

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 6, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 25

Introduced by Senator Padilla

December 1, 2008

~~An act to amend Sections 41780, 44009, 45014, 45024, and 48000 of, to add Sections 40142 and 41780.01 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of, 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. An act to amend Sections 18677 and 19213 of the Food and Agricultural Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 25, as amended, Padilla. ~~Solid waste.~~ *waste: rendering.*

The California Meat and Poultry Inspection Act prohibits the adulteration and misbranding of livestock and poultry products, as specified. "Renderer" and "rendering" are defined for purposes of that act.

This bill would, for purposes of the act, provide that "renderer" does not include a person operating a solid waste facility licensed by the Department of Resources Recycling and Recovery that hauls, handles, or processes mammalian, poultry, or fish tissue from the food service industry, grocery stores, or residential food scrap collection, or as part of a research composting operation, as specified. The bill would

similarly provide that “rendering” does not include recycling, processing, or conversion by a solid waste facility licensed by the Department of Resources Recycling and Recovery of mammalian, poultry, or fish tissue from the food service industry, grocery stores, or residential food scrap collection, or as part of a research composting operation, as specified.

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

~~This bill would require a jurisdiction, for each subsequent revision of the element, to divert 60% of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste.~~

~~The bill would provide that the state’s waste reduction target is to divert 75% of solid waste, on and after January 1, 2020, through source reduction, recycling, and composting activities.~~

~~(2) The act defines various terms for purposes of the act.~~

~~This bill additionally would define “illegal dumping” for purposes of the act, to mean the act of disposing of solid waste at a location that is not a permitted solid waste disposal facility or is not otherwise authorized for the disposal of solid waste pursuant to the act or regulations adopted by the board.~~

~~(3) The act authorizes a local governmental agency to determine aspects of solid waste handling that are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and the nature, location, and extent of providing solid waste handling services.~~

~~This bill would require the board, by January 1, 2011, to adopt a model ordinance that contains elements for refuse service providers. A local agency would be authorized but not required to adopt the board’s model ordinance.~~

~~The bill would authorize the board to establish an illegal dumping prevention program to provide grants or loans to local agencies, as the bill would define that term, to fund the development of new, or the~~

~~expansion of existing, comprehensive local illegal dumping programs. The board would be authorized to expend moneys in the Integrated Waste Management Account and other funds, as appropriate, upon appropriation by the Legislature, for the purposes of providing the grants and loans.~~

~~The bill would provide that the board shall adopt a model ordinance and may provide the grants and loans only after a specified increase in fees for solid waste disposal is effective and generating funds.~~

~~(4) The act requires the board to concur in or object to the issuance, modification, or revision of a solid waste facilities permit within 60 days from the date of the board's receipt of a proposed solid waste facilities permit from an enforcement agency. If the board does not concur or object during that period, the board generally is deemed to have concurred in the issuance of the permit. Upon making certain determinations, the board is required to object to the permit and submit those objections to the enforcement agency.~~

~~This bill would instead require that the board concur in or object to a proposed permit, in writing, within 60 days, or 90 days under specified circumstances, or the board would be deemed to have concurred in the issuance of the permit. The bill would require, if the board makes certain determinations requiring an objection, that the board submit the basis for the objection to the enforcement agency within 15 days after the board's determination.~~

~~(5) The act requires each operator of a disposal facility to pay a quarterly fee to the State Board of Equalization that is based on the amount of all solid waste disposed of at each disposal site. The amount of the fee is established by the California Integrated Waste Management Board at an amount that is sufficient to generate revenues equivalent to the approved budget for that fiscal year, including a prudent reserve, but is prohibited from exceeding \$1.40 per ton.~~

~~This bill would require the fee to be equal to \$2.13 per ton, on and after January 1, 2012, and require the California Integrated Waste Management Board to adjust the fee not more than once every 2 years to reflect increases or decreases in the cost of living during the prior 2 fiscal years.~~

~~(6) The bill would require the owner or operator of a business that contracts for solid waste services and generates more than 4 cubic yards of total solid waste and recyclable materials that are not solid waste, per week, by January 1, 2012, except as otherwise provided, to arrange for recycling services applicable to the collection, handling, or recycling~~

of solid waste, to the extent the services are offered and reasonably available from a local service provider.

