

The Southern California Conversion Technology Demonstration Project



Alternative Technology
Advisory Subcommittee

Reference Facility Tours



Reference Facility Tours - Introduction

- Phase II of the Southern California Conversion Technology Project began July 2006
- Following preliminary evaluations, five technology vendors made it to the County's short list
 - ArrowBio
 - Changing World Technologies
 - Integrated Waste Technologies
 - International Environmental Solutions
 - NTech



Reference Facility Tours - Introduction

- Requirement of participation in the County's process was an operating reference facility:
 - pilot scale or larger
 - utilizing MSW or closely related feedstock
 - proven track record of operation
- Visiting and evaluating the reference facilities is a critical due diligence step and provides a greater level of confidence for all parties



International Environmental Solutions (IES)

- Visited plant in Romoland, CA, on February 15, 2007
- Thermal pyrolysis process
- Operating at 50 TPD for 3 years (intermittently)
- Processes MRF MSW as feedstock.
- Produces syngas for generation of electricity and carbon char.

International Environmental Solutions (IES)





NTech

- Visited plants in England and Poland on March 7-9, 2007
- Thermal gasification process, with “kinetic streamer” and plastics to oil components
- Gasification plant in Poland operating at 15 TPD for 3 years, processing medical waste.
- Kinetic streamer in England operating at 220 TPD as a dirty MRF for 2 years.
- Gasifier produces syngas for generation of electricity, and non-hazardous flyash.

NTech





Arrow Bio

- Visited plant in Israel on March 12, 2007
- Water separation and upflow anaerobic blanket digestion process.
- Operating at 100 TPD for 3 years.
- Front-end processes MSW feedstock, sends dissolved organics in liquid solution to digesters for further processing
- Produces biogas for electricity, separated recyclables, digestate (soil amendment), and water.

Arrow Bio





Integrated Waste Technologies (IWT)/ Thermoselect

- Visited plants in Japan on April 2-3, 2007
- Thermal pyrolysis/gasification process.
- Seven plants operating at 330-612 TPD for 4-8 years, located throughout Japan
- Plants process MSW feedstock as well as industrial wastes, sludge, and ash from incinerators.
- Plants produce syngas for generation of electricity and other co-products such as metals/minerals.



Changing World Technologies (CWT)

- Visited plant in Missouri on April 25, 2007
- Thermal depolymerization process.
- Operating at 250 TPD for 2 years
- Processing poultry waste from adjacent turkey processing facility.
- Produces oil product (sent to refinery for production of diesel fuel) and a solid carbon fuel.

Changing World Technologies (CWT)



Reference Facility Tours



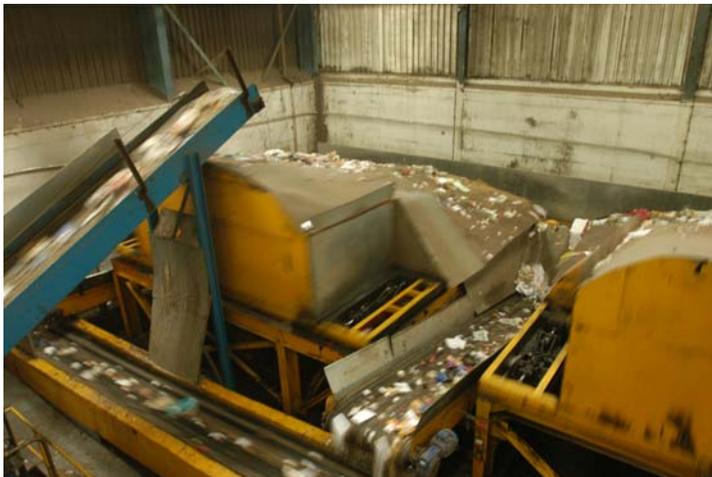
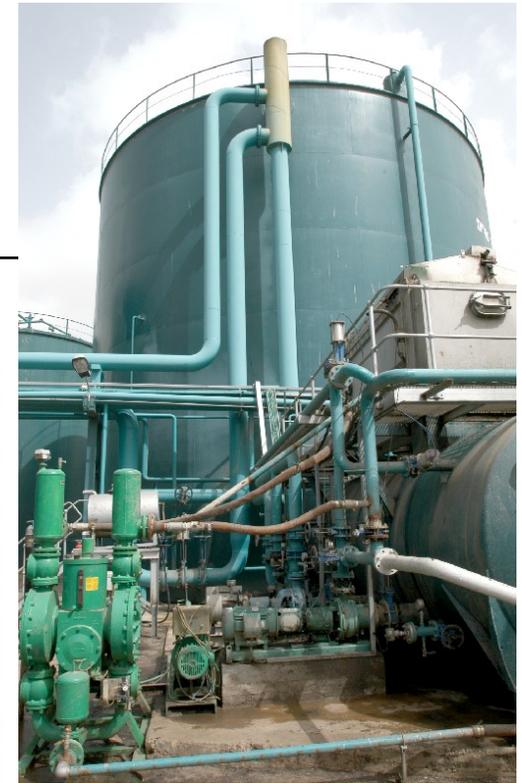
Site visits allowed us to compare waste streams...

Reference Facility Tours



...evaluate products and byproducts...

Reference Facility Tours



...assess applicability and interface issues...

Reference Facility Tours



...and meet with local regulators and other stakeholders.



Reference Facility Tours – Value

First hand visits provide a wealth of tangible benefits to a project and are a crucial step prior to development of a full scale facility.

Benefits include:

- Independent verification of technology
- Assessment of regulatory/policy differences
- Feedstock composition and pre-processing evaluation
- Direct meetings with regulators, community members and other stakeholders

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
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Bill	Author	Status	Summary	Task Force Position
AB 6	Houston	Introduced 12-04-06 In Assembly Natural Resources Committee	Existing Law: California's Global Warming Solutions Act (AB 32, 2006 Statutes) requires the State Air Resources Board (SARB) to develop regulations to achieve the Act's greenhouse gas emission reduction targets. SARB has the discretion to incorporate market-based options. Proposed Law: This bill would require SARB to adopt market-based options.	
AB 35	Ruskin	Amended 6-01-07 In Assembly Appropriations Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require CAL EPA by July 1, 2009 to adopt regulations establishing green building standards for the construction and renovation of state buildings.	
AB 48	Saldana	Introduced 12-04-06 In Assembly Appropriations Committee Reintroduced from 2006 Legislative Session (AB 2202)	Existing Law: The Department of Toxic Substances Control (DTSC) regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). State law requires DTSC to adopt regulations by January 1, 2007 prohibiting the sale of CEDs if they are banned in the European Union. Proposed Law: This bill would expand the definition of CEDs to include any plug-in and battery-operated consumer electronic device. In addition, DTSC is required to develop regulations prohibiting the sale of all electronic devices currently banned within the European Union effective January 1, 2010.	
AB 258	Krekorian	Amended 6-01-07 In Assembly Appropriations Committee	Existing Law: The California Coastal Commission, in partnership with local governments, plans and regulates development and natural resource use along the coast. Proposed Law: This bill would require the State Water Control Board and regional water boards by January 1, 2009, to implement a program for the control of discharges of preproduction plastics from point and nonpoint sources, including waste discharge, monitoring, and reporting requirements.	
AB 484	Nava	Introduced 2-20-07 In Senate Transportation and Housing Committee	Existing Law: Existing law requires the Department of Transportation, and any other state agency that provides construction and repair services, to contract for construction items that utilize recycled materials used in paving or paving subbase Proposed Law: This bill would require CalTrans to use recycled aggregate base for at least 50 percent of the total amount of aggregate base used on and after January 1, 2008, and for at least 75 percent of the total amount of aggregate base used on and after January 1, 2009, unless it determines that the use of the materials is not cost effective.	Support

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AB 501	Swanson	Amended 4-30-07 In Assembly Health Committee	Existing Law: It is prohibited for a person to dispose of home generated sharps waste after September 1, 2008. Proposed Law: This law would require pharmaceutical manufacturers by January 1, 2008, to make available specified methods, including paid mail return, for patients to safely dispose of prefilled syringes, pen needles, or other injection devices.	Support
AB 546	Brownley	Amended 4-18-07 In Assembly Appropriations Committee	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would require the Waste Board to provide retailers with a list of authorized collectors of CEDs, who in turn would be required to make this information available to their customers.	Watch
AB 548	Levine	Amended 5-21-07 In Senate Environmental Quality Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would require, on or after July 1, 2008, that an owner of a multifamily dwelling, consisting of five or more units, to provide recycling services that are consistent with any other state or local law or requirement governing the collection, handling, or recycling of solid waste.	Watch
AB 656	Plescica	Introduced 2-21-07 In Assembly Environmental Safety and Toxic Materials Committee	Existing Law: Effective February 8, 2006, households can no longer dispose universal waste into the trash. Universal waste includes electronic waste, household batteries, fluorescent tubes, mercury waste, and aerosol cans. Proposed Law: This bill would require the Waste Board and Water Resources Control Board to prepare and forward a report to the Legislature by July 1, 2008 on whether the incidental disposal of alkaline batteries at landfills cause any environmental impacts.	Watch
AB 679	Benoit	Amended 6-11-07 In Senate Public Safety Committee	Existing law: Current law carries various penalties, including fines and/or imprisonment for littering or illegal dumping. Proposed Law: This bill would require the court to impose a civil assessment in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor. <i>Previously,</i> this bill would have required the court system to impose a civil assessment on violators that is equal to the actual cost of cleanup incurred by the city or county that results from littering or illegal dumping offenses.	Letter of Support for 5-03-07 version sent 6-11-07

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AB 712	De Leon	Amended 5-02-07 In Assembly Appropriations Committee	Existing Law: Existing law requires each operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization. Proposed Law: This bill would impose a new tipping fee of \$0.50/ton of waste disposed in California beginning April 1, 2008, in order to fund air quality compliance for off-road diesel vehicles that dispose, transfer, or process solid waste or recyclable materials. This bill would also provide up to four million dollars in grants for projects that reduce greenhouse gas emissions from landfills through organic material diversion (<i>excluding "thermal technologies"</i>).	Letter of Opposition sent 6-12-07
AB 722	Levine	Amended 6-04-07 In Assembly Appropriations Committee Inactive File	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would, starting July 1, 2010, phases in minimum energy efficiency requirements for general purpose light bulbs over a six-year period. It would require that after the phase-in, most general purpose lights achieve a 50 lumens per watt standard. <i>Previously</i> , this bill would have prohibited the sale of incandescent light bulbs and halogen lamps beginning January 1, 2012.	Watch
AB 729	Mullin	Introduced 2-22-07 In Assembly Natural Resources Committee	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would require the Waste Board to develop regulations for authorized CED collectors to legally donate CEDs to non-profit organizations for reuse.	
AB 769	Aghazarian	Introduced 2-22-07 In Assembly Revenue and Taxation Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Proposed Law: This bill would exempt all fuel used to transport biomass, including the organic fraction of municipal solid waste, from the State's Sales and Use Tax.	
AB 800	Lieu, Brownley and Krekorian	Amended 6-06-07 In Assembly Appropriations Committee Related bill AB 1391	Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State. Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.	Watch

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AB 820	Karnette	Amended 4-09-07	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.	Letter of Support sent 5-17-07
		In Assembly Appropriations Committee	Proposed Law: This bill would prohibit the selling, use, or distribution of polystyrene food containers at University of California campuses, State Mental Hospitals, and California prisons on condition it is approved by the Board of Regents or the Department of Corrections.	
AB 904	Feuer	Amended 6-01-07	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.	Letter of Support for 4-11-07 version sent 6-11-07
		In Assembly Appropriations Committee Inactive File	Proposed Law: Enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act, which prohibits a food service provider from distributing disposable food packaging unless the packaging is recyclable or recovered for composting at a 25% rate statewide.	
AB 1018	Emerson	Introduced 2-22-07	Existing Law: Any unauthorized discharge of waste into the waters of the State must be abated in compliance with the local Regional Water Quality Control Board or the State Water Resources Control Board requirements.	
		In Assembly	Proposed Law: This Spot bill would make technical non-substantive changes relating to the above issue.	
AB 1023	Desaulnier	Amended 4-16-07	Existing Law: Manufacturers of specified plastic trash bags (excluding grocery bags) must incorporate post consumer plastic material in their bags (10% of the bag weight) or in all its plastic products (30% of the total weight).	Concern
		In Senate Environmental Quality Committee	Proposed Law: Exempts manufacturers of compostable and biodegradable trash bags from California's recycled-content requirements for plastic trash bags.	
AB 1058	Laird	Amended 3-29-07	Existing Law: Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.	
		In Assembly Appropriations Committee	Proposed Law: This bill would require Cal EPA along with other state entities by July 1, 2009, to coordinate, develop, adopt, and make available a set of voluntary green building "best practices" for residential home construction, including measures for energy, water, materials, and resources efficiency, indoor environmental quality, and innovation and design processes.	

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AB 1075	Cook	Amended 3-28-07 In Assembly Natural Resources Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Up to 10% of the 50% diversion requirement can be met through biomass conversion provided certain conditions are met, including sending hazardous waste ash to a Class I Hazardous Waste Disposal Facility.</p> <p>Proposed Law: This bill would redefine that term “solid waste conversion” as a technology that produces a net reduction in the discharges of air contaminants or emissions. It would define the terms gasification as “solid waste conversion” and transformation as “incineration”.</p> <p><i>Previously</i>, this bill would have specified that the Class I Hazardous Waste Disposal Facility must be classified as such by the State Water Resources Control Board.</p>	Watch
AB 1109	Huffman	Amended 6-01-07 In Assembly Appropriations Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would create the California Lighting Efficiency and Toxics Reduction Act which would prohibit, on or after January 1, 2010, a person from selling or offering for sale general purpose lights that contain levels of hazardous substances prohibited by the European Union. It would require manufacturers of general purpose lights to establish a system to collect and recycle unwanted lights.</p>	Watch
AB 1150	Lieu	Introduced 2-23-07 In Assembly Natural Resources Committee	<p>Existing Law: “Transformation” is defined as incineration, pyrolysis, distillation or biological conversion other than composting.</p> <p>Proposed Law: This bill would revise the definition of “transformation” to mean incineration of solid waste, or the processing of solid waste through a non-combustion thermal, chemical, or biological process.</p>	Watch
AB 1183	Hancock	Amended 4-18-07 In Senate Environmental Quality Committee	<p>Existing Law: DTSC regulates hazardous waste in California.</p> <p>Proposed Law: This bill updates the means by which information maintained by the Department of Toxic Substances Control and the State Water Resources Control Board on contaminated sites throughout the state is made available to the public.</p>	
AB 1193	Ruskin	Amended 3-29-07 In Assembly Appropriations Committee	<p>Existing Law: Existing law prohibits a person from selling, offering to sell, or distributing for promotional purpose a mercury-added thermostat.</p> <p>Proposed Law: This bill would require manufacturers to create a collection and recycling program for mercury added thermostats.</p>	

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AB 1195	Torrico	Amended 5-14-07 In Assembly Appropriations Committee	<p>Existing Law: The Waste Board administers a used oil recycling incentive program which provides used oil collection centers/programs \$0.16/gallon for recycling used oil, and electric utilities \$0.16/gallon for generating electricity from used oil.</p> <p>Proposed Law: This bill would require a used oil generator, transporter, or transfer facility to analyze the oil by an accredited laboratory prior to shipment or recycling. It would require a generator to submit an annual report to the Waste Board regarding the out of state shipment of used oil, and require used oil recycling facilities that receive used oil to produce recycled oil.</p> <p><i>Previously</i>, this bill would have given the Waste Board discretion not to extend the used oil recycling incentive program to electric utilities.</p>	
AB 1207	Smyth	Introduced 2-23-07 In Assembly Natural Resources Committee	<p>Existing Law: The State Water Resources Control Board and the Regional Water Quality Control Board regulates the land application of biosolids.</p> <p>Proposed Law: This bill would require the Waste Board, in consultation with the State Water Resources Control Board, to develop regulations for the land application of biosolids by July 1, 2009. Local jurisdictions are prohibited from enacting any ordinance or restriction contrary to the Waste Boards regulations.</p>	Letter of Opposition sent 6-4-07
AB 1237	Hancock	Introduced 2-23-07 In Assembly Natural Resources Committee	<p>Existing Law: The Local Enforcement Agency and the Waste Board are required to conduct regular inspections of solid waste facilities. In addition, the Waste Board has 60 days to determine whether to concur or object to the issuance of a Solid Waste Facilities Permit. If the Waste Board objects, it must state its reasons for objecting based on substantial evidence in the record. No action taken is considered tacit concurrence.</p> <p>Proposed Law: This bill would require the LEA and Waste Board inspections to be unannounced. In addition, the Waste Board's 60-day review period would be extended to 90-days. No action taken would be considered tacit objection.</p>	Letter to Oppose unless Amended sent 5-17-07
AB 1391	Brownley	Amended 4-09-07 In Assembly Env. Safety & Toxic Materials Comm. Related Bill: AB 800	<p>Existing Law: State law requires the State Office of Emergency Services to be immediately notified when hazardous substances or sewage is discharged into the waters of the State.</p> <p>Proposed Law: This bill would expand the notification requirements and associated penalties for discharging hazardous substances, sewage, or other wastes into the waters of the State.</p>	

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AB 1428	Galgiani	Amended 5-17-07 In Senate Energy, Utilities, and Communication Committee	Existing Law: Under existing law, electrical corporations are required to provide eligible biogas digester customer-generators with net energy metering under a pilot program. Proposed Law: This bill expands an existing pilot project allowing net energy metering for customer-owned electric generation projects fueled by manure methane production (biogas digestion) by allowing an additional 20 megawatts (MW) statewide from manure-fueled projects using thermal decomposition, anaerobic digestion, or other means of conversion.	
AB 1447	Calderon	Amended 4-12-07 In Senate Environmental Quality Committee	Existing Law: No person, other than a certified appliance recycler, can remove materials that require special handling from major appliances, or transport/sell discarded major appliances to a scrap recycling facility, unless specific conditions are met. Proposed Law: This bill makes several changes to provisions governing the handling of hazardous waste and other materials removed from a major appliance before recycling or disposal of the appliance. It would allow appliance service technicians to remove refrigerants from major appliances, and expand the requirements for a certified appliance recycler.	
AB 1473	Feuer	Amended 4-11-07 In Senate Environmental Quality Committee	Existing Law: A solid waste facility cannot operate without a Solid Waste Facilities Permit. If the LEA determines that a facility is in violation of this requirement, the LEA must issue a cease and desist order. Proposed Law: This bill would authorize the LEA to stay their cease and desist order up to three years if the solid waste facility was in operation on or before January 1, 2007, accepts only source-separated materials for recycling, and makes a good faith effort in obtaining a SWFP. The bill sunsets January 1, 2012, or on the date the Waste Board adopts related regulations, whichever comes first.	Letter of Support sent 5-17-07
AB 1535	Huffman	Introduced 2-23-07 In Assembly Appropriations Committee Related Bill: AB 546	Existing Law: The Department of Toxic Substances Control regulates the sale of Covered Electronic Devices (e.g., TVs, computer monitors, laptop computers, and LCD/plasma TVs). A \$6 - \$10 recovery fee (depending on the screen size) is imposed on these CEDs to fund the collection and recycling of these CEDs. Proposed Law: This bill would expand the definition of CEDs to include a personal computer (e.g., a computer hard drive), and impose a \$6 recovery fee on each personal computer sold beginning July 1, 2008.	Support

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AB 1610	Nunez	Amended 6-06-07 In Assembly Utilities and Commerce Committee	<p>Existing Law: The Waste Board currently imposes a \$1.40 per ton fee (maximum rate authorized by law) on each solid waste disposed to fund most of their activities.</p> <p>Proposed law: Establishes the California Petroleum Refinery Facilities Standards Board (Board) and grants the Board in conjunction with the air pollution control and air quality management districts. This would grant the Board the ability to direct the local AQMD to inspect oil refineries.</p> <p>Previously, this bill would have authorized the Waste Board to increase the fee to \$2 per ton beginning July 1, 2007.</p>	Letter of Opposition for 2-23-07 version sent 4-19-07

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SB 55	Florez	Amended 4-30-07 In Senate Appropriations Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would:</p> <ul style="list-style-type: none"> • Require a publicly owned treatment works (POTW) to submit certification to the regional water quality control board regarding any sewage sludge that is transferred from a facility for disposal or further processing; • Require the sludge be certified to meet the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board; • Require any POTW to submit additional certification to sludge haulers certifying that the waste product is non-hazardous; and, <p><i>Previously</i>, the bill also required the POTW to indemnify the receiving party for any liability for remediation costs associated with sludge disposal or processing.</p>	Letter of Opposition sent 5-23-07
SB 74	Florez	Amended 5-02-07 In Senate Revenue and Taxation Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would exempt, through January 1, 2014, Sales and Use taxes related to the sale, storage, use, or other consumption of biodiesel fuel wholly or partly derived from agricultural products, vegetable oils, recycled greases, or animal fats, or the wastes of those products or fats.</p>	
SB 140	Kehoe	Amended 5-01-07 In Senate Appropriations Committee	<p>Existing Law: The Air Resources Board is required to conduct a comprehensive study on the impact of any regulations which establish a specification for motor vehicle fuel.</p> <p>Proposed Law: This bill would require the ARB to develop regulations requiring all diesel fuel sold to contain 2% renewable diesel (derived from vegetable oils, waste grease, or animal fat) one year after a mandated evaluation. Within two years of the effective date of the regulations, the renewable diesel blend would increase to 5%.</p>	Letter of Support sent 5-23-07

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SB 410	Simitian and Perata	Amended 5-31-07 In the Senate Appropriations Committee	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Commission administers a renewable energy program that provides “supplemental energy payments” to renewable energy producers to make renewable energy sources more competitive with nonrenewable sources.</p> <p>Proposed Law: This bill requires the California Energy Commission (CEC), in making awards from the Existing Renewable Resource Account (ERRA) to establish a specified production incentive and to make payments depending upon the availability of funding. Deletes the requirement that an existing facility generating electricity from biomass is eligible for funding only if it reports certain information on fuel usage to the CEC.</p>	
SB 411	Simitian	Amended 4-18-07 In Assembly Utilities and Commerce Committee	<p>Existing Law: Utilities are required to obtain 20% of their delivered power from renewable sources by 2010. The Energy Resources Conservation and Development Commission (commonly referred to as the California Energy Commission) administers a renewable energy program funded by a surcharge on consumers’ energy bills.</p> <p>Proposed Law: This bill would authorize the Commission to increase the 20% renewable energy requirement to 33% if it determines that it’s necessary to achieve the State’s greenhouse gas emission reduction targets by December 31, 2020.</p>	
SB 429	Ducheny	Introduced 4-21-07 In Senate Equalization Committee	<p>Existing Law: Cal-EPA, the Waste Board, Water Board, each regional water quality control board, and the Department of Toxic Substances Control to maintain a list of all instruments and agreements restricting land uses imposed by those agencies and would require the list to provide specified information.</p> <p>Proposed Law: This bill would require state agencies, including Cal EPA, and various local agencies, including a local solid waste enforcement agency, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action. The bill would authorize that department to refuse to issue a building, land use, or development-related permit unless the applicable entity reviews the permit application and approves the proposed activity, or proposes measures necessary to protect the public.</p>	
SB 529	Migden	Amended 3-28-07 In Assembly Natural Resources Committee	<p>Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills.</p> <p>Proposed Law: This bill would require the Waste Board to make a recommendation to the Legislature on the feasibility of establishing a tradable credit system for the purpose of meeting the requirements of Section 42310 that 25 percent of a rigid plastic packing containers sold in the state be made from post consumer recycled material.</p>	

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SB 585	Lowenthal	Introduced 2-22-07 In Senate Transportation and Housing Committee	Existing Law: Existing law authorizes the use of recycled concrete if the user has been fully informed that the concrete may contain recycled concrete materials.	
			Proposed Law: The bill would require the CalTrans to annually report on the amount of recycled concrete materials they used in the prior fiscal year. The bill would also require CalTrans to conduct workshops for public works professionals on using recycled concrete materials.	
SB 697	Wiggins	Amended 4-19-07 In Assembly Rules Committee	Existing Law: State agencies are required to purchase specified recycled-content products, including mulch and recycled compost. In addition, the Department of General Services, in consultation with the Waste Board, develops the specifications for the purchase of compost by State agencies.	Support
			Proposed Law: The bill would require that CalTrans by April 1, 2009, develop a 10-year plan to increase the use of mulch, compost, and mulch products in the state's highway landscape maintenance program while phasing out the usage of pesticides and chemical fertilizers. It would require that a report be provided on the contents of the plan by April 1, 2009.	
SB 735	Wiggins	Amended 6-04-07 In Senate Appropriations Committee	Existing Law: Existing law requires the Director of Transportation, in consultation with the California Integrated Waste Management Board, to review and modify bid specifications related to the purchase of paving materials, and base, subbase, and pervious backfill materials, using recycled materials.	
			Proposed Law: This bill would require CalTrans to track the use of recycled materials in its projects. It would require that CalTrans report to the Legislature on January 1, 2010 and biennially thereafter on the use of recycled materials that it is required to track.	
SB 826	Padilla	Amended 6-04-07 In Senate Appropriations Committee	Existing Law: The Waste Board establishes the State's minimum standards for solid waste facilities, including the design, operation, maintenance, and reuse of these facilities.	
			Proposed Law: This bill would require the Waste Board to adopt state minimum standards to identify and mitigate environmental justice impacts in disproportionately affected communities in which solid waste facilities are located. It would also prohibit the Board from issuing a solid waste facilities permit unless the Board provides a 65 day advance notice in the most commonly spoken languages within the vicinity. Moreover, the bill would extend the time period in which the Waste Board may concur or object to 90 days.	

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Bill	Author	Status	Summary	Task Force Position
SB 842	Scott	Introduced 2-23-07 In Senate Environmental Quality Committee	<p>Existing Law: "Gasification" is the non-combustion thermal processing of waste using heat, pressure, and steam to convert materials directly into a gas for electricity generation.</p> <p>To qualify for diversion credit, a gasification facility must:</p> <ul style="list-style-type: none"> • Not use air or oxygen in the conversion process • Not discharge air contaminants or emissions • Not discharge to surface or groundwater • Not produce hazardous waste • Remove all recyclable materials and marketable green waste materials to the maximum extent feasible • Be in compliance with all applicable laws, regulations, and ordinances • Any jurisdiction using the facility must have a 30% diversion rate <p>Proposed Law: This bill would authorize a gasification facility's discharge of air contaminants or emissions to be regulated by the State Air Resources Board or Air Quality Management Districts rather than having an absolute zero threshold.</p>	Letter of Support sent 5-17-07
SB 898	Simitian	Amended 5-08-07 In Senate Appropriations Committee	<p>Existing Law: The Waste Board administers a program for the cleanup of solid waste disposal sites and the cleanup of co-disposal sites where the responsible party cannot be identified or is unable/unwilling to pay for the site's remediation.</p> <p>Under the program, an activity to remove/abate solid waste disposed into the municipal storm sewer is eligible for partial grant funding.</p> <p>Proposed Law: This bill clarifies that the public entity conducting the above activity must have a program to prevent the recurrence of solid waste disposal into municipal storm sewers, and would add an additional code of "0" or "PLA" for rigid plastic containers made with polylactic acid. It would additionally require the California Coastal Commission and the Department of Fish and Game to provide guidelines and programs for the removal and disposal of derelict fishing gear, and programs to improve waste management of derelict fishing gear by marina and vessel operators in marinas and harbors.</p>	

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
June 14, 2007**

Bill	Author	Status	Summary	Task Force Position
SB 899	Simitian	Amended 3-26-07 In Assembly Environmental Safety and Toxic Materials Committee	Existing Law: Current law generally prohibits the manufacture, processing or distribution of products containing more than a specified amount of polybrominated diphenyl ether (PBDES). Proposed Law: This bill would phase out the use of plastic products that contain toxic materials such as styrene, bisphenol-A, perfluorocotanoic acid, vinyl chloride, nonylphenols, and alkylphenols. It would prohibit a person by June 1, 2008 from manufacturing, processing or distributing a product containing perfluorinated compounds or chemicals that degrade in the environment.	
SB 966	Simitian and Kuehl	Amended 4-30-07 In Assembly Health Committee	Existing Law: AB 939 requires local jurisdictions to implement a plan to manage household hazardous waste, including unwanted pharmaceutical drugs. Proposed Law: This bill would require every retailer selling drugs to have in place a system for drug collection for proper disposal by July 1, 2008. Retailers, defined as having 10,000 sq. ft of retail space or being a supermarket entity, would be required to also provide customers with information on drug-recycling or drug return opportunities.	Support
SB 1016	Wiggins	Amended 4-10-07 In Assembly Natural Resources Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. In determining compliance with AB 939, the State's diversion rate measurement system is used. The System has been found to be inaccurate, often resulting in non-representative diversion rates for jurisdictions. Proposed Law: This bill would authorize the Waste Board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal to submit biennially information required in the Waste Board's annual report. If either the city or county subsequently fails to divert 50% of the solid waste, or if the Board rescinds the authorization, the city or county would be required to submit the report annually.	Watch
SB 1020	Padilla	Amended 4-09-07 In Senate Appropriations Committee	Existing Law: AB 939 requires local jurisdictions to divert 50% of all solid waste destined to landfills. Failure to comply may subject the jurisdiction to penalties of up to \$10,000 per day. Proposed Law: This bill would require on and after January 1, 2012, that a city or county divert from landfill disposal or transformation no less than 75% of all solid waste, through source reduction, recycling, and composting activities, unless a time extension is granted by the Waste Board.	Letter of Opposition sent 4-18-07

**STATUS OF STATE LEGISLATIVE BILLS PRESENTED TO THE
LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2007-2008 SESSION
June 14, 2007**

Bill	Author	Status	Summary	Task Force Position
SB 1021	Padilla	Amended 5-24-07 In Senate Appropriations Committee	Existing Law: The California Beverage Container Recycling and Litter Reduction Act requires the Department of Conservation to implement a Statewide beverage container recycling program, including providing grant funding to local governments and non-profit agencies. Proposed Law: This bill would, for calendar year 2008, make available \$15 million in grant funding to local governments and non-profit agencies to place source separated beverage container recycling containers at multifamily homes.	Watch

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 118

Introduced by Assembly Member Nunez

January 9, 2007

An act to add Chapter 8.9 (commencing with Section 44270) to Part 5 of Division 26 of the Health and Safety Code, relating to fuels. An act to amend Section 16428.3 of the Government Code, to amend, repeal, and add Section 44060 of, and to add Chapter 8.9 (commencing with Section 44270) to Part 5 of Division 26 of, the Health and Safety Code, to add Section 25620.16 to the Public Resources Code, and to amend, repeal, and add Sections 9250, 9261, 9853, 14900, and 14900.1 of the Vehicle Code, relating to fuels.

