

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1063**

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**Introduced by Assembly Member Williams**

February 26, 2015

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An act to ~~amend Section 48000 of~~ *add Section 48000.1* to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as amended, 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.~~

*This bill would require, on or before July 1, 2016, the Department of Resources Recycling and Recovery, to hold a public hearing and workshop to develop a proposal for the Legislature regarding a new solid waste management fee which would provide the department with the revenue necessary to carry out certain actions. The bill would require the department, within 6 months of the public hearing and workshop, to propose a new solid waste management fee to the Legislature.*

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 48000.1 is added to the Public Resources  
2 Code, to read:

3 48000.1. (a) On or before July 1, 2016, the department shall  
4 hold a public hearing and workshop to develop a proposal for the  
5 Legislature regarding a new solid waste management fee which  
6 would provide the department with the revenue necessary to carry  
7 out all of the following:

8 (1) Develop financial incentives to promote the recycling of  
9 organic material through activities, including, but not limited to,  
10 composting and anaerobic digestion.

11 (2) Provide resources to develop infrastructure and incentives  
12 necessary to achieve the statewide policy goal pursuant to Section  
13 41780.01.

14 (3) Provide a sustainable funding structure that ensures the  
15 department’s ability to carry out its responsibilities under this  
16 division.

17 (b) For the public hearing and workshop, the department shall  
18 seek public input from interested groups, including, but not limited  
19 to, representatives of the solid waste industry, local government,  
20 disadvantaged communities, and environmental groups.

21 (c) Within six months of the public hearing and workshop held  
22 pursuant to subdivision (a), the department shall propose a new  
23 solid waste management fee to the Legislature pursuant to Section  
24 9795 of the Government Code.

25 ~~SECTION 1. Section 48000 of the Public Resources Code is~~  
26 ~~amended to read:~~

27 ~~48000. (a) Each operator of a disposal facility shall pay a fee~~  
28 ~~quarterly to the State Board of Equalization, which is based on the~~  
29 ~~amount, by weight or volumetric equivalent, as determined by the~~  
30 ~~department, of all solid waste disposed of at each disposal site.~~

31 ~~(b) (1) The amount of the fee shall be established by the~~  
32 ~~department for each fiscal year at an amount that is sufficient to~~  
33 ~~generate revenues equivalent to the approved budget for that fiscal~~  
34 ~~year, including a prudent reserve, but shall not exceed \_\_\_\_\_ (\$ \_\_\_\_\_)~~  
35 ~~per ton. Any amount over one dollar and forty cents (\$1.40) per~~

1 ton shall be used to cover the reasonable regulatory costs incurred  
2 by the department incident to the performance of audits,  
3 inspections, or administrative enforcement and adjudication related  
4 to the regulation of solid waste handling and disposal.

5 (2) On and after July 1, 2012, the amount of the fee established  
6 by the department pursuant to paragraph (1) shall be increased by  
7 twelve cents (\$0.12) per ton for each operator of a solid waste  
8 landfill whose owner has notified the department that it elects to  
9 participate in the State Solid Waste Postclosure and Corrective  
10 Action Trust Fund pursuant to Article 2.1 (commencing with  
11 Section 48010).

12 (e) The department shall notify the state board on the first day  
13 of the period in which the rate shall take effect of any rate change  
14 adopted pursuant to paragraphs (1) and (2) of subdivision (b).

15 (d) The department and the state board shall ensure that all of  
16 the fees for solid waste imposed pursuant to this section that are  
17 collected at a transfer station are paid to the state board in  
18 accordance with this article.

19 (e) (1) The fee imposed by paragraph (2) of subdivision (b)  
20 shall not be operative on or after July 1, 2012, unless the  
21 department receives, on or before January 1, 2012, letters of  
22 participation in the State Solid Waste Postclosure and Corrective  
23 Action Trust Fund from landfill owners representing at least 50  
24 percent of the total volume of waste disposed of in 2010.

25 (2) The department shall notify the state board, on or before  
26 February 29, 2012, if the fee imposed by paragraph (2) of  
27 subdivision (b) shall become operative pursuant to paragraph (1).