The bill also would require each city, county, solid waste authority, or other joint powers authority located in a county with a population of 200,000 or more to adopt by January 1, 2012, a commercial recycling ordinance, as specified, thereby imposing a state-mandated local program by imposing new duties on local agencies with regard to solid waste.

(7) This bill would also make technical, nonsubstantive changes to the act.

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

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

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

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

1 SECTION 1. Section 18677 of the Food and Agricultural Code
2 is amended to read:

3 18677. “Renderer” means any person that is engaged in the
4 business of rendering any livestock or poultry carcass, or any part
5 or product of such a carcass, except rendering conducted under
6 inspection or exemption under this chapter. “*Renderer*” does not
7 include a person operating a solid waste facility licensed by the
8 Department of Resources Recycling and Recovery that hauls,
9 handles, or processes mammalian, poultry, or fish tissue from the
10 food service industry, grocery stores, or residential food scrap
11 collection, or as part of a research composting operation for the
12 purpose of obtaining data on pathogen reduction or other public
13 health, animal health, safety, or environmental concerns.

14 SEC. 2. Section 19213 of the Food and Agricultural Code is
15 amended to read:

16 19213. “Rendering” means all recycling, processing, and
17 conversion of animal and fish materials and carcasses and inedible
18 kitchen grease into fats, oils, proteins, and other products that are
19 used in the animal, poultry, and pet food industries and other
20 industries. “*Rendering*” does not include recycling, processing,

1 *or conversion, by a solid waste facility licensed by the Department*
2 *of Resources Recycling and Recovery of mammalian, poultry, or*
3 *fish tissue from the food service industry, grocery stores, or*
4 *residential food scrap collection, or as part of a research*
5 *composting operation for the purpose of obtaining data on*
6 *pathogen reduction or other public health, animal health, safety,*
7 *or environmental concerns.*

8 ~~SECTION 1. The Legislature finds and declares all of the~~
9 ~~following:~~

10 ~~(a) The responsibility for solid waste management is a shared~~
11 ~~responsibility between the state and local governments and the~~
12 ~~state should exercise this responsibility in a manner that ensures~~
13 ~~an effective and coordinated approach to the safe management of~~
14 ~~all solid waste generated within the state and shall oversee the~~
15 ~~design and implementation of local integrated waste management~~
16 ~~plans.~~

17 ~~(b) It is the policy of the state to assist local governments in~~
18 ~~minimizing duplication of effort, and in minimizing the costs~~
19 ~~incurred, in implementing Division 30 (commencing with Section~~
20 ~~40000) of the Public Resources Code through the development of~~
21 ~~regional cooperative efforts and other mechanisms that comply~~
22 ~~with that division.~~

23 ~~(c) Illegal dumping abatement, enforcement, and public~~
24 ~~awareness programs should be included among the services~~
25 ~~provided by state and local integrated waste management programs,~~
26 ~~and the state should coordinate illegal dumping programs.~~

27 ~~SEC. 2. Section 40142 is added to the Public Resources Code,~~
28 ~~to read:~~

29 ~~40142. "Illegal dumping" means the act of disposing of solid~~
30 ~~waste at a location that is not a permitted solid waste disposal~~
31 ~~facility or that is not otherwise authorized for the disposal of solid~~
32 ~~waste pursuant to this division or regulations adopted by the board.~~

33 ~~SEC. 3. Section 41780 of the Public Resources Code is~~
34 ~~amended to read:~~

35 ~~41780. (a) Each jurisdiction's source reduction and recycling~~
36 ~~element shall include an implementation schedule that shows both~~
37 ~~of the following:~~

38 ~~(1) For the initial element, the jurisdiction shall divert 25 percent~~
39 ~~of all solid waste by January 1, 1995, through source reduction,~~
40 ~~recycling, and composting activities.~~

1 ~~(2) Except as provided in Sections 41783 and 41784, for the~~
 2 ~~first and each subsequent revision of the element, the jurisdiction~~
 3 ~~shall divert 50 percent of all solid waste on and after January 1,~~
 4 ~~2000, through source reduction, recycling, and composting~~
 5 ~~activities.~~

