

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2176**

---

---

**Introduced by Assembly Member Montanez**

February 18, 2004

---

---

An act to add Chapter 12.7 (commencing with Section 42648) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Montanez. Large venue and event recycling programs.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require the board, by June 30, 2005, to make available one or more model local agency ordinances to ~~require a recycling program~~ *facilitate resource management activities* at large venues *and large events*, consult with specified entities while developing the model ordinances, and post specified information on the board's Internet Web site.

The bill would require each local agency, which the bill would define as a city ~~or~~, a county, *or a regional agency*, when it issues specified

*permits*, to provide specified information to large venues and large events ~~located in the jurisdiction of the local agency~~ and, by ~~January~~ *August 1, 2006*, and annually thereafter, until ~~January~~ *August 1, 2008*, to provide the board with an estimate and description of the top 10% of large venues and large events within its jurisdiction, based upon amount of waste generated.

The bill would require the board, by ~~June~~ *December 1, 2008*, to evaluate the waste diversion rates and implementation of waste reduction and recycling programs in the top 10% of large venues and large events identified by each local agency. The bill would require the board, if it determines that less than 75% of *the* large venues and large events, *as reported by local agencies throughout the state*, have implemented a waste reduction and recycling program, to recommend to the Legislature those statutory changes needed to require ~~existing~~ large venues *and large events* to implement such a program. ~~The~~ *If the board makes that determination, the* bill would also prohibit a local agency from ~~making any land use decision or issuing any a building permit to a large venue that commences operations on or after January~~ *December 1, 2009, unless the large venue incorporates waste reduction and recycling, at a minimum, adequate areas for collecting and loading recyclable materials, as specified, in its design and operating plans.*

The bill would require each operator of a large venue and large event, by June 30, 2005, and on or before June 30 annually thereafter, to submit specified documentation to the local agency, ~~upon~~ *within one month of a request* by the local agency.

The bill would require the board to provide technical assistance and tools with regard to implementing the bill's requirements, *to the extent feasible under existing financial resources.*

The bill would impose a state-mandated local program by requiring local agencies to provide specified information and include specified requirements in the local permitting process.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Effective resource management techniques include  
4 preventing the creation of waste through conscientious purchasing  
5 of materials, buying recycled-content products, and reusing  
6 materials and goods, as well as resource recovery through  
7 recycling and composting.

8 (2) Experience in this state and others demonstrates that  
9 effective resource management conserves natural resources and  
10 reduces the need for additional landfill capacity.

11 (3) Experience also demonstrates that large venues *and large*  
12 *events* generate substantial quantities of wastes, primarily  
13 corrugated cardboard, food waste, and compostables such as  
14 animal bedding; as well as beverage containers, paper, and glass.

15 (4) The community conservation corps has originated  
16 innovative recycling programs through partnerships formed with  
17 an assortment of schools, public agencies, and local organizations.  
18 These partnerships supplement existing services, further state and  
19 county waste studies, and assist in establishing conservation goals.

20 (b) Accordingly, it is the intent of the Legislature, in enacting  
21 this act, to do all of the following:

22 (1) Encourage increased opportunities for effective resource  
23 management for all consumers at large venues *and large events*,  
24 including, but not limited to, large private, nonprofit, or publicly  
25 owned stadiums, sports arenas, theaters, halls, amusement parks,  
26 zoos, airports, fairgrounds, museums, and other large venue  
27 businesses.

28 (2) Make effective resource management convenient to  
29 consumers, and the Legislature hereby urges cities and counties to  
30 adopt ordinances relating to the siting of multiple material  
31 recycling opportunities at large venues *and large events*, or other  
32 types of resource management to enhance the overall success of  
33 effective resource management recycling in the state.



1 (3) Create a mechanism and provide incentives to aid cities and  
2 counties in complying with waste diversion requirements set forth  
3 in the California Integrated Waste Management Act of 1989  
4 (Division 30 (commencing with Section 40000) of the Public  
5 Resources Code).

6 (4) Encourage large venue facilities *and large events* to meet  
7 with their local agency’s recycling coordinator, community  
8 conservation corps, or other ~~designated official~~ *official designated*  
9 *by a local agency*, to do the following:

10 (A) Determine the solid waste reduction and recycling  
11 activities that are appropriate for the large venue *or large event*.

12 (B) Develop solid waste reduction and recycling goals and a  
13 plan of solid waste diversion and recycling activities that would  
14 achieve those solid waste reduction and recycling goals.

