

RESOLUTION NO. 070522

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION APPROVING THE IMPOSITION AND COLLECTION OF AN AB 939
FEE ON EACH TON OF SOLID WASTE DISPOSED OF AT LANDFILLS WITHIN THE
UNINCORPORATED AREAS OF THE COUNTY**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, pursuant to Public Resources Code Section 41901, a city, county, or city and county may impose fees in amounts sufficient to pay the costs of preparing, adopting, and implementing a countywide integrated waste management plan; and

WHEREAS, the San Mateo County Integrated Waste Management Plan (herein referred to as the "County Plan") five-year review report has been issued by the C/CAG Local Task Force on October 15, 2009; and

WHEREAS, the County's costs of preparing, adopting, and implementing the County Plan have been funded through compensation that the County received pursuant to a contract with the operator of the Ox Mountain landfill, which contract is about to expire; and

WHEREAS, the County Plan includes the County's Household Hazard Waste & Local Enforcement Agency Program (HHW/LEA Programs), as well as other County Solid Waste Management & Diversion Programs (SWMD Programs); and

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WHEREAS, it is now desirable to establish an AB 939 Fee to assist the County in its funding of the County's costs of preparing, adopting and implementing the County Plan, including its HHW/LEA Programs and SWMD Programs; and

WHEREAS, the County's Public Works Department has prepared a report, attached as Exhibit A (hereafter the "Report"), which includes a description of the HHW/LEA and SWMD Program components and the costs associated therewith, and which Report presents the County's costs of preparing, adopting, and implementing those Programs in compliance with the County's Plan. The Report documents that to fully fund the AB 939 programs an AB 939 Fee of \$9.83 per ton should be imposed on each ton of waste land filled within the unincorporated areas of the County, which fee includes a \$5.02 per ton component to support the HHW/LEA Programs, and a \$4.81 component to support the SWMD Programs (the "SWMD Fee"); and

WHEREAS, the County's costs of preparing, adopting, and implementing the County Plan, including the HHW/LEA and SWMD Programs, from January 1, 2010 through June 30, 2010, will be an amount that is partially funded by a Fee of \$7.02 for each ton of waste land filled within the unincorporated areas of the County; and

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WHEREAS, the County's costs of preparing, adopting, and implementing the County Plan, including the HHW/LEA and SWMD Programs County Plan, from July 1, 2010 through June 30, 2011, will be an amount that is anticipated to be no less than \$9.83 per ton, which amount includes a \$5.02 per ton component to support the HHW/LEA Programs, and a \$4.81 per ton component to support the SWMD Programs, for each ton of waste land filled within the unincorporated areas of the County; and

WHEREAS, all owners/operators of all active San Mateo County landfills shall submit an annual report of each landfill site's financial activity related to the AB 939 Fee computations to the County. Owners/operators shall maintain accurate, detailed financial information in a consistent format and make information available to the County in a timely fashion after the close of each quarterly fiscal period. On the reasonable request of the County, owners/operators shall provide the County audited financial records covering the operation of each landfill; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the AB 939 Fee is categorically exempt under Section 15308 and are statutorily exempt under Section 15273 of CEQA; and

WHEREAS, in accordance with the Government Code, at least 14 days prior to the public meeting at which this Resolution is being considered for adoption, notice of the time and place of the meeting was mailed to eligible interested parties who filed written requests with the County for mailed notice of meetings on new or increased fees or service charges; and

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WHEREAS, in accordance with the Government Code, the Report was available for public review and comment for ten days prior to the public meeting at which this Resolution was adopted; and

WHEREAS, a 10 day advance notice of the public meeting at which this Resolution was adopted was given by publication in accordance with Section 6062a of the Government Code; and,

WHEREAS, the Board of Supervisors held a noticed public meeting on this date to consider the authorization of an AB 939 Fee.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED THAT:

1. The County of San Mateo approves the imposition and collection of an AB 939 Fee as follows:
 - A) A \$7.02 per ton fee on all wastes land filled within the unincorporated areas of the County from January 1, 2010 through June 30, 2010.
 - B) Beginning, July 1, 2010, a \$9.83 per ton fee on all wastes land filled within the unincorporated areas of the County; which Fee shall be composed of:
a HHW/LEA component of \$5.02 per ton, plus a SWMD component of \$4.81 per ton
2. The owner and the operator of a landfill shall be responsible, jointly and severally, for the payment of the AB 939 Fee. A person or business owing

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the AB 939 Fee must, in addition to paying the AB 939 Fee to the County, provide the County with a report indicating the source and disposition of all land filled materials. Such persons must provide the Waste Management and Environmental Services division of the County Department of Public Works, with access to all substantiating information as needed to reconcile or verify such reports.