LEGISLATIVE COUNSEL'S DIGEST

AB 118, as amended, Nunez. Alternative fuels and vehicle technologies: funding programs.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Under existing law, the state board, in conjunction with other state agencies, is required to develop and adopt a state plan to increase the use of alternative fuels, as defined.

This bill would create the Air Quality Improvement Program, *to be* administered by the state board, to fund air quality improvement

projects, upon appropriation by the Legislature, relating to fuel and vehicle technologies. The bill *would create the Air Quality Improvement Fund, and would require the state board to expend the moneys in that fund, upon appropriation by the Legislature, for eligible air quality improvement projects and programs.*

The bill would also create the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Program, to be administered by the State Energy Resources Conservation and Development Commission, to provide, upon appropriation by the Legislature, grants and revolving loans to—state public agencies, California-based businesses, public-private partnerships, vehicle and technology consortia, and academic institutions to develop innovative technologies that transform California’s fuel and vehicle types. The commission would be required to establish an advisory body to develop investment strategies to help implement this program.

The bill would create the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Fund (Alternative Fund), and would require the commission to expend the moneys in the Alternative Fund, upon appropriation by the Legislature, for eligible projects under the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Program. The bill would transfer to the Alternative Fund specified settlement funds in the amount of \$30,000,000, and would also transfer \$6,500,000 from the Motor Vehicle Account in the State Transportation Fund. The bill would require \$5,000,000 to be transferred annually to the Alternative Fund from the Public Interest Research, Development, and Demonstration Fund.

The bill, until January 1, 2016, would increase vehicle registration fees from \$31 to \$33, vessel registration fees from \$10 to \$20 and from \$20 to \$40, as applicable, specified service fees for identification plates from \$15 to \$20, and driver’s license fees from \$24 to \$25. The bill would require the additional revenue generated by those fee increases to be deposited in the Alternative Fund for the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Program. The bill, until January 1, 2016, would also increase smog abatement fees from \$12 to \$20, and would require half of the additional revenue generated by that fee increase to be deposited in the Air Quality Improvement Fund for the Air Quality Improvement Program and the other half of that additional revenue to be deposited in the Alternative Fund for the Alternative and Renewable Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Program.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) The California Global Warming Solutions Act of 2006
4 (Division 25.5 (commencing with Section 38500) of the Health
5 and Safety Code) requires California to reduce statewide
6 greenhouse gas emissions to 1990 levels by 2020.
- 7 (b) The transportation sector is responsible for approximately
8 40 percent of statewide greenhouse gas emissions.
- 9 (c) The State Energy Resources Conservation and Development
10 Commission (Energy Commission) in its Integrated Energy Policy
11 Report recommends that alternative fuels comprise 20 percent of
12 on-road motor vehicle fuels by 2020.
- 13 (d) The State Air Resources Board is currently developing a
14 “low-carbon” fuel standard for transportation fuels to reduce the
15 carbon intensity of transportation fuels by 10 percent by 2020.
- 16 (e) The Energy Commission will adopt a state alternative fuel
17 implementation plan by June 30, 2007, to increase the use of
18 alternative transportation fuels by recommending policies and
19 financial incentives, and identifying barriers to alternative fuel
20 use.
- 21 (f) Investing in the development of innovative and pioneering
22 technologies will assist California in achieving the 2020 statewide
23 limit on emissions of greenhouse gases.
- 24 (g) Research, development, and commercialization of alternative
25 fuels and vehicle technologies in California have the potential to
26 strengthen California’s economy by providing job growth and
27 helping to reduce the state’s vulnerability to petroleum price
28 volatility.
- 29 (h) This act will provide ongoing funding for alternative fuel
30 and vehicle technology research, development, demonstration, and
31 deployment in order to advance the state’s leadership in clean
32 technologies, meet the state’s clean air and greenhouse gas
33 emission reduction standards, develop public-private partnerships,
34 and ensure *a an affordable, reliable fuel supply.*

1 (i) This act will ensure that research is conducted to evaluate
2 the air quality impacts of alternative fuels and to establish clear
3 criteria to prevent net increases in criteria air pollutants and air
4 toxics.

5 (j) This act will be implemented in a manner to ensure the fair
6 treatment of people of all races, cultures, and income levels,
7 including minority populations and low-income populations of the
8 state.

9 (k) This act will provide funding consistent with the California
10 Global Warming Solutions Act of 2006, the Integrated Energy
11 Policy Report, the plan adopted pursuant to Section 43866 of the
12 Health and Safety Code, and other state goals and requirements.

13 *SEC. 2. Section 16428.3 of the Government Code is amended*
14 *to read:*

15 16428.3. (a) ~~Any~~ Except as provided in subdivision (b) of
16 Section 44273 of the Health and Safety Code, any energy settlement
17 agreement entered into by the Attorney General, after reimbursing
18 the Attorney General’s litigation and investigation expenses, to
19 the maximum extent possible, shall direct settlement funds to the
20 following purposes in priority order:

21 (1) To reduce ratepayer costs of those utility ratepayers harmed
22 by the actions of the settling parties. To the extent the ratepayers
23 of the investor-owned utilities were harmed, the settlement funds
24 shall be directed to reduce their costs, to the maximum extent
25 possible, through reduction of rates or the reduction of ratepayer
26 debt obligations incurred as a result of the energy crisis.

27 (2) For deposit in the fund.

28 (b) Nothing in this article shall preclude nonmonetary
29 compensation to the state through an energy settlement agreement,
30 provided that the allocation of benefits from any nonmonetary
31 compensation is consistent with paragraph (1) of subdivision (a).

32 *SEC. 3. Section 44060 of the Health and Safety Code is*
33 *amended to read:*

34 44060. (a) The department shall prescribe the form of the
35 certificate of compliance or noncompliance, repair cost waivers,
36 and economic hardship extensions.

37 (b) The certificates, repair cost waivers, and economic hardship
38 extensions shall be in the form of an electronic entry filed with the
39 department, the Department of Motor Vehicles, and any other
40 person designated by the department. The department shall ensure

1 that the motor vehicle owner or operator is provided with a written
2 report, signed by the licensed technician who performed the
3 inspection, of any test performed by a smog check station,
4 including a pass or fail indication, and written confirmation of the
5 issuance of the certificate.

6 (c) (1) The department shall charge a fee to a smog check
7 station, including a test-only station, and a station providing referee
8 functions, for a motor vehicle inspected at that station that meets
9 the requirements of this chapter and is issued a certificate of
10 compliance, a certificate of noncompliance, repair cost waiver, or
11 economic hardship extension.

12 (2) The fee charged pursuant to paragraph (1) shall be calculated
13 to recover the costs of the department and any other state agency
14 directly involved in the implementation, administration, or
15 enforcement of the motor vehicle inspection and maintenance
16 program, and shall not exceed the amount reasonably necessary
17 to fund the operation of the program, including all responsibilities,
18 requirements, and obligations imposed upon the department or
19 any of those state agencies by this chapter, that are not otherwise
20 recoverable by fees received pursuant to Section 44034.

21 (3) Except for adjustments to reflect changes in the Consumer
22 Price Index, as published by the United States Bureau of Labor
23 Statistics, the fee for each certificate, waiver, or extension shall
24 not exceed seven dollars (\$7).

25 (4) Fees collected by the department pursuant to this subdivision
26 shall be deposited in the Vehicle Inspection and Repair Fund. It
27 is the intent of the Legislature that a prudent surplus be maintained
28 in the Vehicle Inspection and Repair Fund.

29 (d) (1) Motor vehicles exempted under paragraph (4) of
30 subdivision (a) of Section 44011 shall be subject to an annual smog
31 abatement fee of ~~twelve dollars (\$12)~~ *twenty dollars (\$20)*. The
32 department may also, by regulation, subject motor vehicles that
33 are exempted under paragraph (5) of subdivision (a) of Section
34 44011 to the ~~twelve dollar (\$12)~~ *twenty dollars (\$20)* annual smog
35 abatement fee. Payment of the annual smog abatement fee shall
36 be made to the Department of Motor Vehicles at the time of
37 registration of the motor vehicle.

38 (2) (A) Except as provided in subdivision (a) of Section
39 44091.1 *and subparagraph (B)*, fees collected pursuant to this

1 subdivision shall be deposited on a daily basis into the Vehicle
2 Inspection and Repair Fund.

3 (B) (i) *Of the total amount of each fee collected pursuant to*
4 *paragraph (1), four dollars (\$4) shall be deposited into the Air*
5 *Quality Improvement Fund created by Section 44270.6.*

6 (ii) *Of the total amount of each fee collected pursuant to*
7 *paragraph (1), four dollars (\$4) shall be deposited into the*
8 *Alternative and Renewable Fuel, Vehicle Technology, Carbon*
9 *Reduction, and Clean Air Fund created by Section 44273.*

10 (e) The sale or transfer of the certificate, waiver, or extension
11 by a licensed smog check station or test-only station to any other
12 licensed smog check station or to any other person, and the
13 purchase or acquisition of the certificate, waiver, or extension, by
14 any person, other than from the department, the department's
15 designee, or pursuant to a vehicle's inspection or repair conducted
16 pursuant to this chapter, is prohibited.

17 (f) Following implementation of the electronic entry certificate
18 under subdivision (b), the department may require the modification
19 of the analyzers and other equipment required at smog check
20 stations to prevent the entry of a certificate that has not been issued
21 or validated through prepayment of the fee authorized by
22 subdivision (c).

23 (g) The fee charged by licensed smog check stations to
24 consumers for a certificate, waiver, or extension shall be the same
25 amount that is charged by the department.

26 (h) *This section shall remain in effect only until January 1, 2016,*
27 *and as of that date is repealed, unless a later enacted statute, that*
28 *is enacted before January 1, 2016, deletes or extends that date.*

29 SEC. 4. *Section 44060 is added to the Health and Safety Code,*
30 *to read:*

31 44060. (a) *The department shall prescribe the form of the*
32 *certificate of compliance or noncompliance, repair cost waivers,*
33 *and economic hardship extensions.*

34 (b) *The certificates, repair cost waivers, and economic hardship*
35 *extensions shall be in the form of an electronic entry filed with the*
36 *department, the Department of Motor Vehicles, and any other*
37 *person designated by the department. The department shall ensure*
38 *that the motor vehicle owner or operator is provided with a written*
39 *report, signed by the licensed technician who performed the*
40 *inspection, of any test performed by a smog check station, including*

1 a pass or fail indication, and written confirmation of the issuance
2 of the certificate.

3 (c) (1) The department shall charge a fee to a smog check
4 station, including a test-only station, and a station providing
5 referee functions, for a motor vehicle inspected at that station that
6 meets the requirements of this chapter and is issued a certificate
7 of compliance, a certificate of noncompliance, repair cost waiver,
8 or economic hardship extension.

9 (2) The fee charged pursuant to paragraph (1) shall be
10 calculated to recover the costs of the department and any other
11 state agency directly involved in the implementation,
12 administration, or enforcement of the motor vehicle inspection
13 and maintenance program, and shall not exceed the amount
14 reasonably necessary to fund the operation of the program,
15 including all responsibilities, requirements, and obligations
16 imposed upon the department or any of those state agencies by
17 this chapter, that are not otherwise recoverable by fees received
18 pursuant to Section 44034.

19 (3) Except for adjustments to reflect changes in the Consumer
20 Price Index, as published by the United States Bureau of Labor
21 Statistics, the fee for each certificate, waiver, or extension shall
22 not exceed seven dollars (\$7).

23 (4) Fees collected by the department pursuant to this
24 subdivision shall be deposited in the Vehicle Inspection and Repair
25 Fund. It is the intent of the Legislature that a prudent surplus be
26 maintained in the Vehicle Inspection and Repair Fund.

27 (d) (1) Motor vehicles exempted under paragraph (4) of
28 subdivision (a) of Section 44011 shall be subject to an annual
29 smog abatement fee of twelve dollars (\$12). The department may
30 also, by regulation, subject motor vehicles that are exempted under
31 paragraph (5) of subdivision (a) of Section 44011 to the twelve
32 dollar (\$12) annual smog abatement fee. Payment of the annual
33 smog abatement fee shall be made to the Department of Motor
34 Vehicles at the time of registration of the motor vehicle.

35 (2) Except as provided in subdivision (a) of Section 44091.1,
36 fees collected pursuant to this subdivision shall be deposited on a
37 daily basis into the Vehicle Inspection and Repair Fund.

38 (e) The sale or transfer of the certificate, waiver, or extension
39 by a licensed smog check station or test-only station to any other
40 licensed smog check station or to any other person, and the

1 *purchase or acquisition of the certificate, waiver, or extension, by*
 2 *any person, other than from the department, the department's*
 3 *designee, or pursuant to a vehicle's inspection or repair conducted*
 4 *pursuant to this chapter, is prohibited.*

5 (f) *Following implementation of the electronic entry certificate*
 6 *under subdivision (b), the department may require the modification*
 7 *of the analyzers and other equipment required at smog check*
 8 *stations to prevent the entry of a certificate that has not been issued*
 9 *or validated through prepayment of the fee authorized by*
 10 *subdivision (c).*

11 (g) *The fee charged by licensed smog check stations to*
 12 *consumers for a certificate, waiver, or extension shall be the same*
 13 *amount that is charged by the department.*

14 (h) *This section shall become operative on January 1, 2016.*

15 ~~SEC. 2.~~

16 SEC. 5. Chapter 8.9 (commencing with Section 44270) is
 17 added to Part 5 of Division 26 of the Health and Safety Code, to
 18 read:

19

20 CHAPTER 8.9. ALTERNATIVE FUEL, CLEAN AIR, AND CARBON
 21 REDUCTION PROGRAMS

22

23 44270. This chapter shall be known, and may be cited, as the
 24 California Alternative and Renewable Fuel, Vehicle Technology,
 25 Clean Air, and Carbon Reduction Act of 2007.

26 44270.3. For the purposes of this chapter, the following terms
 27 have the following meanings:

28 (a) "Alternative fuel" means a nonpetroleum fuel, including,
 29 but not limited to, electricity, ethanol, biodiesel, methanol, or
 30 natural gas that, when used in vehicles, has demonstrated to the
 31 satisfaction of the state board, to have the ability to meet applicable
 32 vehicular emission standards. For the purpose of this chapter,
 33 alternative fuel may also include petroleum fuel blended with
 34 nonpetroleum constituents.

35 (b) "Commission" means the State Energy Resources
 36 Conservation and Development Commission.

37 (c) "Full fuel-cycle assessment" or "*life-cycle assessment*"
 38 means evaluating and comparing the full environmental and health
 39 impacts of each step in the life cycle of a fuel, including, but not
 40 limited to, all of the following:

- 1 (1) Feedstock production, extraction, transport, and storage.
- 2 (2) Fuel production, distribution, transport, and storage.
- 3 (3) Vehicle operation, including refueling, combustion,
- 4 conversion, *permeation*, and evaporation.

5 44270.5. (a) The Air Quality Improvement Program is hereby
6 created to fund, upon appropriation by the Legislature, air quality
7 improvement projects relating to fuel and vehicle technologies not
8 addressed by the Carl Moyer Memorial Air Quality Standards
9 Attainment Program created by Chapter 9 (commencing with
10 Section 44275). The program shall be administered by the state
11 board in coordination with the commission, and other state agencies
12 that the state board deems appropriate.

13 (b) Projects to be funded by the Air Quality Improvement
14 Program shall include, but not be limited to, all of the following:

15 (1) Off-road equipment projects that contemplate action not
16 required by control measures adopted by the state board or any
17 other laws, to mitigate for criteria air pollutant and toxic air
18 contaminant emissions.

19 (2) Projects that provide mitigation for air pollution resulting
20 from on-road emissions prior to 2012 that were associated with
21 permeation or hydrocarbon emissions or oxides of nitrogen
22 emissions that occurred as a result of the phase out of methyl
23 tertiary-butyl ether (MTBE) and its replacement with ethanol.

24 (3) *Projects that provide mitigation for off-road gasoline exhaust*
25 *and evaporative emissions not currently regulated by the state*
26 *board.*

27 ~~(3)~~

28 (4) Projects that provide research to determine the air quality
29 impacts of alternative fuels and projects that study the life-cycle
30 impacts of alternative fuels and conventional fuels, the emissions
31 of biofuel and advanced reformulated gasoline mixes, and air
32 pollution improvement and control technologies for use with
33 alternative fuels and vehicles.

34 ~~(4)~~

35 (5) Projects that augment the University of California's
36 Agricultural Extension Program for research to increase sustainable
37 biofuels production and improve the collection of biomass
38 feedstocks.

1 (6) *Incentives for small off-road equipment replacement to*
 2 *encourage consumers to replace internal combustion engine lawn*
 3 *and garden equipment.*

4 (7) *Incentives for heavy-duty vehicles and equipment mitigation,*
 5 *including all of the following:*

- 6 (A) *Lower emission schoolbus programs.*
- 7 (B) *Heavy-duty electric off-road equipment.*
- 8 (C) *Regional air quality improvement and attainment programs*
 9 *to assess the most impacted regions of the state.*

10 (c) The Air Quality Improvement Program may be used to
 11 augment the program created by Article 10 (commencing with
 12 Section 44100) of Chapter 5.

13 44270.6. *The Air Quality Improvement Fund is hereby created*
 14 *in the State Treasury, to be administered by the state board. The*
 15 *moneys in the Air Quality Improvement Fund, upon appropriation*
 16 *by the Legislature, shall be expended by the state board in*
 17 *accordance with Section 44270.5.*

18 44271. (a) There is hereby created the Alternative and
 19 Renewable Fuel, Vehicle Technology, Carbon Reduction, and
 20 Clean Air Program. The program shall be administered, in
 21 accordance with this chapter, by the commission in ~~coordination~~
 22 *partnership with the California Environmental Protection Agency*
 23 ~~and state board and in coordination with other state agencies~~
 24 *deemed appropriate by the commission.*

25 (b) *The state board shall adopt and submit to the commission*
 26 *criteria to ensure that the activities undertaken pursuant to the*
 27 *program complement, and do not interfere with, efforts to achieve*
 28 *and maintain federal and state ambient air quality standards and*
 29 *to reduce toxic air contaminant emissions.*

30 ~~(b)~~
 31 (c) (1) The program shall provide, upon appropriation by the
 32 Legislature, grants and revolving loans to ~~state public~~ agencies,
 33 *California-based businesses*, public-private partnerships, vehicle
 34 and technology consortia, and academic institutions to develop
 35 innovative technologies that transform California’s fuel and vehicle
 36 types to help attain the state’s climate change policies, without
 37 adopting any one preferred fuel or technology.

38 (2) The program shall provide funding complementary to
 39 ~~programs and projects that are market-based and to existing public~~

1 and private investments, including existing state programs that
2 further the goals of this chapter.

3 (e)

4 (d) The commission shall establish an advisory body to develop
5 investment strategies to help implement the Alternative and
6 Renewable Fuel, Vehicle Technology, Carbon Reduction, and
7 Clean Air Program. The advisory body shall have representatives
8 from the State Resources Agency, the Business, Transportation
9 and Housing Agency, the California Environmental Protection
10 Agency, fuel and vehicle technology consortia, environmental
11 organizations, consumer advocates, academic institutions, and
12 private industry.

13 (d)

14 (e) The commission, in coordination with the ~~California~~
15 ~~Environmental Protection Agency state board~~ and the advisory
16 body created pursuant to subdivision ~~(e)~~ (d), shall establish criteria
17 and priorities for the awarding of competitive grants based on an
18 applicant's use of private matching dollars, ability to support
19 existing and future state climate change policy, ability to provide
20 transformative technology advancements, ability to develop
21 innovative new technology solutions, and the promotion of
22 California-based technology firms, among other criteria. The
23 commission shall annually review priorities, guidelines, and other
24 criteria made by the commission, in coordination with the
25 ~~California Environmental Protection Agency state board~~ and the
26 advisory body.

27 44272. Projects to be funded by the Alternative and Renewable
28 Fuel, Vehicle Technology, Carbon Reduction, and Clean Air
29 Program shall include, but not be limited to, all of the following:

30 (a) Alternative and renewable fuel research and development
31 projects to improve and develop alternative and low-carbon fuels,
32 including ethanol, dimethyl ether, renewable diesel, natural gas,
33 and biomethane, among others, and their feedstocks that have high
34 potential for long-term or short-term commercialization.

35 (b) Alternative and renewable fuel deployment projects that
36 optimize fuels for existing and developing engine technologies,
37 production of alternative and low-carbon fuels in California, and
38 development of less carbon intensive processes for current fuels.

39 (c) Technology deployment projects to decrease the overall
40 impact of a fuel's life-cycle carbon footprint and sustainability.

1 (d) Alternative and renewable fuel infrastructure, fueling
2 stations, and equipment incentive projects, *including revolving*
3 *loans and grants to small- and medium-sized businesses for these*
4 *purposes.*

5 (e) Alternative and renewable fuel and efficient vehicle
6 technology research development projects for the improvement
7 and development of light-, medium- and heavy-duty vehicle
8 technologies that provide for better fuel efficiency, alternative fuel
9 usage and storage, or emission reductions, including propulsion
10 systems, light weight materials, energy storage, engine optimization
11 with a target particularly for renewable and low carbon fuels,
12 electronic and electrified components, hybrid technology, plug-in
13 hybrid technology, and fuel cell technology.

14 (f) Alternative and renewable fuel and efficient vehicle
15 technology deployment programs and projects for the
16 demonstration and deployment of vehicle technologies in California
17 that accelerate the commercialization of vehicle technology,
18 including buy-down programs for near-market and market-path
19 deployments.

20 (g) Revolving loans to small and medium size businesses for
21 medium- and heavy-duty vehicle fleets to retrofit existing fleets
22 with technologies that create higher fuel efficiencies, including
23 idle management technology and aerodynamic retrofits that
24 decrease fuel consumption.

25 (h) Alternative fuel and electric infrastructure projects that
26 promote infrastructure development connected with existing fleets,
27 public transit, and existing transportation corridors.

28 44273. (a) *The Alternative and Renewable Fuel, Vehicle*
29 *Technology, Carbon Reduction, and Clean Air Fund is hereby*
30 *created in the State Treasury, to be administered by the*
31 *commission. The moneys in the Alternative and Renewable Fuel,*
32 *Vehicle Technology, Carbon Reduction, and Clean Air Fund, upon*
33 *appropriation by the Legislature, shall be expended by the*
34 *commission in accordance with Sections 44271 and 44272.*

35 (b) (1) *For the purposes of this subdivision, "Williams*
36 *settlement funds" means any moneys obtained, and any interest*
37 *generated on the moneys, through the settlement of litigation with*
38 *The Williams Companies, Inc. and Williams Energy Marketing &*
39 *Trading Company, made and entered into as of November 11,*
40 *2002.*

1 (2) Notwithstanding Section 16428.3 of the Government Code
2 and any other provision of law, of the Williams settlement funds
3 deposited in the Ratepayer Relief Fund, the sum of thirty million
4 dollars (\$30,000,000) is hereby transferred to the Alternative and
5 Renewable Fuel, Vehicle Technology, Carbon Reduction, and
6 Clean Air Fund.

7 (c) The sum of six million five hundred thousand dollars
8 (\$6,500,000) is hereby transferred from the Motor Vehicle Account
9 in the State Transportation Fund to the Alternative and Renewable
10 Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Fund.

11 (d) Notwithstanding any other provision of law, the sum of five
12 million dollars (\$5,000,000) shall be transferred annually from
13 the Public Interest Research, Development, and Demonstration
14 Fund created by Section 384 of the Public Utilities Code to the
15 Alternative and Renewable Fuel, Vehicle Technology, Carbon
16 Reduction, and Clean Air Fund.

17 SEC. 6. Section 25620.16 is added to the Public Resources
18 Code, to read:

19 25620.16. Notwithstanding any other provision of law, the sum
20 of five million dollars (\$5,000,000) shall be transferred annually
21 from the Public Interest Research, Development, and
22 Demonstration Fund to the Alternative and Renewable Fuel,
23 Vehicle Technology, Carbon Reduction, and Clean Air Fund
24 created by Section 44273 of the Health and Safety Code.

25 SEC. 7. Section 9250 of the Vehicle Code is amended to read:

26 9250. (a) A registration fee of ~~thirty-one dollars~~ (\$31)
27 ~~thirty-three dollars~~ (\$33) shall be paid to the department for the
28 registration of every vehicle or trailer coach of a type subject to
29 registration under this code, except those vehicles that are expressly
30 exempted under this code from the payment of registration fees.

31 (b) The registration fee imposed under this section applies to
32 all vehicles described in Section 5004, whether or not special
33 identification plates are issued to that vehicle.

34 (c) Trailer coaches are subject to the fee provided in subdivision
35 (a) for each unit of the trailer coach.

36 (d) This section applies to all of the following:

37 (1) The initial or original registration, on or after January 1,
38 2004, of any vehicle not previously registered in this state.

39 (2) The renewal of registration of any vehicle for which the
40 registration period expires on or after January 1, 2004, regardless

1 of whether a renewal application was mailed to the registered
2 owner prior to January 1, 2004.

3 (3) Any renewal of a registration that expired on or before
4 December 31, 2003, but for which the fees are not paid until on
5 or after January 1, 2004.

6 (e) *Notwithstanding any other provision of law, of the total*
7 *amount of each fee collected pursuant to subdivision (a), two*
8 *dollars (\$2) shall be deposited into the Alternative and Renewable*
9 *Fuel, Vehicle Technology, Carbon Reduction, and Clean Air Fund*
10 *created by Section 44273 of the Health and Safety Code.*

11 (f) *This section shall remain in effect only until January 1, 2016,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before January 1, 2016, deletes or extends that date.*

14 SEC. 8. *Section 9250 is added to the Vehicle Code, to read:*

15 9250. (a) *A registration fee of thirty-one dollars (\$31) shall*
16 *be paid to the department for the registration of every vehicle or*
17 *trailer coach of a type subject to registration under this code,*
18 *except those vehicles that are expressly exempted under this code*
19 *from the payment of registration fees.*

20 (b) *The registration fee imposed under this section applies to*
21 *all vehicles described in Section 5004, whether or not special*
22 *identification plates are issued to that vehicle.*

23 (c) *Trailer coaches are subject to the fee provided in subdivision*
24 *(a) for each unit of the trailer coach.*

25 (d) *This section applies to all of the following:*

26 (1) *The initial or original registration, on or after January 1,*
27 *2004, of any vehicle not previously registered in this state.*

28 (2) *The renewal of registration of any vehicle for which the*
29 *registration period expires on or after January 1, 2004, regardless*
30 *of whether a renewal application was mailed to the registered*
31 *owner prior to January 1, 2004.*

32 (3) *Any renewal of a registration that expired on or before*
33 *December 31, 2003, but for which the fees are not paid until on*
34 *or after January 1, 2004.*

35 (e) *This section shall become operative on January 1, 2016.*

36 SEC. 9. *Section 9261 of the Vehicle Code is amended to read:*

37 9261. (a) *A service fee of ~~fifteen dollars (\$15)~~ twenty dollars*
38 *(\$20) shall be paid for an identification plate issued pursuant to*
39 *Section 5014. Publicly owned special construction equipment,*

1 cemetery equipment, special mobile equipment, logging vehicles,
2 and implements of husbandry are exempt from the service charge.

