used to calculate the rate increase or decrease. At the conclusion of the public hearing the Board may approve, disapprove, or modify any such rate increase or decrease, which action shall be binding on the franchise hauler. If the Board sustains the rate increase, either in whole or in part, and the Board had previously ordered the suspension of any increase, the Board may allow the increase to be retroactive to the date that it was originally to go into effect. If the Board disapproves or modifies the rate adjustment, it shall order the hauler to refund any payments made to it by its customers that are above the amounts of the adjustments as approved by the Board. Within 30 days of the date of the Board's decision, the hauler shall make full refunds as directed by the Board, or in any event, necessary to prevent the hauler from being unjustly enriched through the collection of fees or charges that were not commensurate with the fees paid to the County by the hauler.

It was and is the intent of the Board of Supervisors in the adoption of this subparagraph to allow the franchised haulers to be treated fairly and equitably by the County by allowing the haulers to promptly pass on to their customers the fees which the haulers have to pay to the County for refuse (waste) disposal, and nothing herein is intended to allow or provide any such hauler with any increase in income or profitability.

SECTION IV:

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the 25th day of June, 2009, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of May, 2009

by the following vote of said Board: Ayes: Supervisors Nate Beason, Ed Scofield, John Spencer, Hank Weston & Ted S. Owens.

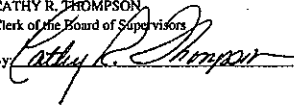
Noes: None.

ATTEST:

Absent: None.

CATHY R. THOMPSON
Clerk of the Board of Supervisors

Abstain: None.

By: 



Hank Weston, Chair

| DATE | COPIES SENT TO |
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| 5/28/09 | Union |
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Achieving Greater Waste Diversion in California: Fundamental Strategies and Essential Tools

California has led the nation in creating integrated solid waste management programs that place a priority on diverting waste materials away from landfills. Indeed, California is now diverting more than half of the solid waste generated in the state. This is possible, in large part, because local governments and solid waste management companies across the state have made enormous financial investments over the years to develop and implement waste diversion programs as well as constructing and operating recycling facilities.

The members of the California Chapters of the Solid Waste Association of North America (SWANA) are proud of these achievements and will continue to be part of the solution as the state moves forward in achieving even greater diversion milestones. However, tomorrow's milestones can only be reached by thoughtful consideration today of the tools needed for success.

Tool 1: Reduction of Solid Waste Generation through Product Stewardship

Preventing waste from ending up in a landfill should start with the initial product itself and continue with those involved in the life cycle of that product. Local government's public outreach can facilitate reducing, reusing and recycling to a certain extent, but ultimately products need to be recyclable to have a complete reuse cycle. Producers should be responsible for designing, manufacturing, and packaging a sustainable recyclable product. Distributors and retailers should also be involved in establishing and managing end-of-life systems for difficult-to-recycle products as an integral part of their marketing and customer service. Product stewardship can be achieved in California but it requires a new approach, such as legislation that incentivizes manufacturers to make an investment in redesigning products that promotes environmental sustainability while establishing a convenient way for consumers to return used or unwanted products to the manufacturer. Without legislative incentives to drive this shift in responsibility, many products will continue to become a waste at the end of their useful life placing the task of their final handling, diversion or disposal on local government, which is not always the most practical and cost effective approach.

Tool 2: Analysis of the True Lifecycle Environmental and Economic Costs of Recycling

With the AB 32 Scoping Plan requiring for California businesses to participate in commercial waste recycling, a greater percentage of the recyclable goods will be removed from the municipal solid waste stream and less virgin materials will be extracted from the earth. While recycling offers environmental benefits, it also can have environmental impacts, particularly greenhouse gas (GHG) emissions, within California and across the planet. Accurate assessment of global environmental effects and the costs associated with recycling choices is important in planning overall environmentally sound and sustainable waste management and diversion systems. Recyclable goods are often shipped overseas and processed under

significantly less stringent or non-existent air pollution control, health, and safety standards. Only when accounting for all environmental impacts in a life cycle analysis can we determine the true environmental and economic benefits of California's recycling choices.

Tool 3: Infrastructure and End Market Development in California

Recycling is sustainable only when there are sufficient markets for the goods recovered. The State needs to help develop robust markets by providing economic incentives and assistance to innovative businesses. Facilitation of new processing infrastructure and markets in California for recyclable goods would not only lessen the global environmental impacts associated with recycling noted above, but it would also give the state more control over the recycling markets while creating "green" jobs in the process. In many instances, the infrastructure exists but markets do not. For example, many processing facilities could easily recover additional materials from the waste stream, such as low-value or no-value plastics and fibers, but do not solely because markets are not available. Just as California strives to be the largest producer of recyclable materials, it should equally strive to put them to use in California. To achieve this, regulatory and permitting requirements need to be streamlined to facilitate the development of end markets and processing infrastructure and not impede them.

Tool 4: Ushering in New Technologies for Solid Waste

Once recyclable materials are optimally removed from the solid waste stream, the waste materials that are left behind have little to no beneficial reuse value in today's infrastructure. Business as usual is to landfill these materials. While today's landfills can safely and cost-effectively contain these materials, many of these waste materials can be beneficially used to produce energy or fuel using new types of technologies – conversion technologies. For example, renewable power can be produced from organics placed in biological tanks – anaerobic digesters. These digesters produce methane, which can be captured and used as a fuel in electric generators. Commercially available conversion technologies, such as gasification, can also produce clean power and advanced transportation fuels by utilizing the gas that is created under a thermal process. By removing the existing regulatory and legislative barriers and granting diversion credits, conversion technologies can provide substantial new sources of energy or clean fuel and provide new markets for materials otherwise disposed of in landfills. It should also be recognized that landfills across California currently recover and use landfill gas as a fuel source to produce power, contributing to state's renewable energy portfolio. Governor Schwarzenegger has directed that by 2020 renewable energy comprise a third of the electricity produced in the state. All of these technologies help in achieving this goal.

Tool 5: Clear Definition of Organic Waste Diversion Policies

Policies at the state level call for increased diversion of "organics" from landfills. Strictly speaking, organic material is anything containing carbon. "Organics" are the largest fraction of the MSW stream and include "compostable organics," such as food wastes, yard trimmings, and wood waste, and non-compostable or other "organic waste." Without differentiating the organics, an uncalled for level of uncertainty is introduced and new diversion programs to address specific waste streams cannot be appropriately considered or developed. Achieving greater diversion of organics from landfills requires new processing infrastructure and new markets for the end products. However, siting new compostable organics processing facilities in many parts of California, particularly urban areas and areas where air quality requirements are stringent, is very

difficult, if not impossible. Consequently, regulatory and permitting requirements need to be streamlined and consistent among various agencies to facilitate the development of end markets and processing infrastructure. In addition all alternative technologies that divert organics while complying with environmental standards need to be fully considered in future waste diversion milestones.

Tool 6: Retention of Local Government Discretion by Allowing a Range of Alternative Programs for Achieving Increased Diversion

Given the wide diversity of California's communities, any increase in diversion mandates must allow for consideration of locally specific factors such as economics and environmental impacts, with the goal of facilitating the choices best suited to the community. This will ensure the greatest chance of success in going beyond the existing diversion mandate while maintaining a sound and stable solid waste management system.

Tool 7: Funding to Implement New Programs

The current recession is placing an extraordinary burden on local government. Cities and counties are grappling with how to close their budget shortfalls. This is made even more challenging with cutbacks from the drop in waste revenues that fund solid waste programs. Mandating increased diversion during this economic downturn is untenable without new funding by the state. Increased diversion requires new or augmented public outreach programs as well as new infrastructure. Capital for maintaining existing programs is already severely limited and financing new projects may not be possible in today's financial climate. Local government cannot afford to implement any new diversion programs or mandates without new types of funding resources.

