

ASSEMBLY BILL

No. 341

Introduced by Assembly Member Chesbro

February 10, 2011

An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 41734.5 and 41780.01 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 341, as introduced, Chesbro. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

This bill would require the department, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, or composted.

(2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a

nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element.

This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update all information required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force.

(3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require the owner or operator of a business that contracts for solid waste services and generates more than 4 cubic yards of total solid waste and recyclable materials per week to take specified action.

The bill would require a jurisdiction to implement a commercial recycling program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's estimated costs incurred in complying with the commercial recycling program requirements. By requiring a jurisdiction to implement a commercial recycling program, this bill would impose a state-mandated local program.

The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement.

(4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009.

This bill would change the due date to May 1 of each year.

(5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a

revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made.

This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

(6) 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 no reimbursement is required by this act for a specified reason.

Vote: majority. 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 41730 of the Public Resources Code is
2 amended to read:

3 41730. Except as provided in Section 41750.1, each city shall
4 prepare, adopt, and, except for a city and county, transmit to the
5 county in which the city is located a nondisposal facility element
6 that includes all of the information required by this chapter and
7 that is consistent with the implementation of a city source reduction
8 and recycling element adopted pursuant to this part. The
9 nondisposal facility element and any ~~amendments~~ *updates* to the
10 element ~~may be appended to the city's source reduction and~~
11 ~~recycling element when that element is included in the countywide~~
12 ~~integrated waste management plan, prepared pursuant to Section~~
13 ~~41750. The nondisposal facility element and any amendments to~~
14 ~~the element~~ shall not be subject to the approval of the county and
15 the majority of cities with the majority of the population in the
16 incorporated area.

17 SEC. 2. Section 41731 of the Public Resources Code is
18 amended to read:

19 41731. Except as provided in Section 41750.1, each county
20 shall prepare, adopt, and, except for a city and county, transmit to
21 the cities located in the county a nondisposal facility element that
22 includes all of the information required by this chapter and that is
23 consistent with the implementation of a county source reduction
24 and recycling element adopted pursuant to this part. The

1 nondisposal facility element and any ~~amendments~~ *updates* to the
 2 element ~~may be appended to the county’s source reduction and~~
 3 ~~recycling element when that element is included in the countywide~~
 4 ~~integrated waste management plan prepared pursuant to Section~~
 5 ~~41750. The nondisposal facility element and any amendments to~~
 6 ~~the element~~ shall not be subject to the approval of the majority of
 7 cities with the majority of the population in the incorporated area.

8 SEC. 3. Section 41734 of the Public Resources Code is
 9 amended to read:

10 41734. (a) (1) Prior to adopting ~~or amending~~ a nondisposal
 11 facility element, the city, county, or regional agency shall submit
 12 the element ~~or amendment~~ to the task force created pursuant to
 13 Section 40950 for review and comment.

14 (2) Prior to adopting ~~or amending~~ a regional agency nondisposal
 15 facility element, if the jurisdiction of the regional agency extends
 16 beyond the boundaries of a single county, the regional agency shall
 17 submit the element ~~or amendment~~ for review and comment to each
 18 task force created pursuant to Section 40950 of each county within
 19 the jurisdiction of the regional agency.

20 (b) Comments by the task force shall include an assessment of
 21 the regional impacts of potential diversion facilities and shall be
 22 submitted to the ~~city~~, *city*, county, or regional agency and to the
 23 ~~board~~ *department* within 90 days of the date of receipt of the
 24 nondisposal facility element for review and comment.

25 SEC. 4. Section 41734.5 is added to the Public Resources Code,
 26 to read:

27 41734.5. (a) Once a nondisposal facility element has been
 28 adopted, the city, county, or regional agency shall update all
 29 information required to be included in the nondisposal facility
 30 element, including, but not limited to, new information regarding
 31 existing and new, or proposed, nondisposal facilities.

32 (b) Updates shall be provided to the department within 30 days
 33 of any change in information.

34 (c) Copies of the updated information shall also be provided to
 35 the local task force and shall be appended or otherwise added to
 36 the nondisposal facility element.

37 (d) The local task force shall not be required to review and
 38 comment on the updates to the nondisposal facility elements.

39 (e) Updates to the nondisposal facility elements are not subject
 40 to approval by the department.

1 SEC. 5. Section 41735 of the Public Resources Code is
2 amended to read:

3 41735. (a) Notwithstanding Division 13 (commencing with
4 Section 21000), the adoption or ~~amendment~~ *update* of a
5 nondisposal facility element shall not be subject to environmental
6 review.

