

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 15, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1063

Introduced by Assembly Member Williams

February 26, 2015

An act to amend Sections 48001 and 48004 of, to amend, repeal, and add Section 48000 of, and to add ~~and repeal~~ Section 48000.1 ~~of, to,~~ the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as amended, Williams. Solid waste: charges.

(1) 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. Existing law requires the moneys collected from the fee to be deposited in the Integrated Waste Management Account and to be used by the department, upon appropriation, for specified purposes.

This bill would raise the fee imposed on an operator of a disposal facility ~~from a maximum of \$1.40 per ton to \$5 \$4 per ton between commencing January 1, 2017, and January 1, 2022, inclusive, and to \$3.50 per ton on and after January 1, 2022. 2017.~~ The bill would require a minimum of ~~\$1 \$1.50~~ per ton of the fee collected from each ~~operator~~ *operator, until* January 1, 2022, and

would authorize some or all of the fee collected thereafter, to be allocated to activities that promote recycling and the highest and best use of materials, as specified.

The

*This bill additionally would require the department, commencing January 1, 2019, to establish, as provided, and impose a charge on all solid waste generators to be collected by a city, county, or city and county and remitted to the state board, as specified. The bill ~~would require that the moneys collected from each solid waste generator between January 1, 2019, and would, until January 1, 2022, be allocated~~ by authorize the department to *allocate a portion of the moneys collected to fund* activities that promote recycling and the highest and best use of materials, as specified. By adding to the duties of local governments, this bill would impose a state-mandated local program.*

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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, which is based on the amount, by
- 5 weight or volumetric equivalent, as determined by the department,
- 6 of all solid waste disposed of at each disposal site.
- 7 (b) (1) The fee for solid waste disposed of shall be one dollar
- 8 and thirty-four cents (\$1.34) per ton. Commencing with the
- 9 1995–96 fiscal year, the amount of the fee shall be established by
- 10 the department at an amount that is sufficient to generate revenues
- 11 equivalent to the approved budget for that fiscal year, including a

1 prudent reserve, but shall not exceed one dollar and forty cents
2 (\$1.40) per ton.

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

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

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

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

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

26 (f) This section shall remain in effect only until January 1, 2017,
27 and as of that date is repealed, unless a later enacted statute, that
28 is enacted before January 1, 2017, deletes or extends that date.

29 SEC. 2. Section 48000 is added to the Public Resources Code,
30 to read:

31 48000. (a) (1) Each operator of a disposal facility shall
32 quarterly pay a fee that is based on the amount, by weight or
33 volumetric equivalent as determined by the department, of all solid
34 waste disposed at each disposal site. The fee shall be ~~five dollars~~
35 ~~(\$5.00)~~ *four dollars (\$4.00)* per ton.

36 (2) The fee imposed by this subdivision shall be remitted to the
37 state board.

38 (b) (1) Notwithstanding Section 48004, *until January 1, 2022*,
39 no less than one dollar ~~(\$1.00)~~ *and fifty cents (\$1.50)* per ton
40 collected pursuant to subdivision (a) shall be allocated by the

1 department, upon appropriation by the Legislature, to fund
 2 activities that promote recycling and the highest and best use of
 3 materials through any of the following:

4 (A) Market incentive payments for recycling infrastructure and
 5 activities.

6 (B) Grants to local governments to implement programs that
 7 increase recycling and reduce disposal.

8 (C) Grants and loans to develop recycling infrastructure.

9 (2) When implementing paragraph (1), if the department
 10 determines there are sufficient moneys collected pursuant to this
 11 section, it shall prioritize the funding of market incentive payments.