Tool 8: Recognition of the Value of Adequate, Safe Landfill Capacity

As noted above, the state's priority for waste management is diversion of wastes from landfills. Because of this, at times, landfills have been characterized as being unsafe and even unnecessary. However, until all of the infrastructure, the markets, the funds, and public and political support are in place to divert all wastes, assuming that is even possible, landfills will continue to serve a critical role in managing solid waste in California. Today's landfills are integrated facilities and not just long-term repositories for solid waste that cannot be recycled; they are designed to protect the environment and public health, serve as a recycling outlet for beneficial reuse of waste materials, and allow production of significant renewable energy from very effective methane capture. Adequate landfill capacity must be a key component of any integrated waste management program.

Types of Successful Diversion Programs Implemented by Member Jurisdictions of the California Chapters of SWANA:

- Volumetric service rate structure that encourages waste reduction and recycling.
- Widespread use of separate container curbside collection programs in conjunction with comprehensive materials recovery and composting facilities.

- Non-recycled solid waste taken to waste-to-energy facility rather than disposed in landfills.
- Using financial incentives under a Recycling Market Development Zone to encourage recycling and requiring private haulers to provide recycling services to their multi-family and commercial accounts.
- Creative education and public outreach tools to communicate effectively the benefits of waste reduction, reuse and recycling.
- Diverting certain compostable organics to composting facilities.
- Conducting mobile household hazardous waste (HHW) and e-waste collection programs.
- Significant financial investments to develop and operate materials recovery facilities, permanent HHW and e-waste collection facilities, and other solid waste management infrastructure.
- Invested significant amounts of time and capital to study and evaluate conversion technologies, and analyze data from operating facilities overseas.

Please contact Paul Yoder or Tressa Wallace of Shaw / Yoder / Antwih, Inc. at (916) 446-4656 for further information on this paper or for other information regarding the SWANA LTF.

Las Vegas Sun

Harry Reid legislation would let Nevada reject California's trash

By ***Stephanie Tavares*** ([contact](#))

Thursday, March 4, 2010 | 5 p.m.

Senate Majority Leader Harry Reid today announced he will introduce legislation that would allow state and local governments to refuse waste shipments from other states.

California cities for years have been sending their trash across the Donner Pass and into Nevada's desert.

Many Nevadans oppose recent plans by the Golden State to send even more trash to Northern and Eastern Nevada.

Federal law prevents Nevada or its various counties from refusing to accept the trash, but that might be about to change.

"I am a vigorous defender of interstate commerce, but communities must be responsible for their own garbage," Reid said in a statement. "Nevada is a beautiful place and should not be treated as a dumping ground for other states. It is only fair that state and local governments be given the ability to say 'no' to out-of-state trash."

The Trash Regulation and State Health Act (TRASH Act) would provide governors and local governments: veto power on dump proposals beginning March 15, the power to freeze waste import levels at existing dumps, the power to demand up to 5 percent annual reduction in the tonnage of out-of-state waste received in any landfill that has been 'frozen' for at least a year, to rescind dump permits if banned substances are found in out-of-state shipments, and allow railroads to refuse to ship waste between states.

It would also implement new disclosure and reporting requirements for out-of-state trash sites.

The draft legislation can be accessed [here](#).

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Mary Pitto

From: White, Chuck [cwhite1@wm.com]
Sent: Tuesday, March 02, 2010 1:15 PM
To: chelgi@worldnet.att.net; Donald.Gambelin@awin.com; evan@edgarinc.org; gchan@lacs.d.org; George Eowan; George Larson; heldw@repsrv.com; hkernkam@co.riverside.ca.us; John Cupps; John McNamara; Josh Pane; Kelly Astor; Kevin.Kondru@iwmd.ocgov.com; Larry Sweetser; Mark Aprea; Mary Pitto; Pat Sullivan; Paul Yoder; pryan67356@aol.com; Paul Smith; ramin.yazdani@yolocounty.org; RJohnston@co.merced.ca.us; roster@norcalwaste.com; Sean Edgar; Sharon Green; Stoddard, Kent; timr@co.kern.ca.us; tomr@wcnx.org; Tony Pelletier; zeigerd@repsrv.com
Cc: Stoddard, Kent; gerbin@nmgovlaw.com
Subject: SWIG alert
Attachments: waste_discharge_requirement_fees[1].pdf; 2010-11 Water Quality Fee Stakeholders Agenda 3-1-10.pdf; Landfill Fees

SWIGites and Friends –

Due to an alleged \$2.3 million shortfall (36% reduction from the \$7.6 million needed to sustain the SWRCB/RWCQB programs) in IWMA funds sent to the SWRCB from CalRecycle, the SWRCB is considering imposing a new WDR fee on operating LFs for the first time in FY 2010-11. As you know, operating SW landfills have not had to pay WDR fees to the SWRCB in the past. Instead, pursuant to statute, have been given about \$6-\$7 million/year from the IWMA through the former CIWMB, now CalRecycle. Statute provides that, in the event of a fee revenue shortfall, there should be proportional reductions to the two agencies. The Water Code, however, does provide that fees are only waived if there is sufficient funds to support SWRCB/RWQCB programs from the IWMA through CalRecycle. At yesterday's meeting the SWRCB staff said that they are only getting \$4.3 million in the Governor's budget from the IWMA – thereby creating the \$2.3 million shortfall. The SWRCB staff indicated that there may be some alternative statutory language proposed in the budget to change the way IWMA funds are used to support the SWRCB/RWQCB. However I have yet to track down any such bill language.

Attached is my recent note to Mark Leary asking for some clarification on this matter.

The new SWRCB WDR fee for operating LFs would be 85% of the fee in the attached fee schedule for LFs – ranging from about \$2k to \$30k per LF. See agenda from today's meeting attached that includes a discussion of this new fee on operating SWLFs. I have also attached the existing SWRCB fee schedule as a basis for the 85% new fee that would be applied to "operating LFs".

SWIG folks should probably join forces for a unified position on these proposed new additional fees. Sharon Green of LACSD was also in attendance at the SWRCB briefing and may want to add her perspective to my take on this issue.

Let me know if any questions. Thanks.

Chuck White, P.E.
 Director of Regulatory Affairs/West
 Waste Management
 915 L Street, Suite 1430
 Sacramento, CA 95814

Office: 916-552-5859
 Cell: 916-761-7882
 Fax: 916-448-2470

From Everyday Collection to Environmental Protection,

3/4/2010

Think Green, Think Waste Management !!

Waste Management recycles enough paper every year to save 41 million trees. By not printing this email, you can help save even more.

Mary Pitto

From: White, Chuck [cwhite1@wm.com]
Sent: Monday, March 01, 2010 2:15 PM
To: mark.leary@calrecycle.ca.gov
Cc: Tom.Estes@CalRecycle.ca.gov; Susan.Villa@CalRecycle.ca.gov; Suzanne.Blihovde@CalRecycle.ca.gov; David Ceccarelli
Subject: Landfill Fees
Attachments: 2010-11 Water Quality Fee Stakeholders Agenda 3-1-10.pdf

Mark et al –

I attended the Water Boards' briefing today on their annual fee revisions (see attached). And I was particularly interested in the portion related to a proposed \$2.3 million in *new* WDR fees to be imposed on operating SW landfills. This new fee would range from \$2k to 30k per landfill and, according to SWRCB staff, is due to an equivalent shortfall in their funding from the IWMA which needs to be \$6.7 million to sustain the operating landfill regulatory programs at the SWRCB/RWQCBs. As you know, there are provisions of the PRC, Water Code and Revenue and Tax Code that provide that the IWMA shall provide funding to the SWRCB/RWQCB in lieu of fees and if there are reductions in the IWMA revenues, the reductions shall be proportionally reduced (PRC 48004). In the event of a shortfall the SWRCB may impose a fee directly on operating LFs as they are proposing to do in 2010-11.