7 (b) Local agencies may impose a fee on project proponents to
8 fund their necessary and actual costs of preparing and approving
9 ~~amendments~~ *updates* to nondisposal facility elements.

10 SEC. 6. Section 41736 of the Public Resources Code is
11 amended to read:

12 41736. It is not the intent of the Legislature to require cities
13 and counties to revise their source reduction and recycling elements
14 to comply with the requirements of this chapter. ~~At the time of the~~
15 ~~five-year revision of the source reduction and recycling element,~~
16 ~~each city, county, and city and county shall incorporate the~~
17 ~~nondisposal facility element and any amendments thereto into the~~
18 ~~revised source reduction and recycling element.~~

19 SEC. 7. Section 41780.01 is added to the Public Resources
20 Code, to read:

21 41780.01. On or before January 1, 2020, and annually
22 thereafter, the department shall ensure that 75 percent of solid
23 waste generated is source reduced, recycled, or composted.

24 SEC. 8. Section 41800 of the Public Resources Code is
25 amended to read:

26 41800. (a) Except as provided in subdivision (b), within 120
27 days from the date of receipt of a countywide or regional integrated
28 waste management plan ~~which that the board~~ *department* has
29 determined to be complete, or any element of the plan ~~which that~~
30 ~~the board~~ *department* has determined to be complete, the ~~board~~
31 *department* shall determine whether the plan or element is in
32 compliance with Article 2 (commencing with Section 40050) of
33 Chapter 1 of Part 1, Chapter 2 (commencing with Section 41000),
34 and Chapter 5 (commencing with Section 41750), and, based upon
35 that determination, the ~~board~~ *department* shall approve,
36 conditionally approve, or disapprove the plan or element.

37 (b) (1) Within 120 days from the date of receipt of a city,
38 county, or regional agency nondisposal facility element, ~~which~~
39 ~~that the board~~ *department* has determined to be complete, ~~and~~
40 ~~within 60 days from the date of receipt of an amendment to a city,~~

1 county, or regional agency nondisposal facility element, the board
 2 ~~the department~~ shall determine whether the element, ~~which that~~
 3 ~~the board department~~ has determined to be complete, or amendment
 4 is in compliance with Chapter 4.5 (commencing with Section
 5 41730) and Article 1 (commencing with Section 41780) of Chapter
 6 6, and, based upon that determination, the ~~board department~~ shall
 7 approve, conditionally approve, or disapprove the element ~~or~~
 8 amendment within that time period.

9 (2) In reviewing the element ~~or amendment~~, the ~~board~~, ~~the~~
 10 ~~department~~ shall:

11 (A) Not consider the estimated capacity of the facility or
 12 facilities in the element ~~or amendment~~ unless the ~~board department~~
 13 determines that this information is needed to determine whether
 14 the element ~~or amendment~~ meets the requirements of Article 1
 15 (commencing with Section 41780) of Chapter 6.

16 (B) Recognize that individual facilities represent portions of
 17 local plans or programs that are designed to achieve the diversion
 18 requirements of Section 41780 and therefore may not arbitrarily
 19 require new or expanded diversion at proposed facilities.

20 (C) Not disapprove an element ~~or amendment~~ that includes a
 21 transfer station or other facility solely because the facility does
 22 not contribute ~~towards~~ *toward* the jurisdiction’s efforts to comply
 23 with Section 41780.

24 (c) If the ~~board department~~ does not act to approve, conditionally
 25 approve, or disapprove an element ~~which that the board department~~
 26 has determined to be complete within 120 days, ~~or an amendment~~
 27 ~~which the board has determined to be complete within 60 days,~~
 28 ~~the board the department~~ shall be deemed to have approved the
 29 element ~~or amendment~~.

30 SEC. 9. Chapter 12.8 (commencing with Section 42649) is
 31 added to Part 3 of Division 30 of the Public Resources Code, to
 32 read:

33
 34 CHAPTER 12.8. COMMERCIAL RECYCLING

35
 36 42649. (a) It is the intent of the Legislature to require
 37 businesses to recycle solid waste that they generate.

38 (b) It is the intent of the Legislature to allow jurisdictions
 39 flexibility in developing and maintaining commercial recycling
 40 programs.

1 42649.1. For purposes of this chapter, the following terms
2 mean the following:

3 (a) “Business” means a commercial entity operated by a firm,
4 partnership, proprietorship, joint stock company, corporation, or
5 association that is organized as a for-profit or nonprofit entity, or
6 a multifamily residential dwelling of five units or more.

7 (b) “Commercial waste generator” means a business subject to
8 subdivision (a) of Section 42649.2.