12 ~~(e) This section shall become operative on January 1, 2017.~~

13 ~~(d) This section shall remain in effect only until January 1, 2022,~~
 14 ~~and as of that date is repealed, unless a later enacted statute, that~~
 15 ~~is enacted before January 1, 2022, deletes or extends that date.~~

16 *(c) Notwithstanding Section 48004, on and after January 1,*
 17 *2022, moneys collected pursuant to subdivision (a) may be*
 18 *allocated by the department, upon appropriation by the Legislature,*
 19 *to fund activities identified in subdivision (b).*

20 *(d) This section shall become operative on January 1, 2017.*

21 ~~SEC. 3. Section 48000 is added to the Public Resources Code,~~
 22 ~~to read:~~

23 ~~48000. (a) (1) Each operator of a disposal facility shall~~
 24 ~~quarterly pay a fee that is based on the amount, by weight or~~
 25 ~~volumetric equivalent as determined by the department, of all solid~~
 26 ~~waste disposed at each disposal site. The fee shall be three dollars~~
 27 ~~and fifty cents (\$3.50) per ton.~~

28 ~~(2) The fee imposed by this subdivision shall be remitted to the~~
 29 ~~state board.~~

30 ~~(b) Notwithstanding Section 48004, moneys collected pursuant~~
 31 ~~to subdivision (a) may be allocated by the department, upon~~
 32 ~~appropriation by the Legislature, to fund activities that promote~~
 33 ~~recycling and the highest and best use of materials through any of~~
 34 ~~the following:~~

35 ~~(1) Market incentive payments for recycling infrastructure and~~
 36 ~~activities.~~

37 ~~(2) Grants to local governments to implement programs that~~
 38 ~~increase recycling and reduce disposal.~~

39 ~~(3) Grants and loans to develop recycling infrastructure.~~

40 ~~(e) This section shall become operative on January 1, 2022.~~

1 ~~SEC. 4.~~ Section 48000.1 is added to the Public Resources Code,
2 to read:

3 48000.1. (a) (1) ~~The department shall establish and impose a~~
4 ~~quarterly charge on solid waste generators in an amount sufficient~~
5 ~~to ensure fifteen million dollars (\$15,000,000) per calendar year~~
6 ~~is available to be used pursuant to subdivision (e).~~

7 (2) ~~To the extent possible, the charge shall apply to all solid~~
8 ~~waste generators, including residential entities, commercial entities,~~
9 ~~public entities, and self-haulers.~~

10 (b) (1) ~~The charge shall be collected by a city, county, or a city~~
11 ~~and county or up to two designees per city or county or city and~~
12 ~~county.~~

13 (2) ~~The charge imposed by this section shall be remitted to the~~
14 ~~state board.~~

15 (c) (1) ~~Notwithstanding Section 48004, the moneys collected~~
16 ~~pursuant to this section shall be allocated by the department, upon~~
17 ~~appropriation by the Legislature, to fund activities that promote~~
18 ~~recycling and the highest and best use of materials through any of~~
19 ~~the following:~~

20 (A) ~~Market incentive payments for recycling infrastructure and~~
21 ~~activities.~~

22 (B) ~~Grants to local governments to implement programs that~~
23 ~~increase recycling and reduce disposal.~~

24 (C) ~~Grants and loans to develop recycling infrastructure.~~

25 (2) ~~When implementing paragraph (1), if the department~~
26 ~~determines there are sufficient moneys collected pursuant to this~~
27 ~~section, it shall prioritize the funding of market incentive payments.~~

28 (d) ~~This section shall become operative on January 1, 2019.~~

29 (e) ~~This section shall remain in effect only until January 1, 2022,~~
30 ~~and as of that date is repealed, unless a later enacted statute, that~~
31 ~~is enacted before January 1, 2022, deletes or extends that date.~~

32 ~~SEC. 5.~~

33 ~~SEC. 3.~~ Section 48000.1 is added to the Public Resources Code,
34 to read:

35 48000.1. (a) (1) The department shall establish and impose a
36 quarterly charge on solid waste generators as follows:

37 (A) Commencing January 1, ~~2022,~~ 2019, and every three years
38 thereafter, the charge on solid waste generators shall be calculated
39 to collect moneys sufficient to recover the department's costs to
40 implement this division *described in Section 48004* that are not

1 covered by the moneys annually collected pursuant to Section
2 48000 during the prior three fiscal years.