15 (C) Determine a timeline for implementation of the solid waste  
16 diversion and recycling plan and solid waste reduction and  
17 recycling goals.

18 (5) *Encourage operators of large venues and large events to*  
19 *include resource management elements in their design and*  
20 *operating plans, including, but not limited to, adequate space for*  
21 *waste reduction and recycling activities, developing partnerships*  
22 *with community groups to encourage reuse of materials when*  
23 *appropriate, and negotiating waste handling contracts that*  
24 *promote waste reduction and recycling.*

25 SEC. 2. Chapter 12.7 (commencing with Section 42648) is  
26 added to Part 3 of Division 30 of the Public Resources Code, to  
27 read:

28

29 CHAPTER 12.7. LARGE VENUE RECYCLING

30

31 42648. For purposes of this chapter, the following definitions  
32 apply:

33 (a) *“Individual” means a person who works at, or attends, a*  
34 *large venue or large event, or a customer who is seated or served*  
35 *at the large venue or large event.*

36 (b) *“Large event” means an event that charges an admission*  
37 *price and attracts, or is operated by a local agency, and serves an*  
38 *average of more than 2,000 ~~visitors~~ individuals per day of*  
39 *operation of the event, including, but not limited to, a public,*  
40 *nonprofit, or ~~private~~ privately owned park, parking lot, golf*



1 course, street system, or other open space when being used for a  
2 ~~public~~ an event, including, but not limited to, a sporting event or  
3 a flea market.

4 ~~(b)~~

5 (c) “Large venue” means a *permanent* venue facility that  
6 annually seats or serves an average of more than 2,000 ~~visitors~~  
7 *individuals* within the grounds of the facility per day of operation  
8 of the venue facility. For purposes of this chapter, a venue facility  
9 includes, but is not limited to, a public, nonprofit, or privately  
10 owned or operated stadium, amphitheater, arena, hall, amusement  
11 park, conference or civic center, zoo, aquarium, airport, racetrack,  
12 horse track, performing arts center, fairground, museum, theater,  
13 or other public attraction facility.

14 ~~(e) “Local agency” means a city or a county.~~

15 ~~(d) “Visitor” means any individual who works at, or attends,~~  
16 ~~a large venue or large event or any customer who is seated or~~  
17 ~~served at the large venue or large event. For purpose of this~~  
18 ~~chapter, a site under common ownership or control that includes~~  
19 ~~more than one large venue that is contiguous with other large~~  
20 ~~venues in the site, is a single large venue.~~

21 (d) “Local agency” means a city, county, or regional agency.

22 (e) For purposes of this chapter, unless a term is defined  
23 expressly for purposes of this chapter, the definitions specified in  
24 Chapter 2 (commencing with Section 14502) of Division 12.1  
25 apply to the terms used in this chapter.

26 42648.1. (a) On or before June 30, 2005, the board shall take  
27 all of the following actions:

28 (1) Make available one or more model ordinances that are  
29 suitable for modification by a local agency and that may be  
30 adopted by a local agency to facilitate ~~a recycling program~~  
31 *resource management activities, including waste reduction, reuse,*  
32 *and recycling programs,* at large venues *and large events* and in  
33 accordance with the requirements of this chapter.

34 (2) While developing the model ordinance, consult with  
35 representatives of the League of California Cities, the California  
36 State Association of Counties, private and public solid waste  
37 services and appropriate personnel involved with the operation  
38 and management of large venues.



1 (3) Post information on the board's Internet Web site on the  
2 methods by which large venue operators and large event managers  
3 can decrease waste and increase diversion of recyclable materials.

4 (4) Post information on the board's Internet Web site for local  
5 agencies, with examples of waste reduction, recycling, and  
6 diversion programs, including, but not limited to, those operated  
7 by community conservation corps.