9 (c) “Self-hauler” means a business that hauls its own waste
10 rather than contracting for that service.

11 42649.2. (a) The owner or operator of a business that contracts
12 for solid waste services and generates more than four cubic yards
13 of total solid waste and recyclable materials that are not solid waste
14 per week shall arrange for recycling services, consistent with state
15 or local laws or requirements, including a local ordinance or
16 agreement, applicable to the collection, handling, or recycling of
17 solid waste, to the extent that these services are offered and
18 reasonably available from a local service provider.

19 (b) A commercial waste generator shall take either of the
20 following actions:

21 (1) Source separate specified recyclable materials from solid
22 waste and subscribe to a basic level of recycling service that
23 includes the collection of those recyclable materials or specific
24 provisions for authorized self-hauling.

25 (2) Subscribe to an alternative type of recycling service that
26 may include mixed waste processing that yields diversion results
27 comparable to source separation.

28 42649.3. (a) Each jurisdiction shall implement a commercial
29 recycling program appropriate for that jurisdiction designed to
30 divert solid waste from businesses subject to Section 42649.2,
31 whether or not the jurisdiction has met the requirements of Section
32 41780.

33 (b) If a jurisdiction already has a commercial recycling program
34 as one of its diversion elements that meets the requirements of this
35 section, it shall not be required to implement a new or expanded
36 commercial recycling program.

37 (c) The commercial recycling program shall be directed at a
38 commercial waste generator, as defined in subdivision (b) of
39 Section 42649.1, and may include, but is not limited to, any of the
40 following:

- 1 (1) Implementing a mandatory commercial recycling policy or
2 ordinance.
- 3 (2) Requiring a mandatory commercial recycling program
4 through a franchise contract or agreement.
- 5 (3) Requiring all commercial recycling material to go through
6 a mixed processing system that diverts material from disposal.
- 7 (d) The commercial recycling program shall include education
8 and outreach to businesses.
- 9 (e) The commercial recycling program may include enforcement
10 and monitoring provisions.
- 11 (f) The commercial recycling program may include certification
12 requirements for self-haulers.
- 13 (g) The department shall review a jurisdiction’s compliance
14 with this section as part of the department’s review required by
15 Section 41825.
- 16 42649.4. (a) If a jurisdiction adds or expands a commercial
17 recycling program to meet the requirements of Section 42649.3,
18 the jurisdiction shall not be required to revise its source reduction
19 and recycling element, or obtain the department’s approval
20 pursuant to Article 1 (commencing with Section 41800) of Chapter
21 7 of Part 1.
- 22 (b) If an addition or expansion of a jurisdiction’s commercial
23 recycling program is necessary, the jurisdiction shall update in its
24 annual report required pursuant to Section 41821.
- 25 42649.5. (a) This chapter does not limit the authority of a local
26 agency to adopt, implement, or enforce a local commercial
27 recycling requirement that is more stringent or comprehensive
28 than the requirements of this section or limit the authority of a
29 local agency in a county with a population of less than 200,000 to
30 require commercial recycling.
- 31 (b) This chapter does not modify or abrogate in any manner any
32 of the following:
 - 33 (1) A franchise granted or extended by a city, county, or other
34 local government agency.
 - 35 (2) A contract, license, or permit to collect solid waste
36 previously granted or extended by a city, county, or other local
37 government agency.
 - 38 (3) The existing right of a business to sell or donate its recyclable
39 materials.

1 42649.6. A local agency may charge and collect a fee from a
2 commercial waste generator in order to recover the local agency's
3 estimated costs incurred in complying with this chapter.

4 SEC. 10. Section 42926 of the Public Resources Code is
5 amended to read:

6 42926. (a) In addition to the information provided to the ~~board~~
7 *department* pursuant to Section 12167.1 of the Public Contract
8 Code, each state agency shall submit an annual report to the ~~board~~
9 *department* summarizing its progress in reducing solid waste as
10 required by Section 42921. The annual report shall be due on or
11 before ~~September 1, 2009~~ *May 1, 2012*, and on or before ~~September~~
12 *May 1* in each subsequent year. The information in this report shall
13 encompass the previous calendar year.

14 (b) Each state agency's annual report to the ~~board~~ *department*
15 shall, at a minimum, include all of the following:

- 16 (1) Calculations of annual disposal reduction.
- 17 (2) Information on the changes in waste generated or disposed
18 of due to increases or decreases in employees, economics, or other
19 factors.
- 20 (3) A summary of progress made in implementing the integrated
21 waste management plan.
- 22 (4) The extent to which the state agency intends to utilize
23 programs or facilities established by the local agency for the
24 handling, diversion, and disposal of solid waste. If the state agency
25 does not intend to utilize those established programs or facilities,
26 the state agency shall identify sufficient disposal capacity for solid
27 waste that is not source reduced, recycled, or composted.
- 28 (5) Other information relevant to compliance with Section
29 42921.

