



LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
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DEAN D. EFSTATHIOU  
CHAIRMAN

August 28, 2008

The Honorable Alex Padilla  
State Capitol Room 4032  
Sacramento, CA 94248-0001

Dear Senator Padilla:

**SENATE BILL 1252 (PROPOSED AMENDMENTS DATED AUGUST 22, 2008)  
MAJOR REVISIONS TO THE CALIFORNIA'S INTEGRATED WASTE MANAGEMENT ACT**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **strongly opposes** the August 22, 2008 proposed amendments (copy enclosed) to Senate Bill 1252 (SB 1252), which among other things, would propose to increase the waste diversion mandate imposed on local governments from 50 to 60 percent by January 1, 2015, and 75 percent by January 1, 2020. It would increase the Statewide landfill tipping fee from \$1.40 per ton to \$2.13 per ton, with the increased revenue to be used for specified purposes on a limited time basis. Lastly, the proposed amendments to SB 1252 would change the designation of greenwaste used as alternative daily cover from beneficial use to disposal for the purposes of charging the Statewide tipping fee, under certain circumstances.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities, and to ensure a coordinated and cost-effective and environmentally-sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, the County of Los Angeles Board of Supervisors, the City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

As you may know, the Task Force had previously expressed its opposition to three solid waste bills – AB 2640 (Huffman, removing greenwaste alternative daily cover diversion credit), AB 2866 (De Leon, increasing the Statewide tipping fee), and SB 1020 (which would increase the Statewide diversion mandate) since they would have a significant financial impact on local

governments, and would benefit key private waste management companies at the expense of ratepayers. In part due to the bills' failure to address these concerns, all three recently stalled in legislative committee; however, their major provisions have been incorporated into the most recent proposed amendments to SB 1252. It appears that the goal of this major "gut and amend" proposal is to bypass the Legislature's two house committee process which had extensively reviewed AB 2640, AB 2866 and SB 1020 and rejected all bills due to valid concerns by local governments, as well as their related costs. The Task Force is very concerned that the provisions of the three failed bills will be incorporated into SB 1252, and thus is opposed to the following proposed amendments to SB 1252:

1. Increasing the waste diversion mandate imposed on local governments from 50 to 60 percent by January 1, 2015, and to 75 percent by January 1, 2020;
2. Increasing the disposal fee from \$1.40 to \$2.13 per ton of solid waste disposed, beginning July 1, 2010. The additional revenue would be earmarked towards the following:
  - 45% of the new fee revenue would go to the California Integrated Waste Management Board, which will increase to 100% on July 1, 2020.
  - 30% of the new fee revenue would be used to subsidize the composting industry by redirecting grants to new or existing composting facilities, until June 30, 2020.
  - 25% of the new fee revenue would be directed on a continuous basis to establish and maintain a proposed \$50 million Postclosure Trust Fund to bail out negligent landfill operators which fail to fulfill their financial assurance responsibilities.
3. Requiring each jurisdiction to adopt a mandatory commercial recycling ordinance by January 1, 2011, incorporating mandatory inspection and enforcement by local jurisdictions.
4. Changing the designation of "excess" greenwaste alternative daily cover (ADC) from diversion to disposal, effective January 1, 2010.

The proposed amendments to SB 1252 would significantly increase costs to local governments, increase the mandatory diversion rate and impose other mandates on local governments, while simultaneously reducing the actual diversion rate of local governments currently using greenwaste ADC. The Bill does not provide jurisdictions with the necessary financial and technological tools to implement these new mandates, and in the case of greenwaste ADC, actually rolls back an existing option for diverting greenwaste from landfill disposal, which is especially important to jurisdictions in Los Angeles County given that there is no commercial composting capacity within the County.

As a result, if the proposed amendments are enacted into law, they would cost jurisdictions throughout the state hundreds of millions of dollars during uncertain fiscal times, imposing a host of State mandated local programs on jurisdictions already struggling to meet their current

The Honorable Alex Padilla  
August 28, 2008  
Page 3

diversion requirements. The Bill also increases the likelihood that local governments will be subject to a fine of up to \$10,000 per day for failing to maintain the State's waste reduction mandate.