3 (b) A service fee of ~~fifteen dollars (\$15)~~ *twenty dollars (\$20)*
4 shall be paid for an identification plate issued pursuant to Section
5 5016.5.

6 (c) Upon application for the transfer of interest of an owner in
7 a piece of equipment, vehicle, or implement of husbandry identified
8 pursuant to Section 5014, the transferee shall pay a fee of ~~fifteen~~
9 ~~dollars (\$15)~~ *twenty dollars (\$20)*.

10 (d) A fee of ~~fifteen dollars (\$15)~~ *twenty dollars (\$20)* shall be
11 paid upon the renewal of an identification plate issued pursuant to
12 Section 5014 or 5016.5.

13 (e) *Notwithstanding any other provision of law, of the total*
14 *amount of each fee collected pursuant to this section, five dollars*
15 *(\$5) shall be deposited into the Alternative and Renewable Fuel,*
16 *Vehicle Technology, Carbon Reduction, and Clean Air Fund*
17 *created by Section 44273 of the Health and Safety Code.*

18 (f) *This section shall remain in effect only until January 1, 2016,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2016, deletes or extends that date.*

21 *SEC. 10. Section 9261 is added to the Vehicle Code, to read:*

22 9261. (a) *A service fee of fifteen dollars (\$15) shall be paid*
23 *for an identification plate issued pursuant to Section 5014. Publicly*
24 *owned special construction equipment, cemetery equipment, special*
25 *mobile equipment, logging vehicles, and implements of husbandry*
26 *are exempt from the service charge.*

27 (b) *A service fee of fifteen dollars (\$15) shall be paid for an*
28 *identification plate issued pursuant to Section 5016.5.*

29 (c) *Upon application for the transfer of interest of an owner in*
30 *a piece of equipment, vehicle, or implement of husbandry identified*
31 *pursuant to Section 5014, the transferee shall pay a fee of fifteen*
32 *dollars (\$15).*

33 (d) *A fee of fifteen dollars (\$15) shall be paid upon the renewal*
34 *of an identification plate issued pursuant to Section 5014 or 5016.5.*

35 (e) *This section shall become operative on January 1, 2016.*

36 *SEC. 11. Section 9853 of the Vehicle Code is amended to read:*

37 9853. (a) *The owner of each vessel requiring numbering by*
38 *this state shall file an initial application for a number with the*
39 *department or with an agent authorized by the department on forms*
40 *approved by the department. The forms shall be prepared in*

1 cooperation with the Department of Boating and Waterways. The
2 application shall contain the true name and address of the owner
3 and of the legal owner, if any, and the hull identification number
4 of the vessel as may be required by the department. The application
5 shall be signed by the owner of the vessel and shall be accompanied
6 by a fee of nine dollars (\$9), in addition to the fees required under
7 subdivision (b), except that an owner of a vessel registered outside
8 this state who is submitting an application for registration in this
9 state shall pay a fee of thirty-seven dollars (\$37), in addition to
10 the fees required under subdivision (b).

11 (b) (1) Whenever the fee for original registration of a vessel
12 becomes due between January 1 and December 31 of any
13 even-numbered year, the application shall be accompanied by a
14 fee of ~~ten dollars (\$10)~~ *twenty dollars (\$20)*, in addition to any
15 other fees that are then due and payable.

16 (2) Whenever the fee for original registration of a vessel
17 becomes due, or is filed with the department, between January 1
18 and December 31 of any odd-numbered year, the application shall
19 be accompanied by a fee of ~~twenty dollars (\$20)~~ *forty dollars (\$40)*
20 in addition to any other fees that are then due and payable.

21 (c) *Notwithstanding any other provision of law, of the total*
22 *amount of each fee collected pursuant subdivision (b), ten dollars*
23 *(\$10) shall be deposited into the Alternative and Renewable Fuel,*
24 *Vehicle Technology, Carbon Reduction, and Clean Air Fund*
25 *created by Section 44273 of the Health and Safety Code.*

26 (d) *This section shall remain in effect only until January 1, 2016,*
27 *and as of that date is repealed, unless a later enacted statute, that*
28 *is enacted before January 1, 2016, deletes or extends that date.*

29 SEC. 12. Section 9853 is added to the Vehicle Code, to read:

30 9853. (a) *The owner of each vessel requiring numbering by*
31 *this state shall file an initial application for a number with the*
32 *department or with an agent authorized by the department on*
33 *forms approved by the department. The forms shall be prepared*
34 *in cooperation with the Department of Boating and Waterways.*
35 *The application shall contain the true name and address of the*
36 *owner and of the legal owner, if any, and the hull identification*
37 *number of the vessel as may be required by the department. The*
38 *application shall be signed by the owner of the vessel and shall*
39 *be accompanied by a fee of nine dollars (\$9), in addition to the*
40 *fees required under subdivision (b), except that an owner of a*

1 vessel registered outside this state who is submitting an application
2 for registration in this state shall pay a fee of thirty-seven dollars
3 (\$37), in addition to the fees required under subdivision (b).

4 (b) (1) Whenever the fee for original registration of a vessel
5 becomes due between January 1 and December 31 of any
6 even-numbered year, the application shall be accompanied by a
7 fee of ten dollars (\$10), in addition to any other fees that are then
8 due and payable.

9 (2) Whenever the fee for original registration of a vessel
10 becomes due, or is filed with the department, between January 1
11 and December 31 of any odd-numbered year, the application shall
12 be accompanied by a fee of twenty dollars (\$20) in addition to any
13 other fees that are then due and payable.

14 (c) This section shall become operative on January 1, 2016.

15 SEC. 13. Section 14900 of the Vehicle Code is amended to
16 read:

17 14900. (a) Upon application for an original class C or M
18 driver's license, there shall be paid to the department a fee of
19 ~~twenty-four dollars (\$24)~~ *twenty-five dollars (\$25)* for a license
20 that will expire on the fifth birthday of the applicant following the
21 date of the application. The payment of the fee entitles the person
22 paying the fee to apply for a driver's license and to take three
23 examinations within a period of 12 months from the date of the
24 application or during the period that an instruction permit is valid,
25 as provided in Section 12509.

26 (b) In addition to the application fee specified in subdivision
27 (a), a person who fails to successfully complete the driving skill
28 test on the first attempt shall be required to pay an additional fee
29 of five dollars (\$5) for each additional driving skill test
30 administered under that application.

31 (c) The fee specified in subdivision (b) shall be collected in
32 conjunction with any application submitted on or after July 1,
33 2003.

34 (d) Notwithstanding any other provision of law, of the total
35 amount of each fee collected pursuant subdivision (a), one dollar
36 (\$1) shall be deposited into the Alternative and Renewable Fuel,
37 Vehicle Technology, Carbon Reduction, and Clean Air Fund
38 created by Section 44273 of the Health and Safety Code.

1 (e) *This section shall remain in effect only until January 1, 2016,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2016, deletes or extends that date.*

4 SEC. 14. *Section 14900 is added to the Vehicle Code, to read:*

5 14900. (a) *Upon application for an original class C or M*
6 *driver's license, there shall be paid to the department a fee of*
7 *twenty-four dollars (\$24) for a license that will expire on the fifth*
8 *birthday of the applicant following the date of the application. The*
9 *payment of the fee entitles the person paying the fee to apply for*
10 *a driver's license and to take three examinations within a period*
11 *of 12 months from the date of the application or during the period*
12 *that an instruction permit is valid, as provided in Section 12509.*

13 (b) *In addition to the application fee specified in subdivision*
14 *(a), a person who fails to successfully complete the driving skill*
15 *test on the first attempt shall be required to pay an additional fee*
16 *of five dollars (\$5) for each additional driving skill test*
17 *administered under that application.*

18 (c) *The fee specified in subdivision (b) shall be collected in*
19 *conjunction with any application submitted on or after July 1,*
20 *2003.*

21 (d) *This section shall become operative on January 1, 2016.*

22 SEC. 15. *Section 14900.1 of the Vehicle Code is amended to*
23 *read:*

24 14900.1. (a) *Except as provided in Sections 15250.6 and*
25 *15255.1, upon application for the renewal of a driver's license or*
26 *for a license to operate a different class of vehicle, there shall be*
27 *paid to the department a fee of ~~twenty-four dollars (\$24)~~ twenty-five*
28 *dollars (\$25) for a license that will expire on the fifth birthday of*
29 *the applicant following the date of the application. The payment*
30 *of the fee entitles the person paying the fee to apply for a driver's*
31 *license and to take three examinations within a period of 12 months*
32 *from the date of the application or during the period that an*
33 *instruction permit is valid, as provided in Section 12509.*

34 (b) *In addition to the application fee specified in subdivision*
35 *(a), a person who fails to successfully complete the driving skill*
36 *test on the first attempt shall be required to pay an additional fee*
37 *of five dollars (\$5) for each additional driving skill test*
38 *administered under that application.*

1 (c) The fee specified in subdivision (b) shall be collected in
2 conjunction with any application submitted on or after July 1,
3 2003.

4 (d) *Notwithstanding any other provision of law, of the total*
5 *amount of each fee collected pursuant subdivision (a), one dollar*
6 *(\$1) shall be deposited into the Alternative and Renewable Fuel,*
7 *Vehicle Technology, Carbon Reduction, and Clean Air Fund*
8 *created by Section 44273 of the Health and Safety Code.*

9 (e) *This section shall remain in effect only until January 1, 2016,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2016, deletes or extends that date.*

12 SEC. 16. Section 14900.1 is added to the Vehicle Code, to
13 read:

14 14900.1. (a) *Except as provided in Sections 15250.6 and*
15 *15255.1, upon application for the renewal of a driver's license or*
16 *for a license to operate a different class of vehicle, there shall be*
17 *paid to the department a fee of twenty-four dollars (\$24) for a*
18 *license that will expire on the fifth birthday of the applicant*
19 *following the date of the application. The payment of the fee entitles*
20 *the person paying the fee to apply for a driver's license and to*
21 *take three examinations within a period of 12 months from the*
22 *date of the application or during the period that an instruction*
23 *permit is valid, as provided in Section 12509.*

24 (b) *In addition to the application fee specified in subdivision*
25 *(a), a person who fails to successfully complete the driving skill*
26 *test on the first attempt shall be required to pay an additional fee*
27 *of five dollars (\$5) for each additional driving skill test*
28 *administered under that application.*

29 (c) *The fee specified in subdivision (b) shall be collected in*
30 *conjunction with any application submitted on or after July 1,*
31 *2003.*

32 (d) *This section shall become operative on January 1, 2016.*

Chang, Erayna

From: Mike Mohajer [mikemohajer@yahoo.com]
Sent: Saturday, May 19, 2007 7:45 PM
To: Ania.Garbien@SEN.CA.GOV; Elizabeth Huber
Cc: Karen Keene; Davis, Rachel; Dyson, Tamar; mikemohajer@yahoo.com; sjlegsac@pacbell.net; kross@cacities.org; cberg@govadv.com; pane@cwo.com; sweetster@aol.com; chelgi@worldnet.att.net; psmith@rcrcnet.org; karen.coca@lacity.org; Scott Smithline; cwhite1@wm.com; Levenson, Howard; Block, Elliot; Furey, Keir; Garbien, Ania; Mulé, Rosalie; Pecor, Jacqueline; Paul Yoder
Subject: RE: Follow-up to May 3 SB 1016 Meeting
Attachments: SB 1016 Draft Statute Changes 5-2.doc

For many years local governments across the state have been expressing their concerns with the inherent deficiencies of the State's Diversion Rate Measurement System. I would like to commend Senator Wiggins for authoring SB 1016 and the California Integrated Waste Management Board for sponsoring the Bill to address these deficiencies by recommending a "disposal rate measurement" and placing emphasis on waste diversion programs implementation and less on mathematical compliance.

I have reviewed the attached draft revisions to the Bill, dated May 2, 2007. For the purpose of discussion and consideration at our next meeting, I would like to offer the following general comments as well as a number of specific ones, with the suggested changes as shown on the attachment.

1. Update vs. Revision - There is a need to clearly define/distinguish any and all differences between a planning document "**update**" and "**revision**." There are a number of salutatory tools currently available to local jurisdictions for processing their planning document **revisions** with the CIWMB. These tools need to remain intact for all planning document **updates**. Also see Item 3, below, as well as the new Section 41770 (b) of the PRC.

2. Legislative Findings; Subdivisions 40001(e), (g) and (i) - As written, the proposal attempts to prohibit any increase in a countywide "baseline" disposal quantity due to increases in population, economic growth, etc. In effect, the proposal is mandating increases beyond 50% . Such a proposal would place a significant financial burden on cities and counties. Prior to an increase in the existing diversion rate of 50%, a cost/benefit analysis needs to be conducted by the CIWMB in conjunction with local governments and all other affected stakeholders that would substantiate such an increase. {Note: Also see proposed revision to Subdivisions 40912 (d) and new Subdivision 41774(a)}

3. Updating Planning Documents, Subdivision 41773 (e) - The proposal, in part, states "If the board determines that a jurisdiction's update is **deficient**, the board shall notify the jurisdiction of the **deficiencies** it has identified within 60 days and the jurisdiction shall submit a new update within 30 days." If a jurisdiction fails to comply, the CIWMB can proceed with the process of imposing monetary penalties (up to \$10,000 per day) on the jurisdiction pursuant to Sections 41812 and 41813 of the PRC. The recommended process doesn't even afford the jurisdiction the opportunity to appeal the case to the Board.....this seems to be a process of "command & control", and I hope this is not the goal of the the CIWMB. There must be tools available to jurisdictions to confer with CIWMB staff, as well as being able to appeal to the Board which are similar to those processes that are currently available to jurisdictions for revisions of their planning documents pursuant to provisions of the PRC, Sections 41810, 41810.1 and 41811.

4. County IWM Plan, Siting Element and Summary Plan - As proposed, each county, in consultation with the local task force, will remain responsible for the preparation and maintenance of the County Siting Element and the Summary Plan. As such, cities and regional agencies should be required to provide the county and the local task force with an electronic copy of each update of their SRRE, HHWE and Nondisposal Facility Element at the same time as each update is submitted to the CIWMB.

Looking forward to the upcoming meeting. In the meantime, should you have any questions pls feel free to contact me.

05/30/2007

Regards,

MIKE MOHAJER

mikemohajer@yahoo.com

P.O. Box 3334, San Dimas, CA 91773-7334

Phone: 909-592-1147

Cell: 626-437-7701

-----Original Message-----

From: Huber, Elizabeth [mailto:ehuber@CIWMB.ca.gov]

Sent: Wednesday, May 16, 2007 11:43 AM

To: Huber, Elizabeth

Cc: Pecor, Jacqueline; Mulé, Rosalie; Garbien, Ania; Furey, Keir; Block, Elliot; Levenson, Howard; cwhite1@wm.com; Scott Smithline; karen.coca@lacity.org; psmith@rcrcnet.org; chelgi@worldnet.att.net; sweetster@aol.com; pane@cw.com; cberg@govadv.com; kross@cacities.org; sjlegsac@pacbell.net; mikemohajer@yahoo.com; Dyson, Tamar; Davis, Rachel

Subject: Follow-up to May 3 SB 1016 Meeting

Hello all,

We want to thank you for your active participation in our May 3 meeting on SB 1016. This is a follow-up to an e-mailed request from Ania Garbien in Senator Wiggins' office for your comments, revisions, or any suggested amendments you may have.

Attached you will find the materials from the meeting. We would welcome your feedback at your earliest convenience, but preferably by Friday, May 18.

We are anticipating the follow-up meeting to occur on Thursday, June 7; further confirming details will soon follow in the coming week.

Once again, thank you all very much for your interest and participation.

Sincerely,
Elizabeth

Elizabeth Huber

Director of Legislative & External Affairs

California Integrated Waste Management Board

tel: 916-341-6288

fax: 916-319-7621

05/30/2007

DIVISION 30. WASTE MANAGEMENT

PART 1. INTEGRATED WASTE MANAGEMENT

Chapter 1. General Provisions

ARTICLE 1. FINDINGS AND DECLARATIONS

(Mike Mohajer's comments in bold, red &/or dbl strikethrough – 5/19/07)

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

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

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

(d) The statewide diversion rate for the year 2005 exceeds 50 percent, and jurisdictions throughout the state have set forth comprehensive arrays of programs to divert solid waste from disposal consistent with the waste management hierarchy.

(e) Adjustments to the ways in which diversion achievements are measured and evaluated need to be implemented to make the system more accurate, simplify it, and add additional emphasis to the implementation of those diversion programs consistent with the waste management hierarchy. The changes would also result in actual reductions in disposal by minimizing an increase in countywide disposal tons. ~~rather than allowing for increases in disposal commensurate with economic and population growth~~ See General Comments #2

(f) Simplifying the measurement system and moving from an annual report to biennial will allow jurisdictions to focus more resources on implementing programs and will allow the board to provide increased program assistance.

(g) Changing the existing system to a countywide disposal based measurement would increase data accuracy by eliminating the use of base-year generation, jurisdiction specific disposal data. ~~and population and economic growth adjustment factors~~. Using countywide disposal data would eliminate disposal allocation issues at the smaller jurisdiction levels. The board's review process would be expedited with the elimination of adjustment factor delays which currently extend the review timeline significantly. See General Comments #2

(h) Each jurisdiction must continue to implement diversion programs consistent with the waste management hierarchy of source reduction, recycling and composting to maintain the base tonnage disposal and the board will continue to review each jurisdiction's progress biennially. Using a countywide disposal threshold of maintaining 2006 disposal levels would provide an indicator of program effectiveness and would be used as a trigger for the type of biennial review (streamlined versus in-depth review of

program effectiveness), but by itself would not determine whether a jurisdiction has met their compliance requirements or achieved a good faith effort.

~~(i) As a result of increased population growth and economic activity, maintaining a baseline for disposal growth will create increased diversion of materials from landfills. Increased diversion will create economic benefits as markets are enhanced and facilities and infrastructure are developed, contributing to the local tax base and providing additional jobs. See General Comments #2~~

(j) Elizabeth to add intent language re: greenhouse gas

Chapter 2. Definitions

40105.5. "Base tonnage " means the countywide total tonnage of solid waste disposed of by all jurisdictions in a county during the year 2006, as determined by the board pursuant to Section 41780.2..

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

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

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

PART 2. INTEGRATED WASTE MANAGEMENT PLANS

Chapter 1. Plan Preparation

ARTICLE 1.5. BOARD ASSISTANCE IN LOCAL PLANNING

40912. (a) The board shall develop a model countywide or multi-county regional siting element and a model countywide or multi-county regional agency integrated waste management plan that will establish prototypes of the content and format that counties or multi-county regional agencies may use in meeting the requirements of this part.

(b) On or before July 1, 2001, the board shall develop a model revised source reduction and recycling element that will establish prototypes of the content and format of that element that cities, counties, multi-county regional agencies, or a city and county may use in meeting the requirements of this part.

(c) The board shall adopt a program to provide assistance to cities, counties, multi-county regional agencies, or a city and county in the development and implementation of source reduction and household hazardous waste programs. The program shall include, but not be limited to, the following:

(1) The development of model source reduction programs and strategies that may be used at the local and multi-county regional level.

(2) Ongoing analysis of public and private sector source reduction programs that may be provided to cities, counties, multi-county regional agencies, and a city and county in order to assist them in complying with Article 3 (commencing with Section 41050) of Chapter 2 and Article 3 (commencing with Section 41350) of Chapter 3.

(3) Assistance to cities, counties, multi-county regional agencies, and a city and county in the development of source reduction programs for commercial and industrial generators of solid waste that include the development of source reduction strategies designed for specific types of commercial and industrial generators.

(4) Assistance to cities, counties, multi-county regional agencies, and a city and county in the development of household hazardous waste programs that include models of successful programs.

(d) The board shall, to the maximum extent feasible, utilizing existing resources, provide local jurisdictions and private businesses with information, tools, and mathematical models to assist with maintaining base tonnage disposal pursuant to Section 41780. The board shall act as a solid waste information clearinghouse.

(e) (1) On or before April 1, 2003, and using existing resources, the board shall provide local jurisdictions and private businesses with information and models to assist with consideration of environmental justice concerns when complying with Section 41701.

(2) For the purposes of this subdivision, "environmental justice" has the meaning defined in subdivision (e) of Section 65040.12 of the Government Code.

ARTICLE 3. MULTI-COUNTY REGIONAL AGENCIES

40975. (a) Any agreement forming a multi-county regional agency shall be submitted to the board for review and approval at the time the multi-county regional agency integrated waste management plan is submitted to the board for review and approval.

(b) Any agreement forming a multi-county regional agency shall, at minimum, contain all of the following provisions:

(1) A listing of the cities and counties which are member agencies of the multi-county regional agency, and a description of the multi-county regional agency, including the name and address of the multi-county regional agency.

(2) Consistent with Section 40974, a description of the method by which any civil penalties imposed by the board pursuant to Sections 41813 and 41850 will be allocated among the cities or counties which are member agencies of the multi-county regional agency.

(3) A contingency plan which shows how each city or county which is a member agency of the multi-county regional agency will comply with the requirements of this part, including, but not limited to, Article 1 (commencing with Section 41780) of Chapter 6, in the event that the multi-county regional agency is abolished.

(4) A description of the duties and responsibilities of each city or county which is a member agency of the multi-county regional agency which demonstrates that the city or county will comply with Article 1 (commencing with Section 41780) of Chapter 6.

(5) A description of source reduction, recycling, and composting programs to be implemented by the multi-county regional agency. Those programs shall be at least as comprehensive and effective in meeting the requirements of Article 1 (commencing with Section 41780) of Chapter 6 as those which each city or county which is a member agency of the multi-county regional agency has proposed in its source reduction and recycling element.

(6) Any other additional element as determined to be needed by the cities or counties which are member agencies of the multi-county regional agency.

(c) The Board shall not approve a regional agency unless each city or county within the regional agency has been deemed in compliance with Section 41780. The inclusion of one or more newly incorporated cities, subject to the provisions of Section 41791.5, shall not be subject to the requirement of this section.

Chapter 2. ~~City~~ Source Reduction and Recycling Elements

ARTICLE 1. REQUIREMENTS

41000. (a) Each jurisdiction that prepared and adopted a source reduction and recycling element prior to January 1, 2008 shall maintain and update that element to ensure that it includes all information required in the board's model source reduction and recycling element adopted pursuant to section 40912. Except for the updates required by sections 41773 and 41774, nothing in this section is intended to require that an existing source reduction and recycling element be revised to reflect the format of the model source reduction and recycling element.

(b) Any jurisdiction that incorporates on or after January 1, 2008 shall prepare, adopt, and maintain a source reduction and recycling element in accordance with the board's model source reduction and recycling element.

(c) The board may revise the model source reduction and recycling element, as necessary, after a public hearing, and in consultation with jurisdictions. The model source reduction and recycling element shall require jurisdictions to set forth a plan for implementing programs to meet the requirements of Section 41780.

(a) On or before July 1, 1992, each city shall prepare, adopt, and, excepting a city and county, submit to the county in which the city is located a source reduction and recycling element which includes all of the components specified in this chapter and which complies with the requirements specified in Chapter 6 (commencing with Section 41780).

(b) Notwithstanding subdivision (a), if a city determines that it is unable to comply with the deadline established under subdivision (a) and unable to comply with Division 13 (commencing with Section 21000), to the extent that division requires the preparation and certification of an environmental impact report for the element, the city shall do all of the following:

(1) On or before July 1, 1992, the city shall adopt a resolution stating the reasons it is unable to comply with the deadline established under subdivision (a) and to complete and certify the environmental impact report for the element. The resolution shall also state a date when the city will comply with the deadline established under subdivision (a) and complete and certify the environmental impact report for the element.

(2) On or before July 1, 1992, the city shall submit its draft source reduction and recycling element and a copy of the resolution adopted pursuant to paragraph (1) to the county within which the city is located.

(3) Upon completion and certification of the environmental impact report for the source reduction and recycling element, or December 1, 1992, whichever is sooner, the city shall submit its final source reduction and recycling element to the county.

41001. The city source reduction and recycling element shall include a program for management of solid waste generated within the city, consistent with the waste management hierarchy provided in Section 40051.

41002. The city source reduction and recycling element shall place primary emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted.

41003. Each city source reduction and recycling element shall include, but is not limited to, all of the following components for solid waste generated in the jurisdiction of the plan:

- (a) A waste characterization component.
- (b) A source reduction component.
- (c) A recycling component.
- (d) A composting component.
- (e) A solid waste facility capacity component.
- (f) An education and public information component.
- (g) A funding component.
- (h) A special waste component.

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

41030. (a) For the initial source reduction and recycling element of a countywide integrated waste management plan which is required to be submitted to the board pursuant to Section 41791, the city waste characterization component shall identify the constituent materials which comprise the solid waste generated within the city. The information shall be representative of the solid waste generated within, and disposed of by, the city and shall reflect seasonal variations. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation, which includes residential, commercial, industrial, governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.

(b) In adopting or revising regulations implementing subdivision (a), the board shall do all of the following:

(1) Permit the use of studies or data developed on a county or multi-county regional basis and adapted to the conditions which exist in a city preparing its waste characterization component.

(2) Permit the use of preexisting data or studies, including those data and studies prepared by local governments with similar waste characteristics.

(3) Require only that amount of seasonal sampling, and waste characterization only of those categories of waste, necessary to achieve the diversion requirements of paragraph (1) of subdivision (a) of Section 41780.

41031. Any waste characterization component prepared by a city pursuant to Section 41030, and any other information submitted by a city to the board on the quantities of solid waste generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.

41032. For the first revision, and any subsequent revision, of a source reduction and recycling element of a countywide integrated waste management plan which is required to be submitted to the board pursuant to Section 41770, the city waste characterization component shall identify the constituent materials which comprise the solid waste disposed of by the city. The information shall be statistically representative of the solid waste disposed of by the city and shall reflect seasonal variations. The constituent materials shall be identified, to the extent practicable, by volume, percentage in weight, or its volumetric equivalent, material type, and source of generation, which includes residential, commercial, industrial, governmental, or other sources.

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

ARTICLE 3. SOURCE REDUCTION COMPONENT

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

41051. The city source reduction component shall describe the types of materials which will be reduced under the programs in Section 41050.

41052. The city source reduction component shall describe the methods the city will use to determine the categories of solid wastes to be diverted from disposal at a landfill disposal through source reduction.

41053. The city source reduction component shall describe new facilities, and of expansion of existing facilities, which will be needed to implement the source reduction component.

41054. The city source reduction component shall evaluate and identify rate structures and fees to reduce the amount of wastes that generators produce, and other source reduction strategies, including, but not limited to, programs and economic incentives to reduce the use of nonrecyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials.

ARTICLE 4. RECYCLING COMPONENT

41070. The city recycling component shall include a program and implementation schedule which shows the methods by which the city will, in combination with the source reduction and composting

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components, reduce a sufficient amount of solid waste disposed of by the city to comply with the diversion requirements of Section 41780.

41071. The city recycling component shall describe the types of materials which will be recycled under the programs in Section 41070.

41072. The city recycling component shall describe the methods the city will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through recycling.

41073. The city recycling component shall describe new facilities, and of expansion of existing facilities, which will be needed to implement the recycling component.

41074. The city recycling component shall describe methods which will be used to increase the markets for recycled materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each city may grant a price preference to encourage the purchase of recycled products. The amount of the price preference shall be determined by the city.

41075. The city recycling component shall evaluate industrial, commercial, residential, governmental, and other curbside, mobile, dropoff, and buy-back recycling programs, manual and automated material recovery facilities, zoning and building code changes which encourage recycling of materials, and rate structures which encourage recycling of materials.

ARTICLE 5. COMPOSTING COMPONENT

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

41201. The city composting component shall describe the types of materials which will be composted under the programs in Section 41200.

41202. The city composting component shall describe the methods the city will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through composting.

41203. The city composting component shall describe any new facilities, and expansion of existing facilities, which will be needed to implement the composting component.

41204. The city composting component shall describe the methods which will be used to increase the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of composted products. Each city may grant a price preference to encourage the purchase of composted products. The amount of the price preference shall be determined by the city.

ARTICLE 6. EDUCATION AND PUBLIC INFORMATION COMPONENT

41220. The city education and public information component shall describe to the board how the city will increase public awareness of, and participation in, recycling, source reduction, and composting programs.

ARTICLE 7. FUNDING COMPONENT

41230. The city funding component shall identify and specifically describe projected costs, revenues, and revenue sources the city will use to implement all components of the city source reduction and recycling element.

ARTICLE 8. SPECIAL WASTE COMPONENT

41250. The city special waste component shall describe existing waste handling and disposal practices for special wastes, including, but not limited to, asbestos and sewage sludge which is not hazardous waste. The component shall identify current and proposed programs to ensure the proper handling, reuse, and long term disposal of special wastes. The component shall address the disposition of sewage sludge generated in the jurisdiction of the city.