30 (c) The ~~board~~ *department* shall use, but is not limited to the use
31 of, the annual report in the determination of whether the agency's
32 integrated waste management plan needs to be revised.

33 SEC. 11. Section 44004 of the Public Resources Code is
34 amended to read:

35 44004. (a) An operator of a solid waste facility ~~may~~ *shall* not
36 make a significant change in the design or operation of the solid
37 waste facility that is not authorized by the existing permit, unless
38 the change is approved by the enforcement agency, the change
39 conforms with this division and all regulations adopted pursuant

1 to this division, and the terms and conditions of the solid waste
 2 facilities permit are revised to reflect the change.

3 (b) If the operator wishes to change the design or operation of
 4 the solid waste facility in a manner that is not authorized by the
 5 existing permit, the operator shall file an application for revision
 6 of the existing solid waste facilities permit with the enforcement
 7 agency. The application shall be filed at least 180 days in advance
 8 of the date when the proposed modification is to take place unless
 9 the 180-day time period is waived by the enforcement agency.

10 (c) The enforcement agency shall review the application to
 11 determine all of the following:

12 (1) Whether the change conforms with this division and all
 13 regulations adopted pursuant to this division.

14 (2) Whether the change requires review pursuant to Division
 15 13 (commencing with Section 21000).

16 (d) Within 60 days from the date of the receipt of the application
 17 for a revised permit, the enforcement agency shall inform the
 18 operator, and if the enforcement agency is a local enforcement
 19 agency, also inform the ~~board~~ department, of its determination to
 20 do any of the following:

21 (1) Allow the change without a revision to the permit.

22 (2) *Allow the following changes without a revision to the permit*
 23 *through a modification to the permit allowed pursuant to*
 24 *regulations developed by the department:*

25 (A) *The proposed change is to allow a nondisposal facility to*
 26 *increase the amount of solid waste that it may handle and that*
 27 *increased amount is within the existing design capacity as*
 28 *described in the facility's transfer processing report and review*
 29 *pursuant to Division 13 (commencing with Section 21000).*

30 (B) *The proposed change is to allow a disposal facility to add*
 31 *a nondisposal activity to the facility that will increase the amount*
 32 *of solid waste that may be handled as described in the facility's*
 33 *report of facility information and review pursuant to Division 13*
 34 *(commencing with Section 21000).*

35 ~~(2)~~

36 (3) Disallow the change because it does not conform with the
 37 requirements of this division or the regulations adopted pursuant
 38 to this division.

39 ~~(3)~~

1 (4) Require a revision of the solid waste facilities permit to
2 allow the change.

3 ~~(4)~~

4 (5) Require review under Division 13 (commencing with Section
5 21000) before a decision is made.

6 (e) The operator has 30 days within which to appeal the decision
7 of the enforcement agency to the hearing panel, as authorized
8 pursuant to Article 2 (commencing with Section 44305) of Chapter
9 4. The enforcement agency shall provide notice of a hearing held
10 pursuant to this subdivision in the same manner as notice is
11 provided pursuant to subdivision (h).

12 (f) Under circumstances that present an immediate danger to
13 the public health and safety or to the environment, as determined
14 by the enforcement agency, the 180-day filing period may be
15 waived.

16 (g) (1) A permit revision is not required for the temporary
17 suspension of activities at a solid waste facility if the suspension
18 meets either of the following criteria:

19 (A) The suspension is for the maintenance or minor
20 modifications to a solid waste unit or to solid waste management
21 equipment.

22 (B) The suspension is for temporarily ceasing the receipt of
23 solid waste at a solid waste management facility and the owner or
24 operator is in compliance with all other applicable terms and
25 conditions of the solid waste facilities permit and minimum
26 standards adopted by the ~~board~~ *department*.

27 (2) An owner or operator of a solid waste facility who
28 temporarily suspends operations shall remain subject to the closure
29 and postclosure maintenance requirements of this division and to
30 all other requirements imposed by federal law pertaining to the
31 operation of a solid waste facility.

32 (3) The enforcement agency may impose any reasonable
33 conditions relating to the maintenance of the solid waste facility,
34 environmental monitoring, and periodic reporting during the period
35 of temporary suspension. The ~~board~~ *department* may also impose
36 any reasonable conditions determined to be necessary to ensure
37 compliance with applicable state standards.

