

AMENDED IN SENATE JULY 12, 2004  
AMENDED IN ASSEMBLY MAY 20, 2004  
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AMENDED IN ASSEMBLY APRIL 13, 2004  
AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2176**

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**Introduced by Assembly Member Montanez**

February 18, 2004

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An act to amend Section 42911 of, and 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 *large* 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~~ *April 1, 2005*, to make available one or more model local agency ordinances to 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~~, *on and after July 1, 2005, to operators of large venues and large events when issuing a permit* and, by August 1, 2006, and annually thereafter, until 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 December 1, 2008, to evaluate the waste diversion rates and implementation of waste reduction, *reuse*, and recycling programs in the top 10% of large venues and large events ~~identified, as reported~~ by each local agency. The bill would require the board, *after reviewing specified information*, 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 their plan and their waste reduction, reuse, and recycling program goals*, to recommend to the Legislature those statutory changes needed to require large venues and large events to implement ~~such a program~~ *waste reduction, reuse, and recycling programs*.

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, within one month of a request by the local agency.

The bill would require the operator of a large venue *or a large event* to meet by July 1, 2005, *and by July 1 biennially thereafter*, with recyclers and the solid waste enterprise that provides solid waste handling services to the large venue *or large event* to determine the solid waste reduction and recycling activities that are appropriate for the large venue *or event*, as specified.

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.

This bill would authorize a local agency to charge and collect a fee from *the operator of* a large venue or large event in order to recover the



local agency’s estimated costs incurred in complying with the provisions of the bill.

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) Existing law requires the board to adopt a model ordinance for adoption by local agencies relating to adequate areas for collecting and loading recyclable materials in development projects. Local agencies are required to adopt an ordinance, not later than a specified date, relating to adequate areas for collecting and loading recyclable materials in development projects. If a local agency has not adopted that ordinance by the specified date, the model ordinance adopted by the board is required to take effect on that date and be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance.

This bill would prohibit a local agency, on and after July 2 1, 2005, from issuing any building permit to a development project, unless the development project provides adequate areas for collecting and loading recyclable materials.

(3) 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. (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 *recyclable, degradable, and* recycled-content  
6 products, and reusing materials and goods, as well as resource  
7 recovery through 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.



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

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

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

12 (1) Encourage increased opportunities for effective resource  
13 management for all consumers at large venues and large events,  
14 including, but not limited to, large private, nonprofit, or publicly  
15 owned stadiums, sports arenas, theaters, halls, amusement parks,  
16 zoos, airports, fairgrounds, museums, and other large venue  
17 businesses.

18 (2) Make effective resource management convenient to  
19 consumers, and the Legislature hereby urges cities and counties to  
20 adopt ordinances relating to the siting of multiple material  
21 recycling opportunities at large venues and large events, or other  
22 types of resource management to enhance the overall success of  
23 effective resource management recycling in the state.

24 (3) Create a mechanism ~~and provide incentives~~ to aid cities and  
25 counties in complying with waste diversion requirements set forth  
26 in the California Integrated Waste Management Act of 1989  
27 (Division 30 (commencing with Section 40000) of the Public  
28 Resources Code).

29 (4) Encourage *operators of large venues and* large events to  
30 meet with their local agency's recycling coordinator, or other  
31 official designated by a local agency, community conservation  
32 corps, recyclers, or the solid waste enterprise providing solid waste  
33 handling, whether by exclusive franchise with the local agency or  
34 by a permit, contract, or nonexclusive franchise, to do all of the  
35 following:

36 (A) Determine the solid waste reduction, *reuse*, and recycling  
37 activities that are appropriate for the large venue or large event.

38 (B) Develop solid waste reduction and recycling goals and a  
39 ~~plan of solid waste diversion and recycling activities that would~~



1 *plan that would* achieve those solid waste reduction, *reuse*, and  
2 recycling goals.

3 (C) Determine a timeline for implementation of the solid waste  
4 diversion and recycling plan and solid waste reduction, *reuse*, and  
5 recycling goals.

6 (5) Encourage operators of large venues and large events to  
7 include resource management elements in their design and  
8 operating plans, including, but not limited to, adequate space for  
9 waste reduction and recycling activities, developing partnerships  
10 with community groups to encourage reuse of materials when  
11 appropriate, and negotiating ~~waste-handling~~ *solid waste handling*  
12 *and recycling* contracts that promote waste reduction and  
13 recycling.