ARTICLE 9. FACILITY CAPACITY COMPONENT

41260. The city solid waste facility capacity component shall include, but is not limited to, a projection of the amount of disposal capacity which will be needed to accommodate the solid waste generated within the city preparing the element for a 15 year period, reduced by all of the following:

(a) Implementation of source reduction, recycling, and composting programs required by this part or through implementation of other waste diversion programs.

(b) Any permitted processing, destruction, disposing, or transformation capacity which will be available during the 15 year planning period.

(c) All disposal or transformation capacity which has been secured through an agreement with another city or county or through an agreement with a solid waste enterprise.

Chapter 3. County Source Reduction and Recycling Elements

ARTICLE 1. REQUIREMENTS

41300. (a) On or before July 1, 1992, each county shall prepare and adopt for the unincorporated area a county source reduction and recycling element which includes all of the components specified in this chapter and which complies with the requirements specified in Chapter 6 (commencing with Section 41780).

(b) Notwithstanding subdivision (a), if a county determines that it is unable to comply with the deadline established under subdivision (a) and unable to comply with Division 13 (commencing with Section 21000), to the extent that division requires the preparation and certification of an environmental impact report for the element, the county shall do all of the following:

(1) On or before July 1, 1992, the county shall adopt a resolution stating the reasons it is unable to comply with the deadline established under subdivision (a) and to complete and certify the environmental impact report for the element. The resolution shall also state a date when the county will comply with the deadline established under subdivision (a) and complete and certify the environmental impact report for the element.

(2) On or before July 1, 1992, the county shall submit a copy of the resolution adopted pursuant to paragraph (1) to the board.

(3) Upon completion and certification of the environmental impact report for the source reduction and recycling element, or December 1, 1992, whichever is sooner, the county shall adopt its source reduction and recycling element.

41301. The county source reduction and recycling element shall set forth a program for management of solid waste generated with the unincorporated area of the county, consistent with the waste management hierarchy provided in Section 40051.

41302. The county source reduction and recycling element shall place primary emphasis on implementation of all feasible source reduction, recycling, and composting programs while identifying the amount of landfill and transformation capacity that will be needed for solid waste which cannot be reduced at the source, recycled, or composted.

41303. Each county source reduction and recycling element shall include, but is not limited to, all of the following components for solid waste generated in the jurisdiction of the plan:

- (a) A waste characterization component.
- (b) A source reduction component.
- (c) A recycling component.
- (d) A composting component.
- (e) A solid waste facility capacity component.
- (f) An education and public information component.
- (g) A funding component.
- (h) A special waste component.

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

~~41330. (a) For the initial source reduction and recycling element of a countywide integrated waste management plan which is required to be submitted to the board pursuant to Section 41791, the county waste characterization component shall identify the constituent materials which comprise the solid waste generated within the unincorporated area of the county. The information shall be representative of the solid waste generated and disposed of within that area and shall reflect seasonal variations. The constituent materials shall be identified by volume, percentage in weight or its volumetric equivalent, material type, and source of generation which includes residential, commercial, industrial, governmental, or other sources. Future revisions of waste characterization studies shall identify the constituent materials which comprise the solid waste disposed of at permitted disposal facilities.~~

~~(b) In adopting or revising regulations implementing subdivision (a), the board shall do all of the following:~~

~~(1) Permit the use of studies or data developed on a multi-county regional basis and adapted to the conditions which exist in a county preparing its waste characterization component.~~

~~(2) Permit the use of preexisting data or studies, including those data and studies prepared by local governments with similar waste characteristics.~~

~~(3) Require only that amount of seasonal sampling, and waste characterization only of those categories of waste, necessary to achieve the diversion requirements of paragraph (1) of subdivision (a) of Section 41780.~~

~~41331. Any waste characterization component prepared by a county pursuant to Section 41330, and any other information submitted by a county to the board on the quantities of solid waste generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.~~

~~41332. For the first revision, and any subsequent revision, of a source reduction and recycling element of a countywide integrated waste management plan which is required to be submitted to the board pursuant to Section 41770, the county waste characterization component shall identify the constituent materials which comprise the solid waste disposed of within the unincorporated area of the county. The information shall be statistically representative of the solid waste disposed of within that area and shall reflect seasonal variations. The constituent materials shall, to the extent practicable, be identified by volume, percentage in weight, or its volumetric equivalent, material type, and source of generation, which includes residential, commercial, industrial, governmental, or other sources.~~

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

~~41341. REPEALED.~~

ARTICLE 3. SOURCE REDUCTION COMPONENT

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

41351. The county source reduction component shall describe the types of materials which will be reduced under the programs in Section 41350.

41352. The county source reduction component shall describe the methods that the county will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through source reduction.

41353. The county source reduction component shall describe new facilities, and of expansion of existing facilities, which will be needed to implement the source reduction component.

41354. The county source reduction component shall evaluate and identify rate structures and fees to reduce the amount of wastes that generators produce, and other source reduction strategies, including, but not limited to, programs and economic incentives to reduce the use of nonrecyclable materials, replace disposable materials and products with reusable materials and products, reduce packaging, and increase the efficiency of the use of paper, cardboard, glass, metal, and other materials.

41360. REPEALED.

ARTICLE 4. RECYCLING COMPONENT

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

41371. The county recycling component shall describe the types of materials which will be recycled under the programs in Section 41370.

41372. The county recycling component shall describe the methods that the county will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through recycling.

41373. The county recycling component shall describe new facilities, and expansion of existing facilities, which will be needed to implement the recycling component.

41374. The county recycling component shall describe methods which will be used to increase markets for recycled materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each county may grant a price preference to encourage the purchase of recycled products. The amount of the price preference shall be determined by the county.

41375. The county recycling component shall evaluate industrial, commercial, residential, governmental, and other curbside, mobile, dropoff, and buy-back recycling programs, manual and automated material recovery facilities, zoning, and building code changes which encourage recycling of materials, and rate structures which encourage recycling of materials.

ARTICLE 5. COMPOSTING COMPONENT

41400. The county composting component shall include a program and implementation schedule which shows the methods by which the county will, in combination with the source reduction and recycling

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components, reduce a sufficient amount of solid waste disposed of within the unincorporated area of the county to comply with the diversion requirements of Section 41780.

41401. The county composting component shall describe the types of materials which will be composted under the programs in Section 41400.

41402. The county composting component shall describe the methods that the county will use to determine the categories of solid wastes to be diverted from disposal at a disposal facility through composting.

41403. The county composting component shall describe new facilities, and expansion of existing facilities, which will be needed to implement the composting component.

41404. The county composting component shall describe methods which will be used to increase the markets for composted materials, including, but not limited to, an evaluation of the feasibility of procurement preferences for the purchase of recycled products. Each county may grant a price preference to encourage the purchase of composted products. The amount of the price preference shall be determined by the county.

ARTICLE 6. EDUCATION AND PUBLIC INFORMATION COMPONENT

41420. The county education and public information component shall describe to the board how the county will educate and inform its citizens about the source reduction, recycling, and composting programs.

ARTICLE 7. FUNDING COMPONENT

41430. The county funding component shall identify and specifically describe projected costs, revenues, and revenue sources the county will use to implement all components of the county source reduction and recycling element.

ARTICLE 8. SPECIAL WASTE COMPONENT

41450. The county special waste component shall describe existing waste handling and disposal practices for special wastes, including, but not limited to, asbestos and sewage sludge which is not hazardous waste. The component shall identify current and proposed programs to ensure the proper handling, reuse, and long-term disposal of special wastes. The component shall address the disposition of sewage sludge generated in the jurisdiction of the county.

ARTICLE 9. FACILITY CAPACITY COMPONENT

41460. The county solid waste facility capacity component shall include, but is not limited to, a projection of the amount of disposal capacity which will be needed to accommodate the solid waste generated within the unincorporated area of the county preparing the element for a 15-year period, reduced by all of the following:

(a) Implementation of source reduction, recycling, and composting programs required by this part or through implementation of other waste diversion programs.

(b) Any permitted disposal or transformation capacity which will be available during the 15-year planning period.

(c) All disposal or transformation capacity which has been secured through an agreement with another city, county, or through an agreement with a solid waste enterprise.

ARTICLE 10. HOUSEHOLD HAZARDOUS WASTE COMPONENT (REPEALED)

Chapter 3.5. Household Hazardous Waste Elements

ARTICLE 1. CITY HOUSEHOLD HAZARDOUS WASTE ELEMENTS

~~41495. (a) On or before April 1, 2008, the board shall develop a model household hazardous waste element that will establish prototypes of the content and format of that element that jurisdictions may use in meeting the requirements of this part.~~

~~(b) The board shall adopt the model household hazardous waste element, after consultation with jurisdictions, at a public hearing. The board may revise the model household hazardous waste element, as necessary, in the same manner in which it was adopted.~~

~~(c) The household hazardous waste element shall identify a program for the safe collection, recycling, treatment, and disposal of hazardous wastes, as defined in Section 25117 of the Health and Safety Code, which are generated by households in the jurisdiction and which should be separated from the solid waste stream.~~

~~In preparing a household hazardous waste element pursuant to this section, a jurisdiction may use components of a hazardous waste plan prepared pursuant to subdivision (c) of Section 25135.7 of the Health and Safety Code if the hazardous waste plan meets the requirements of this article and Section 41802.~~

~~41500. (a) Each jurisdiction that prepared and adopted a household hazardous waste element prior to January 1, 2008 shall maintain and update that element to ensure that it includes all information required in the board's model household hazardous waste element adopted pursuant to section 41495. Except for the updates required by sections 41773 and 41774, nothing in this section is intended to require that an existing household hazardous waste element be revised to reflect the format of the model household hazardous waste element.~~

~~(b) Any jurisdiction that incorporates on or after January 1, 2008 shall prepare, adopt, and maintain a household hazardous waste element in accordance with the board's model household hazardous waste element.~~

~~(a) On or before July 1, 1992, each city shall prepare, adopt, and submit to the county in which the city is located a household hazardous waste element which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes, as defined in Section 25117 of the Health and Safety Code, which are generated by households in the city and which should be separated from the solid waste stream.~~

~~In preparing a city household hazardous waste element pursuant to this section, a city may use components of a city hazardous waste plan prepared pursuant to subdivision (c) of Section 25135.7 of the Health and Safety Code if the city hazardous waste plan meets the requirements of this article and Section 41802.~~

~~(b) Notwithstanding subdivision (a), if a city determines that it is unable to comply with the deadline established under subdivision (a) and unable to comply with Division 13 (commencing with Section 21000), to the extent that division requires the preparation and certification of an environmental impact report for the element, the city shall do all of the following:~~

~~(1) On or before July 1, 1992, the city shall adopt a resolution stating the reasons it is unable to comply with the deadline established under subdivision (a) and to complete and certify the environmental impact report for the household hazardous waste element. The resolution shall also state a date when the city will comply with the deadline established under subdivision (a) and complete and certify the environmental impact report for the household hazardous waste element.~~

~~(2) On or before July 1, 1992, the city shall submit its draft household hazardous waste element and a copy of the resolution adopted pursuant to paragraph (1) to the county within which the city is located.~~

~~(3) Upon completion and certification of the environmental impact report for the household hazardous waste element, or December 1, 1992, whichever is sooner, the city shall submit its final household hazardous waste element to the county.~~

41502. A **city** household hazardous waste element may include a program for the safe collection, treatment, and disposal of sharps waste generated by households. The program may include any of the following: **Should the requirements be expanded to include universal waste?**

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(a) The designation of authorized collection locations, including, but not limited to, household hazardous waste collection facilities, designated hospitals and clinics, and fire stations.

(b) Efforts to inform and encourage the public to return sharps waste to designated collection locations.

(c) Efforts to inform and encourage the public to subscribe to mail-back programs authorized by the United States Postal Service.

(d) An estimate of the expenditures required for the safe collection, treatment, and disposal of sharps waste, and consideration of the feasibility of offering low-cost mail-back programs for senior and low-income households.

ARTICLE 2. COUNTY HOUSEHOLD HAZARDOUS WASTE ELEMENTS

~~41510. (a) On or before July 1, 1992, each county shall prepare a household hazardous waste element which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes, as defined in Section 25117 of the Health and Safety Code, which are generated by households in the unincorporated area of the county and which should be separated from the solid waste stream. In preparing a county household hazardous waste element pursuant to this section, a county may use components of a county hazardous waste management plan prepared pursuant to Section 25135.1 of the Health and Safety Code, if that plan meets the requirements of this article and of Section 41802.~~

~~(b) Notwithstanding subdivision (a), if a county determines that it is unable to comply with the deadline established under subdivision (a) and unable to comply with Division 13 (commencing with Section 21000), to the extent that division requires the preparation and certification of an environmental impact report for the element, the county shall do all of the following:~~

~~(1) On or before July 1, 1992, the county shall adopt a resolution stating the reasons it is unable to comply with the deadline established under subdivision (a) and to complete and certify the environmental impact report for the household hazardous waste element. The resolution shall also state a date when the county will comply with the deadline established under subdivision (a) and complete and certify the environmental impact report for the household hazardous waste element.~~

~~(2) On or before July 1, 1992, the county shall submit its draft household hazardous waste element and a copy of the resolution adopted pursuant to paragraph (1) to the board.~~

~~(3) Upon completion and certification of the environmental impact report for the household hazardous waste element, or December 1, 1992, whichever is sooner, the county shall adopt its household hazardous waste element.~~

~~41512. A county household hazardous waste element may include a program for the safe collection, treatment, and disposal of sharps waste generated by households. The program may include any of the following:~~

~~(a) The designation of authorized collection locations, including, but not limited to, household hazardous waste collection facilities, designated hospitals and clinics, and fire stations.~~

~~(b) Efforts to inform and encourage the public to return sharps waste to designated collection locations.~~

~~(c) Efforts to inform and encourage the public to subscribe to mail back programs authorized by the United States Postal Service.~~

~~(d) An estimate of the expenditures required for the safe collection, treatment, and disposal of sharps waste, and consideration of the feasibility of offering low cost mail back programs for senior and low-income households.~~

ARTICLE 3.2. EDUCATIONAL INFORMATION

41515. If a ~~city, county, or multi-county regional agency~~ jurisdiction conducts an aerosol can recycling program, a requirement to educate the public on the safe collection and recycling or disposal of aerosol cans shall be incorporated into the household hazardous waste element prepared by the jurisdiction ~~city, county, or multi-county regional agency~~ when that element is revised.

ARTICLE 4.3. COVERED ELECTRONIC WASTE

41516. (a) For purposes of this article, “covered electronic waste” has the same meaning as defined in subdivision (g) of Section 42463.

(b) On and after January 1, 2004, when a county or multi-county regional agency revises the countywide or multi-county regional integrated waste management plan and its elements pursuant to Section 41770, the ~~city~~ household hazardous waste element ~~and county household hazardous waste element~~ in the plan shall identify those actions the ~~jurisdiction~~ ~~city, county, or multi-county regional agency~~ is taking to promote the collection, consolidation, recovery, and recycling of covered electronic waste.

Chapter 4.5. Nondisposal Facility Elements

ARTICLE 1. ~~CITY~~ NONDISPOSAL FACILITY ELEMENTS

41730. (a) Each jurisdiction that prepared and adopted a nondisposal facility element prior to January 1, 2008 shall maintain and update that element to ensure that it includes all information required in the board’s model nondisposal facility element adopted pursuant to section 41728. Except for the updates required by sections 41773 and 41774, nothing in this section is intended to require that an existing nondisposal facility element be revised to reflect the format of the model nondisposal facility element.

(b) Any jurisdiction that incorporates on or after January 1, 2008 shall prepare, adopt, and maintain a nondisposal facility element in accordance with the board’s model nondisposal facility element.

(c) The board may revise the model nondisposal facility element, as necessary, in the same manner in which it was adopted, **after consultation with jurisdictions, at a public hearing.**

(d) The nondisposal facility element shall include a description of any new solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the jurisdiction’s source reduction and recycling element and to thereby meet the requirements of Section 41780. The nondisposal facility element may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the jurisdiction’s source reduction and recycling element.

Except as provided in Section 41750.1, each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any amendments to the element may be appended to the city’s source reduction and recycling element when that element is included in the countywide integrated waste management plan, prepared pursuant to Section 41750. The nondisposal facility element and any amendments to the element shall not be subject to the approval of the county and the majority of cities with the majority of the population in the incorporated area.

ARTICLE 2. COUNTY NONDISPOSAL FACILITY ELEMENT

41731. Except as provided in Section 41750.1, each county shall prepare, adopt, and, except for a city and county, transmit to the cities located in the county a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a county source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any amendments to the element may be appended to the county’s source reduction and recycling element when that element is included in the countywide integrated waste management plan prepared pursuant to Section 41750. The nondisposal facility element and any amendments to the element shall not be subject to the approval of the majority of cities with the majority of the population in the incorporated area.

ARTICLE 3. REQUIREMENTS

41732. (a) City, county, and multi-county regional agency nondisposal facility elements prepared pursuant to Section 41730, 41731, or 41750.1, as the case may be, shall include a description of any new

solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element and to thereby meet the diversion requirements of Section 41780. The nondisposal facility element may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element.

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

41734. (a) (1) Prior to adopting or amending a nondisposal facility element, the city, county, or multi-county regional agency shall submit the element or amendment to the task force created pursuant to Section 40950 for review and comment.

(2) Prior to adopting or amending a multi-county regional agency nondisposal facility element, if the jurisdiction of the multi-county regional agency extends beyond the boundaries of a single county, the multi-county regional agency shall submit the element or amendment for review and comment to each task force created pursuant to Section 40950 of each county within the jurisdiction of the multi-county regional agency.

(b) Comments by the task force shall include an assessment of the multi-county regional impacts of potential diversion facilities and shall be submitted to the city, county, or multi-county regional agency and to the board within 90 days of the date of receipt of the nondisposal facility element for review and comment.

41736. It is not the intent of the Legislature to require cities and counties to revise their source reduction and recycling elements to comply with the requirements of this chapter. At the time of the five-year revision of the source reduction and recycling element, each city, county, and city and county shall incorporate the nondisposal facility element and any amendments thereto into the revised source reduction and recycling element.

Chapter 5. Countywide Integrated Waste Management Plans

ARTICLE 3. PLAN REVISION

41770. (a) Each countywide or regional agency siting element integrated waste management plan, and the elements thereof, shall be reviewed, revised, if necessary, and submitted to the board every five years in accordance with the schedule set forth under Chapter 7 (commencing with Section 41800). **What about the Summary Plan?**

(b) Any revisions to a countywide or regional agency integrated waste management plan, and the elements thereof, shall use a waste disposal characterization method that the board shall develop for the use of the city, county, city and county, or regional agency. The city, county, city and county, or regional agency shall conduct waste disposal characterization studies, as prescribed by the board, if it fails to meet the diversion requirements of Section 41780, at the time of the five-year revision of the source reduction and recycling element.

(c) The board may review and revise its regulations governing the contents of revised source reduction and recycling elements to reduce duplications in one or more components of these revised elements.

Chapter 5.5. Updating Planning Documents

See General Comments # 1, 3 & 4

41772. The Legislature finds and declares that it would be beneficial to provide a streamlined procedure for updating existing planning elements so that jurisdictions can devote more of their resources to implementing programs while providing the public with timely descriptions of their activities.

41773. (a) Each jurisdiction shall prepare an update of its source reduction and recycling element originally prepared pursuant to Chapter 2 (commencing with Section 41000) or Chapter 3 (commencing with Section 41300), as applicable, and the household hazardous waste element originally prepared pursuant to Chapter 3.5 (commencing with Section 41500) to reflect all diversion programs that the jurisdiction is implementing as of January 1, 2008. This update shall include all programs set forth in its source reduction and recycling element and household hazardous waste element, any amendments, revisions, or updates to the element, and any programs set forth in any time extensions, alternative

diversion requirements, or compliance orders that were being implemented or planned to be implemented as of January 1, 2008.

(b) Each jurisdiction shall prepare an update of its nondisposal facility element originally prepared pursuant to Chapter 4.5 (commencing with Section 41730) to reflect all nondisposal facilities that the jurisdiction is utilizing or is planning to utilize in implementing its diversion programs to comply with Section 41780 as of January 1, 2008.

(c) The updates required in this section are not subject to any requirements of this part that require the providing of public notice, comment and review by the task force, or the conduct of a local public hearing.

(d) The update required by this section shall be submitted to the board in accordance with the following schedule:

(1) On or before April 1, 2008, if the jurisdiction's name begins with the letters A to G, inclusive.

(2) On or before July 1, 2008, if the jurisdiction's name begins with the letters H to O, inclusive.

(3) On or before September 1, 2008, if the jurisdiction's name begins with the letters P to Z, inclusive.

*(e) The board shall presume that an update submitted pursuant to this section meets the requirements of this section, unless the board determines that the update does not contain all of the information required by this section. If the board determines that a jurisdiction's update is deficient, the board shall notify the jurisdiction of the deficiencies it has identified within 60 days and the jurisdiction shall submit a new update within 30 days. If a jurisdiction does not resubmit an adequate initial update electronically, the board may utilize the procedures set forth in Sections 41810, 41810.1, 41811, 41812 and 41813. See **General Comment #2***

(f) Notwithstanding the Uniform Electronic Transactions Act, the jurisdiction shall submit the programmatic or nondisposal facility update electronically to the board using the board's electronic reporting format system.

41774. (a) If a jurisdiction determines that it needs to expand or add programs, (how about if a jurisdiction wants to delete a program? e.g. eliminating a curbside in favor of a MRF utilization....use of greenwaste for composting instead of its use as ADC, etc, etc) or utilize additional nondisposal facilities, beyond those included in the update, required by section 41773, to maintain the countywide total base tonnage of solid waste disposed the jurisdiction shall provide a programmatic or nondisposal facility update of its source reduction and recycling element, ~~and~~ household hazardous waste element, and nondisposal facility element to the board.

(b) The jurisdiction's determination regarding the need for the expansion or addition of programs, or to utilize additional nondisposal facilities, shall be made in accordance with the applicable local processes used in the jurisdiction, but is not subject to any requirements of this part that requires the providing of public notice, comments and review by the task force, or the conduct of a local public hearing.

(c) A jurisdiction may submit to the board a voluntary programmatic or nondisposal facility update at any time.

*(d) The board shall acknowledge the receipt of a programmatic update submitted by the jurisdiction, but shall not review and approve the update at the time of submittal. The board shall evaluate any expanded or additional programs submitted only as part of the biennial review. **What if a jurisdiction wants to eliminate or make a change in one of its waste diversion program?***

(e) The addition of a nondisposal facility update shall be approved by the board in accordance with Section 41800.

(f) Notwithstanding the Uniform Electronic Transactions Act, the jurisdiction shall submit the programmatic or nondisposal facility update electronically to the board using the board's electronic reporting format system.

Chapter 6. Planning Requirements

ARTICLE 1. WASTE DIVERSION

41780. (a) Commencing with January 1, 2008, each jurisdiction shall adequately implement the diversion programs set forth in its source reduction and recycling element and household hazardous waste element, including any amendments, revisions, or updates to the element, and any programs set forth in any time extensions, alternative diversion requirements, or compliance orders approved pursuant to this part.

See General Comment # 1 and those listed in Section 41774.

(b) The diversion programs in the source reduction and recycling element shall be designed to maintain the countywide or regionwide total base tonnage of solid waste disposed by all jurisdictions in the county or multi-county multi-county regional agency, as compared to the base tonnage year and these programs shall be adequate to accomplish this purpose consistent with Section 40051.

(c) The Board, in consultation with jurisdiction and after conducting a minimum of two public meetings, one in the Northern California and one in the Southern California, shall develop criteria for determining if a county has met the requirements of subdivision (b) and include them in a revision of the board's enforcement policy adopted and amended pursuant to Section 41850.

(1) The enforcement policy shall be revised in the same manner in which it was adopted and subsequently revised, after consultation with jurisdictions, and at a public hearing.

(2) The criteria ~~may~~ shall include, but is not limited to, consideration of factors such as increase in population, economic growth, and per capita disposal rates.

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

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

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

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

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

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

(c) To determine achievement of the diversion requirements of Section 41780 in 1995 and in the year 2000, projections of disposal amounts from the source reduction and recycling elements shall be adjusted to reflect annual increases or decreases in population and other factors affecting the waste stream, as determined by the board. By January 1, 1994, the board shall study the factors which affect the generation and disposal of solid waste and shall develop a standard methodology and guidelines to be used by cities, counties, and multi-county regional agencies in adjusting disposal projections as required by this section.

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

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

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

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

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

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

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

41781. (a) Except as provided in Sections 41781.1, and 41781.2, Pursuant to Section 41821.5(a) for the purpose of determining the *countywide or multi-county regional agency tonnage* base rate of solid waste from which diversion requirements shall be calculated, "solid waste" includes only the following:

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

(2) The board shall determine the base tonnage of solid waste disposed of in each county and each multi-county regional agency in the year 2006.

(3) The board shall determine the tonnage of solid waste disposed of in each county and each multi-county regional agency annually thereafter.

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

(b) For the purposes of this section, "solid waste" does not include:

(1) any solid waste which would not normally be disposed of at a disposal facility. **What does this mean and is subject to interpretation by every one. Suggest to delete.**

(2) The amount of solid waste diverted from a disposal facility or transformation facility through source reduction, recycling, or composting. **What about biomass facilities?**

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

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

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

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

(i) The state water board and the multi-county regional water boards;

(ii) The State Department of Health Services;

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

(iv) The Department of Toxic Substances Control.

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

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

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

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

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

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

(1) "Action by a city, county, multi-county regional, or local governing body" means franchise or contract conditions, rate or fee schedules, zoning or land use decisions, disposal facility permit conditions, or activities by a waste hauler, recycler, or disposal facility operator acting on behalf of a city, county, multi-county regional agency, or local governing body, or other action by the local governing body if the local government action is specifically related to the claimed diversion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Based upon the information submitted pursuant to subdivision (b), if the board finds, as part of the biennial review pursuant to Section 41825, that the residual solid waste that previously could not be

diverted can now be diverted, the board shall rescind the adjustment commensurate with the amount of diversion of the residual tonnages.

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

41783. For any city, county, or multi-county regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion A county or multi-county regional agency may utilize transformation as a method to meet the requirements specified in paragraph (2) of subdivision (a) of Section 41780. The amount of solid waste sent to transformation, as defined in Section 40201, that may be subtracted from the tonnage of solid waste disposed, as determined pursuant to Section 41781, shall may include not exceed more than 10 percent (Should this be increased to 20% based on the current law using generation-based measurement?) of the tonnage of solid waste disposed, through transformation, as defined in Section 40201, if all of the following conditions are met:

(a) The transformation project is in compliance with Sections 21151.1 and 44150 of this code and Section 42315 of the Health and Safety Code.

(b) The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

(c) The ash or other residue generated from the transformation project is routinely tested at least once quarterly, or on a more frequent basis as determined by the agency responsible for regulating the testing and disposal of the ash or residue, and, notwithstanding Section 25143.5 of the Health and Safety Code, if hazardous wastes are present the ash or residue is sent to a class 1 hazardous waste disposal facility.

(d) The board holds a public hearing in the city, county, or multi-county regional agency jurisdiction within which the transformation project is proposed, and, after the public hearing, the board makes both of the following findings, based upon substantial evidence on the record:

(1) The city, county, or jurisdictions within the county or multi-county regional agency is are, and will continue to be effectively implementing all feasible source reduction, recycling, and composting measures.

(2) The transformation project will not adversely affect public health and safety or the environment.

(e) The transformation facility is permitted and operational on or before January 1, 1995.

(f) The city, county, or multi-county regional agency does not include subtract biomass conversion, as authorized pursuant to Section 41783, from its tonnage of solid waste disposed as determined pursuant to Section 41781. in its source reduction and recycling element.

41783.1 (a) For any city, county, or multi-county regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion A county or multi-county regional agency may utilize biomass conversion as a method to meet the requirements specified in paragraph (2) of subdivision (a) of Section 41780. The amount of solid waste sent to biomass conversion, as defined in Section 40106, that may be subtracted from the tonnage of solid waste disposed, as determined pursuant to Section 41781, shall may include not exceed more than 10 percent (Should this be 20% based on current law using generation-based measurement?) of the tonnage of solid waste disposed, through biomass conversion if all of the following conditions are met:

(1) The biomass conversion project exclusively processes biomass.

(2) The biomass conversion project is in compliance with all applicable air quality laws, rules, and regulations.

(3) The ash or other residue from the biomass conversion project is regularly tested to determine if it is hazardous waste and, if it is determined to be hazardous waste, the ash or other residue is sent to a class 1 hazardous waste disposal facility.

(4) The board determines, at a public hearing, based upon substantial evidence in the record, that the city, jurisdictions within the county, or multi-county regional agency are is, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures.

(5) The city, county, or multi-county regional agency does not include subtract transformation, as authorized pursuant to Section 41783, from its tonnage of solid waste disposed as determined pursuant to Section 41781. in its source reduction and recycling element.