This shortfall in IWMA funding to the SWRCB/RWQCB appears to be a 36% reduction in funding from the IWMA in 2010-11. Have the IWMA fee revenues declined this much and is this reduction a proportional re-distribution? In addition, I understand that there may be some proposed statutory language in a pending budget bill that may affect the distribution of \$\$ from the IWMA. Can you shed some light on this and where I might find such language? Also, I believe that there is an existing MOU between the CIWMB and SWRCB regarding the allocation of IWMA funds. I thought I had a copy but can't find it. I believe the MOU prescribes that about 11% of the IWMA should be allocated to the SWRCB/RWQCB.

Who is the best person at CalRecycle to further discuss this issue? Thanks for your assistance.

Chuck White, P.E.
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Waste Management
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Cell: 916-761-7882
Fax: 916-448-2470

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Water Boards

**State Water Resources Control Board
Water Quality Fee Stakeholder Meeting**

March 1, 2010

10:00 – 12:00 p.m.

Cal/EPA Building

1001 I Street

Sacramento, CA

Training Room 1 East/West, First Floor

Conference call-in number is (916) 227-1132

AGENDA

1. Welcome and Introductions

2. Review Waste Discharge Permit Fund Financial Condition
 - Attachment 1 – WDPF Revenue and Expenditures for FY 2009-10
 - Attachment 2 – WDPF Fund Condition
 - Attachment 3 – WDPF Budgetary Cost Drivers
 - Attachment 4 – WDPF Revenue and Expenditures by Program

3. Projected Revenue and Budgeted Expenditures for FY 2010-11
 - Attachment 5 – WDPF Projected Revenue and Expenditures for FY 2010-11

4. Discuss Outstanding Issues

5. Next Meeting

**State Water Resources Control Board
Water Quality Fee Regulations
Stakeholder Meeting
March 1, 2010**

Authority

Water Code Section 13260 requires each person who discharges waste or proposes to discharge waste that could affect the quality of the waters of the state to file a report of waste discharge with the appropriate Regional Water Board and to pay an annual fee set by the State Water Board, the funds from which are to be deposited in the Waste Discharge Permit Fund (WDPF).

Water Code Section 13260 also requires the State Water Board to adopt, by emergency regulations, an annual schedule of fees for persons discharging waste to the waters of the state. Water Code Section 13260 further requires the State Water Board to adjust the fees annually to conform to the revenue levels set forth in the Budget Act. The State Water Board's current annual fee schedules were adopted on October 6, 2009.

Waste Discharge Permit Fund Financial Condition

As Attachment 1 shows, total estimated WDPF revenue for FY 09-10 is expected to be \$74.7 million, including \$74.1 million in fee revenue and \$602,000 in other revenue. Total expenditures are expected to be \$76.5 million. Expenditures are expected to exceed revenue by \$1.7 million.

Attachment 2 shows a nine-year analysis of the fund condition for WDPF. The FY 09-10 beginning balance of \$8.2 million includes \$1.5 million in fines and penalty revenue not available for expenditure for core regulatory activities, which leaves an adjusted beginning balance of \$6.7 million. Total estimated revenue is approximately \$74.7 million, including \$74.1 million in fee revenue and \$602,000 in other revenue. Total expenditures, including projected furlough savings are \$76.5 million, resulting in a \$1.7 million loss with an ending balance of \$4.9 million and a fund reserve of 6.5 percent.

For FY 10-11, the projected beginning balance is approximately \$4.9 million. Under the current fee schedule rates, total revenue is anticipated to be \$75.6 million and total expenditures are anticipated to be \$84.5 million, resulting in a loss of \$8.9 million and a deficit of \$3.9 million. In order to maintain a 6.5 percent fund reserve, the State Water Board expects to raise fees by approximately \$9.5 million to generate \$85 million in revenue.

Attachment 3 lists the cost drivers since FY 02-03 along with a breakdown of FY 10-11 cost drivers by program. In most years, the cost drivers represent a mix of one-time and ongoing costs.

Attachment 4 shows revenue and expenditures by program since FY 04-05.

Attachment 5 shows projected FY 10-11 revenues based on the existing fee schedule and projected fee revenue needed to meet anticipated budgetary expenditures by program. Overall, the State Water Board expects to raise fees by \$9.5 million to cover budgeted expenditures.

NPDES

The Governors Proposed Budget authorizes a \$1.4 million General Fund savings by shifting \$1.4 million in General Fund support for the NPDES Program to fees. Projected revenue is \$17.3 million and anticipated budgeted expenditures are \$18.9 million. A revenue increase of \$1.6 million is needed to meet anticipated budgeted expenditures. The Water Board has established a NPDES workgroup, which has been meeting monthly to discuss methods for assessing NPDES fees.

WDR

Projected revenue is \$17.2 million and anticipated budgeted expenditures are \$17.1 million. No fee increase is needed.

Land Disposal - Closed

Projected revenue is \$6.3 million and anticipated budgeted expenditures are \$6.3 million. No fee increase is needed.

Land Disposal - Open

Historically, the Water Boards' costs of regulating open landfills has been supported by tipping fees levied by CalRecycle (formally known as the California Integrated Waste Management Board) and deposited into the Integrated Waste Management Account (IWMA). The Governor's Proposed Budget for this activity for FY 10-11 is \$6.7 million. Due to declining revenue in the IWMA, however, the Governors Proposed Budget shifts \$2.4 million of this budget authority from IWMA to the Waste Discharge Permit Fund. Consequently, the State Water Board expects to assess \$2.4 million in fees in order to make up the decline in tipping fee revenue and meet anticipated budgeted expenditures. The State Water Board anticipates using the existing Land Disposal fee schedule, discounted by approximately 15 percent, to assess fees at the appropriate revenue level.

Storm Water

Projected revenue is \$18.8 million and anticipated budgeted expenditures are \$21.2 million. A revenue increase of \$2.4 million is needed to meet budgeted expenditures. The State Water Board anticipates raising all Storm Water fees 13.0 percent to generate the required revenue to support budgeted expenditures.

401 Certification

Projected revenue based on the existing fee schedule is \$1.9 million and budgeted expenditures are \$3.4 million. A revenue increase of \$1.5 million is needed to meet budgeted expenditures. The State Water Board is currently evaluating different options for raising fees to meet targeted revenue levels.

Confined Animal Facilities (CAF)

Projected revenue is \$2.8 million and anticipated budgeted expenditures are \$2.8 million. No fee increase is needed.

SWAMP

At the full surcharge rate of 21 percent, projected revenue is expected to be \$8.1 million and budgeted expenditures are \$7.3 million. Since program revenue is expected to exceed expenditures, the State Water Board anticipates reducing the surcharge rate of 21 percent to 19.5 percent for FY 10-11.

GAMA

At the full surcharge rate of 9.5 percent, projected revenue is expected to be \$3.1 million and budgeted expenditures are \$2.4 million. Since program revenue is expected to exceed expenditures, the State Water Board anticipates reducing the surcharge rate of 9.5 percent to 7.7 percent for FY 10-11.

Agricultural Waivers

The Governors Proposed Budget authorizes a \$1.7 million General Fund savings by shifting \$1.7 million in General Fund support for the Irrigated Lands Regulatory Program to fees. Projected revenue is \$667,000 and anticipated budgeted expenditures are \$2.2 million. A revenue increase of \$1.5 million is needed to meet anticipated budgeted expenditures. The State Water Board anticipates increasing the current 12 cents per acre charge to approximately 42 cents per acre to meet budgeted expenditures.

**State Water Resources Control Board
WDPF Revenue and Expenditures
FY 2009-10 (\$000)**

| FY 2009-10 (Current Year Forecast) | | | |
|---|-----------------|------------------------------|---------------------|
| Program | Revenue | Budgeted Expenditures | Over/(Under) |
| NPDES | \$15,344 | \$16,848 | (\$1,504) |
| WDR | \$17,182 | \$15,901 | \$1,281 |
| Land Disposal | \$6,340 | \$6,456 | (\$116) |
| Stormwater | \$19,654 | \$19,219 | \$435 |
| 401 Cert | \$2,232 | \$3,228 | (\$996) |
| CAF | \$2,829 | \$2,550 | \$278 |
| SWAMP | \$7,457 | \$8,927 | (\$1,469) |
| GAMA | \$2,434 | \$2,663 | (\$228) |
| Ag Waivers | \$667 | \$394 | \$272 |
| Fee Revenue | \$74,139 | \$76,186 | (\$2,047) |
| Other ¹ | \$602 | \$314 | \$288 |
| Total | \$74,741 | \$76,500 | (\$1,759) |

Footnotes:

¹ Other Revenue includes income from surplus money investments and escheat of unclaimed checks and Other Budgeted Expenditures includes various state operations chargers for other agencies.