3. A person or business owing the Fee must make payment and submit the required reports to the County within 30 days of the end of the calendar quarter for which the payment applies. Both the Fee and reports are due within 30 days of the end of the calendar quarter. If the Fee and reports are not submitted on a timely basis, additional charges will be added as follows:
 - (a) A late processing fee of \$500.00 will be added if either the Fee or reports are not submitted within the specified 30 days;
 - (b) A delinquent penalty of 1% per month of the outstanding balance will be added if the Fee accompanied by required reports are not submitted within 45 days of the end of the calendar quarter for which the payment applies
4. Landfill owners and operators must provide copies of Board of Equalization audit reports or equivalent audit reports, or other relevant data to enable the County to verify reports of tonnages. A template for reporting, including the conversion

formula to be applied for conversions from volume to weight, is to be provided by the County to the landfill owners and operators for completion and submittal to the County for County approval.

5. In accordance with CEQA, the Board of Supervisors finds that the collection of the Fee is necessary for preparation of the County Plan and meeting operating expenses and purchasing materials and services consistent with the County Plan. The collection of the Fee is categorically exempt under State CEQA Guidelines Section 15308 and is statutorily exempt under Public Resources Code Section 21080(b)(8) and State CEQA Guidelines Section 15273.

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Exhibit A

AB 939 Report

County of San Mateo:

AB 939

Programs & Associated Costs

November 20, 2009

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REPORT REGARDING AB 939 FEES IN SAN MATEO COUNTY

This report is intended to succinctly describe the San Mateo County programs and activities that are included in the San Mateo County Integrated Waste Management Plan, the funding requirements with regard to the County's costs of preparing, adopting, and implementing the County Plan through those programs (the "AB 939 Programs"), and the landfill fees required to meet those costs.

The AB 939 Programs and their costs are set out in Attachment A, which is a table that lists the component programs and activities, the County's costs associated with those programs and activities, and the categorization of the programs and activities in relation to the San Mateo County Integrated Waste Management Plan.

It is anticipated that 585,000 tons of municipal solid waste will be land filled within the unincorporated area of San Mateo County during calendar 2010. Attachment B is a graph that depicts the history of the solid waste tonnage that has been disposed of in the unincorporated areas of San Mateo County over the past decade and shows the anticipated amount for calendar year 2010. The anticipated amount of 585,000 tons is an estimate that is consistent with historical trends as demonstrated in Attachment B and the termination of the contract with the landfill owner/operator. Anticipating 585,000 tons recognizes not only the continuing effects of diversion, but also that the Ox Mountain landfill is the only active landfill within the unincorporated area, or within any area, of San Mateo County, and that the termination of the contract between the County of San Mateo and the owner/operator of the Ox Mountain landfill means the termination

of the contractual restrictions on the amounts and sources of waste that may be land filled at the Ox Mountain landfill.

The principles underlying AB 939 fees suggests that landfill users should pay an amount proportional to the amount of waste which they dispose of in the landfill.

Therefore, an AB 939 fee based on the amount of waste land filled is appropriate.

Attachment A sets forth the expenses to be funded and Attachment B sets forth the amount of waste that is estimated to be land filled. The Fee is calculated by dividing program costs by the estimated disposal tonnage to generate a cost per ton Fee. The following table sets forth a summary of the estimated disposal tonnage in the calendar year 2010, the total cost of the AB 939 Programs, and the calculated AB 939 Fee (\$9.83 per ton). The table also indicates the AB 939 Solid Waste Management Diversion (SWMD) Fee Component (\$4.81 per ton), and the AB 939 Household Hazardous Waste and state mandated Local Enforcement Agency (HHW/LEA) Fee Component (\$5.02 per ton).