3 (B) In determining the amount of moneys required to ~~implement~~
4 ~~this division~~, *recover the costs described in Section 48004*, the
5 department shall set the charge based on the moneys deposited in
6 the account for the ~~2018-19~~ 2017-18 fiscal year ~~less the amount~~
7 ~~set to fund activities pursuant to subdivision (b) of Section 48000~~
8 plus any additional or reduced collected moneys necessary to
9 implement any additional or reduced allocations and transfers
10 approved by the Legislature.

11 (C) *Until January 1, 2022, in addition to the amount determined*
12 *pursuant to subparagraph (A), the charge shall include an amount,*
13 *determined by the department, sufficient to ensure that not less*
14 *than fifteen million dollars (\$15,000,000) for each calendar year*
15 *is collected for the purposes of subdivision (c).*

16 (2) To the extent possible, the charge shall apply to all solid
17 waste generators, including residential entities, commercial entities,
18 public entities, and self-haulers.

19 (b) (1) The charge shall be collected by a city, county, or a city
20 and county or up to two designees per city or county or city and
21 county.

22 (2) The charge imposed by this section shall be remitted to the
23 state board.

24 ~~(e) This section shall become operative on January 1, 2022.~~

25 (c) (1) *Notwithstanding Section 48004, moneys collected*
26 *pursuant to subparagraph (C) of paragraph (1) of subdivision (a)*
27 *may be allocated by the department, upon appropriation by the*
28 *Legislature, to fund activities that promote recycling and the*
29 *highest and best use of materials through any of the following:*

30 (A) *Market incentive payments for recycling infrastructure and*
31 *activities.*

32 (B) *Grants to local governments to implement programs that*
33 *increase recycling and reduce disposal.*

34 (C) *Grants and loans to develop recycling infrastructure.*

35 (2) *When implementing paragraph (1), if the department*
36 *determines there are sufficient moneys collected pursuant to this*
37 *chapter, it shall prioritize the funding of market incentive payments.*

38 ~~SEC. 6.~~

39 *SEC. 4.* Section 48001 of the Public Resources Code is
40 amended to read:

1 48001. (a) The revenue from the fees paid pursuant to this
2 chapter shall be deposited, after payment of refunds and
3 administrative costs of collection, in the Integrated Waste
4 Management Account, which is hereby created in the fund.

5 (b) The department and the state board shall ensure all of the
6 fees for solid waste imposed pursuant to this chapter, including,
7 but not limited to, fees on solid waste that is exported for disposal,
8 are remitted to the state board in accordance with this article.

9 ~~SEC. 7.~~

10 *SEC. 5.* Section 48004 of the Public Resources Code is
11 amended to read:

12 48004. (a) The money in the account shall be used by the
13 department, upon appropriation by the Legislature, for the
14 following purposes:

15 (1) The administration and implementation of this division by
16 the department, including a prudent reserve.

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

21 (b) It is the intent of the Legislature that an amount that is
22 sufficient to fund state water board and regional water board
23 regulatory activities for solid waste landfills be appropriated from
24 the account by the Legislature in the annual Budget Act. Those
25 persons who are required to pay the fee imposed pursuant to
26 Section 48000 shall not be required to pay the annual fee imposed
27 pursuant to subdivision (d) of Section 13260 of the Water Code
28 with regard to the same discharge if the requirements for the waiver
29 of that fee set forth in paragraph (3) of subdivision (d) of Section
30 13260 of the Water Code are met.

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

38 ~~SEC. 8.~~

39 *SEC. 6.* If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

4 ~~SEC. 9.~~

5 *SEC. 7.* This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety within
7 the meaning of Article IV of the Constitution and shall go into
8 immediate effect. The facts constituting the necessity are:

9 To ensure the Department of Resources Recycling and Recovery
10 has sufficient resources to efficiently and effectively regulate the
11 generation and disposal of solid waste for the protection of public
12 health and safety, it is necessary for this measure to take effect
13 immediately.

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