8 42648.2. (a) (1) ~~Each local agency shall provide~~  
9 ~~information to large venues and large events located in the~~  
10 ~~jurisdiction of the local agency, on reducing and recycling solid~~  
11 ~~waste and reducing litter related to events, venues, and the use of~~  
12 ~~public areas, and provide contact information about where solid~~  
13 ~~waste materials generated by large venues and large events may be~~  
14 ~~donated, recycled, or composted. This information may include,~~  
15 ~~but is not limited to, providing information using a Web site, direct~~  
16 ~~mailings, or providing brochures or other literature when issuing~~  
17 ~~use or operations permits for large events and large venues. When~~  
18 ~~issuing a temporary use permit, land use permit, or building~~  
19 ~~permit, to a large venue or large event, a local agency shall provide~~  
20 ~~information to the large venue or large event on methods the venue~~  
21 ~~or event can take to reduce and recycle solid waste materials~~  
22 ~~generated at the venue or event, and provide contact information~~  
23 ~~about where solid waste materials may be donated, recycled, or~~  
24 ~~composted. This information may include, but is not limited to,~~  
25 ~~providing information directing the large venue or large event to~~  
26 ~~a Web site, direct mailings, brochures, or other relevant literature.~~

27 (2) On or before ~~January~~ August 1, 2006, and annually  
28 thereafter until ~~January~~ August 1, 2008, each local agency shall  
29 provide the board with an estimate and description of the top 10  
30 percent of large venues and large events within its jurisdiction,  
31 based upon amount of waste generated. The information shall  
32 include the name, location, and a brief description of the venue or  
33 event, a brief description of the types of wastes generated, types,  
34 and estimated amount of materials diverted and existing programs  
35 that ~~may be in effect at~~ the large venue or large event *may utilize*  
36 to reduce, reuse, and recycle the wastes. This information shall be  
37 reported to the board as a part of the local agency's annual report  
38 submitted pursuant to Section 41821.

39 (b) On or before ~~June~~ December 1, 2008, the board shall  
40 evaluate the waste diversion rates and implementation of waste



1 reduction and recycling programs in the top 10 percent of large  
2 venues and large events identified by each local agency pursuant  
3 to paragraph (2) of subdivision (a). If the board determines that  
4 less than 75 percent of *the* large venues and large events, *as*  
5 *reported to the board by local agencies throughout the state*, have  
6 implemented a waste reduction and recycling program, both of the  
7 following actions shall be taken-:

8 (1) The board shall recommend to the Legislature those  
9 statutory changes needed to require ~~existing~~ large venues *and*  
10 *large events* to implement a waste reduction and recycling  
11 program.

12 (2) A local agency shall not ~~make any land use decision or issue~~  
13 ~~any a building permit~~ to a large venue that commences operations  
14 on or after ~~January~~ *December* 1, 2009, unless the large venue  
15 incorporates ~~waste reduction and recycling in its design and~~  
16 ~~operating plans~~. For purposes of this paragraph, a land use decision  
17 or permit includes the issuance of a land use permit or conditional  
18 use permit, the granting of a variance, the subdivision of property,  
19 and the modification of existing property lines pursuant to Title 7  
20 (~~commencing with Section 65000~~) of the Government Code., *at*  
21 *a minimum, adequate areas for collecting and loading recyclable*  
22 *materials as required by relevant ordinances adopted or in effect*  
23 *pursuant to Chapter 18 (commencing with Section 42900), in its*  
24 *design and operating plans.*

25 42648.3. On or before June 30, 2005, and on or before June  
26 30 annually thereafter, each operator of a large venue and large  
27 event shall submit to the local agency, upon request by the local  
28 agency, written documentation of recycling, waste reduction, and  
29 diversion programs, if any, implemented by the large venue or  
30 large event, and the type and weight of materials ~~recycled~~ *diverted*  
31 *and disposed* by that large venue or large event. *The operator of*  
32 *the large venue or large event shall submit the requested*  
33 *information to the local agency, no later than one month from the*  
34 *date the operator receives the request.*

35 42648.4. The board shall provide technical assistance and  
36 tools to implement this chapter, to the extent feasible under  
37 existing financial resources. This technical assistance may  
38 include, but is not limited to, model documents, training, research  
39 on solid waste management best practices, cost reduction, and  
40 innovative products to assist local agencies and their large venues



1 *and large events* to develop and implement effective resource  
2 management programs.

3 SEC. 3. Notwithstanding Section 17610 of the Government  
4 Code, if the Commission on State Mandates determines that this  
5 act contains costs mandated by the state, reimbursement to local  
6 agencies and school districts for those costs shall be made pursuant  
7 to Part 7 (commencing with Section 17500) of Division 4 of Title  
8 2 of the Government Code. If the statewide cost of the claim for  
9 reimbursement does not exceed one million dollars (\$1,000,000),  
10 reimbursement shall be made from the State Mandates Claims  
11 Fund.