41784. If the board determines that a ~~city or county jurisdiction's~~ source reduction and recycling element submitted after January 1, 1995, will not achieve the ~~50 percent~~ requirement established under Section 41780, and the ~~city or county jurisdiction~~ chooses not to use a transformation project to achieve the ~~50 percent~~ requirement, the board shall not require the ~~city or county jurisdiction~~ to achieve the ~~50 percent diversion~~ requirement through transformation, or impose any penalty on the ~~city or county jurisdiction~~ to compel the ~~city or county jurisdiction~~ to achieve the ~~50 percent~~ requirement through transformation.

~~41785. (a) On and after January 1, 1995, and upon the request of a city or county, the board may establish an alternative source reduction, recycling, and composting requirement to the 50 percent requirement established under Section 41780, not to exceed three years unless another alternative requirement is granted by the board, if the board holds a public hearing and makes both of the following findings based upon substantial evidence on the record:~~

~~(1) The city or county and has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its board approved source reduction and recycling element and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board and the city or county has been unable to meet the 50 percent diversion requirement despite implementing those measures.~~

~~(2) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the city or county, may reasonably and feasibly achieve.~~

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

~~(c) If a city or county that requests an alternative source reduction and recycling requirement to the 50 percent requirement has not previously requested an extension pursuant to Section 41820, the city or county shall provide information to the board that explains why it has not requested an extension.~~

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

~~(1) The city or county has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its board approved source reduction and recycling element and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board.~~

~~(2) The alternative source reduction, recycling, and composting requirement represents the greatest diversion amount the city or county may reasonably and feasibly achieve.~~

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

~~(1) The city or county has made a good faith effort to effectively implement the source reduction, recycling, and composting measures described in its board approved source reduction and recycling element and has demonstrated progress toward meeting the alternative requirement as described in its annual reports to the board and that the alternative diversion requirement is no longer appropriate.~~

~~(2) The new requirement represents the greatest amount of diversion that the city or county may reasonably and feasibly achieve.~~

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

~~(2) Any alternative requirement that is granted prior to January 1, 2000, shall become effective on January 1, 2000. The board shall require any city or county granted an alternative requirement prior to January 1, 2000, to comply with this section after the date that the alternative requirement is granted.~~

~~(3) No alternative requirement shall be granted for any period after January 1, 2006, and no alternative requirement shall be effective after January 1, 2006.~~

~~(4) No city or county shall be granted an alternative requirement if the city or county has failed to meet, on or before July 1, 1998, the applicable requirements of Chapter 2 (commencing with Section 41000), Chapter 3 (commencing with Section 41300), Chapter 3.5 (commencing with Section 41500), and Chapter 4.5 (commencing with Section 41730).~~

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

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

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

~~(h) If the board grants an alternative source reduction, recycling, and composting requirement, the city or county may request technical assistance from the board to assist it in meeting the alternative source reduction, recycling, and composting requirement. If requested by the city or county, the board shall assist with identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix.~~

~~(i) A city or county that is granted an alternative requirement pursuant to this section shall continue to implement source reduction, recycling, and composting programs, and shall report the status of those programs in the report required pursuant to Section 41821.~~

~~(j) This section shall remain in effect until January 1, 2006, and as of that date is repealed.~~

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

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

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

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

ARTICLE 1.5. RURAL ASSISTANCE

41786.5. The Legislature declares and finds that:

(a) There are inherent difficulties associated with obtaining accurate waste disposal data for rural cities and counties.

(b) Small and rural cities and counties have limited resources to correct and document disposal inaccuracies.

(c) Waste disposal from rural jurisdictions represents less than 5% of the State's total waste volume.

(d) Rural jurisdictions should be allowed to demonstrate compliance with the requirements of section 41780 based on local program implementation. Focusing on program implementation is a more effective use of the resources of these jurisdictions and the board's than a focus on obtaining accurate disposal documentation. The biennial review set forth in section 41825 is intended to foster the focus on programs for rural jurisdictions.

41787. (a) (1) The board may reduce the ~~diversion~~ planning requirements of Section 41780 this Part for a rural city if the rural city demonstrates, and the board concurs, based on substantial evidence in the record, that those reductions would not interfere with the rural city's achievement of the ~~diversion~~ requirements of Section 41780. ~~is not feasible due to both of the following conditions:~~

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

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

(2) The board may reduce the ~~diversion~~ planning requirements of this Part Section 41780 for the unincorporated area of a rural county if the rural county demonstrates, and the board concurs, based on substantial evidence in the record, that those reductions would not interfere with the rural county's achievement of the ~~diversion~~ requirements of Section 41780. ~~is not feasible due to both of the following conditions:~~

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

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

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

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

(B) A public sector diversion and procurement program.

(C) A public information and education program.

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

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

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

(c) (1) The board may ~~reduce~~ modify the ~~diversion~~ planning requirements of Section 41780 this Part for a rural multi-county regional agency, if the rural multi-county regional agency demonstrates, and the board concurs, based on substantial evidence in the record, that those reductions would not interfere with the rural multi-county regional agency's achievement of the ~~diversion~~ requirements of section 41780. ~~is not feasible because adverse market or economic conditions beyond the control of the rural multi-county regional agency prevent it from meeting the requirements of Section 41780.~~

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

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

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

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

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

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

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

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

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

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

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

(1) Determining the multi-county regional maximum disposal tonnage allowable, excluding members with reduced diversion requirements;

(2) Determining the maximum disposal tonnage allowable for those members authorized to meet reduced diversion requirements;

(3) Adding the calculated maximum disposal tonnages determined pursuant to paragraphs (1) and (2) to determine the multi-county regional maximum disposal tonnage allowable.

(b) (1) A rural multi-county regional agency may not assume responsibility for compliance with diversion requirements upon formation pursuant to subdivision (b) of Section 41787.1, and for compliance with Article 1 (commencing with Section 41780), if the rural multi-county regional agency is comprised of more than two rural counties, unless authorized by the board pursuant to paragraph (2).

(2) The board may authorize the assumption of responsibility for compliance with the diversion requirements by a rural multi-county regional agency upon formation, which is comprised of more than two rural counties, if the board finds that the rural multi-county regional agency's assumption of responsibility will not adversely affect compliance with this part.

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

(a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural multi-county regional agency prevent the rural city, rural county, or rural multi-county regional agency from meeting the diversion requirements.

(b) The rural city, rural county, or rural multi-county regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.

(c) The rural city, rural county, or rural multi-county regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

ARTICLE 2. BOARD REVIEW

41791. (a) If any city or county has less than eight years of remaining disposal site capacity, the countywide integrated waste management plan shall be submitted to the board within 12 months after the Office of Administrative Law formally approves regulations for the preparation of countywide siting elements and countywide integrated waste management plans pursuant to Section 11349.3 of the Government Code.

(b) If any city or county has eight or more years of remaining disposal capacity, the countywide integrated waste management plan shall be submitted to the board within 18 months after the Office of Administrative Law formally approves regulations for the preparation of countywide siting elements and countywide integrated waste management plans pursuant to Section 11349.3 of the Government Code.

(c) A multi-county regional agency integrated waste management plan shall be submitted to the board within 18 months after the Office of Administrative Law formally approves regulations for the preparation of countywide siting elements and countywide integrated waste management plans pursuant to Section 11349.3 of the Government Code.

41791.1. In reviewing, commenting upon, and approving or disapproving integrated waste management plans **{this has been eliminated pursuant to the new Subdivision 41770(a). Also what about the Summary Plan}** and the elements thereof, the board shall take into account both of the following:

(a) The shared responsibility which exists under law between the board and local agencies for activities such as the development of markets for materials diverted from disposal facilities, public education and information, and source reduction.

(b) The importance of promoting multi-county regional cooperation among local agencies, and cooperation between local agencies and the board in achieving the objectives of this division, to the extent that cooperation will result in more cost-effective and efficient implementation of this division.

41791.2. In reviewing, commenting upon, and approving or disapproving integrated waste management plans **(see comments shown in Section 41791.2)** and the elements thereof, the board shall assist local agencies, to the extent that local agencies request this assistance within the same region, in developing multi-county regional cooperative approaches to source reduction, public information and education, and market development, if the approaches result in more efficient and cost-effective implementation of this division.

41791.5 ~~(a)(1) Notwithstanding Section 41791, and except as provided in subdivision (b), each city, county, and multi county regional agency shall submit its source reduction and recycling element and its nondisposal facility element to the board in accordance with the following schedule:~~

~~(A) For any jurisdiction with less than eight years of remaining disposal site capacity, the source reduction and recycling element and the nondisposal facility element shall be submitted on or before April 30, 1994.~~

~~(B) For any jurisdiction with eight or more years, but less than 15 years, of remaining disposal site capacity, the source reduction and recycling element and the nondisposal facility element shall be submitted on or before August 31, 1994.~~

~~(C) For any jurisdiction with 15 or more years of remaining disposal site capacity, the source reduction and recycling element and the nondisposal facility element shall be submitted on or before December 31, 1994.~~

~~(2) For purposes of this section, "remaining disposal site capacity" means capacity remaining as of January 1, 1990. For each jurisdiction, disposal site capacity shall be deemed to be the countywide permitted disposal site capacity.~~

~~(3) Notwithstanding Section 41791, a county or multi county regional agency that has adopted a countywide or multi county regional agency integrated waste management plan may submit the plan and its elements to the board for review and approval pursuant to the schedule set forth in paragraph (1).~~

~~(b) A city which is incorporated *on or* after January 1, ~~2008~~ 1990, shall submit a source reduction and recycling element, a household hazardous waste element, and a nondisposal facility element to the board for approval within 18 months from the date that the city was incorporated or within 18 months of the effective date of this section, whichever is later. *The jurisdiction shall hold at least one public hearing before approving its source reduction and recycling element, household hazardous waste element, and nondisposal facility element.* **For this particular case, the local task force need to be provided with an opportunity to review and comment on the proposed document within the 30 days of the submittal to them.**~~

~~41792. It is the intent of the Legislature, in enacting this part, that cities and counties shall commence efforts to implement source reduction, recycling, or composting activities immediately upon enactment of this part, in order to achieve the deadlines specified under this chapter.~~

~~41794. Any city may submit its city source reduction and recycling element or nondisposal facility element to the board for review before the dates in the schedule in Section 41791.5.~~

Chapter 7. Approval of Local Planning

ARTICLE 1. BOARD APPROVAL

41801. Before approving or conditionally approving a countywide or multi-county regional integrated waste management plan **{See revisions to Subdivision 41770(a)...confusing!}**, or any element of the plan, pursuant to Section 41800, the board shall adopt written findings, based on substantial evidence in the record, that implementing the plan or element will achieve the requirements established pursuant to this part, including the **diversion** requirements of Section 41780.

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

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

~~(c) The board shall approve or conditionally approve the source reduction and recycling element, if wastes have been excluded pursuant to Section 41781.2, if the board finds, pursuant to Section 41801, that, notwithstanding that exclusion, the element will achieve the requirements established pursuant to this part, including the diversion requirements of Section 41780.~~

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

ARTICLE 2. DEFICIENCIES

41810.1. (a) Any city, county, or multi-county regional agency which receives a notice of conditional approval for a countywide or multi-county regional integrated waste management plan, or any element of the plan, pursuant to subdivision (a) of Section 41810, shall, within 60 days from the date of receipt of the notice of conditional approval, submit a compliance schedule to the board that demonstrates how the **city, county, or multi-county regional agency jurisdiction** will correct the deficiencies identified in the notice of conditional approval by the earliest feasible date, but in no event shall that correction take longer to make than one year from the date of submission of the compliance schedule.

(b) The board shall approve or disapprove a compliance schedule submitted pursuant to subdivision (a) within 60 days from the date of its receipt of the schedule.

(c) If the board determines, based on substantial evidence in the record, that a **city, county, or multi-county regional agency jurisdiction** is not in compliance with a compliance schedule approved pursuant to subdivision (b), the board may revoke the notice of conditional approval, and shall issue a notice of deficiency pursuant to subdivision (b) of Section 41810.

(d) It is the intent of the Legislature that a notice of conditional approval shall provide flexibility for a **city, county, or multi-county regional agency jurisdiction** to make substantial progress towards meeting the requirements of this part while ensuring full compliance with this part at the earliest feasible date.

41811. Within 120 days of receipt of the notice of deficiency issued pursuant to Section 41810, the **city or county jurisdiction** shall correct the deficiencies, readopt, and resubmit the **city** source reduction and recycling element or the countywide integrated waste management plan to the board.

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

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

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

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

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

41812. If the board determines that the revised city, county, or multi-county regional agency source reduction and recycling element or the countywide or multi-county regional agency integrated waste management plan submitted pursuant to Section 41811 or 41811.5 still fails to meet the requirements of this part, the board shall conduct a public hearing for the purpose of hearing testimony on the plan or element and the deficiencies identified by the board.

ARTICLE 3. OTHER PROVISIONS

41820. (a) The board may grant one or more, single, or multiyear time extension from the requirements of paragraph (2) of subdivision (a) of Section 41780 to any city, county, or multi-county regional agency if the following conditions are met:

(1) Any multiyear extension that is granted does not exceed three years and a city, county, or multi-county regional agency is not granted extensions that exceed a total of five years.

(2) Any extension granted prior to January 1, 2000, commences on January 1, 2000. The board shall require that any city, county, or multi-county regional agency granted an extension prior to January 1, 2000, complies with this section after the date that the extension is granted.

(3) No extension is granted for any period after January 1, 2006, and no extension is effective after January 1, 2006.

(4) The board considers the extent to which a city, county, or multi-county regional agency complied with its plan of correction before considering another extension.

(5) No city, county, or multi-county regional agency is granted an extension if that city, county, or multi-county regional agency failed to meet the applicable requirements of Chapter 2 (commencing with Section 41000), Chapter 3 (commencing with Section 41300), Chapter 3.5 (commencing with Section 41500), and Chapter 4.5 (commencing with Section 41730).

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

(A) The city, county, or multi-county regional agency is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its source reduction and recycling element.

(B) The city, county, or multi-county regional agency submits a plan of correction that demonstrates that the city, county, or multi-county regional agency will meet the requirements of paragraph (2) of subdivision (a) of Section 41780 before the time extension expires, includes the source reduction, recycling, or composting steps the city, county, or multi-county regional agency will implement, a date prior to the expiration of the time extension when the requirements of paragraph (2) of subdivision (a) of Section 41780 will be met, existing programs it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.

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

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

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

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

(2) The city, county, or multi-county regional agency may provide the board with any additional information that the jurisdiction determines to be necessary to demonstrate to the board the need for the extension.

(d) If the board grants a time extension pursuant to subdivision (a), the city, county, or multi-county regional agency may request technical assistance from the board to assist it in meeting the diversion requirements of paragraph (2) of subdivision (a) of Section 41780 during the extension period. If requested by the city, county, or multi-county regional agency, the board shall assist the city, county, or multi-county regional agency with identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix.

(e) This section shall remain in effect only until January 1, 2006, and as of that date is repealed.

41820.5. (a) In addition to its authority under Section 41820, the board may, after a public hearing, grant a time extension from the diversion requirements of Section 41780 to a city if both of the following conditions exist:

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

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

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

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

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

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

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

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

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

41821. (a) *On or before September 1, 2009, and on or before September 1 every two years thereafter, a jurisdiction shall submit a report that encompasses the previous two calendar years from January 1 to December 31, inclusive, to the board which shall include all of the following information:*

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

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

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

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

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

(1) information related to the criteria developed by the board pursuant to section 41780(c) that the jurisdiction believes may be relevant to the board's determination of whether or not the county or multi-county multi-county regional agency that the jurisdiction is located within has maintain the base tonnage disposal of solid waste, as to why this has occurred, other than a failure to implement the diversion programs, including, but not limited to, all of the following:

(1) The rural nature of the jurisdiction.

(2) Growth rate within the jurisdiction.

(2) Any waste generation disposal characterization study or other studies done that show the effectiveness of the programs being implemented. Information on the changes in waste generated or disposed of due to increases or decreases in population, economies, or other factors in complying with subdivision (c) of Section 41780.1.

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

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

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

(1) Calculations of annual disposal reduction.

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

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

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

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

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

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

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

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

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

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

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

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

~~(3) An estimate that the jurisdiction believes reflects that jurisdiction's annual reduction or increase in the disposal of solid waste. Other information describing the good faith efforts of the jurisdiction.~~

(D) The effects of population and economic growth.

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

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

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

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

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

41821.1. (a) Each On or before September 1, 2009 and on or before Sept 1 every two years thereafter following the board's approval of a county or multi-county regional agency's siting element and summary plan, the county or multi-county regional agency shall submit a report to the board summarizing the adequacy of the siting element and summary plan. The report on the siting element shall discuss any changes in disposal capacity, disposal facilities, or any other relevant issues. The annual report shall be due on or before August 1 of the year following board approval of a county or multi-county regional agency's siting element and summary plan, and on or before August 1 in each subsequent year. The information in this report shall encompass the previous two calendar years, January 1 to December 31, inclusive.

(b) The board shall adopt procedures that may authorize a jurisdiction to submit an abbreviated version of the report required pursuant to this section, if the board determines that the jurisdiction has met or exceeded the requirements of paragraph (2) of subdivision (a) of Section 41780 **{The referenced paragraph (2) has been deleted from the revised 41780....needs to be revised}** for the previous two years, and if the board determines that the jurisdiction has otherwise complied with this division for the previous five years.

41821.2. (a) For the purposes of this section, "district" means a community service district that provides solid waste handling services or implements source reduction and recycling programs.

(b) Notwithstanding any other law, each district shall provide the city, county, or multi-county regional agency in which it is located, information on the programs implemented by the district and the amount of waste disposed and diverted within the district. The board may adopt regulations pertaining to the format of the information to be provided and deadlines for supplying this information to the city, county, or multi-county regional agency so that it may be incorporated into the annual report submitted to the board pursuant to Section 41821.

(c) This section shall become inoperative on July 1, 2001, and, as of January 1, 2002, is repealed, unless a later enacted statute that is enacted before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed.

41822. Each city, county, or and multi-county regional agency shall review its siting source reduction and recycling element **{What about the Summary Plan....see 41821.1 (a)}** ~~or the countywide integrated waste management plan~~ at least once every five years to correct any deficiencies in the element ~~or plan, to comply with the source reduction and recycling requirements established under Section 41780,~~ and to revise the documents, as necessary, to comply with this part. Any revision made to an element ~~or plan~~ pursuant to this section shall be submitted to the board for review and approval or disapproval pursuant to the schedule established under this chapter.

ARTICLE 4. REVIEW AND ENFORCEMENT

41825. (a) *At least once every two years, the board shall review each city, county, or multi-county regional agency source reduction and recycling element and household hazardous waste element. At least once every two years, the board shall determine whether or not each county and multi-county regional agency has maintained disposal as compared to the base tonnage year in accordance with the criteria adopted pursuant to section 41780(c).*

(b) At least every two years on and after January 1, 2010, the board shall conduct a review of each jurisdiction's program implementation in one of the following three ways:

(1) If the board finds that the county or multi-county regional agency has maintained solid waste disposed as compared to the base tonnage year, the board shall conduct a streamlined review of program implementation to determine if each jurisdiction within the county or multi-county regional agency has implemented the diversion programs set forth in its source reduction and recycling element, including any updates. The board shall presume that each jurisdiction within the county or multi-county regional agency has complied with Section 41780. This presumption may be rebutted if the review provides information to show that the jurisdiction is not implementing its diversion programs.

(A) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(B) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

(2) For a rural county with less than 100,000 tons of disposal per year, the board shall conduct a streamlined review of program implementation to determine if each jurisdiction within the county has implemented the diversion programs set forth in its source reduction and recycling element, including any updates. The board shall presume that each jurisdiction within the county has complied with Section 41780. This presumption may be rebutted if the review provides information to show that the jurisdiction is not implementing its diversion programs.

(A) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(B) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

(3) If the board finds the county or multi-county regional agency has not maintained solid waste disposed as compared to the base tonnage year, the board shall conduct a detailed review of the effectiveness of the implementation of the diversion programs to determine if the diversion programs of each jurisdiction within the county are adequately addressing all significant sources of disposal, except as provided for in subsection (3)(A) below.

(A) For those jurisdictions within the county or multi-county regional agency that have evidenced a history of adequate program implementation, based upon past biennial reviews, the board may conduct a more streamlined review as described in subsection (1).

(B) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(C) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

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

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

(1) Natural disasters.

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

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

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

(5) The extent to which a city, county, or multi-county regional agency has implemented additional source reduction, recycling, and composting activities.

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

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

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

(9) The effect of population and economic growth.

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

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

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

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

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

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

(C) Proposed staff recommendations to the board.

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

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

(1) *In making a determination, the board may consider an increase in the countywide or multi-county regional total tonnage of solid waste disposed only as an indication of whether the jurisdiction*

*adequately implemented its diversion programs but shall not consider this fact **exclusively to be** determinative as to whether the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element.*

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

(A) The rural nature of the jurisdiction.

*(B) Whether exceptional growth rate; **including but not limited to, population and economic;** that may have affected compliance.*

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

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

ARTICLE 5. ENFORCEMENT

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

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

(1) Natural disasters.

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

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

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

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

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

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

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

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

waste disposal facilities, or has implemented another program to encourage or require diversion of construction and demolition waste materials from solid waste disposal facilities.

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

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

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

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

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

PART 3. STATE PROGRAMS

Chapter 18.5. State Agency Integrated Waste Management Plan

42920. (a) On or before February 15, 2000, the board shall adopt a state agency model integrated waste management plan for source reduction, recycling, and composting activities.

(b) (1) On or before July 1, 2000, each state agency shall develop and adopt, in consultation with the board, an integrated waste management plan, in accordance with the requirements of this chapter. The plan shall build upon existing programs and measures, including the state agency model integrated waste management plan adopted by the board pursuant to subdivision (a), that will reduce solid waste, reuse materials whenever possible, recycle recyclable materials, and procure products with recycled content in all state agency offices and facilities, including any leased locations. It is the intent of the Legislature that the local jurisdiction and the state agency or large state facility located within that jurisdiction work together to implement the state agency integrated waste management plan.

(2) Each state agency shall submit an adopted integrated waste management plan to the board for review and approval on or before July 15, 2000. The board shall adopt procedures for reviewing and approving those integrated waste management plans. The board shall complete its plan review process on or before January 1, 2001.

(3) If a state agency has not submitted an adopted integrated waste management plan or the model integrated waste management plan with revisions to the board by January 1, 2001, or if the board has disapproved the plan that was submitted, then the model integrated waste management plan, as revised by the board in consultation with the agency, shall take effect on that date, or on a later date as determined by the board, and shall have the same force and effect as if adopted by the state agency.

(c) Notwithstanding subdivision (e) of Section 12217 of the Public Contract Code, at least one solid waste reduction and recycling coordinator shall be designated by each state agency. The coordinator shall perform the duties imposed pursuant to this chapter using existing resources. The coordinator shall be responsible for implementing the integrated waste management plan and shall serve as a liaison to other state agencies and coordinators.

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(d) The board shall provide technical assistance to state agencies for the purpose of implementing the integrated waste management plan.

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

(b) On and after January 1, 2004 ~~2008~~, each state agency and each large state facility shall *adequately implement the diversion programs set forth in its integrated waste management plan.*

(b) The diversion programs in the integrated waste management plan shall be designed to maintain the total tonnage of solid waste disposed by the agency or facility as compared to the tonnage disposed in 2006 and these programs shall be adequate to accomplish this purpose consistent with Section 40051.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (1) In determining whether to grant the request by a state agency or a large state facility for the time extension authorized by subdivision (a), the board shall consider information provided by the state agency or the large state facility that describes relevant circumstances that contributed to the request for

~~extension, such as a lack of markets for recycled materials, local efforts to implement source reduction, recycling, and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed by the agency or facility.~~

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

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

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

42924. (a) On or before February 15, 2000, the board shall develop and adopt requirements relating to adequate areas for collecting, storing, and loading recyclable materials in state buildings. In developing the requirements, the board may rely on the model ordinance adopted pursuant to Chapter 18 (commencing with Section 42900).

(b) Each state agency or large state facility, when entering into a new lease, or renewing an existing lease, shall ensure that adequate areas are provided for, and adequate personnel are available to oversee, the collection, storage, and loading of recyclable materials in compliance with the requirements established pursuant to subdivision (a).

(c) In the design and construction of state agency offices and facilities, the Department of General Services shall allocate adequate space for the collection, storage, and loading of recyclable materials in compliance with the requirements established pursuant to subdivision (a).

42925. (a) Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency's integrated waste management plan to fund plan implementation and administration costs, in accordance with Sections 12167 and 12167.1 of the Public Contract Code.

(b) The board shall establish and implement a waste reduction award program for state agencies and large state facilities that develop, adopt, and implement innovative and effective integrated waste management plans in compliance with this chapter.

42926. (a) In addition to the information provided to the board pursuant to Section 12167.1 of the Public Contract Code, each state agency shall submit a report to the board summarizing its progress in reducing solid waste as required by Section 42921. The annual report shall be due on or before April 1, 2002, and on or before April in each subsequent year. The information in this report shall encompass the previous calendar year.

(b) Each state agency's annual report to the board shall, at a minimum, include all of the following:

(1) Calculations of annual disposal reduction **per each county**.

(2) Information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors.

(3) A summary of progress made in implementing the integrated waste management plan.

(4) The extent to which the state agency intends to utilize programs or facilities established by the local agency for the handling, diversion, and disposal of solid waste. If the state agency does not intend to utilize those established programs or facilities, the state agency shall identify sufficient disposal capacity for solid waste that is not source reduced, recycled, or composted.

(5) If the agency has been granted a time extension by the board pursuant to Section 42923, the state agency shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to subdivision (b) of Section 42921 and complying with the state agency's plan of correction, prior to the expiration of the time extension.

(6) If the state agency has been granted an alternative source reduction, recycling, and composting requirement pursuant to Section 42922, the state agency shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.

(7) Other information relevant to compliance with Section 42921.

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(c) The board shall use, but is not limited to the use of, the annual report in the determination of whether the agency's integrated waste management plan needs to be revised.

42927. **{This Section needs to be deleted pursuant to Subdivision (b)}** (a) If a state agency is unable to comply with the requirements of this chapter, the agency shall notify the board in writing, detailing the reasons for its inability to comply and shall request an alternative pursuant to Section 42922 or an extension pursuant to Section 42923.

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

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

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

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

Chang, Erayna

From: Mike Mohajer [mikemohajer@yahoo.com]
Sent: Friday, June 15, 2007 11:23 AM
To: Garbien, Ania
Subject: RE: SB 1016 (Wiggins) -- Most Recent Drafted Amendments -- REQUEST FOR COMMENTS BY 06/15/07
Attachments: SB 1016 6-7-07.doc

Thank you for the opportunity to review the latest draft amendments to SB 1016, dated June 5, 2007. The new proposal addresses some of the questions & concerns which were listed in my email of 5/19/07. However, I continue to have a number of concerns which are listed below as well as those shown in the attachment.

Based on the suggested amendments to Section 40001 of the PRC [Legislative Findings] as shown in **Subdivisions 40001 (c) through (g)**, the proposal without any justifications and substantiations is mandating increases in diversion rates beyond 50%. As previously mentioned, such a mandate would place a significant financial burden on local governments as well as a potential negative impact on our air quality. I recommend that prior to any mandated increase beyond 50% diversion rate, the following need to be addressed via Senate Bill 1016 or in concert with SB 1020 (Padilla).

1. In conjunction with the California Global Warming Solution Act of 2006 (AB 32), reevaluate the solid waste management hierarchy that was established by AB 939 (1989), over 18 years ago. Consider new alternatives to manage solid waste other than landfilling, recycling, composting and incineration.
2. Conduct a cost/benefit and feasibility analysis of an increased diversion rate in concert with local governments and other stakeholders and make a determination that any proposed increase in diversion rate is justified.
3. Develop and implement measures to improve and enhance the State's recycling and composting market development efforts.
4. Provide local governments the financial and technical resources needed to achieve the higher diversion rate.
5. Place a shared responsibility on State and regional governmental agencies as well as the California University and College systems, special districts and school districts to reduce waste generation/disposal.
6. Require manufacturers to take responsibility for their products as well as implementing sustainable recovery programs....."product stewardship."
7. Conduct a study on China's role and their processing/manufacturing impact on California markets for recyclable materials as well as the California air quality.
8. Conduct a study and analysis to substantiate the need for more accurate waste quantities.

Please contact me if you have any questions. Looking forward to the upcoming meeting.