38 (h) (1) (A) Before making its determination pursuant to
39 subdivision (d), the enforcement agency shall submit the proposed
40 determination to the ~~board~~ *department* for comment and hold at

1 least one public hearing on the proposed determination. The
 2 enforcement agency shall give notice of the hearing pursuant to
 3 Section 65091 of the Government Code, except that the notice
 4 shall be provided to all owners of real property within a distance
 5 other than 300 feet of the real property that is the subject of the
 6 hearing, if specified in the regulations adopted by the ~~board~~
 7 *department* pursuant to subdivision (i). The enforcement agency
 8 shall also provide notice of the hearing to the ~~board~~ *department*
 9 when it submits the proposed determination to the ~~board~~
 10 *department*.

11 (B) The enforcement agency shall mail or deliver the notice
 12 required pursuant to subparagraph (A) at least 10 days prior to the
 13 date of the hearing to any person who has filed a written request
 14 for the notice with a person designated by the enforcement agency
 15 to receive these requests. The enforcement agency may charge a
 16 fee to the requester in an amount that is reasonably related to the
 17 costs of providing this service and the enforcement agency may
 18 require each request to be annually renewed.

19 (C) The enforcement agency shall consider environmental justice
 20 issues when preparing and distributing the notice to ensure that
 21 the notice is concise and understandable for
 22 limited-English-speaking populations.

23 (2) If the ~~board~~ *department* comments pursuant to paragraph
 24 (1), the ~~board~~ *department* shall specify whether the proposed
 25 determination is consistent with the regulation adopted pursuant
 26 to subdivision (i).

27 (i) (1) The ~~board~~ *department* shall, to the extent resources are
 28 available, adopt regulations that implement subdivision (h) and
 29 define the term “significant change in the design or operation of
 30 the solid waste facility that is not authorized by the existing
 31 permit.”

32 (2) While formulating and adopting the regulations required
 33 pursuant to paragraph (1), the ~~board~~ *department* shall consider
 34 recommendations of the Working Group on Environmental Justice
 35 and the advisory group made pursuant to Sections 71113 and 71114
 36 and the report required pursuant to Section 71115.

37 SEC. 12. Section 50001 of the Public Resources Code is
 38 amended to read:

39 50001. (a) Except as provided by subdivision (b), after a
 40 countywide or regional agency integrated waste management plan

1 has been approved by the ~~California Integrated Waste Management~~
2 ~~Board~~ *Department of Resources Recycling and Recovery* pursuant
3 to Division 30 (commencing with Section 40000), ~~no~~ a person
4 shall *not* establish or expand a solid waste facility, as defined in
5 Section 40194, in the county unless the solid waste facility meets
6 one of the following criteria:

7 (1) The solid waste facility is a disposal facility or a
8 transformation facility, the location of which is identified in the
9 countywide siting element or amendment ~~thereto~~ *to that element*,
10 which has been approved pursuant to Section 41721.

11 (2) The solid waste facility is a facility ~~which is designed to,~~
12 ~~and which as a condition of its permit, will~~ *that is designed to*
13 recover for reuse or recycling at least 5 percent of the total volume
14 of material received by the facility, and ~~which that is identified~~
15 *described* in the nondisposal facility element or amendment ~~thereto,~~
16 ~~which that~~ *has been approved pursuant to Section 41800 or 41801.5*
17 *is included in an update to that element.*

18 (b) Solid waste facilities other than those specified in paragraphs
19 (1) and (2) of subdivision (a) shall not be required to comply with
20 the requirements of this section.

21 (c) The person or agency proposing to establish a solid waste
22 facility shall prepare and submit a site identification and description
23 of the proposed facility to the task force established pursuant to
24 Section 40950. Within 90 days after the site identification and
25 description is submitted to the task force, the task force shall meet
26 and comment on the proposed solid waste facility in writing. These
27 comments shall include, but are not limited to, the relationship
28 between the proposed solid waste facility and the implementation
29 schedule requirements of Section 41780 and the regional impact
30 of the facility. The task force shall transmit these comments to the
31 person or public agency proposing establishment of the solid waste
32 facility, to the county, and to all cities within the county. The
33 comments shall become part of the official record of the proposed
34 solid waste facility.

35 (d) The review and comment by the local task force ~~required~~
36 ~~by subdivision (e) for amendment to an element may be satisfied~~
37 ~~by the review required by subdivision (a) of Section 41734 for an~~
38 ~~amendment to an~~ *shall not be required for an update to a*
39 *nondisposal facility element.*

1 SEC. 13. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of Section
6 17556 of the Government Code.

O