Program	Program Cost (Attachment A)	Estimated Disposal Tonnage (2010) (Attachment B)	Calculated AB 939 Fee or AB 939 Fee Component (Program Cost/Disposal Tonnage)
AB 939 Programs	\$5,750,550	585,000	\$9.83
AB 939 Fee Components:			
AB 939 SWMD	\$2,813,850	585,000	\$4.81
AB 939 HHW/LEA	\$2,936,700	585,000	\$5.02

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In particular, as shown in the previous table, with the County's annual cost of the SWMD Programs at \$2,813,850 and 585,000 tons of waste land filled in the County over that period, an AB 939 Fee of \$4.81 per ton is appropriate. Similarly, with the County's annual cost of the HHW/LEA Programs at \$2,936,700 and 585,000 tons of waste land filled in the County over that period, an AB 939 Fee of \$5.02 per ton is appropriate. Together the AB 939 Fee Components call for a total AB 939 Fee of \$9.83 per ton.

AB939 Report: Attachment A **AB939 Programs (SWMD & HHW/LEA)**

Countywide Integrated Waste Management Plan AB939- Legislation passed in 1989						
Program Description	Solid Waste Mgmt & Diversion Program Costs (SWMD)	Household Hazardous Waste Waste & Local Agency Program Costs (HHW/LEA)	Countywide Integrated Waste Management Plan (CIWMP) PRC 41750 - 41770 & CCR 18757(a)	Source Reduction and Recycling Elements (SRRE) PRC 41300-303	Household Hazardous Waste Elements (HHWE) PRC 41500- 41510	County Siting Element (CSE) PRC 41700-41704 Nondisposal Facility Element (NDFE) PRC 41730
Solid Waste Disposal Mgt, Planning & State Reporting {Countywide}:						
Planning, Reporting & Monitoring						
Includes: -Program management of County landfills, -Annual audits, -Budget preparation, -Legislation and state agency plans, -CIWMB DRS reporting, -Administration of the program, accounting, -Program overhead costs,	\$529,175		AB939 - Counties are required to develop a CIWMP and provide ongoing five-year reviews of that plan. Counties must submit Disposal Reporting System (DRS) reports and maintain elements of the CIWMP.	County annually supplies program information for submission of Annual Reports by jurisdictions, including updates to SRREs.	County annually supplies program information for submission of Annual Reports by jurisdictions, including updates to HHWEs.	County must track landfill capacity for the county and develop a new CSE when disposal capacity drops below 15 years.
Countywide Diversion/Recycling Activities:						
Composting Program						
Includes: -Composting program administration, -Compost/worm bin purchases, -Bin delivery and storage, -Master Composter program, -Composting promotion (ads, flyers etc), -Sustainable Garden lecture series,	\$334,569		PARIS Section: Source reduction (backyard and on- site composting, mulching, grasscycling). Composting (school composting, food composting, other composting).	PRC 41303: d) composting component		
Pub Ed, Website, Schools, and Grants						
Includes: - Program management, - Diversion activities, - Trainings and workshops, -The Countywide Recycling Committee (CCAG) and Projects (local planning task force), -OBM surveys, -Hotline and the RW website maintenance, - Recycling/Field Trips program in schools, -School programs located in cities, -Large or countywide events, -BayRoc outreach (regional outreach) -Countywide Disaster Debris Plan	\$1,000,325		PARIS Section: Source Reduction (Business source reduction, school source reduction, government source reduction, materials exchange), Recycling (special collection events, promotion of buyback centers, residential drop-off, and commercial self- haul, and school recycling, composting (schools), Public Education.	PRC 41303: Each County SRRE shall include, but is not limited to, all of the following components for the solid waste generated in the jurisdiction of the plan: a) A waste characterization component b) A source reduction component c) A recycling component f) An education and public information component h) a special waste component.		

AB939 Report: Attachment A AB939 Programs (SWMD & HHW/LEA)