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

10 ~~(b) This section does not prohibit a jurisdiction from~~
 11 ~~implementing source reduction, recycling, and composting~~
 12 ~~activities designed to exceed the requirements of this division.~~

13 ~~SEC. 4. Section 41780.01 is added to the Public Resources~~
 14 ~~Code, to read:~~

15 ~~41780.01. Except as provided in Sections 41783 and 41784,~~
 16 ~~the state's waste reduction target is to divert 75 percent of solid~~
 17 ~~waste, on and after January 1, 2020, through source reduction,~~
 18 ~~recycling, and composting activities.~~

19 ~~SEC. 5. Chapter 12.8 (commencing with Section 42649) is~~
 20 ~~added to Part 3 of Division 30 of the Public Resources Code, to~~
 21 ~~read:~~

22
 23 ~~CHAPTER 12.8. COMMERCIAL RECYCLING~~
 24

25 ~~42649. (a) Except as otherwise provided in a local ordinance~~
 26 ~~adopted pursuant to subdivision (b), on and after January 1, 2012,~~
 27 ~~the owner or operator of a business that contracts for solid waste~~
 28 ~~services and generates more than four cubic yards of total solid~~
 29 ~~waste and recyclable materials that are not solid waste, per week,~~
 30 ~~shall arrange for recycling services applicable to the collection,~~
 31 ~~handling, or recycling of solid waste, to the extent that these~~
 32 ~~services are offered and reasonably available from a local service~~
 33 ~~provider.~~

34 ~~(b) By January 1, 2012, each city, county, solid waste authority,~~
 35 ~~or other joint powers authority located within a county with a~~
 36 ~~population of 200,000 or more shall adopt a commercial recycling~~
 37 ~~ordinance that is consistent with this section.~~

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

- 1 ~~(1) Enforceable requirements that a business described in~~
2 ~~subdivision (a) take one of the following actions:~~
- 3 ~~(A) Source separate specified recyclable materials from solid~~
4 ~~waste and subscribe to a basic level of recycling service that~~
5 ~~includes the collection of those recyclable materials or specific~~
6 ~~provisions for authorized self-hauling.~~
- 7 ~~(B) Subscribe to an alternative type of recycling service, which~~
8 ~~may include mixed waste processing that yields diversion results~~
9 ~~comparable to source separation.~~
- 10 ~~(2) Educational, implementation, and enforcement provisions.~~
- 11 ~~(3) The existing right of a business to sell or donate its recyclable~~
12 ~~materials.~~
- 13 ~~(d) For the purposes of this section, “business” means a~~
14 ~~commercial entity operated by a firm, partnership, proprietorship,~~
15 ~~joint stock company, corporation, or association that is organized~~
16 ~~for profit or nonprofit, and multifamily housing.~~
- 17 ~~(e) This section does not limit the authority of a local agency~~
18 ~~to adopt, implement, or enforce a local commercial recycling~~
19 ~~ordinance that is more stringent or comprehensive than the~~
20 ~~requirements of this section or limit the authority of a local agency~~
21 ~~in a county with a population of less than 200,000 to require~~
22 ~~commercial recycling.~~
- 23 ~~(f) This section does not modify or abrogate in any manner~~
24 ~~either of the following:~~
- 25 ~~(1) A franchise granted or extended by a city, county, or other~~
26 ~~local government agency immediately preceding January 1, 2011.~~
- 27 ~~(2) A contract, license, or permit to collect solid waste~~
28 ~~previously granted or extended by a city, county, or other local~~
29 ~~government agency in effect immediately preceding January 1,~~
30 ~~2011.~~
- 31 ~~(g) (1) When adopting an ordinance pursuant to this section, a~~
32 ~~local agency may consider the adequacy of areas for collecting~~
33 ~~and loading recyclable materials.~~
- 34 ~~(2) Notwithstanding paragraph (1), a local agency shall not~~
35 ~~consider the adequacy of areas for collecting and loading recyclable~~
36 ~~materials for purposes of not complying with this section at a~~
37 ~~development project, as defined pursuant to Section 42905, if the~~
38 ~~development project was approved by the local agency on or after~~
39 ~~September 1, 1994.~~