Therefore, the Task Force **strongly opposes** SB 1252. Should you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909)592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Council Member, City of Rosemead

VJ/CS  
Enc.

cc: Senate President Pro Tem Don Perata  
Assembly Speaker Karen Bass  
Assembly Member Jared Huffman  
Each Member of the Los Angeles County Legislative Delegation  
Steve Archibald, Assembly Appropriations Committee  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
California State Association of Counties  
League of California Cities  
League of California Cities, Los Angeles County Division  
Southern California Association of Governments  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
Each Member of the Los Angeles County Integrated Waste Management Task Force  
Each City Recycling Coordinator in Los Angeles County

AMENDMENTS TO SENATE BILL NO. 1252  
AS AMENDED IN ASSEMBLY JUNE 30, 2008

## Amendment 1

Below line 1 of the heading, insert:

(Principal coauthor: Assembly Member Huffman)

## Amendment 2

Strike out lines 1 and 2 of the title, and insert:

An act to amend Sections 41780, 41781.3, 43209, 45014, 45024, 48000, and 48004 of, to add Sections 40053.5, 40144, 41780.01, 41781.5, 42649, 48000.5, 48001.5, and 48004.5 to, and to add Chapter 2.7 (commencing with Section 48300) to Part 7 of, and Chapter 8 (commencing with Section 49700) to Part 8 of, Division 30 of, the Public Resources Code, relating to solid waste.

## Amendment 3

On page 2, before line 1, insert:

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

(1) Since the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), local governments and private industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.

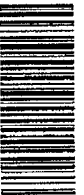
(2) Although the state now leads the nation in solid waste reduction and recycling, the state continues to dispose of more than 40 million tons of solid waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.

(b) The Legislature further finds and declares all of the following:

(1) Approximately 64 percent of the state's solid waste disposal is from commercial sources, including commercial, industrial, construction, and demolition activities. In addition, 8 percent of the state's solid waste disposal is from multifamily residential housing that is often collected along with the commercial waste stream.

(2) The state's local governments have made significant progress in reducing the amount of solid waste disposal from single-family residential sources that make up 28 percent of the state's disposal, but have faced more challenges in reducing disposal from the commercial and multifamily sources.

(3) The disposal of commercial solid wastes harms natural resources, negatively impacts the state's environment, prevents materials from circulating in the state economy to produce jobs and new products, and contributes to global warming.



(4) The state has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste away from disposal. Bold environmental leadership and a new approach are needed to divert commercial solid waste away from disposal.

(5) By exercising a leadership role, the state will lead the business community toward a future in which the environment and the economy both grow stronger together by recycling materials which creates new jobs, instead of burying resources, which exit the economy forever.

(6) By requiring commercial recycling, the state will help businesses reduce costly disposal fees and reclaim valuable resources.

(7) Solid waste diversion and disposal reduction requires the availability of adequate solid waste processing and composting capacity.

(8) The existing network of public and private solid waste processing and composting facilities provides a net environmental benefit to the communities served, and represents a valuable asset and resource of this state, one that must be sustained and expanded to provide the additional solid waste processing capacity that will be required to achieve the additional solid waste diversion mandates expressed in Section 41780 of the Public Resources Code as amended by this act.

(9) It is the intent of the Legislature to encourage the development of the additional solid waste processing and composting capacity that is needed to meet state objectives for decreasing solid waste disposal by identifying incentives for local governments to locate and approve new or expanded facilities that meet and exceed their capacity needs, and to recognize local agencies that make significant contributions to the state's overall solid waste reduction and recycling objectives through the siting of facilities for the processing and composting of materials diverted from the solid waste stream.

(10) The provisions in existing law that confer broad discretion on local agencies to determine aspects of solid waste handling that are of local concern have significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing solid waste disposal requires that this essential element of local control be preserved.

(11) Accordingly, by setting in this act new statewide solid waste diversion requirements in Section 41780 of the Public Resources Code, new solid waste diversion targets in Section 41780.01 of the Public Resources Code, and new commercial waste recycling requirements in Section 42649 of the Public Resources Code, the Legislature does not intend to limit a right afforded to local governments pursuant to Section 40059 of the Public Resources Code, or to modify or abrogate in any manner the rights of a local government or solid waste enterprise with regard to a solid waste handling franchise or contract granted on or before January 1, 2009.