14 (6) *Encourage operators of large venues and large events to*  
15 *purchase recyclable, degradable, and recycled-content products.*

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

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CHAPTER 12.7. LARGE VENUE RECYCLING

21

22 42648. For purposes of this chapter, the following definitions  
23 apply:

24 (a) "Individual" means a person who works at, or attends, a  
25 large venue or large event, or a customer who is seated or served  
26 at the large venue or large event.

27 (b) "Large event" means an event that charges an admission  
28 price, or is operated by a local agency, and serves an average of  
29 more than 2,000 individuals per day of operation of the event,  
30 including, but not limited to, a public, nonprofit, or privately  
31 owned park, parking lot, golf course, street system, or other open  
32 space when being used for an event, including, but not limited to,  
33 a sporting event or a flea market.

34 (c) "Large venue" means a permanent venue facility that  
35 annually seats or serves an average of more than 2,000 individuals  
36 within the grounds of the facility per day of operation of the venue  
37 facility. For purposes of this chapter, a venue facility includes, but  
38 is not limited to, a public, nonprofit, or privately owned or  
39 operated stadium, amphitheater, arena, hall, amusement park,  
40 conference or civic center, zoo, aquarium, airport, racetrack, horse



1 track, performing arts center, fairground, museum, theater, or  
 2 other public attraction facility. For purposes of this chapter, a site  
 3 under common ownership or control that includes more than one  
 4 large venue that is contiguous with other large venues in the site,  
 5 is a single large venue.

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

7 ~~(e) For purposes of this chapter, unless a term is defined~~  
 8 ~~expressly for purposes of this chapter, the definitions specified in~~  
 9 ~~Chapter 2 (commencing with Section 14502) of Division 12.1~~  
 10 ~~apply to the terms used in this chapter.~~

11 (d) “Local agency” means a city or county.

12 42648.1. On or before ~~June 30~~ April 1, 2005, the board shall  
 13 take all of the following actions:

14 (a) Make available one or more model ordinances that are  
 15 suitable for modification by a local agency and that may be  
 16 adopted by a local agency to facilitate resource management  
 17 activities, including *solid* waste reduction, reuse, and recycling  
 18 programs, at large venues and large events and in accordance with  
 19 the requirements of this chapter.

20 (b) While developing the model ordinance, consult with  
 21 representatives of the League of California Cities, the California  
 22 State Association of Counties, *recyclers*, private and public solid  
 23 waste services and appropriate personnel involved with the  
 24 operation and management of large venues and large events .

25 (c) Post information on the board’s Internet Web site on the  
 26 ~~methods by which large venue operators and large event managers~~  
 27 ~~can decrease methods by which operators of large venues and large~~  
 28 ~~events can decrease solid waste and increase diversion of~~  
 29 ~~recyclable materials.~~

30 (d) Post information on the board’s Internet Web site for local  
 31 agencies, with examples of waste reduction, *reuse*, recycling, and  
 32 diversion programs, including, but not limited to, those operated  
 33 by community conservation corps.

34 ~~42648.2. (a) (1) When issuing a temporary use permit, land~~  
 35 ~~use permit, or building permit, to a large venue or large event, a~~  
 36 ~~local agency shall provide information to the large venue or large~~  
 37 ~~event on methods the venue or event can take to reduce and recycle~~

38 42648.2. (a) (1) On and after July 1, 2005, when issuing a  
 39 permit to an operator of a large venue or large event, the local  
 40 agency shall provide information to the operator on methods that



1 *can be taken to reduce, reuse, and recycle* solid waste materials  
2 generated at the venue or event, and provide contact information  
3 about where solid waste materials may be donated, recycled, or  
4 composted. This information may include, but is not limited to,  
5 providing information directing the *operator of the* large venue or  
6 large event to the board's Web site or any other appropriate Web  
7 site included by the local agency, direct mailings, brochures, or  
8 other relevant literature.

9 (2) On or before August 1, 2006, and annually thereafter until  
10 August 1, 2008, each local agency shall provide the board with an  
11 estimate and description of the top 10 percent of large venues and  
12 large events within its jurisdiction, based upon amount of waste  
13 generated. To the extent that the information is readily available  
14 to the local agency, the information shall include the name,  
15 location, and a brief description of the venue or event, a brief  
16 description of the types of wastes generated, types, and estimated  
17 amount of materials ~~diverted~~ *disposed and diverted, by weight*, and  
18 existing programs that the *operator of the* large venue or large  
19 event utilizes to reduce, reuse, and recycle the wastes. This  
20 information shall be reported to the board as a part of the local  
21 agency's annual report submitted pursuant to Section 41821.