Regards,

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-----Original Message-----

From: Garbien, Ania [mailto:Ania.Garbien@SEN.CA.GOV]

Sent: Tuesday, June 12, 2007 4:24 PM

To: EHuber@ciwmb.ca.gov; karen.coca@lacity.org; psmith@rcrcnet.org; sweetster@aol.com; chelgi@worldnet.att.net; pane@cwo.com; cberg@govadv.com; kross@cacities.org; sjlegsac@pacbell.net; mikemohajer@yahoo.com; khampel@ci.burbank.ca.us; rsalas@ci.burbank.ca.us; scottsmithline@cawrecycles.org; TDyson@ciwmb.ca.gov; RDavis@ciwmb.ca.gov; murray@cawrecycles.org; jkastor@astor-phillips.com; kkeene@counties.org; dgambelin@norcalwaste.com; MaryP@rcrcnet.org; paul@shawyoder.org; slgs@slgs.org; kstoddard@wm.com; KJJensen@shjlobby.com; Mark.Urquhart@shawgrp.com; ghyatt@iwpnews.com; murray@cawrecycles.org; scottsmithline@cawrecycles.org; kacoca@san.lacity.org; jkastor@astor-phillips.com; evan@edgarinc.org; dgambelin@norcalwaste.com; MaryP@rcrcnet.org; maprea@apreacompany.com; magavern@sierraclub-sac.org; slgs@slgs.org; kstoddard@wm.com; dunn@scag.ca.gov; mark@pwcg.net; greg.hyatt@iwpnews.com; MANDYR@IWM.CO.SAN-BENITO.CA.US; jwoolley@co.humboldt.ca.us; jtest@hwma.net; sgreen@lacs.d.org; mattcotton@minspring.com; pkneprath@alac.org; tim@naparecycling.com; Michael Gross; MARK@PWCG.NET

Subject: SB 1016 (Wiggins) -- Most Recent Drafted Amendments -- REQUEST FOR COMMENTS BY 06/15/07

Hello All ~

From our first SB 1016 stakeholder meeting that was held on May 3, Senator Wiggins has taken into consideration all of the comments, feedback and suggestions that were sent to us from stakeholders and Legislative Committee consultants regarding the disposal measurement system.

We have now incorporated those changes in this most recent drafted version, attached below for your review.

We would like to thank everyone for their patience and attention to this bill.

The bill is currently in the Assembly Natural Resources Committee.

Please review the attached draft and send me your comments, feedback and suggestions by this FRIDAY, JUNE 15 by 12:00 noon. We want everyone to have the full opportunity to examine and respond to the language before it goes into print.

Also, we are planning on having a stakeholder meeting at the end of June before the bill is heard. I will send everyone an email with a date, time and location TBA.

We look forward to receiving your suggestions and please do not hesitate to contact our office with any questions at any time. Please feel free to pass this email on, and please respond to me if you would like to be added to the SB 1016 contact list.

Thank you again for your patience and we look forward to hearing back from you.

<<SB 1016 6-7-07.doc>>

Ania Garbien

Legislative Aide

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06/18/2007

DIVISION 30. WASTE MANAGEMENT

PART 1. INTEGRATED WASTE MANAGEMENT

Chapter 1. General Provisions

ARTICLE 1. FINDINGS AND DECLARATIONS

(MIKE MOHAJER'S COMMENTS IN BOLD, RED AND/OR DBL STRIKETHROUGH – 6/15/07)

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

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

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

*(d) The Legislature further declares that all solid waste should be properly managed in order to minimize the generation of waste, maximize the diversion of solid waste from landfills, and manage all solid waste to its highest and best use, in accordance with the waste management hierarchy **(need to be revisited)** and in support of the California Global Warming Solutions Act of 2006. **See comments on the cover email.***

*(e) The Legislature further declares that a comprehensive array of programs is needed to divert solid waste, that will result in actual reductions in disposal. **See comments on the cover email.***

*(f) The Legislature further declares that adjustments to the ways in which diversion achievements are measured and evaluated need to be implemented to ensure increased accuracy **(why & how?)**, timeliness, **efficient use of local resources**, and increased emphasis on the implementation of those diversion programs by each jurisdiction. **See comments on the cover email.***

*(g) The Legislature further declares that as a result of increased population growth and economic activity, maintaining **(!!)** a baseline for disposal growth will create increased diversion of materials from landfills, and increased diversion will create economic benefits as markets are developed and enhanced. **See comments on the cover email.***

Chapter 2. Definitions

40105.5. "Base tonnage " means the countywide total tonnage of solid waste disposed of by all jurisdictions in a county during the year 2006, as determined by the board pursuant to Section 41781..

40127. "Diversion program" means the programs in the city or county source reduction and recycling element, **as updated by the jurisdiction through its annual report**, that have the purpose of diverting solid waste from landfill disposal or transformation, through source reduction, recycling, and composting activities.

40144. "Jurisdiction" means a city, county, city and county, or board approved multi-county regional agency. **(Does PRC define "multi-county regional agency"?)**

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

PART 2. INTEGRATED WASTE MANAGEMENT PLANS

Chapter 2. City Source Reduction and Recycling Elements

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

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

ARTICLE 3. SOURCE REDUCTION COMPONENT

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

ARTICLE 4. RECYCLING COMPONENT

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

ARTICLE 5. COMPOSTING COMPONENT

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

Chapter 3. County Source Reduction and Recycling Elements

ARTICLE 2. WASTE CHARACTERIZATION COMPONENT

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

ARTICLE 3. SOURCE REDUCTION COMPONENT

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

ARTICLE 4. RECYCLING COMPONENT

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

ARTICLE 5. COMPOSTING COMPONENT

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

Chapter 4.5. Nondisposal Facility Elements

ARTICLE 3. REQUIREMENTS

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

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

Chapter 6. Planning Requirements

ARTICLE 1. WASTE DIVERSION

41780. *(a) Commencing with January 1, 2008, each jurisdiction shall adequately implement the diversion programs set forth in its source reduction and recycling element and household hazardous waste element, including any amendments, revisions, or updates to the element, and any programs set forth in any time extensions, alternative diversion requirements, or compliance orders approved pursuant to this part.* **(Comment: Jurisdictions should only be required to implement those diversion programs that have been found to be effective in reducing waste as well as being cost effective.)**

(b) The diversion programs in the source reduction and recycling element shall be designed to maintain the countywide or regionwide total base tonnage of solid waste disposed by all jurisdictions in the county or multi-county regional agency. **(Comment: How would the jurisdiction can verify and substantiate this?), as compared to the base tonnage year and these programs shall be adequate to accomplish this purpose consistent with Section 40051.**

(c) The Board, in consultation with jurisdictions and after conducting public hearings in Northern and Southern California, shall develop criteria for determining if a county has met the requirements of subdivision (b) and include them in a revision of the board's enforcement policy adopted and amended pursuant to Section 41850.

(1) The enforcement policy shall be revised in the same manner in which it was adopted and subsequently revised, after consultation with jurisdictions, and at a public hearing.

(2) The criteria ~~may~~ shall include, but ~~is not~~ be limited to, consideration of factors such as increase in population, economic growth, and per capita disposal rates.

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

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

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

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

41780.1. (a) ~~Prior to January 1, 2008, An~~otwithstanding any other requirement of this part, for the purposes of determining the amount of solid waste that a multi-county regional agency is required to divert from disposal or transformation through source reduction, recycling, and composting to meet the diversion requirements of Section 41780., the multi-county regional agency shall use the solid waste disposal projections in the source reduction and recycling elements of the multi-county regional agency's member agencies. The method prescribed in Section 41780.2 shall be used to determine the maximum amount of disposal allowable to meet the diversion requirements of Section 41780.

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

(c) To determine achievement of the diversion requirements of Section 41780 in 1995 and in the year 2000, projections of disposal amounts from the source reduction and recycling elements shall be adjusted to reflect annual increases or decreases in population and other factors affecting the waste stream, as determined by the board. By January 1, 1994, the board shall study the factors which affect the generation and disposal of solid waste and shall develop a standard methodology and guidelines to be used by cities, counties, and multi-county regional agencies in adjusting disposal projections as required by this section.

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

~~(e) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.~~

41780.2. ~~(a) Prior to January 1, 2008, Each~~ city, county, or member agency of a multi-county regional agency shall determine the amount of reduction in solid waste disposal and the amount of additional diversion required from the base-year amounts by using the methods set forth in this section.

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

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

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

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

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

(g) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

41781. (a) Except as provided in Sections 41781.1, and 41781.2, *Pursuant to Section 41821.5(a)* for the purpose of determining the *countywide or multi-county regional agency tonnage* base rate of solid waste from which diversion requirements shall be calculated, "solid waste" includes only the following:

(1) The *total* amount of solid waste generated within a local agency's jurisdiction, the types and quantities of which were disposed of at a permitted disposal facility *by each jurisdiction within a county or multi-county regional agency during a calendar year* as of January 1, 1990. Nothing in this section requires local agencies to perform waste characterization in addition to the waste characterization requirements established under Sections 41030, 41031, 41330, 41331, and 41332.

(2) The board shall determine the base tonnage of solid waste disposed of by each jurisdiction within each county and each multi-county regional agency in the year 2006.

(3) The board shall determine the tonnage of solid waste disposed of by each jurisdiction within each county and each multi-county regional agency annually thereafter.

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

(b) For the purposes of this section, "solid waste" does not include:

(1) any solid waste which would not normally be disposed of at a disposal facility.

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

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

41781.1. (a) Prior to *January 1, 2008, in* determining *that whether* the diversion of sludge may be counted toward the diversion requirements established under Section 41780, but within 180 days of receiving such a request, the board shall do both of the following:

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

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

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

(ii) The State Department of Health Services.

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

(iv) The Department of Toxic Substances Control.

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

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

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

(c) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

41781.2. (a) (1) It is the intent of the Legislature in enacting this section not to require cities, counties, and multi-county regional agencies to revise source reduction and recycling elements prior to their submittal to the board for review and approval, except as the elements would otherwise be required to

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be revised by the board pursuant to this part. Pursuant to Sections 41801.5 and 41811.5, compliance with this section shall be determined by the board when source reduction and recycling elements are submitted to the board pursuant to Section 41791.5. However, any city or county may choose to revise its source reduction and recycling element or any of its components prior to board review of the source reduction and recycling element for the purpose of complying with this section.

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

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

(1) "Action by a city, county, multi-county regional, or local governing body" means franchise or contract conditions, rate or fee schedules, zoning or land use decisions, disposal facility permit conditions, or activities by a waste hauler, recycler, or disposal facility operator acting on behalf of a city, county, multi-county regional agency, or local governing body, or other action by the local governing body if the local government action is specifically related to the claimed diversion.

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

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

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

(c) ~~Prior to January 1, 2008, F~~for purposes of determining the base amount of solid waste from which the diversion requirements of this article shall be calculated, "solid waste" does not include the diversion of agricultural wastes; inert solids, including inert solids used for structural fill; discarded, white-coated, major appliances, and scrap metals; unless all of the following criteria are met:

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

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

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

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

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

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

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

(h) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41783. For any city, county, or multi-county regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion *A jurisdiction within a county, county or multi-county regional agency may utilize transformation as a method to meet the requirements specified in paragraph (2) of subdivision (a) of Section 41780. The amount of solid waste sent to transformation, as defined in Section 40201, that may be credited against the tonnage of solid waste disposed, as determined pursuant to Section 41781, may be up to an amount that is in the same proportion as the amount credited against disposal that the board approved for each participating jurisdiction in 2006.* **(Comment: This requirement seems to limit the transformation credit only to those jurisdictions that used transformation facilities in 2006.....what about non-participating jurisdictions that elect to utilize transformation facilities in subsequent years?).** *The amount credited shall may include not exceed more than 10 percent through transformation, as defined in Section 40201, and, if all of the following conditions are met:*

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(a) The transformation project is in compliance with Sections 21151.1 and 44150 of this code and Section 42315 of the Health and Safety Code.

(b) The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

(c) The ash or other residue generated from the transformation project is routinely tested at least once quarterly, or on a more frequent basis as determined by the agency responsible for regulating the testing and disposal of the ash or residue, and, notwithstanding Section 25143.5 of the Health and Safety Code, if hazardous wastes are present the ash or residue is sent to a class 1 hazardous waste disposal facility.

(d) The board holds a public hearing in the city, county, or multi-county regional agency jurisdiction within which the transformation project is proposed, and, after the public hearing, the board makes both of the following findings, based upon substantial evidence on the record:

(1) ~~The city, county, or~~ jurisdictions within the county or multi-county regional agency ~~is~~ are, and will continue to be effectively implementing all feasible source reduction, recycling, and composting measures. **(Comment: Why should the credit for use of a transformation facility by a jurisdiction be made contingent on activities of all jurisdictions within the appropriate county or multi-county regional agency?)**

(2) The transformation project will not adversely affect public health and safety or the environment.

(e) The transformation facility is permitted and operational on or before January 1, 1995.

(f) ~~The city, county, or~~ jurisdictions within the county, county, or multi-county regional agency does not ~~include~~ subtract biomass conversion, as authorized pursuant to Section 41783, from its tonnage of solid waste disposed as determined pursuant to Section 41781, in its source reduction and recycling element.

41783.1 (a) ~~For any city, county, or multi-county regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion~~ A jurisdiction within a county, county or multi-county regional agency may utilize biomass conversion as a method to meet the requirements specified in paragraph (2) of subdivision (a) of Section 41780. The amount of solid waste sent to biomass conversion, as defined in Section 40106, that may be credited against the tonnage of solid waste disposed, as determined pursuant to Section 41781, may be up to an amount that is in the same proportion as the amount credited against disposal that the board approved for each participating jurisdiction in 2006. The amount credited shall ~~may include not exceed more than 10 percent of the tonnage of solid waste disposed, through biomass conversion, and, if~~ all of the following conditions are met:

(1) The biomass conversion project exclusively processes biomass.

(2) The biomass conversion project is in compliance with all applicable air quality laws, rules, and regulations.

(3) The ash or other residue from the biomass conversion project is regularly tested to determine if it is hazardous waste and, if it is determined to be hazardous waste, the ash or other residue is sent to a class 1 hazardous waste disposal facility.

(4) ~~The board determines, at a public hearing, based upon substantial evidence in the record, that the city, county, or~~ jurisdictions within the county, or multi-county regional agency ~~is~~ are ~~is~~, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures. **(Comment: Why should the credit for use of a biomass facility by a jurisdiction be made contingent on activities of all jurisdictions within the appropriate county or multi-county agency?)**

(5) ~~The city, county, or~~ multi-county regional agency does not ~~include~~ subtract transformation, as authorized pursuant to Section 41783, from its tonnage of solid waste disposed as determined pursuant to Section 41781, in its source reduction and recycling element.

41784. If the board determines that a ~~city or county~~ jurisdiction's source reduction and recycling element submitted after January 1, 1995, will not achieve the ~~50 percent~~ requirement established under Section 41780, and the ~~city or county~~ jurisdiction chooses not to use a transformation project to achieve the ~~50 percent~~ requirement, the board shall not require the ~~city or county~~ jurisdiction to achieve the ~~50 percent~~ diversion requirement through transformation, or impose any penalty on the ~~city or county~~ jurisdiction to compel the ~~city or county~~ jurisdiction to achieve the ~~50 percent~~ requirement through transformation.

41786. (a) Notwithstanding Section 41780, the board may ~~reduce~~ modify the ~~diversion~~ requirements specified in Section 41780 for any city or county which, on or before January 1, 1990, disposed of 75

percent or more of its solid waste, collected by the jurisdiction or its authorized agents or contractors, by transformation if either of the following conditions exist:

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

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

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

ARTICLE 1.5. RURAL ASSISTANCE

41786.5. The Legislature declares and finds that:

(a) There are inherent difficulties associated with obtaining accurate waste disposal data for rural cities and counties.

(b) Small and rural cities and counties have limited resources to correct and document disposal inaccuracies.

(c) Waste disposal from rural jurisdictions represents less than 5% of the State's total waste volume.

(d) Rural jurisdictions should be allowed to demonstrate compliance with the requirements of section 41780 based on local diversion program implementation. Focusing on diversion program implementation is a more effective use of the resources of these jurisdictions and the board's than a focus on obtaining accurate disposal documentation. The biennial review set forth in section 41825 is intended to foster the focus on programs for rural jurisdictions.

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

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

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

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

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

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

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

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

(B) A public sector diversion and procurement program.

(C) A public information and education program.

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

6/5/07 -- Solid Waste Disposal Measurement System

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

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

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

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

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

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

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

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

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

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

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

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

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

41787.2. (a) **Prior to January 1, 2008, Aa** rural city or a rural county, which has received, or is eligible for, a reduction in diversion requirements pursuant to Section 41787, may become a member of a rural multi-county regional agency for the purpose of complying with the diversion requirements of Section 41780, in which case the region's maximum disposal tonnage allowable shall be calculated as follows:

(1) Determining the multi-county regional maximum disposal tonnage allowable, excluding members with reduced diversion requirements.

(2) Determining the maximum disposal tonnage allowable for those members authorized to meet reduced diversion requirements.

(3) Adding the calculated maximum disposal tonnages determined pursuant to paragraphs (1) and (2) to determine the multi-county regional maximum disposal tonnage allowable.

(b) (1) A rural multi-county regional agency may not assume responsibility for compliance with diversion requirements upon formation pursuant to subdivision (b) of Section 41787.1, and for compliance with Article 1 (commencing with Section 41780), if the rural multi-county regional agency is comprised of more than two rural counties, unless authorized by the board pursuant to paragraph (2).

(2) The board may authorize the assumption of responsibility for compliance with the diversion requirements by a rural multi-county regional agency upon formation, which is comprised of more than two rural counties, if the board finds that the rural multi-county regional agency's assumption of responsibility will not adversely affect compliance with this part.

(c) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

41787.4. *Prior to January 1, 2008, An* notwithstanding Section 41820, the board may grant a two-year time extension from the diversion requirements of Section 41780 to a rural city, rural county, or rural multi-county regional agency if all of the following conditions are met:

(a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural multi-county regional agency prevent the rural city, rural county, or rural multi-county regional agency from meeting the diversion requirements.

(b) The rural city, rural county, or rural multi-county regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.

(c) The rural city, rural county, or rural multi-county regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

(d) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

Chapter 7. Approval of Local Planning

ARTICLE 1. BOARD APPROVAL

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

41801.5. (a) *Prior to January 1, 2008, If* an element submitted to the board for final review includes the diversion of any solid wastes specified in subdivision (c) of Section 41781.2 for years preceding the year commencing January 1, 1990, and the board is unable to determine whether the requirements of Section 41781.2 have been met, the board shall notify the city, county, or multi-county regional agency that the diversion is excluded for purposes of calculating compliance with Section 41780. The board shall notify the city, county, or multi-county regional agency of the exclusion within 60 days from the date of receipt of the element for final review. If an element has been submitted to the board for final review prior to January 1, 1993, the board shall notify the submitting city, county, or multi-county regional agency of the exclusion on or before March 1, 1993.

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

(c) The board shall approve or conditionally approve the source reduction and recycling element, if wastes have been excluded pursuant to Section 41781.2, if the board finds, pursuant to Section 41801, that, notwithstanding that exclusion, the element will achieve the requirements established pursuant to this part, including the diversion requirements of Section 41780.

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

(e) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

ARTICLE 2. DEFICIENCIES

41811.5. (a) *Prior to January 1, 2008, If* the board disapproves an element for which a city, county, or multi-county regional agency has received a notification of excluded wastes pursuant to Section

41801.5, the city, county, or multi-county regional agency may, concurrent with the procedures specified in Section 41811, submit additional information to substantiate that the requirements of Section 41781.2 have been met. The additional information shall be submitted to the board within 60 days of disapproval of the element.

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

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

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

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

(f) This section shall remain in effect only until January 1, 2008, and as of that date is repealed.

ARTICLE 3. OTHER PROVISIONS

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

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

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

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

41821.

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

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

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

(1) Calculations of annual disposal reduction.

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

(3) A summary of progress made in implementing the source reduction and recycling element and the household hazardous waste element. The city, county, or multi-county regional agency may also include information about existing and new programs it is implementing that are not part of the original or

modified source reduction and recycling element adopted by the jurisdiction and approved by the board to achieve the ~~diversion~~ requirements of Section 41780.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41825. (a) At least once every two years, the board shall review each individual city, county, or multi-county regional agency's progress in implementing it's source reduction and recycling element and household hazardous waste element to meet the requirements of Section 41780. The board shall determine whether or not each city, county and multi-county regional agency has maintained disposal as compared to the base tonnage year in accordance with the criteria adopted pursuant to section 41780(c).

(b) At least every two years on and after January 1, 2010, the board shall conduct a review of each jurisdictions program implementation in one of the following three ways:

(1) If the board finds that the county or multi-county regional agency has maintained solid waste disposed as compared to the base tonnage year, for purposes of compliance with Section 41780, the board shall conduct a streamlined review of program implementation by each jurisdiction to determine if each jurisdiction within the county or multi-county regional agency has implemented the diversion programs set forth in its source reduction and recycling element, including any updates.. Any streamlined review may be rebutted if the review provides information to show that the jurisdiction is not implementing its diversion programs, in which case the board shall conduct a detailed jurisdiction review.

(A) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(B) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set

forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

(2) For a rural county with less than 100,000 tons of disposal per year, the board shall conduct a streamlined review of program implementation by each jurisdiction to determine if each jurisdiction within the county has implemented the diversion programs set forth in its source reduction and recycling element, including any updates, for purposes of compliance with Section 41780. Any streamlined review may be rebutted if the review provides information to show that the jurisdiction is not implementing its diversion programs, in which case the board shall conduct a detailed jurisdiction review.

(A) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(B) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

(3) If the board finds the county or multi-county regional agency has not maintained solid waste disposed as compared to the base tonnage year, the board shall conduct a detailed review of the effectiveness of the implementation of the diversion programs implemented by each jurisdiction to determine if the diversion programs of each jurisdiction within the county are adequately addressing all significant sources of disposal, except as provided for in subsection (3)(A) below.

(A) For those jurisdictions within the county or multi-county regional agency that have evidenced a history of adequate program implementation, based upon past biennial reviews, the board may conduct a more streamlined review as described in subsection (1).

(B) If the board determines that a jurisdiction is implementing or making a good faith effort to implement the diversion programs set forth in their source reduction and recycling element, including any updates, then the jurisdiction shall be deemed in compliance with section 41780.

(C) If the board has information to indicate that a jurisdiction may not have implemented or made a good faith effort to implement its diversion programs, then the board shall initiate the conferring period set forth in subsection (f). The conferring period affords the jurisdictions an opportunity to discuss and provide board staff any additional information related to their program implementation.

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

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

(1) Natural disasters.

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

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

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

(5) The extent to which a city, county, or multi-county regional agency has implemented additional source reduction, recycling, and composting activities.

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

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

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

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

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

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

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

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

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

(C) Proposed staff recommendations to the board.

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

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

(1) In making a determination, the board may consider an increase in the countywide or multi-county regional total tonnage of solid waste disposed only as an indication of whether the jurisdiction adequately implemented its diversion programs but shall not consider this fact to be determinative as to whether the jurisdiction has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element.

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

(A) The rural nature of the jurisdiction.

(B) Whether exceptional growth rate, including but not limited to, population and economic factors that may have affected compliance.

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

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

ARTICLE 5. ENFORCEMENT

41850. (a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the city, county, or multi-county regional agency has failed to make a good faith effort to implement its source reduction and

recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a multi-county regional agency, of up to ten thousand dollars (\$10,000) per day until the city, county, or multi-county regional agency implements the element.

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

(1) Natural disasters.

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

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

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

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

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

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

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

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

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

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

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

41850.5. Any administrative civil penalty imposed by the board pursuant to Section 41813 or 41850 shall be deposited in the Local Government Assistance Account, which is hereby created in the Integrated Waste Management Fund. Any funds deposited in that account shall be used solely for the purposes of

assisting local governments in complying with the diversion requirements established under Section 41780, and shall not be used by the board for administrative purposes.

PART 3. STATE PROGRAMS

Chapter 18.5. State Agency Integrated Waste Management Plan

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

(b) On and after January 1, 2004 2008, each state agency and each large state facility shall adequately implement the diversion programs set forth in its integrated waste management plan.

(b) The diversion programs in the integrated waste management plan shall be designed to maintain the total tonnage of solid waste disposed by the agency or facility as compared to the tonnage disposed in 2006 and these programs shall be adequate to accomplish this purpose consistent with Section 40051.

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

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

2005 Annual Report

Los Angeles County Countywide Integrated Waste Management Plan



“Enhancing our communities through responsive and effective public works services”



Countywide Summary Plan and Siting Element

Martin Aiyetiwa
County of Los Angeles, Department of Public Works
June 2007

Role of Public Works

- Advise Board of Supervisors on waste management issues
- Develop and administer the Countywide Siting Element (Disposal Plan)
- Plan for Countywide disposal needs (15 years)
- Analyze annual disposal capacity need



Solid Waste Management Planning

Countywide Siting Element Goals and Policies

- Support in-County disposal capacity
- Use out-of-County disposal capacity
- Support in-County infrastructure for exporting solid waste (transfer & rail loading)
- Promote alternatives to landfilling and incineration



Sunshine Canyon Landfill

2005 Annual Report Overview

Section 1: Countywide Summary Plan Assessment

- Revisions to Summary Plan
- Regional Issues

Section 2: Countywide Siting Element Assessment

- Changes in Permitted Capacity
- Strategy for Maintaining Adequate Disposal Capacity
- Waste Plan Conformance

Countywide Summary Plan Assessment

Revisions to the Summary Plan

- Changes in goals and policies
- Update on Countywide programs
- Changes in the Countywide solid waste management system



Countywide Summary Plan Assessment

Regional Issues

- Solid waste management
- Processing capacity
- Markets for recovered materials



Countywide Summary Plan Assessment

Regional Issues Continued

- State Disposal Reporting System
- AB 939 compliance
- Waste reduction



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Countywide Siting Element Assessment

Changes in Permitted Capacity

- Expanded Landfills
 - Puente Hills Landfill
 - Increase to 13,200 tons per day
 - Increase of 10 years of life



Countywide Siting Element Assessment

Changes in Permitted Capacity

- Proposed Landfill Expansions
 - Sunshine Canyon Landfill
 - Lancaster Landfill & Recycling Center
 - Antelope Valley Landfill
 - Bradley Landfill
 - Peck Road Gravel Pit

Maintaining Adequate Disposal Capacity

Goals and Policies

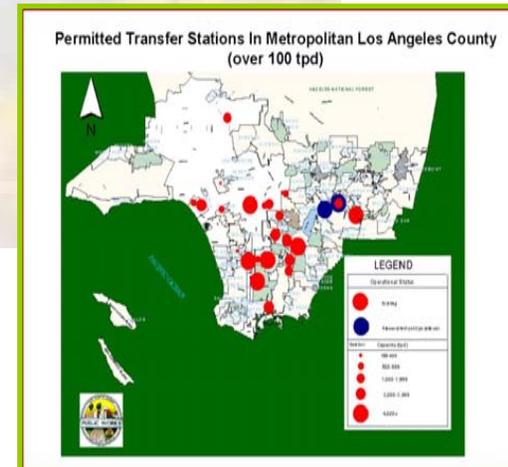
- Expand in-County capacity
- Facilitate the use of out-of-County/remote disposal facilities
- Foster development of transformation facilities & alternative solid waste disposal technologies



Current Countywide Disposal Capacity & Need

Transfer Station/Materials Recovery Facilities (MRFs)

- 29 Permitted larger-volume transfer stations/MRFs (>100 tpd)
- 5 Permitted large-volume City maintenance yards (> 100 tpd)
- Numerous small-volume transfer stations (< 100 tpd)
- Total available transfer processing capacity is approximately 60,000 tpd
- 2005 average daily tonnage is 29,000 tpd

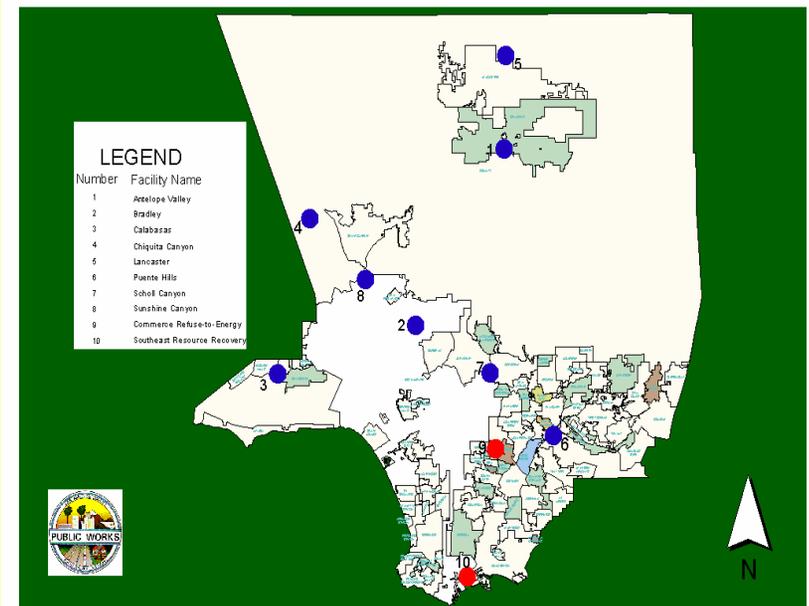


Current Countywide Disposal Capacity & Need

Existing Facilities

- 8 Major solid waste landfills
- 4 Small solid waste landfills
- 2 Waste-to-energy facilities