SEC. 2. Section 40053.5 is added to the Public Resources Code, to read:

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

SEC. 3. Section 40144 is added to the Public Resources Code, to read:

40144. "Illegal dumping" means the act of disposing of solid waste at a location that is not a permitted solid waste disposal facility or that is not otherwise authorized for the disposal of solid waste pursuant to this division or regulations adopted by the board.

SEC. 4. Section 41780 of the Public Resources Code is amended to read:

41780. (a) ~~Each city or county jurisdiction's~~ 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 jurisdiction~~ 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, ~~and 41784, and 41785~~, for the first and each subsequent revision of the element, ~~the city or county jurisdiction~~ shall divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.

(3) Except as provided in Sections 41783 and 41784, for each subsequent revision of the element, the jurisdiction shall divert 60 percent of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities.

~~(b) Nothing in this part prohibits a city or county. This part does not prohibit a jurisdiction from implementing source reduction, recycling, and composting activities designed to exceed these requirements.~~

SEC. 5. Section 41780.01 is added to the Public Resources Code, to read:

41780.01. The following solid waste reduction targets are hereby established for the state:

(a) Except as provided in Sections 41783 and 41784, divert 60 percent of solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities.

(b) Except as provided in Sections 41783 and 41784, divert 75 percent of solid waste on and after January 1, 2020, through source reduction, recycling, and composting activities.

SEC. 6. Section 41781.3 of the Public Resources Code is amended to read:

41781.3. (a) ~~The Except for assessing the fee pursuant to Section 48000.5, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, which that reduces or eliminates the amount of solid waste being disposed of pursuant to Section 40124, shall constitute diversion through recycling and shall not be considered disposal for the purposes of this division.~~

(b) Prior to December 31, 1997, pursuant to the board's authority to adopt ~~rules and~~ regulations pursuant to Section 40502, the board shall, by regulation, establish conditions for the use of alternative daily cover that are consistent with this division. In adopting the regulations, the board shall consider, but is not limited to, all of the following criteria:

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

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

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

~~(e) Until the adoption of additional regulations, the use of alternative daily cover shall be governed by the conditions established by the board in its existing regulations set forth in paragraph (3) of subdivision (b) of, and paragraph (3) of subdivision (e) of, Section 18813 of Title 14 of the California Code of Regulations, as those sections read on the effective date of this section, and by the conditions established in the board's policy adopted on January 25, 1995.~~

~~(d)~~

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

SEC. 7. Section 41781.5 is added to the Public Resources Code, to read:

41781.5. (a) In an effort to reduce the amount of organic waste being deposited into landfills, the board shall evaluate the feasibility of allowing the use of new nongreen material as alternative daily cover, including, but not limited to, fines.

(b) For purposes of this section, "fines" means the fine material derived from the processing and recycling of solid waste and recyclables by material recovery facilities.

SEC. 8. Section 42649 is added to the Public Resources Code, to read:

42649. (a) The owner or operator of a business that contracts for solid waste services and generates more than four cubic yards of total solid waste and recyclable materials that are not solid waste per week shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

(b) On or before January 1, 2011, each city, county, solid waste authority, or other joint powers authority located within a county with a population of 200,000 or more shall adopt a commercial recycling ordinance that is consistent with this section.

(c) A commercial recycling ordinance adopted pursuant to this section shall include, at a minimum, both of the following:

(1) An enforceable requirement that a commercial waste generator take one of the following actions:

(A) Source separate specified recyclable materials from solid waste and subscribe to a basic level of recycling service that includes the collection of those recyclable materials or specific provisions for authorized self-hauling.

(B) Subscribe to an alternative type of recycling service, which may include mixed waste processing, that yields diversion results comparable to source separation.

(2) Educational, implementation, and enforcement provisions.

(d) For the purposes of this section, "business" means a commercial entity operated by a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(e) This section does not limit the authority of a local agency to adopt, implement, or enforce a local commercial recycling ordinance that is more stringent or comprehensive than the requirements of this section or limit the authority of a local agency in a county with a population of less than 200,000 to require commercial recycling.

(f) This section does not modify or abrogate in any manner either of the following:

(1) A franchise granted or extended by a city, county, or other local government agency on or before January 1, 2009.

(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency on or before January 1, 2009.

(3) The existing right of a business to sell or donate their recyclable materials.