State Water Resources Control Board WDPF Fund Condition (\$000)

| | Actuals | | | | | | Forecast | | | |
|---|----------------|-----------------|-----------------|-----------------|-----------------|----------------|----------------|----------------|-----------------------------|------------------------------|
| | FY 02-03 | FY 03-04 | FY 04-05 | FY 05-06 | FY 06-07 | FY 07-08 | FY 08-09 | FY 09-10 | FY 10-11 (w/o Fee Increase) | FY 10-11 (with Fee Increase) |
| BEGINNING BALANCE | | | | | | | | | | |
| Prior year adjustments ¹ | \$6,000 | \$8,808 | \$11,201 | \$14,244 | \$19,131 | \$17,288 | \$9,795 | \$8,204 | \$4,946 | \$4,946 |
| Restricted Revenue ² | | | (\$343) | \$381 | \$1,247 | \$1,807 | (\$56) | (\$1,500) | | |
| Adjusted Beginning Balance | \$6,000 | \$8,808 | \$10,858 | \$14,625 | \$20,378 | \$19,095 | \$9,739 | \$6,704 | \$4,946 | \$4,946 |
| Revenue | | | | | | | | | | |
| Regulatory Fees | \$34,009 | \$53,699 | \$59,978 | \$60,561 | \$62,435 | \$60,958 | \$77,340 | \$74,139 | \$74,949 | \$84,433 |
| Other ³ | | | \$1,019 | \$2,968 | \$2,622 | \$3,038 | \$2,027 | \$602 | \$602 | \$602 |
| Total Revenue | \$34,009 | \$53,699 | \$60,997 | \$63,529 | \$65,057 | \$63,996 | \$79,367 | \$74,741 | \$75,551 | \$85,035 |
| Expenditures | | | | | | | | | | |
| Water Bd. State Operations ^{4,5} | \$28,736 | \$51,305 | \$57,607 | \$58,726 | \$67,651 | \$72,977 | \$80,597 | \$76,185 | \$84,080 | \$84,080 |
| Other State Operations ⁶ | \$2,465 | \$1 | \$4 | \$297 | \$496 | \$319 | \$305 | \$314 | \$410 | \$410 |
| Total Expenditures | \$31,201 | \$51,306 | \$57,611 | \$59,023 | \$68,147 | \$73,296 | \$80,902 | \$76,499 | \$84,490 | \$84,490 |
| Gain/(Loss) | \$2,808 | \$2,393 | \$3,386 | \$4,506 | (\$3,090) | (\$9,300) | (\$1,535) | (\$1,758) | (\$8,939) | \$545 |
| ENDING BALANCE | \$8,808 | \$11,201 | \$14,244 | \$19,131 | \$17,288 | \$9,795 | \$8,204 | \$4,946 | (\$3,993) | \$5,491 |
| Fund Reserve | 28.2% | 21.8% | 24.7% | 32.4% | 25.4% | 13.4% | 10.1% | 6.5% | | 6.5% |

Footnotes:

- ¹ Most adjustments represent unspent contract dollars that revert to the Fund.
- ² Restricted revenue is revenue received from fines and penalties that must be expended on cleanup and abatement activities. For FY 09-10, it is projected that \$1.5 million will be transferred to the Cleanup and Abatement Account (CAA).
- ³ Other revenue includes fines and penalties, interest from the state's pooled money investment fund, and escheat from unclaimed checks. Forecast years do not include Escheat or Penalties.
- ⁴ FY 09-10 Furlough savings are included in the Water Board State Operations expenditures. No Furlough Savings are projected for FY 10-11.
- ⁵ Water Board Operations for FY 2010-11 reflects a \$339,000 reduction from the January 2010 Governors Proposed Budget that is expected to be included in the May 2010 Revised Budget for an expired BCP.
- ⁶ Other state operations includes appropriations for Cal/EPA, the State Controller's Office, and prorata.

WDPF Budgetary Cost Drivers FY 2002-03 thru FY 2010-11

Fiscal Year 2002-03

| | |
|--------------|---------------------|
| Retirement | \$331,000 |
| Fund Shift | \$14,955,000 |
| Total | \$15,286,000 |

Fiscal Year 2003-04

| | |
|-----------------------------|---------------------|
| BCPs (one-time and ongoing) | \$6,906,000 |
| Fund Shift | \$13,620,000 |
| Pro Rata | \$7,000 |
| Total | \$20,533,000 |

Fiscal Year 2004-05

| | |
|------------------------|-----------------|
| Employee Comp | \$71,000 |
| Retirement | \$1,904,000 |
| General Fund Reduction | (\$2,216,000) |
| Pro Rata | \$335,000 |
| Total | \$94,000 |

Fiscal Year 2005-06

| | |
|---------------|--------------------|
| Employee Comp | \$1,710,000 |
| Retirement | \$912,000 |
| Pro Rata | \$585,000 |
| Total | \$3,207,000 |

Fiscal Year 2010-11

| | |
|---------------------------------|--------------------|
| Fund Shift | \$5,162,000 |
| BCPs (one-time and ongoing) | (\$675,000) |
| Pro Rata | \$667,000 |
| CS 3.60 (Retirement Adjustment) | \$159,000 |
| Total | \$5,313,000 |

Fiscal Year 2006-07

| | |
|-----------------------------|---------------------|
| Employee Comp | \$1,178,000 |
| Retirement | (\$293,000) |
| BCPs (one-time and ongoing) | \$9,500,000 |
| Pro Rata | \$98,000 |
| Total | \$10,483,000 |

Fiscal Year 2007-08

| | |
|-----------------------------|--------------------|
| Employee Comp | \$3,209,000 |
| Retirement | \$386,000 |
| BCPs (one-time and ongoing) | \$5,490,000 |
| Pro Rata | (\$55,000) |
| Total | \$9,030,000 |

Fiscal Year 2008-09

| | |
|-----------------------------|--------------------|
| Employee Comp | \$2,748,000 |
| AG Legal Fees | \$114,000 |
| Retirement | (\$29,000) |
| BCPs (one-time and ongoing) | (\$729,000) |
| Pro Rata | (\$75,000) |
| Total | \$2,029,000 |

Fiscal Year 2009-10

| | |
|-----------------------------|--------------------|
| BCPs (one-time and ongoing) | \$1,120,000 |
| Total | \$1,120,000 |

Fiscal Year 2010-11 Cost Driver Breakdown

| | |
|--------------------------------------|--------------------|
| Fund Shift - NPDES | \$1,373,000 |
| Fund Shift - Land Disposal | \$2,027,000 |
| Fund Shift - Ag Waivers | \$1,762,000 |
| BCP - Stormwater (SB 310) | \$158,000 |
| BCP - All Programs (Fee Collections) | \$96,000 |
| BCP Reduction - Stormwater | (\$590,000) |
| BCP Reduction - GAMA | (\$339,000) |
| Pro Rata - All Programs | \$667,000 |
| CS 3.60 (Retirement Adjustment) | \$159,000 |
| Total | \$5,313,000 |