Major Permitted Disposal Facilities in Los Angeles County



Current Countywide Disposal Capacity & Need

Remaining Permitted Landfill Capacity (as of 1/1/06)

Landfill	2005 Disposal Rate (tons/day)	Capacity (million tons)	Life (years)
Antelope Valley	1,189	10.21	28
Bradley	864	0.09	0.33
Calabasas	1,772	8.81	24
Chiquita Canyon	4,965	13.74	9
Lancaster	1,503	13.60	6
Puente Hills	12,543	32.30	8
Scholl Canyon	1,452	6.80	15
Sunshine Canyon County	4,521	1.95	2
Sunshine Canyon City	1,831	7.20	5
Total	30,640	95.00	

Current Countywide Disposal Capacity & Need

2005 Disposal Quantities (All Jurisdictions in LA County)

Los Angeles County	Tons/Year (millions)	Tons/Day
In-County Solid Waste Landfills	9.6	30,700
Waste-to-Energy Facilities	0.5	1,700
Exports to Out-of-County Solid Waste Landfills	2.2	7,000
Total	12.3	39,400

Note: Imported waste to various types of disposal facilities – 756 tpd
Permitted unclassified landfills – 85,678 tons (275 tpd)

Current Countywide Disposal Capacity & Need

Waste Generation Projections

- Use State-developed methodology
- Consider demographic and economic changes
- Project waste generation for a 15-year period



Disposal Capacity Need Analysis: Scenarios

Scenario 1 – Existing Condition (no expansion)

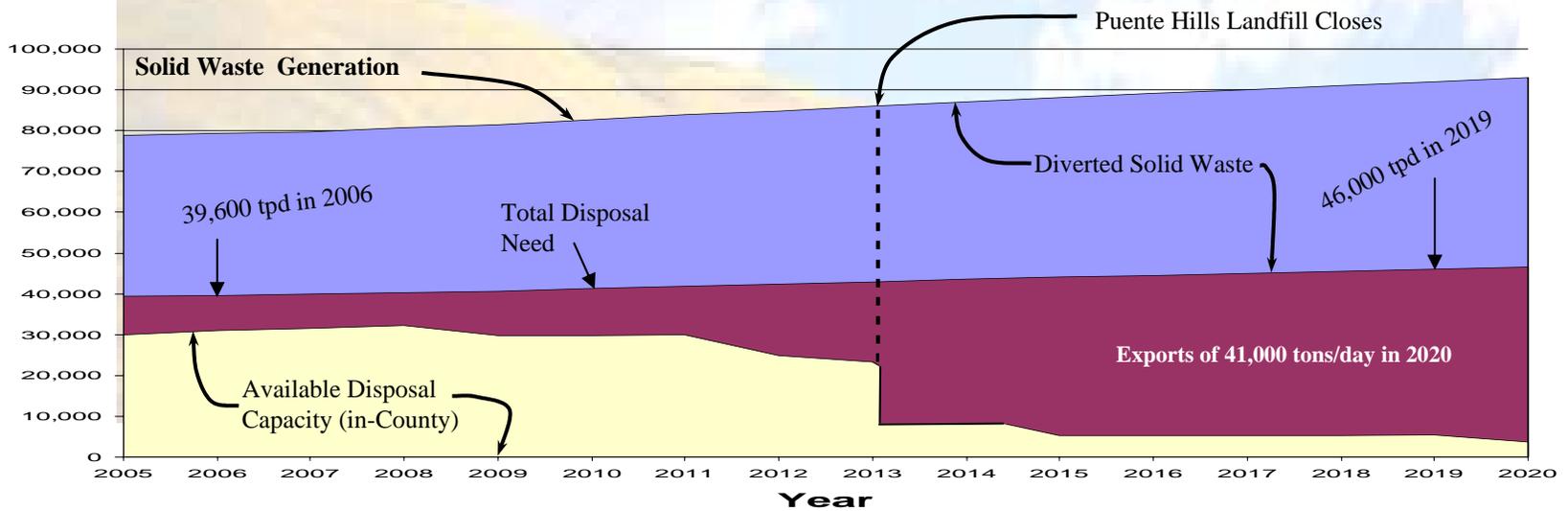
- Use of existing in-County facilities
- No landfill expansions
- Available out-of-County capacity of 10,000 tpd (2008-2020)
- *Shortfall* of 230 tpd by 2011, up to 31,000 by 2020



Disposal Capacity Need Analysis: Scenarios

Scenario 1 – Existing Condition (assumes 50% Countywide recycling rate, no landfill expansions, and no conversion technology, full reliance on in-County landfills)

Daily Solid Waste Quantity (Tons)



Disposal Capacity Need Analysis: Scenarios

Scenario 2 (no exports)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- No out-of-County facilities would be used
- *Shortfall* by 2006 of 6,250 tpd. The shortfall would temporarily disappear upon the expansion of the Sunshine Canyon Landfill. By 2011, there will be a shortfall of 330 tpd increasing to 19,400 tpd by 2020.

Disposal Capacity Need Analysis: Scenarios

Scenario 3 (expansions and exports)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Exports to out-of-County facilities of up to 10,000 tpd
- *Shortfall* of 5,800 tpd by 2014, up to 10,200 by 2020

Disposal Capacity Need Analysis: Scenarios

Scenario 4 (conversion technology)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Use of conversion technology for up to 3,000 tpd
- Available out-of-County capacity of 20,000 tpd by 2014
- *No shortfall*

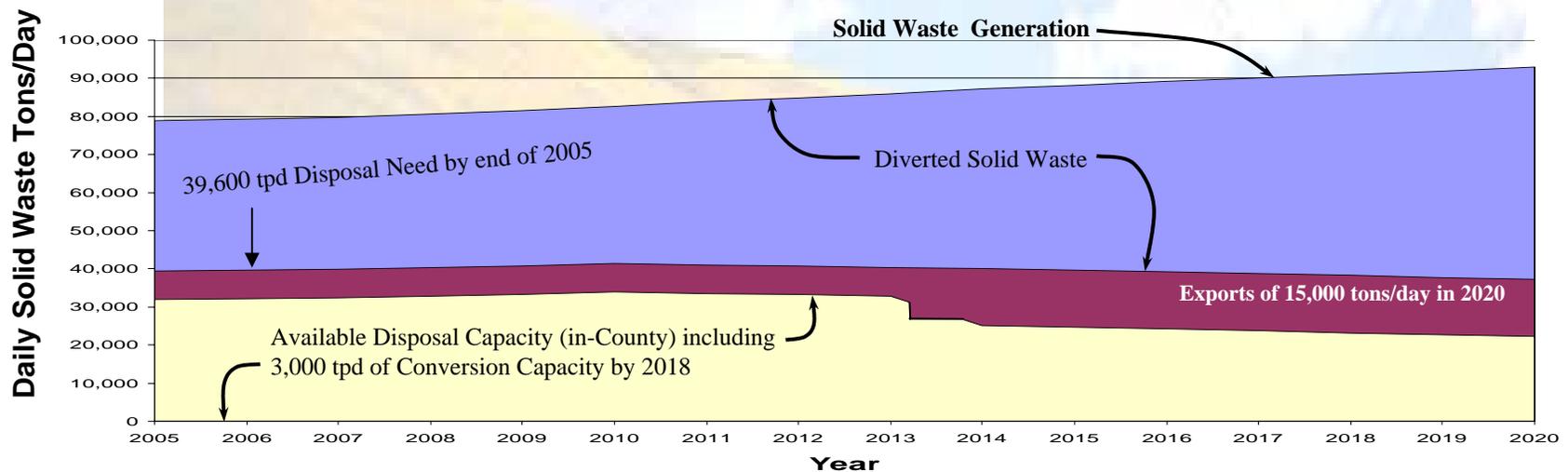
Disposal Capacity Need Analysis: Scenarios

Scenario 4 – Alternate, Best Case Scenario (conversion technology and increased diversion)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Use of conversion technology beginning 2014 with 1,500 tpd, up to 3,000 tpd by 2020
- Available out-of-County capacity of 15,000 tpd by 2014 through 2020
- Increase in diversion at the rate of 1% per year beginning in 2011, up to 60% by 2020
- *No shortfall*

Disposal Capacity Need Analysis: Scenarios

Scenario 4 – Alternate, Best Case Scenario (assumes 60% Countywide diversion rate by 2020; development of conversion technology up to 3,000 tpd by 2018, expansion of all in-County landfills, and use of out-of-County facilities of up to 15,000 tons/day by 2014)



Disposal Capacity Need Analysis: Scenarios

Scenario 5 (full reliance on exports, no conversion technology)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Available out-of-County capacity of 20,000 tpd by 2014, up to 22,000 by 2020
- *No conversion technology*
- *No shortfall*

Disposal Capacity Need Analysis: Scenarios

Scenario 5 – Alternate (expansions, increased diversion, exports, no conversion technology)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Available out-of-County capacity of 15,000 tpd by 2014, through 2020
- Increase in diversion at the rate of 1% per year beginning in 2011, up to 60% by 2020
- *No conversion technology*
- *No shortfall*

Disposal Capacity Need Analysis: Scenarios

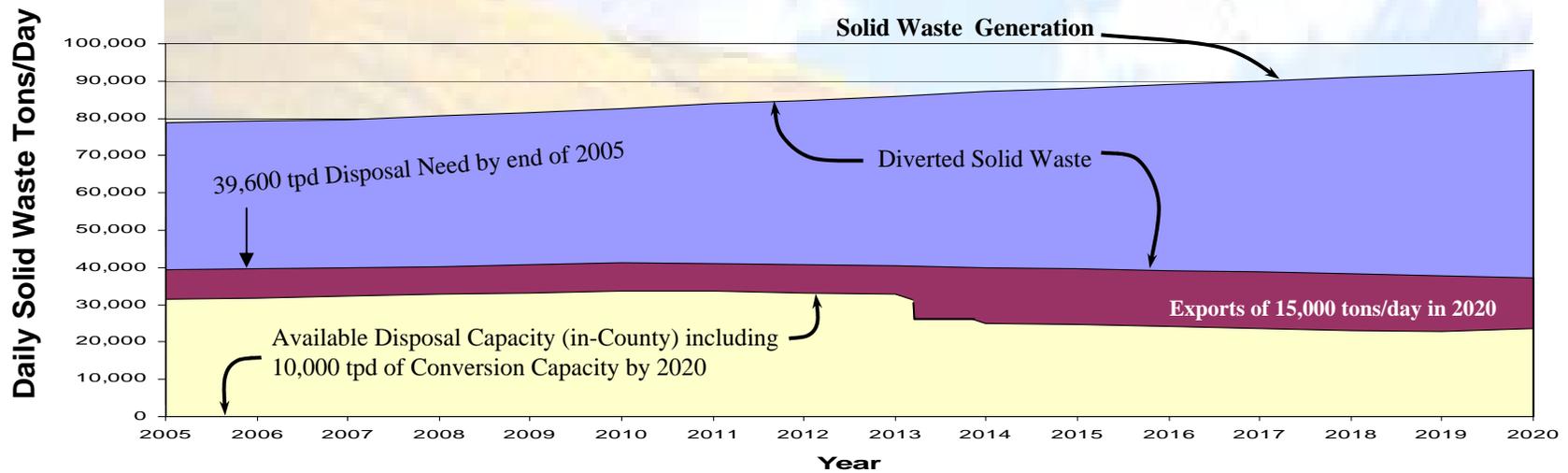
Maximum Conversion Technology Development Scenario (conversion technology, and increased diversion)

- Use of existing in-County facilities
- Proposed expansion of in-County permitted facilities
- Use of conversion technology beginning in 2010 with 1,200 tpd, up to 10,000 tpd by 2020
- Available out-of-County capacity of 15,000 tpd by 2014 through 2020
- Increase in diversion at the rate of 1% per year beginning in 2011, up to 60% by 2020
- Considers City of Los Angeles' and County of Los Angeles' efforts to develop conversion technology
- *No shortfall*

Disposal Capacity Need Analysis: Scenarios

Maximum Conversion Technology Development Scenario

(assumes 60% Countywide diversion rate by 2020; development of conversion technology up to 10,000 tpd by 2020, expansion of all in-County landfills, and use of out-of-County facilities of up to 15,000 tons/day by 2014)



Disposal Capacity of Unclassified Inert Debris/Engineered Fill Disposal Sites in Los Angeles County

- 3 Permitted unclassified inert waste operations and
- 11 Inert debris engineered fill operations/unpermitted landfills in Los Angeles County
- Available daily capacity of 32,000 tpd, as of January 1, 2006
- Average daily disposal 16,570 tpd in 2005
- 5.2 million tons disposed in 2005

Summary of Out-of-County Landfills

Landfill	2005 Exported Quantity (tpd)	Anticipated Maximum Exports	Capacity (million tons)	Life (years)
El Sobrante	2,840	4,000	118.6	40
Frank R. Bowerman	810	1,500	42.4	16
Olida Alpha	1,100	1,500	18.9	7
Prima Desecha	1,100	1,500	73.0	60
Simi Valley	730	1,000	18	26
Mesquite Regional*	-	15,000	600	100
Eagle Mountain**	-	15,000	670	100

Note: * Expected to be operational by 2009

** Currently not operational and remains in litigation since 1999

2006 MSW Disposal Quantities

(All Jurisdictions in LA County)

<u>Los Angeles County</u>	<u>2006 Disposal Rate Tons/Year</u>	<u>2006 Disposal Rate Tons/Day</u>	<u>% of Total</u>
In-County Solid Waste Landfills	9.7 million	31,100	80%
Waste-to-Energy Facilities	0.6 million	1,600	5%
Exports to Out-of-County Solid Waste Landfills	1.8 million	5,800	15%
Total Disposal	12.1 million	38,500	
Notes: Tons/Day = 6-day/week Imported waste to various types of disposal facilities – 450 tpd Permitted unclassified landfills – 100,000 tons (320 tpd)			

Remaining Permitted Capacity for In-County Landfills as of January 1, 2007

<u>Landfill</u>	<u>2006 Disposal Rate (tons/day)</u>	<u>Remaining Capacity (millions tons)</u>	<u>Remaining Life (years)</u>
Puente Hills	12,250	28.5	7
Chiquita Canyon	4,930	12.2	8
Sunshine Canyon (City)**	4,120	5.9	4*
Sunshine Canyon (County)	2,690	1.1	1*
Calabasas	1,620	8.3	15
Scholl	1,430	6.4	14
Lancaster***	1,240	17.5	5
Antelope Valley	980	9.8	26
Bradley****	1,450	0.0	>1

Total Disposal

30,710

89.7

* On 2/6/07, the Board of Supervisors approved a new CUP establishing a 30-year life. Provided certain conditions are met, the total available capacity of the combined landfills is 74.3 million tons

** City of LA portion opened July 2005, currently operating at 4,400 tons per day

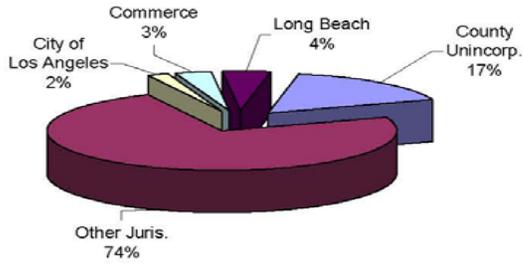
*** Lancaster Landfill's current CUP expires August 2012

******Bradley Landfill closed April 2007**

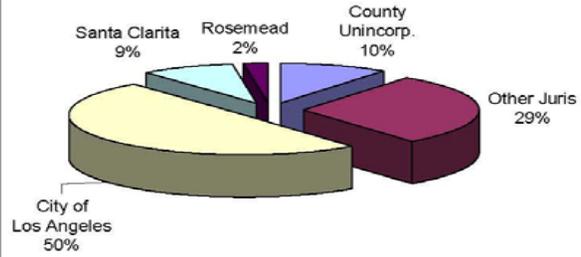
Remaining capacity is based on annual landfill operator survey and other info on file with Public Works

2006 Solid Waste Disposal by Jurisdiction of Origin for Major Landfills and Waste-to-Energy Facilities

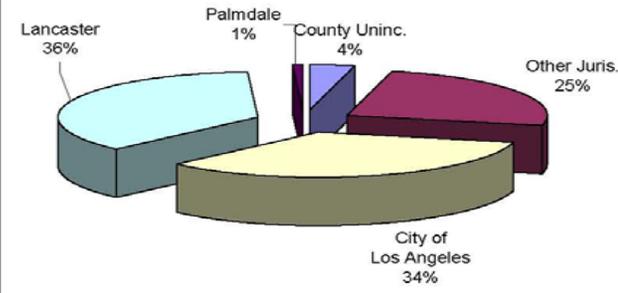
**Puente Hills Landfill
(3.8 Million Tons)**



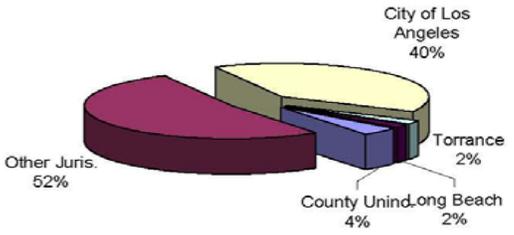
**Chiquita Canyon Landfill
(1.5 Million tons)**



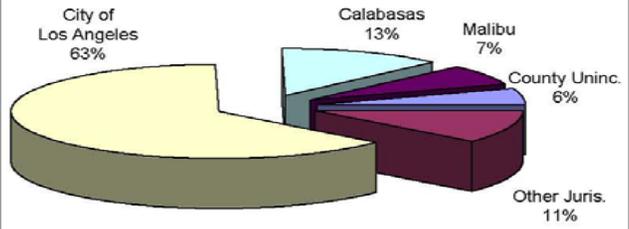
**Lancaster Landfill
(0.4 Million tons)**



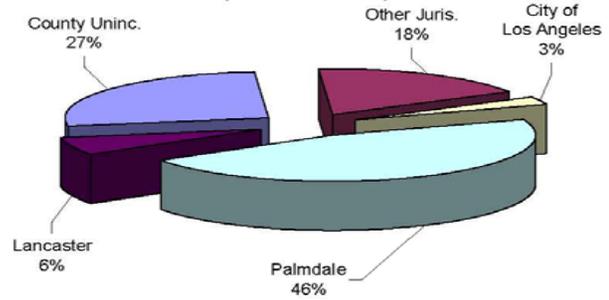
**Sunshine Canyon (City) Landfill
(2.4 Million tons)**



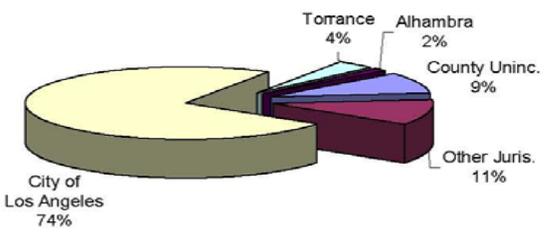
**Calabasas Landfill
(0.5 Million tons)**



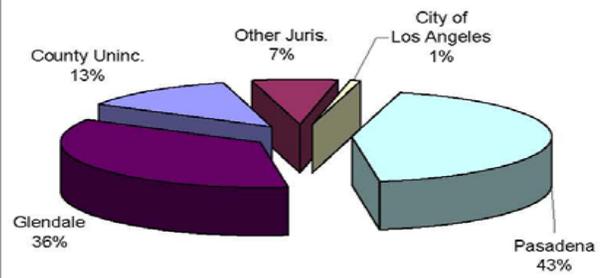
**Antelope Valley Landfill
(0.3 Million tons)**



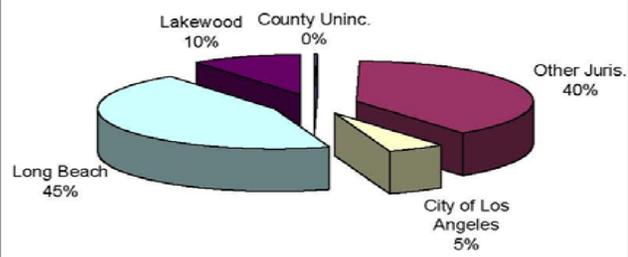
**Sunshine Canyon (County) Landfill
(0.8 Million tons)**



**Scholl Canyon Landfill
(0.4 Million tons)**

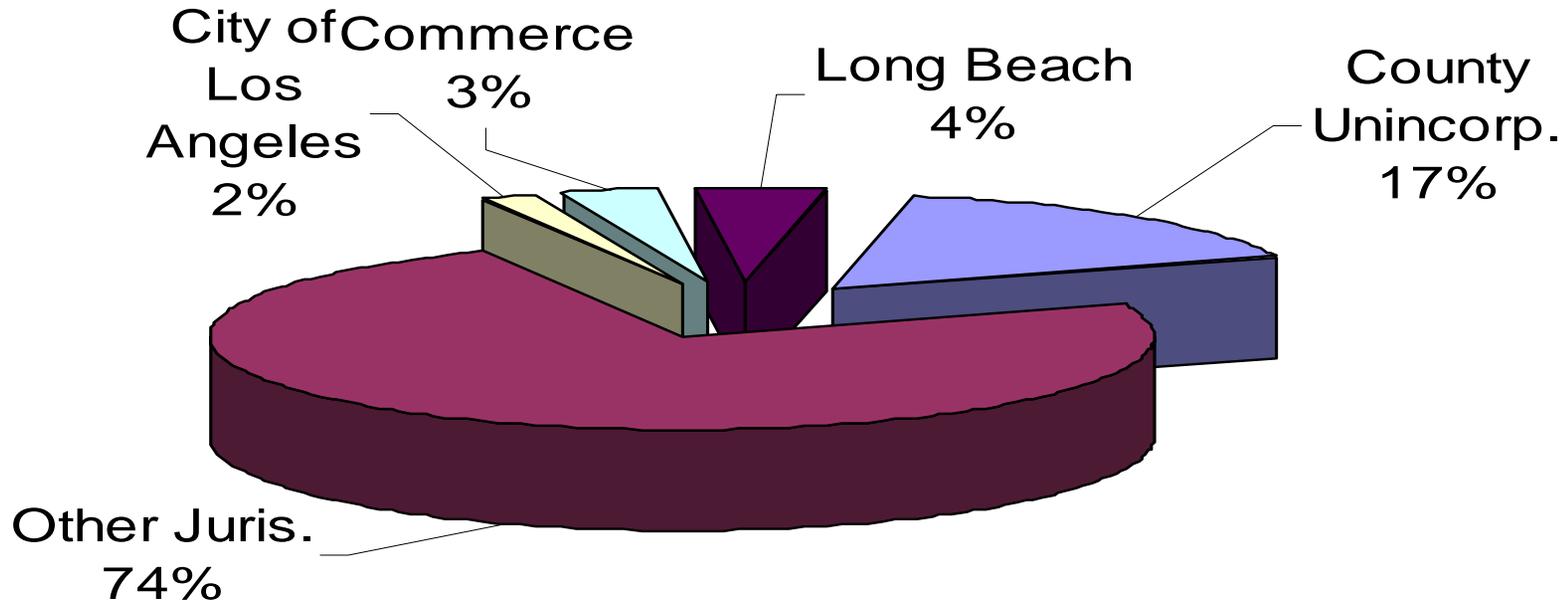


**Southeast Resource Recovery
(Waste-to-Energy) Facility
(0.5 Million tons)**



2006 Solid Waste Disposal by Jurisdiction of Origin for Major Landfills and Waste-to-Energy Facilities

Puente Hills Landfill (3.8 Million Tons)

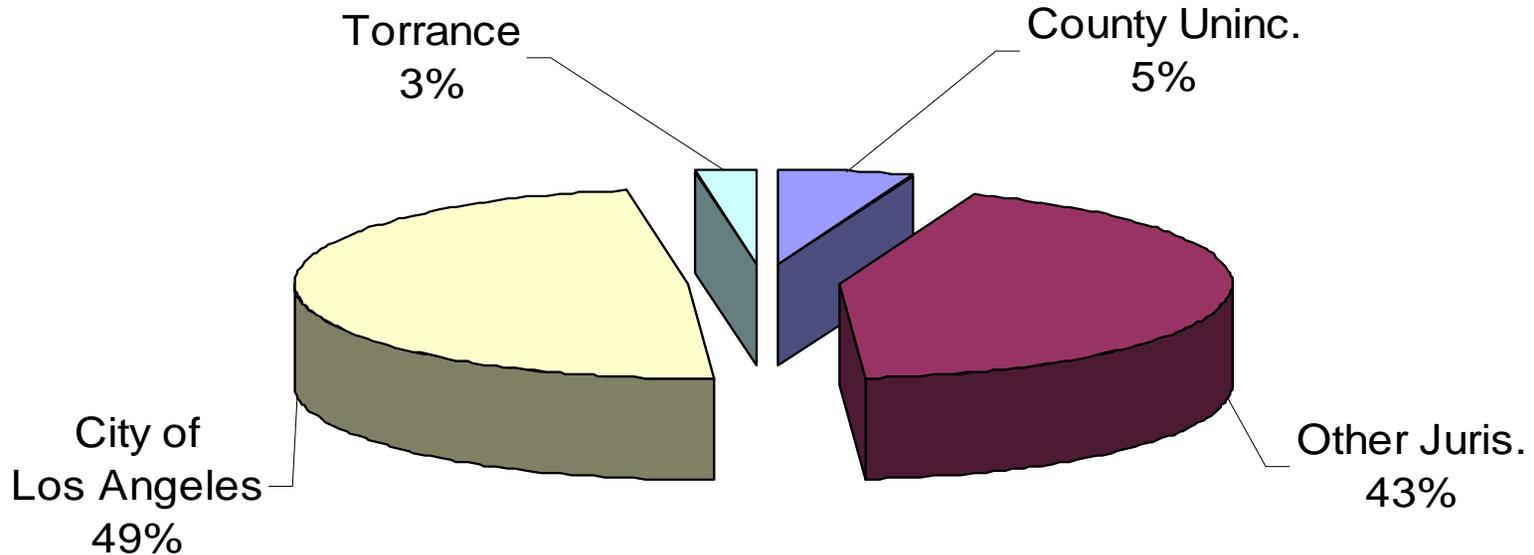


Note: Puente Hills Landfill accepts approximately 330,000 tons/year or about 47% of the County's green waste for cover material

- Puente Hills Landfill receives 3.8 million tons/year or about 30% of the total County waste

2006 Solid Waste Disposal by Jurisdiction of Origin for Major Landfills and Waste-to-Energy Facilities

Combined Sunshine Canyon City and County Landfills (3.2 Million Tons)



Note: Sunshine Canyon County/City Landfill receives 3.2 million tons/year or about 26% of the total County waste

Disposal Capacity Need Analysis: In Conclusion

What's Needed

- Maximize waste reduction efforts
- Maximize the use of in-County disposal capacity
- Use out-of-County disposal capacity



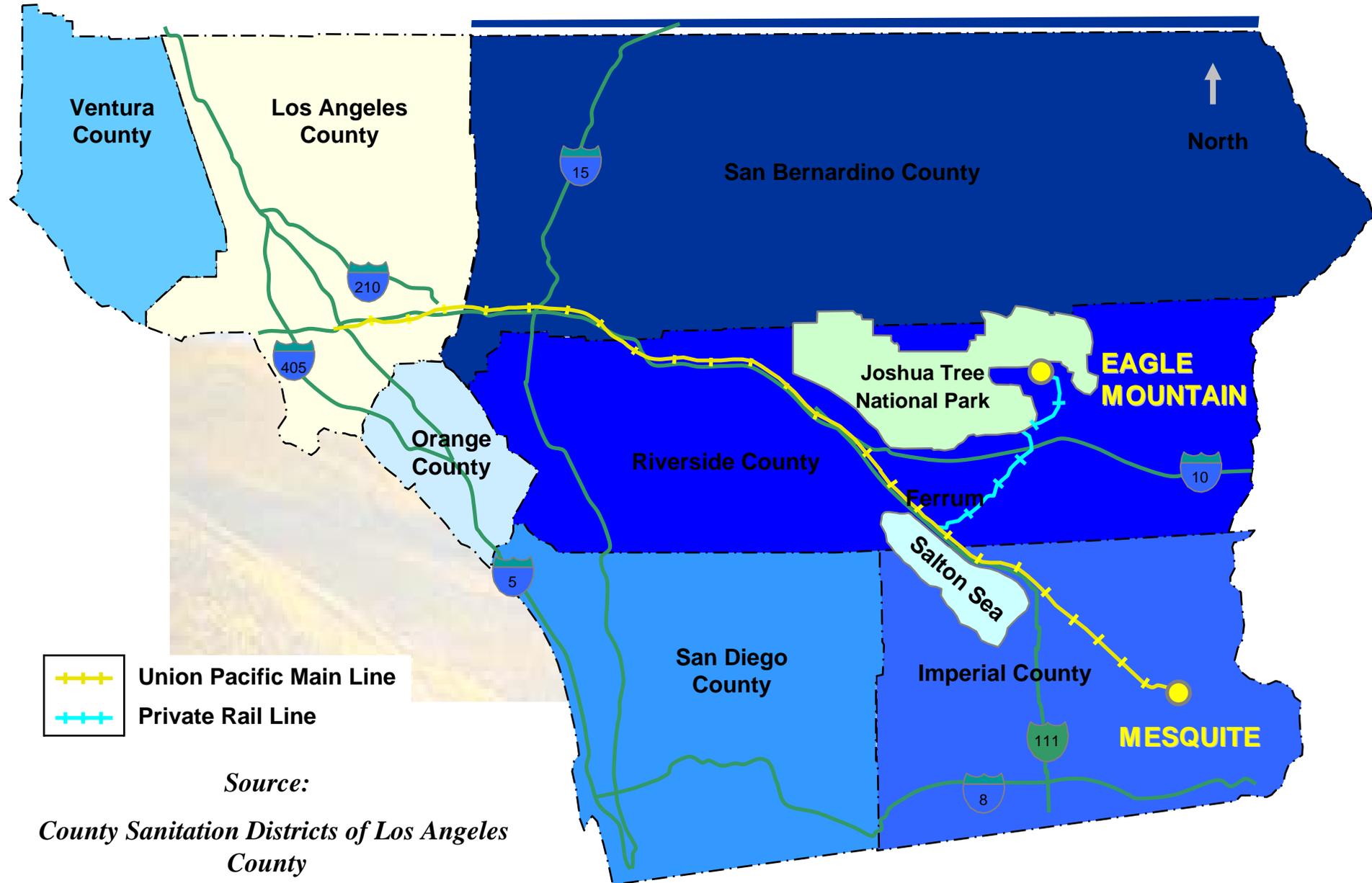
Disposal Capacity Need Analysis: In Conclusion

What's Needed

- Develop in-County infrastructure to facilitate exportation of waste to out-of-County facilities (transfer & rail loading)
- Expand efforts to encourage development of alternatives to landfilling, e.g. conversion technologies



Disposal Capacity Need Analysis: In Conclusion



Questions?