(g) (1) When adopting an ordinance pursuant to this section, a local agency may consider the adequacy of areas for collecting and loading recyclable materials.

(2) Notwithstanding paragraph (1), a local agency shall not consider the adequacy of areas for collecting and loading recyclable materials for purposes of determining noncompliance with this section at a development project, as defined pursuant to Section 42905, if the development project was approved by the local agency on or after September 1, 1994.

SEC. 9. Section 43209 of the Public Resources Code is amended to read:

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

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

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

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

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

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

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

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

(h) Establish and maintain an inspection program. The inspection program shall be designed to determine whether any a solid waste facility is operating without a



permit, or in violation of state minimum standards, or in violation of the terms and conditions of its solid waste facilities permit, or may pose a significant threat to public health and safety or to the environment, based on any relevant information. The inspection program shall also ensure frequent inspections of solid waste facilities that have an established pattern of noncompliance with this division, regulations adopted pursuant to this division, or the terms and conditions of a solid waste facilities permit. The inspection program may include public awareness activities, enforcement to prevent the illegal dumping of solid waste, and the abatement of the illegal dumping of solid waste.

SEC. 10. Section 45014 of the Public Resources Code is amended to read:

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

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

(c) In addition to the administrative imposition of civil penalties pursuant to this part and Article 6 (commencing with Section 42850) of Chapter 16 of, and Article 4 (commencing with Section 42962) of Chapter 19 of, Part 3, ~~any an~~ attorney authorized to act on behalf of the local enforcement agency or the board may apply, to the clerk of the appropriate court in the county in which the civil penalty was imposed, for a judgment to collect the penalty. The application, which shall include a certified copy of the decision or order in the civil penalty action, constitutes a sufficient showing to warrant issuance of the judgment. The court clerk shall enter the judgment immediately in conformity with the application. The judgment so entered shall include the amount of the court filing fee which would have been due from an applicant who is not a public agency, and has the same force and effect as, and is subject to all the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered, ~~provided that if~~ the amount of the unpaid court filing fee ~~shall be~~ is paid to the court prior to satisfying any of the civil penalty amount. Thereafter, ~~any a~~ civil penalty or judgment recovered shall be paid, to the maximum extent allowed by law, to the board or to the local enforcement agency, whichever is represented by the attorney who brought the action.

SEC. 11. Section 45024 of the Public Resources Code is amended to read:

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

SEC. 12. Section 48000 of the Public Resources Code is amended to read:

48000. (a) ~~Each An~~ operator of a disposal facility shall pay a fee quarterly to the State Board of Equalization ~~which that~~ is based on the amount, by weight or

volumetric equivalent, as determined by the board, of all solid waste disposed of at each disposal site.

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

(b) Until January 1, 2010, the amount of the fee shall be established by the board at an amount that is sufficient to generate revenues equivalent to the approved budget for that fiscal year, including a prudent reserve, but the fee shall not exceed one dollar and forty cents (\$1.40) per ton.

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

(c) On and after January 1, 2010, the amount of the fee shall equal two dollars and thirteen cents (\$2.13) per ton.

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

(e) Notwithstanding Section 48001, on and after January 1, 2010, an amount of seventy-three cents (\$0.73) of the fee imposed for each ton of solid waste disposed of at each disposal site shall be available to the board for expenditure pursuant to Section 48001.5.

SEC. 13. Section 48000.5 is added to the Public Resources Code, to read:

48000.5. (a) On and after January 1, 2010, for the purpose of determining the amount of the disposal fee imposed pursuant to Section 48000, the amount of solid waste disposed of at a disposal site shall include excess green material that is used for alternative daily cover.

(b) For purposes of this section, the following definitions apply:

(1) "Green material" has the same meaning as defined in subparagraph (A) of paragraph (3) of subsection (b) of Section 20690 of Title 27 of the California Code of Regulations, as that regulation read on January 1, 2009.

(2) "Excess green material that is used for alternative daily cover" means the amount, by weight or volumetric equivalent, as determined by the board, of green material used as alternative daily cover that exceeds the following amounts:

(A) On and after January 1, 2010, a quarterly average of 10 percent of the total amount of all other solid waste disposed of at that disposal site, as determined by the board.

(B) On and after January 1, 2014, a quarterly average of 7 percent of the total amount of all other solid waste disposed of at that disposal site, as determined by the board.