1 ~~SEC. 6. Section 44009 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~44009. (a) (1) Except as provided in paragraph (4), the board~~
4 ~~shall, in writing, concur in or object to the issuance, modification,~~
5 ~~or revision of a solid waste facilities permit within 60 days from~~
6 ~~the date of the board's receipt of the proposed solid waste facilities~~
7 ~~permit submitted under Section 44007, as part of the complete and~~
8 ~~correct permit package that conforms with this division and the~~
9 ~~regulations adopted pursuant to this division, as determined by the~~
10 ~~board, after consideration of the issues in this section.~~

11 ~~(2) If the board determines that the proposed permit is not~~
12 ~~consistent with the state minimum standards adopted pursuant to~~
13 ~~Section 43020, or is not consistent with Sections 43040, 43600,~~
14 ~~44007, 44010, 44017, 44150, and 44152 or Division 31~~
15 ~~(commencing with Section 50000), the board shall object to the~~
16 ~~proposed permit and shall submit the basis for its objections to the~~
17 ~~enforcement agency, within 15 days after the board's~~
18 ~~determination.~~

19 ~~(3) If the board fails to concur in or object to the proposed permit~~
20 ~~in writing within the 60-day period specified in paragraph (1) or~~
21 ~~the 90-day period specified in paragraph (4), whichever is~~
22 ~~applicable, the board shall be deemed to have concurred in the~~
23 ~~issuance of the proposed permit by operation of law.~~

24 ~~(4) If the board does not have a full 60 days to review a proposed~~
25 ~~permit because of the board's schedule of meetings, the board shall~~
26 ~~object, in writing, to the issuance, modification, or revision of the~~
27 ~~permit within 90 days from the date of the board's receipt of the~~
28 ~~proposed solid waste facilities permit submitted pursuant to Section~~
29 ~~44007, as part of a complete and correct permit package that~~
30 ~~conforms with this division and the regulations adopted pursuant~~
31 ~~to this division, as determined by the board.~~

32 ~~(b) Notwithstanding subdivision (a), the board is not required~~
33 ~~to concur in, or object to, and shall not be deemed to have~~
34 ~~concurred in, the issuance of a solid waste facilities permit for a~~
35 ~~disposal facility if the owner or operator is not in compliance with,~~
36 ~~as determined by the regional water board, an enforcement order~~
37 ~~issued pursuant to Chapter 5 (commencing with Section 13300)~~
38 ~~of Division 7 of the Water Code, or if all of the following~~
39 ~~conditions exist:~~

1 ~~(1) Waste discharge requirements for the disposal facility issued~~
2 ~~by the applicable regional water board are pending review in a~~
3 ~~petition before the state water board.~~

4 ~~(2) The petition for review of the waste discharge requirements~~
5 ~~includes a request for a stay of the waste discharge requirements.~~

6 ~~(3) The state water board has not taken action on the stay request~~
7 ~~portion of the pending petition for review of waste discharge~~
8 ~~requirements.~~

9 ~~(e) In objecting to the issuance, modification, or revision of a~~
10 ~~proposed solid waste facilities permit pursuant to this section, the~~
11 ~~board shall, based on substantial evidence in the record as to the~~
12 ~~matter before the board, state its reasons for objecting. The board~~
13 ~~shall not object to the issuance, modification, or revision of a~~
14 ~~proposed solid waste facilities permit unless the board finds that~~
15 ~~the permit is not consistent with the state minimum standards~~
16 ~~adopted pursuant to Section 43020, or is not consistent with Section~~
17 ~~43040, 43600, 44007, 44010, 44017, 44150, or 44152 or Division~~
18 ~~31 (commencing with Section 50000).~~

19 ~~(d) Nothing in this section is intended to require that a solid~~
20 ~~waste facility obtain a waste discharge permit from a regional~~
21 ~~water board prior to obtaining a solid waste facilities permit.~~

22 ~~SEC. 7. Section 45014 of the Public Resources Code is~~
23 ~~amended to read:~~

