

ASSEMBLY BILL

No. 1063

Introduced by Assembly Member Williams

February 26, 2015

An act to amend Section 48000 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as introduced, Williams. Solid waste: disposal facility: fees.

Existing law requires the operator of a disposal facility to pay to the State Board of Equalization a fee based on the amount of all solid waste disposed of at each disposal site. The act requires the Department of Resources Recycling and Recovery to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton.

This bill would change the fee maximum to an unspecified amount per ton and would require that any amount over \$1.40 per ton be used to cover the reasonable regulatory costs incurred by the department incident to the performance of various regulatory actions. The bill would also make various nonsubstantive changes.

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. Section 48000 of the Public Resources Code is
- 2 amended to read:
- 3 48000. (a) Each operator of a disposal facility shall pay a fee
- 4 quarterly to the State Board of Equalization, which is based on the

1 amount, by weight or volumetric equivalent, as determined by the
2 ~~Department of Resources Recycling and Recovery~~ *department*, of
3 all solid waste disposed of at each disposal site.

4 (b) (1) ~~The fee for solid waste disposed of shall be one dollar~~
5 ~~and thirty-four cents (\$1.34) per ton. Commencing with the~~
6 ~~1995–96 fiscal year, the amount of the fee shall be established by~~
7 ~~the Department of Resources Recycling and Recovery~~ *department*
8 *for each fiscal year* at an amount that is sufficient to generate
9 revenues equivalent to the approved budget for that fiscal year,
10 including a prudent reserve, but shall not exceed ~~one dollar and~~
11 ~~forty cents (\$1.40)~~ _____ (\$_____) per ton. *Any amount over one*
12 *dollar and forty cents (\$1.40) per ton shall be used to cover the*
13 *reasonable regulatory costs incurred by the department incident*
14 *to the performance of audits, inspections, or administrative*
15 *enforcement and adjudication related to the regulation of solid*
16 *waste handling and disposal.*

17 (2) On and after July 1, 2012, the amount of the fee established
18 by the ~~Department of Resources Recycling and Recovery~~
19 *department* pursuant to paragraph (1) shall be increased by twelve
20 cents (\$0.12) per ton for each operator of a solid waste landfill
21 whose owner has notified the department that it elects to participate
22 in the State Solid Waste Postclosure and Corrective Action Trust
23 Fund pursuant to Article 2.1 (commencing with Section 48010).

24 (c) ~~The Department of Resources Recycling and Recovery~~
25 *department* shall notify the state board on the first day of the period
26 in which the rate shall take effect of any rate change adopted
27 pursuant to paragraphs (1) and (2) of subdivision (b).

28 (d) ~~The Department of Resources Recycling and Recovery~~
29 *department* and the state board shall ensure that all of the fees for
30 solid waste imposed pursuant to this section that are collected at
31 a transfer station are paid to the state board in accordance with this
32 article.

33 (e) (1) The fee imposed by paragraph (2) of subdivision (b)
34 shall not be operative on or after July 1, 2012, unless the
35 ~~Department of Resources Recycling and Recovery~~ *department*
36 receives, on or before January 1, 2012, letters of participation in
37 the State Solid Waste Postclosure and Corrective Action Trust
38 Fund from landfill owners representing at least 50 percent of the
39 total volume of waste disposed of in 2010.

1 (2) ~~The Department of Resources Recycling and Recovery~~
2 ~~department~~ shall notify the state board, on or before February 29,
3 2012, if the fee imposed by paragraph (2) of subdivision (b) shall
4 become operative pursuant to paragraph (1).

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