(c) The revenues from the fees paid pursuant to this section shall be deposited in the Integrated Waste Management Account for expenditure pursuant to subdivision (b) of Section 48001.5.

SEC. 14. Section 48001.5 is added to the Public Resources Code, to read:

48001.5. The fee revenues collected by the State Board of Equalization pursuant to subdivision (e) of Section 48000 shall be available to the board, upon appropriation by the Legislature, for expenditure by the board in accordance with the following:

(a) (1) On and after January 1, 2010, until June 30, 2020, 30 percent of the fee revenues shall be expended by the board, in accordance with the requirements of subdivision (b) of Section 48004.5 and Article 3 (commencing with Section 48030), for organics management projects with emphasis on composting.

(2) Not less than 50 percent of the funds available for purposes of this subdivision shall be made available for competitive grants to operators of new or existing green and food material composting facilities for projects that reduce the air quality and water quality impacts of composting facilities.

(b) (1) Except as provided in paragraph (7), 25 percent of the fee revenues shall be deposited in the State Solid Waste Postclosure Trust Fund, which is hereby established in the State Treasury, for expenditure by the board, upon appropriation by the Legislature, pursuant to this subdivision. Interest earned on funds deposited by the board shall remain in the State Solid Waste Postclosure Trust Fund.

(2) The board may only expend the money in the State Solid Waste Postclosure Trust Fund to pay for postclosure activities, including corrective action during the postclosure period, that have not been performed by the owner or operator of a solid waste landfill, and only upon a determination by the board that all of the following conditions are met:

(A) The solid waste landfill owner or operator has failed to comply with a final order issued by the board.

(B) The financial assurance mechanisms are inadequate to fund necessary compliance activities.

(C) The solid waste landfill was operating pursuant to a valid solid waste facilities permit on or after January 1, 1988, and was required to have financial assurances pursuant to Article 4 (commencing with Section 43600) of Chapter 2 of Part 4 or pursuant to Section 66796.22 of the Government Code, as that former section read on January 1, 1990, before repeal by Chapter 717 of the Statutes of 1991.

(3) On or before July 1, 2010, the board shall adopt regulations to develop criteria for making expenditures from the State Solid Waste Postclosure Trust Fund and to implement all other aspects of this subdivision, as appropriate, pursuant to this subdivision.

(4) Any contract entered into by the board for purposes of this subdivision is not subject to approval by the Department of General Services.

(5) No liability or obligation is imposed on the state under this subdivision, and the board shall not incur any obligation beyond the extent to which money is expended from the State Solid Waste Postclosure Trust Fund pursuant to this subdivision.

(6) (A) The board shall, to the extent feasible, recover from the solid waste landfill owner or operator the amount of the money expended from the State Solid Waste Postclosure Trust Fund including a reasonable amount for any board contract administration costs and an amount equal to the interest that would have been earned on expended funds as a result of the landfill owner's or operator's failure to comply with a final order issued by the board. The board shall deposit, in the State Solid Waste Postclosure Trust Fund, all funds recovered by the board pursuant to an action authorized by this paragraph against the owner or operator of a solid waste landfill.

(B) The amount of any cost incurred by the board pursuant to this subdivision shall be recoverable from the solid waste landfill owner or operator in a civil action brought by the Attorney General pursuant to Section 40432.

(7) The board shall continue to deposit the percentage amount of the fees specified in paragraph (1) necessary to maintain an amount of fifty million dollars (\$50,000,000) in the State Solid Waste Postclosure Trust Fund. If the amounts of the fee revenues allocated to the State Solid Waste Postclosure Trust Fund and accumulated interest exceed that amount, the board shall expend those excess amounts upon appropriation by the Legislature in the annual Budget Act. The board shall recommence the deposits specified in paragraph (1) into the fund at any time the fund balance is less than forty million dollars (\$40,000,000) and shall continue to make these deposits until the fund balance is equal to fifty million dollars (\$50,000,000).

(8) On or before January 1, 2011, and on or before January 1 every two years thereafter, the board shall report to the Legislature on expenditures made from the State Solid Waste Postclosure Trust Fund, the status of the board's cost recovery actions, and any recommended statutory changes that are required to ensure adequate resources are available to carry out the purposes of the State Solid Waste Postclosure Trust Fund.