24 ~~45014. (a) Upon the failure of a person to comply with a final~~
25 ~~order issued by a local enforcement agency or the board, the~~
26 ~~Attorney General, upon request of the board, shall petition the~~
27 ~~superior court for the issuance of a preliminary or permanent~~
28 ~~injunction, or both, as may be appropriate, restraining the person~~
29 ~~from continuing to violate the order or complaint.~~

30 ~~(b) An attorney authorized to act on behalf of the local~~
31 ~~enforcement agency or the board may petition the superior court~~
32 ~~for injunctive relief to enforce this part, a term or condition in a~~
33 ~~solid waste facilities permit, or a standard adopted by the board~~
34 ~~or the local enforcement agency.~~

35 ~~(c) In addition to the administrative imposition of civil penalties~~
36 ~~pursuant to this part, Article 6 (commencing with Section 42850)~~
37 ~~of Chapter 16 of Part 3, and Article 4 (commencing with Section~~
38 ~~42962) of Chapter 19 of Part 3, an attorney authorized to act on~~
39 ~~behalf of the local enforcement agency or the board may apply, to~~
40 ~~the clerk of the appropriate court in the county in which the civil~~

1 penalty was imposed, for a judgment to collect the penalty. The
2 application, which shall include a certified copy of the decision or
3 order in the civil penalty action, constitutes a sufficient showing
4 to warrant issuance of the judgment. The court clerk shall enter
5 the judgment immediately in conformity with the application. The
6 judgment so entered shall include the amount of the court filing
7 fee that would have been due from an applicant who is not a public
8 agency, and has the same force and effect as, and is subject to all
9 the provisions of law relating to, a judgment in a civil action, and
10 may be enforced in the same manner as any other judgment of the
11 court in which it is entered if the amount of the unpaid court filing
12 fee is paid to the court prior to satisfying any of the civil penalty
13 amount. Thereafter, a civil penalty or judgment recovered shall be
14 paid, to the maximum extent allowed by law, to the board or to
15 the local enforcement agency, whichever is represented by the
16 attorney who brought the action.

17 SEC. 8.— Section 45024 of the Public Resources Code is
18 amended to read:

19 45024. An attorney authorized to act on behalf of the board or
20 a local enforcement agency may petition the superior court to
21 impose, assess, and recover the civil penalties authorized by
22 Section 45023. Penalties recovered pursuant to this section shall
23 be paid, to the maximum extent allowed by law, to the board or
24 to the local enforcement agency, whichever is represented by the
25 attorney bringing the action.

26 SEC. 9.— Section 48000 of the Public Resources Code is
27 amended to read:

28 48000. (a) An operator of a disposal facility shall pay a fee
29 quarterly to the State Board of Equalization that is based on the
30 amount, by weight or volumetric equivalent, as determined by the
31 board, of all solid waste disposed of at each disposal site.

32 (b) Until December 31, 2011, the amount of the fee shall be
33 established by the board at an amount that is sufficient to generate
34 revenues equivalent to the approved budget for that fiscal year,
35 including a prudent reserve, but the fee shall not exceed one dollar
36 and forty cents (\$1.40) per ton.

37 (c) (1) On and after January 1, 2012, the amount of the fee shall
38 equal two dollars and thirteen cents (\$2.13) per ton, except the
39 board shall adjust the fee not more than once every two years to
40 reflect increases or decreases in the cost of living during the prior

1 ~~two fiscal years as measured by the California Consumer Price~~
2 ~~Index issued by the Department of Industrial Relations or a~~
3 ~~successor agency.~~

4 ~~(2) The board shall notify the State Board of Equalization on~~
5 ~~the first day of the period in which a rate adjustment made by the~~
6 ~~board pursuant to this section shall take effect.~~

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

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

14
15 ~~CHAPTER 2.7. ILLEGAL DUMPING PREVENTION GRANT AND~~
16 ~~LOAN PROGRAM~~
17

18 ~~48300. (a) The board may establish an illegal dumping~~
19 ~~prevention program to provide grants or loans to local agencies to~~
20 ~~fund the development of new, or the expansion of existing,~~
21 ~~comprehensive local illegal dumping programs for the purpose of~~
22 ~~reducing the occurrence of illegal dumping in the state.~~

23 ~~(b) For the purposes of this chapter, "local agency" means a~~
24 ~~city, county, special district, or other local governmental agency~~
25 ~~that has responsibility for illegal dumping.~~