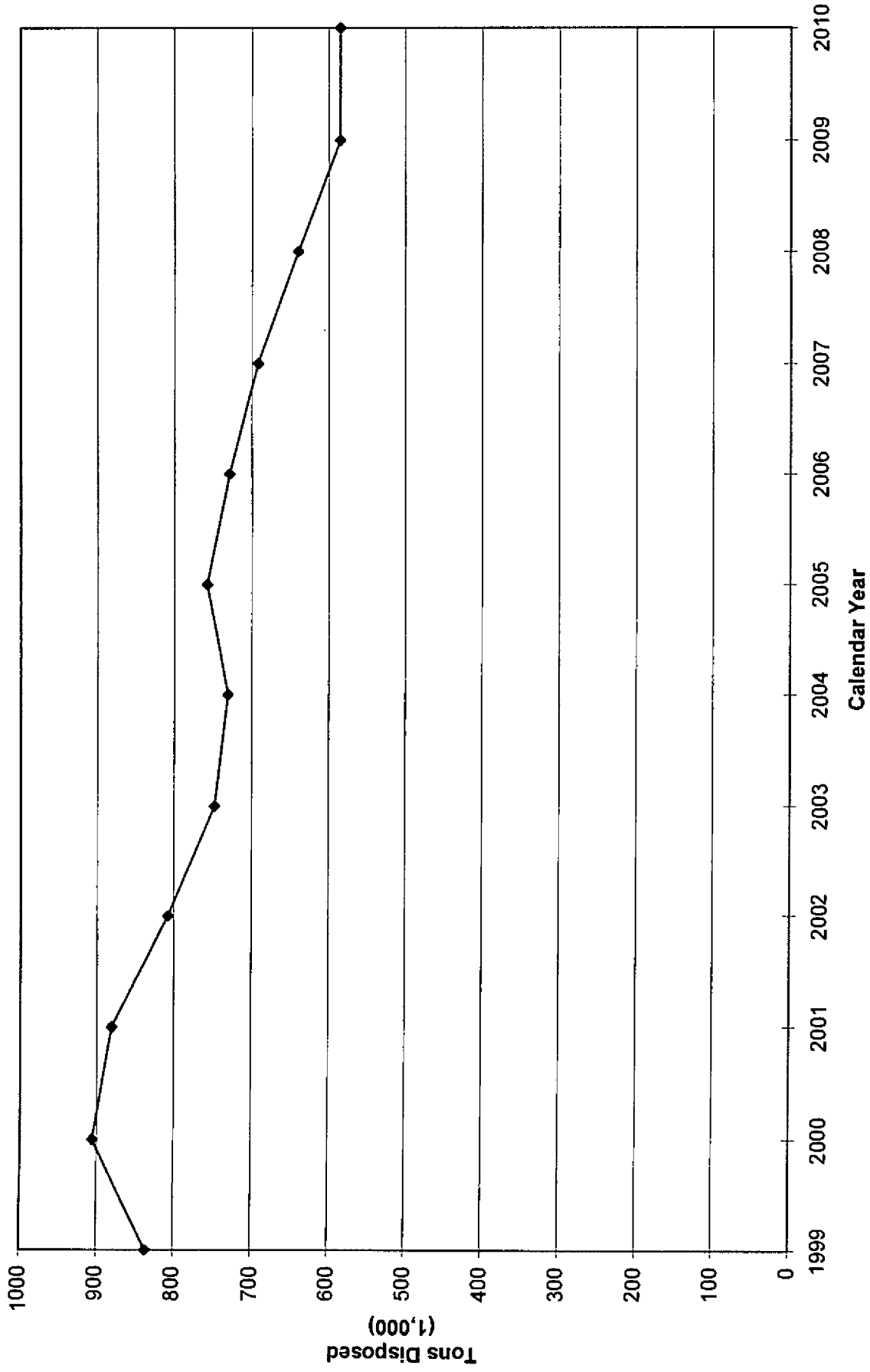
Countywide Integrated Waste Management Plan AB939- Legislation passed in 1989						
Program Description	Solid Waste Mgmt & Diversion Program Costs (SWMD)	Household Hazardous Waste & Local Enforcement Agency Program Costs (HHW/LEA)	Countywide Integrated Waste Management Plan (CIWMP) PRC 41750 - 41770 & CCR 18757(a)	Source Reduction and Recycling Elements (SRRE) PRC 41300-303	Household Hazardous Waste Elements (HHWE) PRC 41500- 41510	County Siting Element (CSE) PRC 41700-41704
						Nondisposal Facility Element (NDFE) PRC 41730
Green Business Program						
Includes: -Program administration, and expenses, The Green Business Program certifies businesses as green. The Certification includes the following: solid waste (recycling, reuse, source reduction), energy reduction, water conservation, and pollution prevention	\$142,225		PARIS Section: The solid waste component of the program complies with Section: Source Reduction: (business source recycling). Recycling (other recycling).	Participating jurisdiction businesses PRC 41303: b) source reduction, c) recycling component		
Green Building						
Includes: -Program administration for green building and sustainability programs, -Promotes green building concepts; building layout (design for efficiency), resource conservation, using recycled content materials, energy and water conservation, indoor air quality -Certification program	\$411,565		The promotion of Green Building practices which include designing for less material usage, utilizing recycled and salvaged materials recycling, and incorporating space for recycling in new building complies with PARIS Section: Source Reduction: (business source).	PRC 41303: b) source reduction, c) recycling component		
County Programs:						
Regulatory Compliance Program						
Includes: -Regulatory compliance expenses	\$25,650		Regulatory Compliance related to County owned landfill monitoring and closure.			
Unincorporated Areas Illegal Dumping (County Garbage and Disposal Charges)						
#NAME?	\$10,000		Handling and disposal costs from illegal dumping on County roads.			
County Facilities/Hazmat/Universal Waste						
Includes: -Hazmat disposal from County facilities (batteries etc) -Hazmat disposal from County roads	\$20,000		CCR, Title 22, division 4.5: Universal Waste Regulations			
County Surplus Property (Recycling Program - EPS)						
Pays for a portion of the salary for HR employee for the County Surplus property program	\$45,000		PARIS Section: Source Reduction (government waste reduction)	PRC 41303, e) solid waste facility capacity component and County's Materials Exchange Programs		

