

File No. 230989

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance Committee Date October 4, 2023

Board of Supervisors Meeting Date _____

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Completed by: Brent Jalipa Date September 28, 2023

Completed by: Brent Jalipa Date _____

1 [Apply for Grants - California Department of Resources Recycling and Recovery Funds]

2

3 **Resolution authorizing the Department of the Environment to submit applications on**
4 **behalf of the City and County of San Francisco for all grants offered by the California**
5 **Department of Resources Recycling and Recovery for which it is eligible, effective for**
6 **five years upon approval of this Resolution.**

7

8 WHEREAS, Public Resources Code, Sections 48000 et seq., authorize the Department
9 of Resources Recycling and Recovery (CalRecycle) to administer various grant programs
10 (grants) in furtherance of the State of California’s (state) efforts to reduce, recycle and reuse
11 solid waste generated in the state thereby preserving landfill capacity and protecting public
12 health and safety and the environment; and

13 WHEREAS, In furtherance of this authority, CalRecycle has established procedures
14 governing the application, awarding, and management of grants; and

15 WHEREAS, CalRecycle’s grant application procedures require, among other things, an
16 applicant’s governing body to declare by resolution certain authorizations related to the
17 administration of CalRecycle grants; now, therefore, be it

18 RESOLVED, That the Department of the Environment (“Environment Department”), on
19 behalf of the City and County of San Francisco, is authorized to submit application(s) to
20 CalRecycle for all grants for which the Environment Department is eligible; and, be it

21 FURTHER RESOLVED, That the Director of the Environment Department, or the
22 Director’s designee, is hereby authorized and empowered to execute in the name of the
23 Environment Department, on behalf of the City and County of San Francisco, all grant
24 documents, including but not limited to, applications, agreements, amendments and requests

25


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PUBLIC RESOURCES CODE - PRC

DIVISION 30. WASTE MANAGEMENT [40000 - 49654] (*Division 30 added by Stats. 1989, Ch. 1096, Sec. 2.)*

PART 7. OTHER PROVISIONS [47000 - 48706] (*Part 7 added by Stats. 1989, Ch. 1095, Sec. 22.)*

CHAPTER 2. Finances [47901 - 48028] (*Chapter 2 added by Stats. 1989, Ch. 1095, Sec. 22.)*

ARTICLE 2. Management of the Fund [48000 - 48008] (*Heading of Article 2 added by Stats. 1990, Ch. 35, Sec. 89.)*

48000. (a) Each operator of a disposal facility shall pay a fee quarterly to the State Board of Equalization, which is based on the amount, by weight or volumetric equivalent, as determined by the Department of Resources Recycling and Recovery, of all solid waste disposed of at each disposal site.

(b) (1) 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 Department of Resources Recycling and Recovery 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.

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

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

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

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

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

(Amended by Stats. 2010, Ch. 417, Sec. 1. (AB 1004) Effective January 1, 2011.)

48001. The revenue from the fees paid pursuant to paragraph (1) of subdivision (b) of Section 48000 shall, after payment of refunds and administrative costs of collection, be deposited in the Integrated Waste Management Account, which is hereby created in the fund.

(Amended by Stats. 2009, Ch. 318, Sec. 2. (AB 274) Effective January 1, 2010.)

48001.5. (a) The revenue from the fees paid pursuant to paragraph (2) of subdivision (b) of Section 48000 shall, after payment of refunds and administrative costs of collection, be deposited in the State Solid Waste Postclosure and Corrective Action Trust Fund, which is hereby created in the State Treasury.

(b) Fees, revenues, and all interest earned shall be available to the board, upon appropriation by the Legislature, to carry out the purposes of Article 2.1, including all of the following:

(1) Corrective action and postclosure activities pursuant to subdivision (b) of Section 48011.

(2) Administrative costs incurred by the board in implementing Article 2.1.

(3) Any startup costs incurred by the board in implementing Article 2.1 that were incurred before fees were paid pursuant to paragraph (2) of subdivision (b) of Section 48000.

(Added by Stats. 2009, Ch. 318, Sec. 3. (AB 274) Effective January 1, 2010.)

48002. The state board shall adopt rules and regulations to carry out Section 48000, including, but not limited to, provisions governing collections, reporting, refunds, and appeals.

(Added by Stats. 1989, Ch. 1095, Sec. 22.)

48003. The state board may not spend more than $\frac{1}{2}$ percent of the total revenues deposited, or anticipated to be deposited, in the account during a fiscal year for the administration of this chapter during that fiscal year.

(Amended by Stats. 2003, Ch. 742, Sec. 8. Effective January 1, 2004.)

48004. (a) The money in the account shall be used by the Department of Resources Recycling and Recovery, upon appropriation by the Legislature, for the following purposes:

(1) The administration and implementation of this division by the Department of Resources Recycling and Recovery.

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

(b) It is the intent of the Legislature that an amount that 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 if the requirements for the waiver of that fee set forth in paragraph (3) of subdivision (d) of Section 13260 of the Water Code are met.