26 ~~48301. (a) The board may expend moneys in the Integrated~~
27 ~~Waste Management Account in the Integrated Waste Management~~
28 ~~Fund and other funds as appropriate, upon appropriation by the~~
29 ~~Legislature, for purposes of providing grants and loans pursuant~~
30 ~~to Section 48300. The board may provide the grants and loans only~~
31 ~~after the fee increase pursuant to paragraph (1) of subdivision (c)~~
32 ~~of Section 48000 is effective and generating funds.~~

33 ~~(b) The board may expend moneys, upon appropriation by the~~
34 ~~Legislature, for program administration.~~

35 ~~(c) All funds received from the operation of the program,~~
36 ~~including, but not limited to, principal repayments, shall be~~
37 ~~deposited in the fund and may be used for purposes authorized by~~
38 ~~this chapter.~~

39 ~~48302. Loans made pursuant to this chapter shall be subject to~~
40 ~~all of the following requirements:~~

1 (a) ~~The terms of any approved loan shall be specified in a loan~~
2 ~~agreement between the borrower and the board.~~

3 (b) ~~The board shall approve only those loan applications that~~
4 ~~demonstrate the applicant’s financial ability to repay the loan.~~

5 (c) ~~The term of any loan made pursuant to this section shall not~~
6 ~~exceed five years.~~

7 (d) ~~The interest rate of any loan made pursuant to this section~~
8 ~~may be zero percent.~~

9 SEC. 11. Chapter 8 (commencing with Section 49700) is added
10 to Part 8 of Division 30 of the Public Resources Code, to read:

11
12 CHAPTER 8. REFUSE SERVICE PROVIDER MODEL ORDINANCE
13 PROGRAM
14

15 49700. For purposes of this chapter, the following terms have
16 the following meanings:

17 (a) ~~“Generator” means a person that disposes or arranges for~~
18 ~~the disposal of solid waste generated by that person.~~

19 (b) ~~“Refuse service provider” means a person that, for~~
20 ~~compensation, accepts or collects solid waste incidental to cleanup~~
21 ~~or delivery services, and transports that solid waste from a~~
22 ~~residential, commercial, or industrial location, for the purpose of~~
23 ~~subsequent recycling, transfer, or disposal of that solid waste.~~
24 ~~“Refuse service provider” does not include a local agency or~~
25 ~~franchise hauler that transports solid waste in accordance with a~~
26 ~~franchise agreement with a local agency.~~

27 (c) ~~“Service vehicle” means a motor-propelled or self-propelled~~
28 ~~vehicle that is used for transporting solid waste over the public~~
29 ~~streets of unincorporated and incorporated areas of a county for~~
30 ~~compensation, regardless of whether the operations of that vehicle~~
31 ~~extend beyond the boundaries of the county.~~

32 49702. (a) ~~On or before January 1, 2011, the board shall adopt~~
33 ~~a model ordinance that may include, but shall not be limited to,~~
34 ~~the following elements:~~

35 (1) ~~Registration and operational requirements for refuse service~~
36 ~~providers.~~

37 (2) ~~Standards for inspection of service vehicles, including safety,~~
38 ~~cleanliness, and signage.~~

39 (3) ~~Penalties for noncompliance and other enforcement~~
40 ~~mechanisms.~~

1 ~~(4) Administrative hearing procedures for appeals of~~
2 ~~enforcement actions.~~

3 ~~(5) Standards for providing receipts of service to generators.~~

4 ~~(6) Local funding mechanisms.~~

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

7 ~~(c) A local agency may, but is not required to, adopt the model~~
8 ~~ordinance described in this section.~~

9 ~~(d) The board shall adopt the model ordinance described in~~
10 ~~subdivision (a) only after the fee increase pursuant to paragraph~~
11 ~~(1) of subdivision (c) of Section 48000 is effective and generating~~
12 ~~funds.~~

13 ~~SEC. 12. No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~a local agency or school district has the authority to levy service~~
16 ~~charges, fees, or assessments sufficient to pay for the program or~~
17 ~~level of service mandated by this act, within the meaning of Section~~
18 ~~17556 of the Government Code.~~