AB939 Report: Attachment A AB939 Programs (SWMD & HHW/LEA)

Countywide Integrated Waste Management Plan AB939- Legislation passed in 1989						
Program Description	Solid Waste Mgmt & Diversion Program Costs (SWMD)	Household Hazardous Waste Waste & Local Enforcement Agency Program Costs (HHW/LEA)	Countywide Integrated Waste Management Plan (CIWMP) PRC 41750 - 41770 & CCR 18757(a)	Source Reduction and Recycling Elements (SRRE) PRC 41300-303	Household Hazardous Waste Elements (HHWE) PRC 41500- 41510	County Siting Element (CSE) PRC 41700-41704
						Nondisposal Facility Element (NDFE) PRC 41730
County Facilities Recycling Program						
Includes: -County Facilities Recycling Program Mgmt/Admin. -Waste reduction at County facilities. -Participation in the County Green Team. -Construction and demolition and facilitation of deconstruction activities at County facilities.	\$295,341		PARIS Section: Recycling (government recycling), Policy c) recycling component, Incentives (ordinances), Public n) education and public Education (other public education).	PRC 41303:		
Subtotal SWMD Programs:	\$2,813,850					
Other Programs:						
Household Hazardous Waste Program (HHW)						
Includes: -Program administration, -Collection of Household Hazardous Waste in the County, - Disposal costs for collected HHW		\$2,512,853	County Environmental Health responsible for supporting San Mateo County Jurisdictions with HHW collection programs per CIWMP.		Household Hazardous Waste; temporary and permanent facilities, collection at solid waste facilities, and collection at vendor location.	
Local Enforcement Agency (LEA)						
Solid waste facilities operations inspections Process and issue solid waste facility permits Complaint investigations Closed/inactive/abandoned (CIA) solid waste sites. Site remediation at active/closed solid waste sites. Assist Public and Private Operators permitting, and compliance process Enforcement actions		\$424,047			PRC 43218, LEA monthly inspections and reporting on CIWMB Form 052 for Landfills and CIWMB Form 053 for Transfer Stations and Processing Facilities.	CSE Table VII-I, Goal 1, Item 2, ensure compliance of landfill design and operations with local, state, and federal requirements.
Subtotal HHW/LEA Programs:		\$2,936,700				
Totals (SWMD & HHW/LEA Programs):	\$2,813,850	\$2,936,700				
IPARIS = Planning Annual Report Information System						
GIS users learn GIS Staff Reports, Resos Ordinances AB939 Fee Attachment ASWF Legislation for AB939 Resolution 12-1-09						

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AB939 Report: Attachment B **Tonnage Disposal in County Unincorporated Areas** **(Historical and Projected)**



1) 1999-2008: Actual Data (Source: CIWMB)

2) 2009: Q1 & Q2 Actual Data that has been extrapolated thru the year end (Source: CIWMB)

3) 2010: Projected Data

Regularly passed and adopted this 1st day of December, 2009.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy
Clerk of the Board of Supervisors