**State Water Resources Control Board
Revenue and Expenditures by Program
(\$000)**

| NPDES Permit | | | |
|---------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$14,930 | \$12,678 | \$2,252 |
| 2005-06 | \$14,123 | \$13,355 | \$768 |
| 2006-07 | \$14,014 | \$14,179 | (\$165) |
| 2007-08 | \$14,199 | \$18,500 | (\$4,301) |
| 2008-09 | \$17,729 | \$19,235 | (\$1,506) |
| 2009-10 (Forecast) | \$15,344 | \$16,848 | (\$1,504) |
| Total | \$90,338 | \$94,794 | (\$4,456) |

| NPDES Storm Water | | | |
|--------------------------|------------------|-----------------|-----------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$18,279 | \$13,069 | \$5,209 |
| 2005-06 | \$18,476 | \$13,720 | \$4,757 |
| 2006-07 | \$21,235 | \$16,499 | \$4,736 |
| 2007-08 | \$19,148 | \$17,641 | \$1,507 |
| 2008-09 | \$20,565 | \$18,250 | \$2,315 |
| 2009-10 (Forecast) | \$19,654 | \$19,219 | \$435 |
| Total | \$117,357 | \$98,398 | \$18,959 |

| WDR | | | |
|--------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$10,721 | \$10,825 | (\$104) |
| 2005-06 | \$10,283 | \$12,175 | (\$1,892) |
| 2006-07 | \$11,523 | \$14,024 | (\$2,501) |
| 2007-08 | \$11,935 | \$15,285 | (\$3,350) |
| 2008-09 | \$16,885 | \$18,547 | (\$1,661) |
| 2009-10 (Forecast) | \$17,182 | \$15,901 | \$1,281 |
| Total | \$78,529 | \$86,758 | (\$8,229) |

| Land Disposal | | | |
|----------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$5,287 | \$4,634 | \$652 |
| 2005-06 | \$4,669 | \$4,534 | \$135 |
| 2006-07 | \$4,784 | \$5,778 | (\$994) |
| 2007-08 | \$4,979 | \$6,134 | (\$1,155) |
| 2008-09 | \$6,335 | \$6,772 | (\$437) |
| 2009-10 (Forecast) | \$6,340 | \$6,456 | (\$116) |
| Total | \$32,394 | \$34,308 | (\$1,914) |

| 401 Certification | | | |
|--------------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$3,073 | \$3,332 | (\$259) |
| 2005-06 | \$3,446 | \$2,516 | \$930 |
| 2006-07 | \$3,275 | \$2,775 | \$500 |
| 2007-08 | \$2,356 | \$3,534 | (\$1,178) |
| 2008-09 | \$2,536 | \$3,610 | (\$1,075) |
| 2009-10 (Forecast) | \$2,232 | \$3,228 | (\$996) |
| Total | \$16,918 | \$18,996 | (\$2,078) |

**State Water Resources Control Board
Revenue and Expenditures by Program
(\$000)**

| Confined Animal Facilities | | | |
|-----------------------------------|----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$882 | \$1,378 | (\$496) |
| 2005-06 | \$1,711 | \$1,223 | \$488 |
| 2006-07 | \$705 | \$2,096 | (\$1,391) |
| 2007-08 | \$371 | \$2,565 | (\$2,194) |
| 2008-09 | \$2,815 | \$3,093 | (\$277) |
| 2009-10 (Forecast) | \$2,829 | \$2,550 | \$278 |
| Total | \$9,313 | \$12,904 | (\$3,591) |

| SWAMP | | | |
|--------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$5,278 | \$6,582 | (\$1,304) |
| 2005-06 | \$5,816 | \$7,056 | (\$1,240) |
| 2006-07 | \$4,733 | \$10,003 | (\$5,269) |
| 2007-08 | \$5,712 | \$6,918 | (\$1,206) |
| 2008-09 | \$7,373 | \$5,198 | \$2,175 |
| 2009-10 (Forecast) | \$7,457 | \$8,927 | (\$1,469) |
| Total | \$36,370 | \$44,684 | (\$8,314) |

| GAMA | | | |
|--------------------|-----------------|-----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$1,530 | \$1,940 | (\$410) |
| 2005-06 | \$1,468 | \$2,033 | (\$565) |
| 2006-07 | \$1,522 | \$1,907 | (\$386) |
| 2007-08 | \$1,617 | \$1,956 | (\$339) |
| 2008-09 | \$2,434 | \$2,253 | \$181 |
| 2009-10 (Forecast) | \$2,434 | \$2,663 | (\$228) |
| Total | \$11,005 | \$12,753 | (\$1,747) |

| Agricultural Waivers | | | |
|-----------------------------|----------------|----------------|------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$0 | \$3,169 | (\$3,169) |
| 2005-06 | \$569 | \$2,114 | (\$1,545) |
| 2006-07 | \$644 | \$391 | \$253 |
| 2007-08 | \$643 | \$445 | \$198 |
| 2008-09 | \$666 | \$438 | \$227 |
| 2009-10 (Forecast) | \$667 | \$394 | \$272 |
| Total | \$3,188 | \$6,952 | (\$3,764) |

| Total WDPF Program Revenue | | | |
|-----------------------------------|------------------|------------------|-------------------|
| Fiscal Year | Revenue | Expenditures | Difference |
| 2004-05 | \$59,978 | \$57,607 | \$2,371 |
| 2005-06 | \$60,561 | \$58,726 | \$1,835 |
| 2006-07 | \$62,435 | \$67,652 | (\$5,217) |
| 2007-08 | \$60,959 | \$72,978 | (\$12,019) |
| 2008-09 | \$77,340 | \$77,398 | (\$58) |
| 2009-10 (Forecast) | \$74,139 | \$76,186 | (\$2,047) |
| Total | \$395,412 | \$410,547 | (\$15,135) |

**State Water Resources Control Board
WDPF Projected Revenue and Expenditures
FY 2010-11 (\$000)**

| Program | Base Revenue | Projected Revenue Increase | New Revenue | Projected Total | | Over/(Under) |
|-----------------------------------|-----------------|----------------------------|----------------|-----------------|-----------------|--------------|
| | | | | Revenue | Expenditures | |
| NPDES | \$17,287 | 9.3% | \$1,609 | \$18,896 | \$18,896 | \$0 |
| WDR | \$17,182 | 0.0% | \$0 | \$17,182 | \$17,104 | \$78 |
| Land Disposal - Closed | \$6,340 | 0.0% | \$0 | \$6,340 | \$6,340 | \$0 |
| Land Disposal - Open ¹ | n/a | n/a | \$2,370 | \$2,370 | \$2,370 | \$0 |
| Stormwater | \$18,790 | 13.0% | \$2,446 | \$21,235 | \$21,236 | \$0 |
| 401 Cert | \$1,964 | 74.2% | \$1,457 | \$3,421 | \$3,421 | \$0 |
| CAF | \$2,829 | 0.0% | \$0 | \$2,829 | \$2,759 | \$70 |
| SWAMP ² | \$7,457 | 0.6% | \$47 | \$7,504 | \$7,349 | \$154 |
| GAMA ^{3,4} | \$2,434 | 1.1% | \$27 | \$2,461 | \$2,411 | \$50 |
| Ag Waivers | \$667 | 229.3% | \$1,529 | \$2,195 | \$2,195 | \$0 |
| Subtotal | \$74,949 | 12.7% | \$9,483 | \$84,433 | \$84,080 | \$352 |
| Other ⁵ | \$602 | 0.0% | \$0 | \$602 | \$410 | \$192 |
| TOTAL | \$75,551 | 12.6% | \$9,483 | \$85,035 | \$84,490 | \$544 |

Footnotes:

- ¹ Projected New Revenue for Land Disposal - Open reflects new fee payers in the program that previously did not pay an annual WDR fee.
- ² SWAMP Surcharge of 21% used for Base Revenue calculation, Surcharge of 19.5% used for Projected Total Revenue.
- ³ GAMA Surcharge of 9.5% used for Base Revenue calculation, Surcharge of 7.7% used for Projected Total Revenue.
- ⁴ GAMA BCP reduction not currently reflected in Jan-2010 Governors Proposed Budget. Expenditure number reflects anticipated reduction of \$339K.
- ⁵ Revenue includes income from surplus money investments and escheat of unclaimed checks and Expenditures includes various state operations charges for other agencies.