(9) The Legislature finds and declares all of the following:

(A) It is the intent of the Legislature to create and maintain a State Solid Waste Postclosure Trust Fund dedicated exclusively to protecting the General Fund from expenditures resulting from the failure of the owner or operator of a solid waste landfill to comply with landfill postclosure obligations, including corrective action during the postclosure period. The State Solid Waste Postclosure Trust Fund is created so the state may respond rapidly to violations of postclosure, corrective action, and financial assurance requirements, thereby limiting threats to public health, safety, and the environment.

(B) It is the intent of the Legislature that this subdivision authorizes complete cost recovery by the state of expenditures from the State Solid Waste Postclosure Trust Fund and that the State Solid Waste Postclosure Trust Fund be preserved for its intended purpose and that the board monitor and evaluate the scope, size, and effectiveness of the State Solid Waste Postclosure Trust Fund to ensure adequate resources are available to carry out the purposes of the State Solid Waste Postclosure Trust Fund.

(c) (1) On and after July 1, 2010, until June 30, 2020, 45 percent of the fee revenues shall be expended by the board, upon appropriation by the Legislature in the annual Budget Act.

(2) On and after July 1, 2020, 100 percent of the fee revenues shall be expended by the board, upon appropriation by the Legislature in the annual Budget Act.

SEC. 15. Section 48004 of the Public Resources Code is amended to read:

48004. (a) The money in the account shall be used by the board, upon appropriation by the Legislature, for the following purposes:

(1) The administration and implementation of this division by the board.

(2) The state water board's and regional water board's administration and implementation of Division 7 (commencing with Section 13000) of the Water Code at solid waste disposal sites.

(3) Grant and loan programs that are authorized or required to be administered by the board pursuant to this division.

(b) It is the intent of the Legislature that an amount which is sufficient to fund state water board and regional water board regulatory activities for solid waste landfills be appropriated from the account by the Legislature in the annual Budget Act. Those persons who are required to pay the fee imposed pursuant to Section 48000 shall not be required to pay the annual fee imposed pursuant to subdivision (d) of Section 13260 of the Water Code with regard to the same discharge.

(c) Notwithstanding subdivisions (a) and (b), if the fee established pursuant to Section 48000 does not generate revenues sufficient to fund the programs specified in this section, or if the amount appropriated by the Legislature for these purposes is reduced, those reductions shall be equally and proportionally distributed between funding for the solid waste programs of the state water board and the regional water boards and the board.

SEC. 16. Section 48004.5 is added to the Public Resources Code, to read:

48004.5. (a) The board may expend moneys in the Integrated Waste Management Account in the Integrated Waste Management Fund and other funds as appropriate, upon appropriation by the Legislature, for purposes of providing grants and loans pursuant to Section 48001.5.

(b) (1) When awarding grant funds or loans pursuant to subdivision (a) or (b) of Section 48001.5, the board shall make not less than 40 percent available for eligible projects in southern California and not less than 40 percent available for projects in northern California.

(2) For the purposes of this subdivision, "southern California" means the Counties of Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura. "Northern California" means all other California counties.

SEC. 17. Chapter 2.7 (commencing with Section 48300) is added to Part 7 of Division 30 of the Public Resources Code, to read:

#### CHAPTER 2.7. ILLEGAL DUMPING GRANT AND LOAN PROGRAM

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

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

- (1) Equipment.
- (2) Abatement.
- (3) Training.
- (4) Public education.
- (5) Program development.

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

48302. The board may expend moneys in the Integrated Waste Management Account in the Integrated Waste Management Fund and other funds as appropriate,

upon appropriation by the Legislature, for purposes of providing grants and loans pursuant to Section 48300.

SEC. 18. Chapter 8 (commencing with Section 49700) is added to Part 8 of Division 30 of the Public Resources Code, to read:

CHAPTER 8. MODEL PROGRAMS TO REDUCE ILLEGAL DUMPING

49700. On or before January 1, 2010, the board shall identify model programs that have been effectively implemented to reduce illegal dumping and identify a variety of funding opportunities for programs to increase public awareness of illegal dumping, abate illegal dumping, and provide for illegal dumping enforcement.

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 4

On page 2, strike out lines 1 to 32, inclusive, and strike out page 3