(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 Department of Resources Recycling and Recovery.

(Amended by Stats. 2010, Ch. 718, Sec. 20. (SB 855) Effective October 19, 2010.)

48005. Unless otherwise specified, all money received by the board shall be deposited in the Integrated Waste Management Account and shall be used by the board, upon appropriation by the Legislature, for the purposes for which it was collected or, if not expressly specified for a particular purpose, for the purposes of this division, except Part 6 (commencing with Section 46000), which shall be funded by fees pursuant to Section 46801.

(Added by Stats. 1989, Ch. 1095, Sec. 22.)

48006. The board may exempt from all fees any operator of a solid waste landfill that receives less than a monthly average of five tons per operating day of solid waste.

(Added by Stats. 1989, Ch. 1095, Sec. 22.)

48007. (a) Recycled materials and inert waste removed from the waste stream and not disposed of in a solid waste landfill shall not be included for the purpose of assessing fees imposed pursuant to Section 48000.

(b) For purposes of this section, and only for the purpose of determining whether fees shall be imposed pursuant to Section 48000, "inert waste removed from the waste stream and not disposed of in solid waste landfills" includes the use, disposal, or placement of solely inert waste on property where surface mining operations, as defined in Section 2735, are being conducted, or have been conducted previously, as long as the use, disposal, or placement is for purposes of reclamation, as defined in Section 2733, pursuant to either of the following:

(1) A reclamation plan approved pursuant to Section 2774.

(2) For surface mining operations conducted prior to January 1, 1976, an agreement with a city or county, or a permit issued by a city or county, that provides for a fill appropriately engineered for the planned future use of the reclaimed minesite.

(c) For purposes of this section, "inert waste" means rock, concrete, brick, sand, soil, and cured asphalt only. In addition, inert waste does not include any waste that meets the definition of "designated waste" as defined in Section 13173 of the Water Code or "hazardous waste" as defined by Section 40141.

(d) This section shall remain operative until the operative date of the regulations adopted by the board pursuant to Section 48007.5 and, as of the January 1 following that operative date, this section is repealed, unless a later enacted statute deletes or extends the dates on which it becomes inoperative and is repealed.

(Amended (as amended by Stats. 1999, Ch. 600, Sec. 6) by Stats. 2001, Ch. 811, Sec. 1. Effective January 1, 2002. Inoperative on date prescribed by its own provisions. Repealed on January 1 after inoperative date, by its own provisions. See later operative version, as amended by Sec. 2 of Ch. 811.)

48007. (a) Recycled materials and inert waste removed from the waste stream and not disposed of in a solid waste landfill shall not be included for the purpose of assessing fees imposed pursuant to Section 48000.

(b) This section shall become operative on the operative date of the regulations adopted by the board pursuant to Section 48007.5.

(Amended (as added by Stats. 1999, Ch. 600, Sec. 7) by Stats. 2001, Ch. 811, Sec. 2. Effective January 1, 2002. Section operative on date prescribed in subd. (b).)

48007.5. (a) On or before January 1, 2004, the board shall adopt and file with the Secretary of State, pursuant to Section 11346.2 of the Government Code, regulations that establish an appropriate level of oversight of the management of construction and demolition waste, and the management of inert waste at mine reclamation sites.

(b) For purposes of this section, "inert waste" has the same meaning as defined in subdivision (c) of Section 48007, as that section read on January 1, 2002.

(Added by Stats. 2001, Ch. 811, Sec. 3. Effective January 1, 2002.)

48008. (a) Any operator of a solid waste landfill that pays a fee pursuant to this chapter may impose on its users an administrative fee of not more than 5 percent of the fees paid to the State Board of Equalization during the previous quarter pursuant to Section 48000.

(b) Administrative fees imposed pursuant to subdivision (a) shall reflect, to the extent feasible, the actual costs of collecting and accounting for fees paid to the State Board of Equalization.

(Amended by Stats. 1990, Ch. 1355, Sec. 57. Effective September 27, 1990.)

From: [Conine-Nakano, Susanna \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#); [Jue, Tyrone \(ENV\)](#); [Angulo, Sunny \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Piasecki, Joseph \(ENV\)](#); [Sheehan, Charles \(ENV\)](#)
Subject: Mayor -- Resolution -- California Department of Resources Recycling and Recovery
Date: Tuesday, September 19, 2023 4:59:57 PM
Attachments: [Public Resources Code sections 48000.pdf](#)
[CalRecycle RESO V.4.docx](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is a Resolution authorizing the Department of the Environment to submit applications on behalf of the City and County of San Francisco for all grants offered by the California Department of Resources Recycling and Recovery for which it is eligible.

[@Jue, Tyrone \(ENV\)](#), can you please reply-all to confirm your approval? Thanks!

[@Angulo, Sunny \(BOS\)](#), can you please reply-all to confirm Supervisor Peskin's cosponsorship?
Thanks!

Best,
Susanna

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