22 (b) On or before December 1, 2008, the board shall evaluate the  
23 waste diversion rates and implementation of waste reduction *reuse*  
24 and recycling programs in the top 10 percent of large venues and  
25 large events ~~identified as reported~~ *by each local agency pursuant*  
26 *to paragraph (2) of subdivision (a). If the board, upon reviewing*  
27 *the information submitted by the operators of large venues and*  
28 *large events pursuant to Section 42648.3 and reported to the board*  
29 *by local agencies pursuant to paragraph (2) of subdivision (a),*  
30 *determines that less than 75 percent of the large venues and large*  
31 *events, as reported to the board by local agencies throughout the*  
32 *state, have implemented a waste reduction and recycling program.*  
33 ~~The board shall recommend to~~ *of the large venues and large events*  
34 *have implemented their plan and their waste reduction, reuse, and*  
35 *recycling program goals developed pursuant to subdivision (a) of*  
36 *Section 42648.4, according to the schedule determined pursuant*  
37 *to subdivision (b) of Section 42468.4, the board shall recommend*  
38 *to the Legislature those statutory changes needed to require large*  
39 *venues and large events to implement a waste reduction waste*  
40 *reduction, reuse, and recycling program programs.*



1 42648.3. On or before June 30, 2005, and on or before June  
2 30 annually thereafter, each operator of a large venue and large  
3 event shall submit to the local agency, upon request by the local  
4 agency, written documentation of ~~recycling, waste reduction~~  
5 *waste reduction, reuse, recycling*, and diversion programs, if any,  
6 implemented ~~by~~ *at* the large venue or large event, and the type and  
7 weight of materials diverted and disposed ~~by~~ *at* that large venue  
8 or large event. *If the operator of a large venue or large event cannot*  
9 *implement a program as planned, the operator shall include a brief*  
10 *explanation for the delay as part of its report to the local agency.*  
11 The operator of the large venue or large event shall submit the  
12 requested information to the local agency, no later than one month  
13 from the date the operator receives the request.

14 42648.4. On or before July 1, 2005, *and on or before July 1,*  
15 *biennially thereafter*, the operator of a large venue *or large event*  
16 shall meet with recyclers and with the solid waste enterprise that  
17 provides solid waste handling services to the large venue *or large*  
18 *event*, whether by an exclusive franchise with the local agency, or  
19 by a permit, contract, or nonexclusive franchise, to determine the  
20 solid waste reduction, *reuse*, and recycling activities that are  
21 appropriate for the ~~large venue~~. ~~In determining the appropriate~~  
22 ~~solid waste reduction~~ *large venue or large event. In determining*  
23 *feasible solid waste reduction, reuse, and recycling activities, the*  
24 ~~large venue operator~~ may do any of the following:

25 (a) Develop solid waste reduction, *reuse*, and recycling goals  
26 and a plan of solid waste diversion and recycling activities that  
27 would achieve those solid waste reduction, *reuse*, and recycling  
28 goals.

29 (b) Determine a timeline for implementation of the solid waste  
30 diversion and recycling plan and solid waste reduction, *reuse*, and  
31 recycling goals.

32 42648.5. The board shall provide technical assistance and  
33 tools to implement this chapter, to the extent feasible under  
34 existing financial resources. This technical assistance may  
35 include, but is not limited to, model documents, training, research  
36 on solid waste management best practices, cost reduction, and  
37 innovative products to assist local agencies and their *operators of*  
38 large venues and large events to develop and implement effective  
39 resource management programs.



1 42648.6. A local agency may charge and collect a fee from *an*  
2 *operator of* a large venue or large event in order to recover the local  
3 agency's estimated costs incurred in complying with this chapter.

4 SEC. 3. Section 42911 of the Public Resources Code is  
5 amended to read:

6 42911. (a) Each local agency shall adopt an ordinance  
7 relating to adequate areas for collecting and loading recyclable  
8 materials in development projects.

9 (b) If a local agency has not adopted an ordinance for collecting  
10 and loading recyclable materials in development projects on or  
11 before September 1, 1994, the model ordinance adopted pursuant  
12 to Section 42910 shall take effect on September 1, 1994, and shall  
13 be enforced by the local agency and have the same force and effect  
14 as if adopted by the local agency as an ordinance.

15 (c) On and after July 21, 2005, a local agency shall not issue  
16 a building permit to a development project, unless the  
17 development project provides adequate areas for collecting and  
18 loading recyclable materials.

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