For more information on solid waste management in Los Angeles County, please visit www.SolidwasteDRS.org

Countywide Solid Waste Management Fee

www.
888CleanLA
.com

Coby Skye
Los Angeles County
Department of Public Works

June 2007





Overview of Today's Presentation

- What is the Countywide Solid Waste Management Fee?
- Programs and Activities Funded by the Fee
- L.A. County Fee Ordinance Proposal
 - Increase Fee from \$0.86/ton to \$1.50/ton
 - Recycling and Waste Diversion Program Expansion
 - Other Provisions, Including Exemptions for Out-of-County Recycling, Clean Fill and Conversion Technologies
- Conclusion, Q&A

What is the Solid Waste Management Fee?



- The Fee of \$0.86 is assessed on each ton of waste disposed by L.A. County residents and businesses
- Adopted in 1991 in order to fund Countywide programs and planning activities
- Solid Waste Management Fee Allocation (per ton)
 - \$0.56 Dedicated to Household Hazardous/Electronic Waste
 - \$0.30 Dedicated to Remaining Programs

What is the Solid Waste Management Fee? (cont.)



- Approx. \$11 Million Generated Per Year
- These funds are used to implement Countywide waste reduction and recycling programs
- The Fee also pays for staff to implement State responsibilities of a Countywide nature, including planning and reporting requirements under AB 939

Countywide Waste Management Responsibilities



- SWMF funds Countywide waste reduction and recycling programs, such as:
 - Household Hazardous and Electronic Waste Management Program
 - Approximately **77,000 households** participated last year
 - Over **7 million pounds** of HHW collected
 - Countywide SmartGardening Program
 - Waste Tire Recycling Program
 - Primary and secondary school education programs
 - 888CleanLA Outreach Program (toll-free hotline and website)

Countywide Waste Management Responsibilities



- SWMF also funds Countywide planning activities and State-mandated reporting, such as:
 - Aggressively pursuing alternatives to landfilling
 - Conversion Technology Demonstration Project
 - Provide Staff to the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
 - Including three subcommittees
 - Legislative advocacy, FOCs, etc.
 - Prepare and administer the Countywide Siting Element
 - Prepare and administer the Countywide Summary Plan
 - Administer the State Disposal Reporting System for Los Angeles County

Need for Adjusting the Solid Waste Management Fee



- SWMF has never been increased since its inception 16 years ago
 - If adjusted for inflation each year since its inception in 1991, the SWMF would be \$1.32/ton
 - To stretch fixed funding, L.A. County has:
 - enhanced funding from other sources
 - maximized efficiency
 - controlled costs
 - Increase is critical to maintain programs and grapple with new challenges

Los Angeles County Ordinance Proposal



1. Increase the Fee from \$0.86 to \$1.50

- Average household disposes approximately 1.15 tons of trash each year, therefore impact per household is negligible (less than \$0.75/year, if paid directly)

2. Clarifying language and intent

- Conform definitions of “solid waste” and “disposal facility” with State definitions
- Create definition for “Conversion Technologies” in the absence of guidance from the State
- Define inert waste facilities in light of new State permitting tiers

Los Angeles County Ordinance Proposal



3. Fix inconsistency

- Clarify exemption for materials exported out-of-county and subsequently recycled or diverted

4. Automatic adjustment of the Fee in future years

- Annually review the Fee and adjust, if necessary, based on the Consumer Price Index (CPI)
- Allows for planned adjustments for franchises and other long term contracts

5. Enhance and expand countywide waste reduction and recycling programs

Los Angeles County Ordinance Proposal



- Targeted exemptions/payment options for beneficial use and emerging technologies
 - Exemptions for:
 - Conversion Technologies, as small incentive for future development
 - Clean fill projects (e.g. using clean dirt for fill activities)
 - Clarification that composting is exempt from the Fee
 - Retain current per cubic yard payment option for inert debris facilities, and retain \$0.52 per c.y. rate, thereby creating an incentive for diverting inert materials to these facilities

Los Angeles County Ordinance Proposal



- Significant Enhancements to Countywide Waste Diversion and Recycling Programs
 - Household Hazardous Waste
 - New Permanent Centers
 - Public Outreach Campaign Focused on Reduction
 - E-waste, U-Waste, Sharps, Drugs, etc., etc.
 - Enhancement of Existing Programs
 - Illegal Dumping Prevention and Public Education
 - Waste Tires
 - Smart Gardening Program
 - Public Education and Outreach



Conclusion

- L.A. County Board of Supervisors have been working to meet new environmental challenges
 - Implementing bold new policies such as
 - Comprehensive Energy and Environment Policy
 - Green Building mandate
 - “No Drugs Down the Drain”
 - Work to continue to increase recycling and reduce landfill disposal and exporting
 - Lots more needs to be done, and additional funding is crucial to meet those needs
- Cities have been great partners in developing and expanding programs and we look forward to renewing those partnerships with this initiative



Conclusion

Ultimately, this proposal will provide the resources to meet growing expectations from political leaders and the public regarding environmental protection and conservation on a Countywide basis



Questions?

Contact: Coby Skye
cskye@dpw.lacounty.gov
(626) 458-5163

For more information, please visit:

- www.888CleanLA.com for info about the County's recycling programs
- www.SolidWasteDRS.org for Solid Waste Disposal Reporting System info
- www.LACountyISWMTF.org for County Integrated Waste Management Task Force

1-800-GOT-JUNK?



1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



Agenda

- Who We Are
- What We Do
- How We Do It



1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



Who We Are

- 26 Owners / 76 Trucks in Southern California
- Full Service Junk Removal Company
- Niche provider focused on high end service
- Locally owned businesses with LA roots
- Comprehensive LA county coverage

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



What We Do

SAVE UP TO 10%
BOOK ONLINE
OR BY PHONE ONLY*

**Remove your junk
without lifting a finger.**

JUST GET IT DONE
We'll remove almost anything - from old furniture and appliances to yard waste and recreational debris. Plus, we do all the loading and cleanup.

Book online at 1800gotjunk.com or call 1-800-469-5865.



SAVE UP TO 10%
BOOK ONLINE
OR BY PHONE ONLY*

JUST GET IT DONE IN 3 EASY STEPS.

- 1 Book online at 1800gotjunk.com and save \$10 or call us at 1-800-469-5865.
- 2 You point to what you want taken away.
- 3 We do all the loading, cleanup and disposal for you.

♻️ Up to 60% of the items we collect system wide are donated or recycled.

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



What We Do

- How our service works
 - Personalized one on one call center interaction
 - On-time service with customer notification
 - Up-front pricing based on volume
 - Clean, well maintained fleet
 - Friendly, articulate staff

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



How We Do it

- Providing Full Service
 - Loading and lifting from anywhere
 - Dismantling or minor demolition
 - Thorough clean-up of area
- Custom trucks – ideal for congested thoroughfares and alleyways
- Fully insured and licensed

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



How We Do It - Recycling

- 517 Tons diverted *before* Transfer Stations
- LA County 2006 Diversion stats
 - 79 Tons CRTs
 - 36 Tons UWED
 - 315 Tons Metal
 - 77 Tons Donations
 - 10 Tons Other Recycling



1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



How We Do it - Recycling Network

- Waste Management
- Allied Waste / BFI
- Southern California Disposal
- Puente Hills MRF / Landfill
- Calabasas Landfill
- Adams Steel
- Sims Group
- California Waste Services
- Innovative Waste Control
- Electronic Recyclers Int'l.
- American Recycling Company Int'l.

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



How We Do it - Alliances

GSA Schedule
OAKLEAF™
 Waste Outsourcing Done Right
PAUL DAVIS RESTORATION
ALLIED WASTE
SMURFIT-STONE
ServicerMASTER
 Family of Brands
Public Storage
SERVPRO
STAPLES
 that was easy!
DELTA
 DELTA MANAGEMENT GROUP
CBRE
 CB RICHARD ELLIS
RE/MAX
1-800-GOT-JUNK?
 THE WORLD'S LARGEST JUNK REMOVAL SERVICE
1-800-GOT-JUNK?

How We Do It – We Give Back

- *Trees to the Sea*
- *Educational Foundations*
- *Beach Clean-ups*
- *Heal the Bay*
- *E-waste collection events*
- *LA River Clean-up*
- *C.A.U.T.I.O.N.*



1-800-GOT-JUNK?
 THE WORLD'S LARGEST JUNK REMOVAL SERVICE
1-800-GOT-JUNK?

How We Do It – We Give Back



From trash to treasure

Downtown junk-collection company donates 200 gowns to charity.

By Samantha Gonzaga, Staff writer

Article Launched: 05/22/2007 10:35:48 PM PDT

Fran Hansen, co-founder and executive director of Making Memories Breast Cancer Foundation, gets racks ready to be loaded. The group received a generous offer from Leslie and Amanda Rowe of 1-800-GOT-JUNK, who donated more than \$200,000 worth of wedding gowns. (Tracey Roman / For the Press-Telegram)

1-800-GOT-JUNK?
THE WORLD'S LARGEST JUNK REMOVAL SERVICE



From: Garcia, Bobbie [mailto:bgarcia@CIWMB.ca.gov]
Sent: Friday, June 15, 2007 12:32 PM
To: Mike Mohajer
Cc: Brown, Bridget
Subject: CIWMB AB 2296 Financial Assurance & Corrective Action Consulting Group

Mike - Thank you for your email. We have added the Los Angeles County Integrated Waste Management Task Force as a member of the AB 2296 consulting group. This group will play a critical role in the CIWMB's contracted study to identify potential long-term threats and financial assurance mechanisms for long-term postclosure maintenance and corrective action at solid waste landfills. The group will review and comment on each draft deliverable developed by the contractor, including development of detailed work plans that provide the steps that will be taken in completing each of the tasks in the study.

The study, which is required in part by Assembly Bill (AB) 2296 (Chapter 504, Stats of 2006), will 1) define the conditions that potentially affect solid waste landfills, including technologies and engineering controls designed to mitigate potential risks, to identify potential long-term threats to public health and safety and the environment; and 2) study various financial assurance mechanisms that would protect the state from long-term postclosure and corrective action costs in the event that a landfill owner or operator fails to meet its legal obligation to fund postclosure maintenance or correction action during the postclosure period.

The CIWMB approved the scope of work for the study (attached) at the November 15, 2006, CIWMB Meeting. A Request for Proposals was advertised and qualifying bids were reviewed and scored by an evaluation and selection committee. The CIWMB approved ICF Consulting Services as the contractor at its May 15, 2007, Meeting.

In conducting the study, the CIWMB is required by AB 2296 to consult with representatives of the League of California Cities, the County Supervisors Association of California, private and public waste services, and environmental organizations. The consulting group will be asked to serve as consultants throughout the contract process by reviewing and commenting on each draft deliverable developed by the contractor. Because the time allowed for completing the contract is less than 5 ½ months, the consulting group will have approximately one (1) week to review and comment on each draft deliverable. Draft deliverables will be distributed by the CIWMB's contract managers to members of the consulting group for review and comment as the deliverables become available from the contractor. We ask that all comments be directed to the CIWMB's contract managers, who will forward them to the contractor.

The first draft deliverables that will be routed to you for your review and comment will be the work plans. We anticipate emailing these to you possibly as early as the end of next week. You will have approximately 1 week to review the work plans and get your comments back to us. To give you more time for your review and comment, we plan to do everything electronically, using email. Please let us know if working through email would be a problem.

We will continue sending you draft deliverables as soon as they become available. While we can't provide a schedule indicating the exact time each draft deliverable will be distributed to you, we do plan to provide you with a heads-up several weeks ahead of when to expect a specific draft deliverable so that you can plan accordingly. We anticipate the last draft deliverable being sent to you sometime in November, when the study should be coming to a conclusion. The study is scheduled to conclude on December 1, 2007.

Please provide the name of one person to represent your organization in the AB 2296 Consulting Group to the CIWMB's contract managers: Bobbie Garcia (916.341.6291 or bgarcia@ciwmb.ca.gov) or Bridget Brown (916.341.6325 or bbrown@ciwmb.ca.gov) **no later**

than June 12, 2007. Please include your designee's mailing address, email address, and phone number. We anticipate distributing the deliverables via e-mail because of the short timelines.

Thank you in advance for your commitment to participate on the AB 2296 Consulting Group, which is critical to the success of the financial assurance and corrective action study. Please let us know if you have any questions.

Bobbie Garcia and Bridget Brown

Contract Managers

From: Mike Mohajer [mailto:mikemohajer@yahoo.com]
Sent: Friday, June 15, 2007 11:34 AM
To: Garcia, Bobbie
Subject: RE: CIWMB AB 2296 Financial Assurance & Corrective Action Consulting Group

Hi Bobbie,

Awaiting for your response. Thanks, Mike

-----Original Message-----

From: Mike Mohajer [mailto:mikemohajer@yahoo.com]
Sent: Monday, June 11, 2007 1:31 PM
To: Bobbie Garcia
Subject: CIWMB AB 2296 Financial Assurance & Corrective Action Consulting Group

Hi Bobbie,

For many years, the Los Angeles County Integrated Waste Management Task Force has been extensively involved on matters regarding solid waste landfills post-closure maintenance, corrective actions and financial assurance as well as those requirements stipulated by the AB 2296 (2006). The Task Force has also been communicating with the California Integrated Waste Management Waste Board re the subject matter as well, please see the attachments.

Today, I was advised that the CIWMB is forming a study/consulting group to assist them on the subject matter. Unfortunately, the Task Force was not included as a participant on the group. On behalf of the Task Force, it is respectfully requested that the Task Force be included as a member of the group.

Should you have any questions, please contact me at 909-592-1147. Thank you for your prompt response.

MIKE MOHAJER
mikemohajer@yahoo.com

California Integrated Waste Management Board

SCOPE OF WORK

Study To Identify Potential Long-Term Threats and Financial Assurance Mechanisms For Long-Term Postclosure Maintenance and Corrective Action At Solid Waste Landfills

I. INTRODUCTION/OBJECTIVES

In July 2006, the California Integrated Waste Management Board directed its staff to conduct a "Study To Identify Potential Long-Term Threats and Financial Assurance Mechanisms For Long-Term Postclosure Maintenance and Corrective Action At Solid Waste Landfills." The study will assess the pros and cons of various options, including, but not limited to: 1) a statewide requirement that all operators contribute to a pooled fund to provide for the longer-term postclosure maintenance (PCM) and/or known or reasonably foreseeable corrective action (CA) faced at active and closed facilities, and 2) a statewide requirement that all operators purchase insurance coverage for any PCM and CA costs faced at the facility that are not already identified and otherwise insured to the State. The study will also identify additional financial assurance (FA) demonstrations (i.e., financial mechanisms) not currently identified that will provide equivalent or better assurance.

To provide a basis for subsequent regulatory or statutory changes, the study will:

1. Identify and evaluate factors associated with the landfilling of solid waste that could impact or contribute to the impact of public health, safety, and the environment, and the likelihood of such an impact occurring;
2. Identify human and/or environmental receptors potentially at risk from these factors;
3. Identify and evaluate landfill construction, containment, materials and maintenance factors that may exacerbate or mitigate risk;
4. Develop a rational analysis that assigns a value which corresponds to the degree of risk associated from analysis of #1, #2 and #3, listed immediately above;
5. Evaluate how risk associated with these factors (#1, #2 and #3, listed immediately above) is likely to change over time; and,
6. Develop a methodology (using #1 through #5, listed immediately above) for California Integrated Waste Management Board (CIWMB) staff to evaluate an individual landfill's risk [high, medium, or low] and to use that value for determining overall financial assurances coverage levels.

Based on the results of such a study, staff would then return to the CIWMB with further recommendations regarding PCM and CA financial assurance requirements.

The CIWMB's direction is consistent with the requirements of Assembly Bill No. 2296, (Montanez, Stats. of 2006, Ch. 504), which was signed by the Governor on September 27, 2006. This bill requires the CIWMB, on or before January 1, 2008, to:

- Conduct a study to define the conditions that potentially affect solid waste landfills, including technologies and engineering controls designed to mitigate potential risks, and to identify potential long-term threats to public health and safety and the environment.

- Conduct a study on various FA mechanisms that would protect the state from long-term PCM and corrective action costs in the event that a landfill owner or operator fails to meet its legal obligations to fund PCM or corrective action during the postclosure period.
- Adopt on or before July 1, 2009 regulations and develop recommendations for needed legislation to implement the findings of the study.

II. WORK TO BE PERFORMED

The Contractor will be required to review all currently available financial assurance demonstrations within California and propose additional financial demonstrations not currently identified that will provide equivalent or better assurance than the financial demonstrations currently allowed by the CIWMB. The results of this analysis will be provided to the CIWMB in a written and electronic report format identifying the pros and cons of each financial assurance demonstration, the associated fees to be encountered by the regulated public and the administrative expenses expected to be absorbed by the CIWMB in review and acceptance of the financial demonstrations.

To provide a basis for subsequent regulatory or statutory changes, the study will:

1. Identify and evaluate factors associated with the landfilling of solid waste that could impact or contribute to the impact of public health, safety, and the environment, and the likelihood of such an impact occurring;
2. Identify human and/or environmental receptors potentially at risk from these factors;
3. Identify and evaluate landfill construction, containment, materials and maintenance factors that may exacerbate or mitigate risk;
4. Develop a rational analysis that assigns a value which corresponds to the degree of risk determined from analysis of #1, #2 and #3, listed immediately above;
5. Evaluate how risk associated with these factors (#1, #2, and #3, listed immediately above) is likely to change over time; and,
6. Develop a methodology (using #1 through #5, listed immediately above) for CIWMB staff to evaluate an individual landfill's risk [high, medium, or low] and to use that value for determining overall financial assurances coverage levels.

The results of this analysis will be provided to the CIWMB in a written and electronic format applicable to any active or closed landfill within California for the purpose of assigning overall financial assurances coverage levels.

III. TASKS IDENTIFIED

To meet the requirements and to fulfill the terms of the Contract, the Contractor shall complete the following six tasks. These tasks outline a general approach for meeting the requirements; however, alternative approaches for some or all of the tasks may be proposed as part of the competitive bid process if they meet or exceed the requirements and are adequately demonstrated in the proposed work plan. The CIWMB, in agreement with the Contractor, may modify the work plans based on new information gathered during the Contract term.

Phase I: Evaluate applicable financial assurance demonstrations for long-term PCM and CA financial exposures for both active and closed landfills, and develop a working model for a statewide pooled fund and criteria for insurance coverage for all exposures not already identified and assured.

Task 1: Finalize the work plan provided in the bid, indicating the steps that will be taken in completing each task (tasks 2 through 4), including for each step the personnel involved, the projected timeframe, and cost. The work plan will incorporate CIWMB staff review and approval throughout the process, including bi-weekly reporting of work performed to the CIWMB Contract Manager by e-mail, and timely submittal of outlines and draft documents prior to submittal of deliverables.

Deliverable: Detailed work plan to be reviewed and approved by CIWMB staff.

Task 2: Review existing financial demonstrations identified in Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 6 as well as identification, applicability and analysis of other appropriate financial demonstrations not currently identified in these regulations.

1. Include analysis of appropriate application of current demonstrations for long-term (beyond 30-year) PCM and CA financial exposures at both active and closed landfills.
2. Compare and contrast financial demonstrations for safety, security and the timely accessibility of funds.
3. Develop appropriate alternative financial mechanisms with similar security attributes as current assurances.

Deliverable: Detailed report of demonstrations consisting of a list of applicable financial demonstrations appropriate for long-term PCM and CA financial exposures at active and closed solid waste landfills. The report will include the completed analysis of all currently identified financial demonstrations within Title 27, CCR, Division 2, Subdivision 1, Chapter 6 as well as identification and analysis of other appropriate financial demonstrations not currently identified. The report is to be submitted in both hard and electronic copies using a computer software format acceptable to CIWMB staff. All deliverables will be reviewed and approved by CIWMB staff.

Task 3: Develop a working model for a statewide pooled fund for long-term PCM and CA at active and closed solid waste landfills.

1. Review existing California pooled funds as potential models (e.g., underground tank cleanup fund).
2. Review pooled funds from other states and their applicability to long-term PCM and CA at active and closed landfills in California.
3. Compare and contrast existing institutional and financial market pooled funds identifying positive aspects and potential shortfalls.
4. Identify procedures to ensure that the fund is paid into and accessible by all operators equitably.
5. Identify expected costs to operators and the CIWMB to establish and maintain the fund.
6. Identify anticipated earnings potential of the fund and its liquidity and viability to financially assure long-term PCM and CA at active and closed landfills.
7. Identify alternative working models for use by the CIWMB.

Deliverable: Detailed report of demonstrations consisting of a working model of a statewide pooled fund to receive equitable contributions from all operating solid waste landfills within California to cover all long-term PCM and CA at active and closed solid waste landfills. The report will include the conceptual model of the pooled fund, the resources necessary to establish and manage the fund, the parameters for utilization of the fund, and a thorough evaluation of the effectiveness of such a pooled fund to adequately and equitably provide an ongoing resource for the long-term PCM and CA of all active and closed solid waste landfills. The report is to be submitted in both hard and electronic copies using a computer software format acceptable to CIWMB staff. All deliverables will be reviewed and approved by CIWMB staff.

Task 4: Develop a product to be purchased by all landfill operators to provide an umbrella insurance policy capable of assuring all long-term PCM and CA costs at active and closed landfills not already identified and assured to the CIWMB.

1. Consult with insurance industry representatives.
2. Provide draft certification language to CIWMB staff for review.
3. Identify pricing process for product.
4. Identify factors considered in determining pricing of product.
5. Estimate average anticipated premium cost to each operator.

Deliverable: Draft and final Insurance Certificate acceptable to insurance industry and CIWMB staff that will be available from the insurance market and that will provide an umbrella of financial coverage to all solid waste landfills within California. The Insurance Certificate will be provided in both hard and electronic format using computer software format acceptable to CIWMB staff. The final certificate must also include the anticipated pricing structure. All deliverables will be reviewed and approved by CIWMB staff.

Phase II: Identify potential risks posed by the location and condition of solid waste landfills, evaluate how construction techniques and materials and environmental control systems may exacerbate or mitigate potential risks to public health and safety or the environment, and evaluate how these risks are likely to change over time.

Task 5: Finalize the work plan provided in the bid, indicating the steps that will be taken in completing Task 6, including for each step the personnel involved, the projected timeframe, and cost. The work plan will incorporate CIWMB staff review and approval throughout the process, including bi-weekly reporting by e-mail to the CIWMB Contract Manager of work performed and timely submittal of outlines, proposed format for methodology, draft documents, and draft methodology for testing by CIWMB staff using existing landfills prior to submittal of deliverables.

Deliverable: Detailed work plan that will be reviewed and approved by CIWMB staff.

Task 6:

Develop a methodology for CIWMB staff to evaluate an individual landfill's risk [high, medium, and low] and to use that value for determining overall financial assurances coverage levels.

1. In consultation with CIWMB staff, identify and evaluate factors associated with the landfilling of solid waste that could impact or contribute to the impact of public health, safety, and the environment, and the likelihood of such an impact occurring. These

factors include, but are not limited to: depth to groundwater, geologic make-up of the area (soils, rock, and major and minor earthquake fault lines), climate, potential for flooding, surface water run-off, and waste types in place.

2. In consultation with CIWMB staff, identify human and/or environmental receptors potentially at risk from these factors (#1, above), including but not limited to, proximity to human populations, proximity to endangered or sensitive habitats, proximity to natural resources, and proximity to public works.
3. In consultation with CIWMB staff, identify and evaluate landfill construction, containment, materials and maintenance factors that may exacerbate or mitigate risk. Factors must include, but are not limited to:
 - a. Design, construction techniques and materials utilized for leachate collection systems, gas collection systems, base liner systems, final cover systems and monitoring well systems;
 - b. Maintenance history and maintenance quality;
 - c. Compliance with state minimum standards.

Based on a rational analysis, factors are to be assigned values that correspond to the degree to which factors may exacerbate or mitigate risk. The analysis must include the quality of materials; quality of systems maintenance; degree of deterioration of systems over time; possibility of systems failures; and the availability of trustworthy design, construction, maintenance and compliance records.

4. In consultation with CIWMB staff, develop a rational analysis that assigns a value which corresponds to the degree of risk determined from analysis of #1, #2 and #3, listed immediately above.
5. In consultation with CIWMB staff, evaluate how risks associated with these factors are likely to change over time. The evaluation must include, at a minimum, possible changes in demographics and land use around active and closed landfills during the period when the wastes may continue to pose a risk.
6. In consultation with CIWMB staff, develop a methodology (using #1 through #5, listed immediately above) for CIWMB staff to evaluate an individual landfill's risk [high, medium, or low] and determine overall financial assurances coverage levels.

Deliverable: Detailed report showing factor analysis, assumptions, and recommendations along with an automated methodology for determining overall financial assurances coverage levels for any active or closed landfill in California.

The report and methodology will be provided in both hard and electronic copies in formats acceptable to CIWMB staff. All deliverables will be reviewed and approved by CIWMB staff including testing of the methodology on several existing landfills.

IV. CONTRACT/TASK TIME FRAME

Services need to begin by June 2007 to ensure that the study is completed and action by the CIWMB can proceed in a timely manner. The Contract is anticipated to take approximately 6 months, including final review and approval of all Contract deliverables.

The following provisions will be included in the Terms and Conditions and/or Special Terms and Conditions of the Contract.

V. COPYRIGHT PROVISION

Contractor shall establish for the CIWMB good title in all copyrightable and trademarkable materials developed as a result of this Scope of Work. Such title shall include exclusive copyrights and trademarks in the name of the State of California, California Integrated Waste Management Board.

VI. WASTE REDUCTION AND RECYCLED-CONTENT PRODUCT PROCUREMENT

In the performance of this Agreement, Contractor shall use recycled content, used or reusable products, and practice other waste reduction measures where feasible and appropriate.

Recycled Content Products: All products purchased and charged/billed to the CIWMB to fulfill the requirements of this Contract shall be Recycled Content Products (RCPs), or used (reused, remanufactured, refurbished) products. All RCPs purchased or charged/billed to the CIWMB to fulfill the requirements of the Contract shall have both the total recycled-content (TRC) and the postconsumer content (PC) clearly identified on the products. Specific requirements for the aforementioned purchases and identification are discussed in the Terms and Conditions of the Contractual Agreement under Recycled-Content Product Purchasing and Certification.

The Contractor will, at a minimum, ensure that the following issues are addressed, as applicable to the services provided:

WRITTEN DOCUMENT PROVISION

All documents and/or reports drafted for publication by or for the CIWMB in accordance with this Contract shall adhere to the CIWMB's *Guidelines for Preparing CIWMB Reports (available upon request)* and shall be reviewed by the CIWMB's Contract Manager in consultation with one of the CIWMB's editors.

In addition, these documents and/or reports shall be printed double-sided on paper with one hundred percent (100%) post-consumer recycled content fiber. Specific pages with full-color photographs or other ink-intensive graphics may be printed on photographic paper. The paper will identify the postconsumer recycled content of the paper (i.e., "printed on 100% postconsumer paper"). When applicable, the CIWMB Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the CIWMB's uses.

To the greatest extent possible, soy ink instead of petroleum-based inks will be used to print all documents.