2009-10 Fee Schedules

CALIFORNIA CODE OF REGULATIONS TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements Article 1. Fees

Section 2200. Annual Fee Schedules

Each person for whom waste discharge requirements have been prescribed pursuant to section 13263 of the Water Code shall submit, to the State Board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.

An ambient water monitoring surcharge will be added to each individual fee as required. The ambient water monitoring surcharge for all discharges pursuant to subdivisions (a) and (c) is 9.5% of the calculated fee; the surcharge for all discharges pursuant to subdivision (b) is 21% of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) The annual fees for persons issued waste discharge requirements (WDRs), except as provided in subdivisions (a)(3), (b), and (c), shall be based on the discharge's threat and complexity rating according to the following fee schedule, plus applicable surcharge(s).

| ANNUAL FEE SCHEDULE FOR WASTE DISCHARGE REQUIREMENTS | | | |
|--|-------------------|--|----------------------------|
| Threat to Water Quality (TTWQ) | Complexity (CPLX) | Type of Discharge | |
| | | Discharge to Land or Surface Waters ¹ | Land Disposal ² |
| 1 | A | \$58,520 | \$35,360 ³ |
| 1 | B | \$36,960 | \$28,560 |
| 1 | C | \$19,943 | \$18,360 |
| 2 | A | \$13,321 | \$15,300 |
| 2 | B | \$8,008 | \$12,240 |
| 2 | C | \$6,006 | \$9,180 |
| 3 | A | \$4,732 | \$6,120 |
| 3 | B | \$2,520 | \$4,590 |
| 3 | C | \$1,120 | \$2,040 |

¹ For this table, discharges to land or surface waters are those discharges of waste to land or surface waters not covered by NPDES permits that are regulated pursuant to Water Code Section 13263 that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems. It does not include discharge of dredge or fill material or discharge from animal feeding operations. WDRs for municipal and domestic discharges with permitted flows of less than 50,000 gallons per day in categories 2-B, 2-C, 3-B and 3-C will receive a 50% fee discount. The design flow shall be used where no permitted flow is present. Municipal and domestic discharges receiving the discount are defined as discharges from facilities that treat domestic wastewater or a mixture of wastewater that is predominately domestic wastewater. Domestic wastewater consists of wastes from bathroom toilets, showers, and sinks from residential kitchens and residential clothes washing. It does not include discharges from food preparation and dish washing in restaurants or from commercial laundromats. Landscape Irrigation General Permits under Water Quality Order Number 2009-0006-DWQ will be assessed a fee associated with TTWQ/CPLX rating of 3B plus any applicable surcharges.

² For this table, land disposal discharges are those discharges of waste to land that are regulated pursuant to Water Code Section 13263 that implement the requirements of CCR Title 27. Examples include, but are not limited to, active and closed landfills and surface impoundments.

³ A surcharge of \$12,000 will be added for Class I Landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the RWQCB under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substances Control under 22 CCR Chapter 10, §66270.1 et seq.

2009-10 Fee Schedules

(1) Threat to water quality (TTWQ)⁴ and complexity (CPLX) of the discharge is assigned by the Regional Board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category "1" – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category "A" – Any discharge of toxic wastes, any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring, or any Class 1 waste management unit.

Category "B" – Any discharger not included above that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category "C" – Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(2) For dischargers covered under Statewide General WDRs for Sanitary Sewer Systems (Water Quality Order No. 2006-0003), the TTWQ and CPLX designations are assigned based on the population served by the sanitary sewer system. The table below describes the correlation between population served and TTWQ and CPLX designations to determine the appropriate annual fee:

| Population Served ⁵ | Threat and Complexity Designation |
|--------------------------------|-----------------------------------|
| Less than 50,000 | 3C |
| 50,000 or more | 2C |

⁴ In assigning a category for TTWQ, a regional board should consider duration, frequency, seasonality, and other factors that might limit the impact of the discharge.

⁵ Assumes 2.5 persons per equivalent dwelling unit (EDU).

2009-10 Fee Schedules

(3) The fees for discharges of dredge and fill material shall be as follows, not to exceed \$40,000, plus applicable surcharge(s).⁶

| Type of Discharge | Fees |
|---|---|
| (A) Fill & Excavation Discharges. Size of the discharge area expressed in acres to two decimals (0.01 acre) (436 square feet) rounded up. | \$640 Base Price + (Discharge area in acres x \$2,752) |
| (B) Dredging Discharges ⁸ Dredge volume expressed in cubic yards. | \$640 Base Price + (Dredge volume in cubic yards x \$0.102) |
| (C) Dredging Discharges (Sand Mining). Aggregate extraction in marine waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions. | \$1,024. |
| (D) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. (Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee. | \$640 Base Price + (Discharge length in feet x \$6.40) |
| (E) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States," including waters determined to be "isolated" pursuant to the findings of <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i> (2001) 121 S. Ct. 675. | Double the applicable fee schedules except for (G) restoration projects |

- ⁶ i. For "excavation" the area of the discharge is the area of excavation; if the excavated material is then discharged to waters, an additional "fill" fee will be assessed.
- ii. When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$500 base fee, if required, shall be charged only once.
- iii. Fees shall be based on the largest discharge size specified in the original or revised report of waste discharge or Clean Water Act (CWA) section 401 water quality certification application, or as reduced by the applicant without any State Board or Regional Board intervention.
- iv. If water quality certification is issued in conjunction with dredge or fill WDRs or is issued for a discharge regulated under such preexisting WDRs, the current annual WDR fee as derived from this dredge and fill fee schedule shall be paid in advance during the application for water quality certification, and shall comprise the fee for water quality certification.
- v. Discharges requiring water quality certification and regulated under a federal permit or license other than a US Army Corps of Engineers CWA section 404 permit or a Federal Energy Regulatory Commission License shall be assessed a fee determined from CCR 23, Section 2200(a).

⁷ "Excavation" refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, and removing sediment to increase channel capacity.

⁸ "Dredging" generally refers to removing sediment in deeper water to increase depth. The impacts to beneficial uses are best described by the volume of the discharge and typically occur to facilitate navigation. For fee purposes it also includes aggregate extraction within stream channels where the substrate is composed of coarse sediment (e.g., gravel) and is reshaped by normal winter flows (e.g., point bars), where natural flood disturbance precludes establishment of significant riparian vegetation, and where extraction timing, location and volume will not cause changes in channel structure (except as required by regulatory agencies for habitat improvement) or impair the ability of the channel to support beneficial uses.

2009-10 Fee Schedules

| | |
|---|---|
| <p>(F) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material. 4. Discharge is to a water body regulated as "Waters of the United States." | <p>\$640 Flat Fee.</p> |
| <p>(G) Restoration Projects. Projects undertaken for the sole purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects that include a non-restorative component, e.g., land development, property protection, or flood management.</p> | <p>\$640 Flat Fee</p> |
| <p>(H) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board pursuant to a general water quality certification permitting discharges authorized by a federal general permit or license, (e.g., a U.S. Army Corps of Engineers nationwide permit). Applies ONLY if general water quality certification was previously granted.</p> | <p>\$77 Flat Fee</p> |
| <p>(I) Amended Orders Amendments of WDR's or water quality certifications previously issued for one-time discharges not subject to annual billings.</p> <ol style="list-style-type: none"> (a) Minor project changes, not requiring technical analysis and involving only minimal processing time. (b) Changes to projects eligible for flat fees (fee categories C, F, G, and H) where technical analysis is needed to assure continuing eligibility for flat fee and that beneficial uses are still protected. (c) Project changes not involving an increased discharge amount, but requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (d) Project changes involving an increased discharge amount and requiring some technical analysis to assure that beneficial uses are still protected and that original conditions are still valid, or need to be modified. (e) Major project changes requiring an essentially new analysis and re-issuance of WDR's or water quality certification. | <ol style="list-style-type: none"> (a) No fee required (b) Appropriate flat fee (c) \$640 flat fee (d) Additional fee assessed per increased amount of discharge(s) per Section 2200 (a)(3) (plus \$640 base price). (e) New fee assessed per Section 2200 (a)(3). |

