

Assembly Bill No. 173

CHAPTER 811

An act to amend Section 48007 of, and to add Section 48007.5 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 12, 2001. Filed
with Secretary of State October 13, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 173, Chavez. Solid waste: fees.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each operator of a disposal facility in the state to pay a quarterly fee to the State Board of Equalization, as specified, for all waste disposed of at each disposal site. The fees are deposited in the Integrated Waste Management Account, which may be expended by the board, upon appropriation by the Legislature, for specified purposes regarding the regulation of solid waste. Existing law requires that recycled materials and inert waste removed from the waste stream, and not disposed of in a solid waste landfill, not be included, for the purpose of assessing specified fees. Existing law defines the term "inert waste" for the purposes of this provision, until January 1, 2002, as including the use, disposal, or placement of solely inert waste on property where surface mining operations are being conducted, or have been conducted previously, if the use, disposal, or placement is for purposes of reclamation. Existing law also defines the term "inert waste," until January 1, 2002, as including only rock, concrete, brick, sand, soil, and cured asphalt.

This bill would delete the repeal of that definition of inert waste, thereby continuing the operation of the provisions pertaining to that definition until the board adopts the regulations specified below.

The bill would require the board, by January 1, 2004, to adopt and file with the Secretary of State, 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. The bill would make the fee exemption for recycled materials and inert materials that defines the term "inert waste" inoperative on the operative date of those regulations, and would repeal the fee exemption that contains those definitions on January 1 following the operative date of those regulations.

This bill would reenact the exemption for recycled materials and inert waste that does not include those definitions of “inert waste” on the operative date of those regulations.

The people of the State of California do enact as follows:

SECTION 1. Section 48007 of the Public Resources Code, as amended by Section 6 of Chapter 600 of the Statutes of 1999, is amended to read:

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.

SEC. 2. Section 48007 of the Public Resources Code, as added by Section 7 of Chapter 600 of the Statutes of 1999, is amended to read:

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.

SEC. 3. Section 48007.5 is added to the Public Resources Code, to read:

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.