Mary Pitto

From: White, Chuck [cwhite1@wm.com]
Sent: Tuesday, March 02, 2010 2:40 PM
To: chelgi@worldnet.att.net; Donald.Gambelin@awin.com; evan@edgarinc.org; gchan@lacsds.org; George Eowan; George Larson; heldw@repsrv.com; hkernkam@co.riverside.ca.us; John Cupps; John McNamara; Josh Pane; Kelly Astor; Kevin.Kondru@iwmd.ocgov.com; Larry Sweetser; Mark Aprea; Mary Pitto; Sullivan Pat; Paul Yoder; pryan67356@aol.com; Paul Smith; ramin.yazdani@yolocounty.org; RJohnston@co.merced.ca.us; roster@norcalwaste.com; Sean Edgar; Sharon Green; Stoddard, Kent; timr@co.kern.ca.us; tomr@wcnx.org; Tony Pelletier; zeigerd@repsrv.com
Cc: Stoddard, Kent; gerbin@nmgovlaw.com
Subject: RE: SWIG alert
Attachments: IWMA MOU.pdf

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FYI. Attached is the existing MOU between the CIWMB (now CalRecycle) and the SWRCB regarding allocation of IWMA funds between the two agencies. The SWRCB is supposed to get 10.32418 % of the IWMA fee revenues. I am not sure what the IWMA revenues are projected to be for FY 10-11, but if the SWRCB is only getting \$4.3 million and the MOU is being adhered to, then the IWMB revenues are only at: \$41.65 million for FY 2010-11. At \$1.40/ton, this means that only 29.75 million tons of solid waste will be disposed and paying a fee. This would represent a significant decline in disposal since the peak disposal of 42.5 million tons in 2005 the 35.5 million tons disposed in 2008 – the most recent year for which DRS numbers are available. If these numbers are correct, the projected statewide disposal for FY 2010-11 would be down 30% from the peak of 42.5 million tons in 2005. Does this seem reasonable?

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We probably need to have a discussion with Mark Leary about how the IWMA funds are proposed to be allocated in FY 2010-11 as based on whatever disposal tonnage they are projecting.

This whole exercise reminds me of the old joke regarding use of disposal fees used to support state regulatory programs: "that last ton of waste disposed into a landfill is going to be very expensive".

Chuck White, P.E.
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 Waste Management
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 Sacramento, CA 95814

Office: 916-552-5859
 Cell: 916-761-7882
 Fax: 916-448-2470

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To: chelgi@worldnet.att.net; Donald.Gambelin@awin.com; evan@edgarinc.org; gchan@lacsds.org; George Eowan; George Larson; heldw@repsrv.com; hkernkam@co.riverside.ca.us; John Cupps; John McNamara; Josh Pane; Kelly Astor; Kevin.Kondru@iwmd.ocgov.com; Larry Sweetser; Mark Aprea; Mary Pitto; Pat Sullivan; Paul
 3/4/2010

Yoder; pryan67356@aol.com; PSmith@rcrcnet.org; ramin.yazdani@yolocounty.org; RJohnston@co.merced.ca.us; roster@norcalwaste.com; Sean Edgar; Sharon Green; Stoddard, Kent; timr@co.kern.ca.us; tomr@wcnx.org; Tony Pelletier; zeigerd@repsrv.com

Cc: Stoddard, Kent; gerbin@nmgovlaw.com

Subject: SWIG alert

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Due to an alleged \$2.3 million shortfall (36% reduction from the \$7.6 million needed to sustain the SWRCB/RWCQB programs) in IWMA funds sent to the SWRCB from CalRecycle, the SWRCB is considering imposing a new WDR fee on operating LFs for the first time in FY 2010-11. As you know, operating SW landfills have not had to pay WDR fees to the SWRCB in the past. Instead, pursuant to statute, have been given about \$6-\$7 million/year from the IWMA through the former CIWMB, now CalRecycle. Statute provides that, in the event of a fee revenue shortfall, there should be proportional reductions to the two agencies. The Water Code, however, does provide that fees are only waived if there is sufficient funds to support SWRCB/RWQCB programs from the IWMA through CalRecycle. At yesterday's meeting the SWRCB staff said that they are only getting \$4.3 million in the Governor's budget from the IWMA – thereby creating the \$2.3 million shortfall. The SWRCB staff indicated that there may be some alternative statutory language proposed in the budget to change the way IWMA funds are used to support the SWRCB/RWQCB. However I have yet to track down any such bill language.

Attached is my recent note to Mark Leary asking for some clarification on this matter.

The new SWRCB WDR fee for operating LFs would be 85% of the fee in the attached fee schedule for LFs – ranging from about \$2k to \$30k per LF. See agenda from today's meeting attached that includes a discussion of this new fee on operating SWLFs. I have also attached the existing SWRCB fee schedule as a basis for the 85% new fee that would be applied to "operating LFs".

SWIG folks should probably join forces for a unified position on these proposed new additional fees. Sharon Green of LACSD was also in attendance at the SWRCB briefing and may want to add her perspective to my take on this issue.

Let me know if any questions. Thanks.

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Sacramento, CA 95814

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Waste Management recycles enough paper every year to save 41 million trees. By not printing this email, you can help save even more.

MEMORANDUM OF UNDERSTANDING

I. The purpose of this Memorandum of Understanding (MOU) is to clarify the agreements made between the California Integrated Waste Management Board (IWMB) and the State Water Resources Control Board (SWRCB) regarding allocation of Integrated Waste Management Account (IWMA) revenues between these two entities.

II. The IWMB and SWRCB mutually agree:

Allocation procedures

- The SWRCB and IWMB have agreed on an allocation level of 10.32418% of the tipping fee revenue to the SWRCB.
- By August 15th of each year, the IWMB will contact the SWRCB and request a copy of the year-end statements with actual expenditures to be submitted by August 25th.
- An annual update to the allocation level will be provided on September 1st of each year, if the SWRCB provided year-end statements by the requested date.
- If the year-end statements are not received by the requested date, the IWMB will provide the allocations within five working days of receiving them.
- Any SWRCB changes to expenditure authority including BCPs, employee compensation, changes made pursuant to Department of Finance Budget Letters, and other baseline adjustments will be reported to the IWMB on an ongoing basis so that those changes can be reflected in the Governor's Budget.
- The IWMB and SWRCB will meet annually (first week of September, last week of December, and in the last week of May) to discuss allocation level, and revenue and authority adjustments.
- Only tonnage will be considered when calculating SWRCB's proportional increase or decrease of the tipping fee (only "125600 Other Regulatory Fees" on the Schedule 10R). The reserve, SMIF, and any other miscellaneous revenue will not be considered when calculating the SWRCB's allocation.

III. Procedures for calculation of the allocation:

Definitions:

Budget Year (BY) figures are "projected".

Current Year (CY) figures are "estimated".

Past Year (PY) figures are "actual".

Expenditure Adjustments:

If the PY revenue allocation is more or less than the actual expenditures:

- If more IWMA was available for the SWRCB than its actual expenditures reported in the Governor's Budget, the difference is carried over as part of the SWRCB's unspent allocation to future years. Any carryover beyond the BY must be made over a mutually negotiated and agreed period.
- If less IWMA was available for SWRCB, the difference between the actual expenditure and the actual available revenue will reduce the allocation level in future years, and the reduction must be made over a mutually negotiated and agreed period.

Revenue Adjustments:

PY adjustments/carryovers:

- Adjust for the changes in the actual revenue in the PY by subtracting the PY actual revenue from the estimated revenue from the previous years Governor's Budget and multiply the result by 10.32418%.

CY adjustments/carryovers:

- Adjust for the changes in the CY by subtracting the estimated revenue in the most recently updated 10R from the projected revenues in the previous Governor's Budget, and multiply the result by 10.32418%.

BY Base:

- Determine the Base revenue using the projected BY revenue in the most recently updated 10R.
- Multiply that by the 10.32418% rate to determine the SWRCB revenue allocation level.

Appropriation Adjustments:

- The SWRCB should submit a BCP/Baseline Adjustment to change their authority if there is more than a \$100,000 difference between the SWRCB's expenditure authority and its revenue allocation. If the difference is greater than \$500,000, then the period over which the adjustment must be made may be negotiated and determined by mutual agreement.

IV. The following IWMB and SWRCB Administration Chiefs mutually agree to the above terms:

for Bill Brown
Bill Brown, Administration Chief
State Water Resources Control Board

7/2/02
Date

Terry Jordan
Terry Jordan, Administration Chief
Integrated Waste Management Board

7/8/02
Date

3940 State Water Resources Control Board

| 1 STATE OPERATIONS | 2008-09* | 2009-10* | 2010-11* |
|--|----------------|----------------|----------------|
| 001 Budget Act appropriation | - | - | \$2,088 |
| Totals Available | \$2,461 | \$1,789 | \$2,088 |
| Unexpended balance, estimated savings | -339 | - | - |
| TOTALS, EXPENDITURES | \$2,122 | \$1,789 | \$2,088 |
| 0387 Integrated Waste Management Account, Integrated Waste Management Fund | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$6,493 | \$6,757 | \$4,791 |
| Allocation for employee compensation | 270 | - | - |
| Adjustment per Section 3.60 | -3 | 12 | - |
| Reduction per Section 3.90 | -283 | -650 | - |
| Adjustment per Section 3.55 | - | -14 | - |
| TOTALS, EXPENDITURES | \$6,477 | \$6,105 | \$4,791 |
| 0419 Water Recycling Subaccount | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$2,189 | \$1,150 | \$1,150 |
| Reduction per Section 3.90 | - | -1,000 | - |
| Totals Available | \$2,189 | \$150 | \$1,150 |
| Unexpended balance, estimated savings | -1,492 | - | - |
| TOTALS, EXPENDITURES | \$697 | \$150 | \$1,150 |
| 0422 Drainage Management Subaccount | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$515 | \$515 | \$515 |
| Reduction per Section 3.90 | - | -450 | - |
| Totals Available | \$515 | \$65 | \$515 |
| Unexpended balance, estimated savings | -234 | - | - |
| TOTALS, EXPENDITURES | \$281 | \$65 | \$515 |
| 0424 Seawater Intrusion Control Subaccount | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$97 | \$222 | \$222 |
| Reduction per Section 3.90 | - | -200 | - |
| Totals Available | \$97 | \$22 | \$222 |
| Unexpended balance, estimated savings | -97 | - | - |
| TOTALS, EXPENDITURES | \$- | \$22 | \$222 |
| 0436 Underground Storage Tank Tester Account | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$64 | \$64 | \$64 |
| Reduction per Section 3.90 | - | -25 | - |
| Totals Available | \$64 | \$39 | \$64 |
| Unexpended balance, estimated savings | -32 | - | - |
| TOTALS, EXPENDITURES | \$32 | \$39 | \$64 |
| 0439 Underground Storage Tank Cleanup Fund | | | |
| APPROPRIATIONS | | | |
| 001 Budget Act appropriation | \$278,051 | - | - |
| Allocation for employee compensation | 785 | - | - |
| Adjustment per Section 3.60 | -11 | - | - |
| Reduction per Section 3.90 | -1,152 | - | - |
| 001 Budget Act appropriation as amended by Chapter 1, Statutes of 2009, Fourth Extraordinary Session | - | \$238,113 | - |
| Adjustment per Section 3.60 | - | 58 | - |
| Reduction per Section 3.90 | - | -5,000 | - |

* Dollars in thousands, except in Salary Range.

Mary Pitto

From: Evan Edgar [evan@edgarinc.org]
Sent: Tuesday, March 02, 2010 3:07 PM
To: 'White, Chuck'; 'chelgi@worldnet.att.net'; Donald.Gambelin@awin.com; gchan@lacsds.org; 'George Eowan'; 'George Larson'; heldw@repsrv.com; hkernkam@co.riverside.ca.us; 'John Cupps'; 'John McNamara'; 'Josh Pane'; 'Kelly Astor'; Kevin.Kondru@iwmd.ocgov.com; Larry Sweetser; 'Mark Aprea'; Mary Pitto; 'Sullivan Pat'; 'Paul Yoder'; pryan67356@aol.com; Paul Smith; ramin.yazdani@yolocounty.org; RJohnston@co.merced.ca.us; roster@norcalwaste.com; 'Sean Edgar'; 'Sharon Green'; 'Stoddard, Kent'; timr@co.kern.ca.us; tomr@wcnx.org; 'Tony Pelletier'; zeigerd@repsrv.com
Cc: 'Stoddard, Kent'; gerbin@nmgovlaw.com; 'Juliana Gerber-Miller'; 'Neil Edgar'; 'Trish Roath'
Subject: 30 million ton in CY 2010 - The Edgar Institute
Attachments: WGS1020CIWMBb2009-10a.pdf

Chuck:

Yes, 29.75 million tons in 2010 is very reasonable given the recessionary economy and the emerging next wave of mandated commercial recycling and food waste collection programs. Being down 30% from peak has been a story by LA San, and many landfills statewide.

Attached is The Edgar Institute Chart from a few years ago that tracked the trends and analyzed what SB 1016 really means.

Best Regards.....Evan



EVAN W.R. EDGAR
 EDGAR & ASSOCIATES, INC
 1822 21ST STREET
 SACRAMENTO, CA 95811
 (916) 739-1200
 (916) 739-1216 FAX

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3/4/2010

| | ACTUAL DATA | | | | | | | THE EDGAR INSTITUTE PROJECTIONS | | | CIWMB PEER REVIEW DATA | |
|-----------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------------|---------------------------------|---|--|---------------------------------|--------------------------------|---|--|--|
| | 1990 | 1995 | 2000 | 2003-2006 | 2006 | 2007 | 2008 | 2009 | 2010 | 2015 | 2020 | |
| Population | CIWMB Home Page 29.8 million | CIWMB Home Page 31.9 million | CIWMB Home Page 34.3 million | Average SB 1016 36.4 million | CIWMB Home Page 37.2 million | CIWMB Home Page/ DOF 37.6 million | Edgar/ DOF/ BOE 38.05 million | Edgar 38.60 million | Edgar/ DOF 39.14 million | SB 1020 60% diversion equivalency 41.6 million extrapolated from DOF | SB 1020 75% diversion equivalency 44.1 million DOF | |
| Waste generation | 50.9 million | 49.7 million | 66.1 million | 83.5 million | 92.2 million | 93.1 million | 95.3 million | 97.6 Million | 99.8 Million | 111 million CIWMB Estimate | 122 million CIWMB Estimate | |
| Waste disposal | 42.4 million | 36.0 million | 38.1 million | 41.3 million | 42.2 million | 39.6 million | 36.0 million Edgar est. | 33.0 million Edgar est. | 30.0 million Edgar est. | 38.6 million CIWMB Estimate | 26.0 million CIWMB Estimate | |
| AB 939 Rate | 17% | 28% | 42% | 50% | 54% | 58% | 62% Edgar Extrapolated | 68% Edgar Extrapolated | 70% Edgar Extrapolated | 60% SB 1020 equivalent | 75% SB 1020 equivalent | |
| Lbs/pp/day generation | 9.36 | 8.54 | 10.56 | 12.55 SB 1016 Gen. Factor | 13.58 | 13.57 | 13.72 | 13.85 | 13.97 | SB 1016 Generation Factor 14.62 | SB 1016 Generation Factor 15.16 | |
| Lbs/pp/day disposal | 7.76 | 6.18 | 6.09 | 6.21 SB 1016 Disposal Factor | 6.22 | 5.77 | 5.17 | 4.68 | 4.20 | SB 1020 60% diversion equivalent and SB 1016 Disposal Factor | SB 1020 75% diversion equivalent and SB 1016 Disposal Factor | |

