

AMENDED IN ASSEMBLY APRIL 20, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

AMENDED IN ASSEMBLY MARCH 28, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2118

Introduced by Assembly Member Matthews

February 17, 2006

~~An act to amend Sections 40116, 40151, 40194, 40200, 40201, 41701, 41780, 41780.1, 41780.2, 41781, 41821.5, 43020, and 50001 of, to add Sections 40116.5, 44153, and 44154 to, and to repeal Section 40117 of, An act to amend Section 40116 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as amended, Matthews. Solid waste: ~~diversion: conversion.~~

~~(1) The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act 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. The 1st and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities, except as specified. The act defines terms, including the term "compost."~~

The act defines the term “transformation” as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that “transformation” does not include composting, gasification, or biomass conversion. The act defines the term “solid waste facility” as including a gasification facility.

This bill would ~~repeal the definition of the term “gasification” and would define the terms “composting operation;” and “composting facility;” and “conversion technology;” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation means the incineration of solid waste or the processing of solid waste, using specified processes, but does not include conversion technology. The bill would revise the definition of the term “solid waste facility” to delete a gasification facility and would instead include a conversion technology facility as a solid waste facility. The bill would make conforming changes to the definitions of “nondisposal facility” and “transfer or processing station.” The bill would specify that 50% of that solid waste in the source reduction and recycling element is to be diverted from disposal and conversion technology and would revise the methods for determining the amount of solid waste required to be diverted to include conversion technology.~~

~~(2) Existing law requires disposal facility operators to submit to counties certain information from periodic tracking surveys on the disposal tonnages by jurisdiction or region of origin and also requires each county to submit periodic reports to the cities within the county, to the regional agencies, and to the board, on the amount of solid waste disposed of by jurisdiction or region of origin.~~

~~This bill would require a conversion technology facility operator to submit to a county the information from periodic tracking surveys on the tonnages converted at the facility, and would require a county to submit the information on the amounts of solid waste converted, as specified, thereby imposing a state-mandated local program by imposing new duties upon counties.~~

~~(3) Existing law requires the board to adopt and revise regulations that set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal, and to adopt regulations specifying standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities.~~

~~This bill would require the board to also adopt regulations for minimum standards for conversion technology.~~

~~(4) Existing law requires a person operating a solid waste facility to obtain a solid waste facilities permit from the local enforcement agency. Existing law requires the solid waste facilities permit to contain specified terms and conditions for the operation of the facility that the enforcement agency determines to be appropriate for the operation of the facility.~~

~~The bill would prohibit an enforcement agency from issuing or revising a solid waste facilities permit, and the board from concurring in the issuance or revision of a permit, for a project proposing to use conversion technology, unless the project meets specified requirements to regulate the handling of waste before the waste is subject to conversion and the handling of residual materials.~~

~~The bill would provide that it is not to be interpreted as authorizing the board or enforcement agencies to establish standards or permit terms and conditions over aspects of conversion technology processes that are within the jurisdiction of specified state and local agencies. *The bill would provide that the intent of the bill is to develop a definition for “convergent technology,” as specified.*~~

~~(5) Existing law requires each countywide siting element and revision to that element to include specified information, including the identification of an area or areas for the location of new solid waste transformation or disposal facilities, or the expansion of existing facilities, as specified, if the county determines that existing capacity will be exhausted within 15 years or additional capacity is desired. Existing law, except as provided otherwise, prohibits, after a countywide or regional agency integrated waste management plan has been approved by the board pursuant to the act, a person from establishing or expanding a solid waste facility in the county, unless the facility is a disposal facility or transformation facility, as specified, or a facility that is designed to, and as a condition of its permit, will recover for reuse or recycling at least 5% of the total volume of material received by the facility, as specified.~~

~~The bill would include in that list of solid waste facilities, a solid waste facility that is a conversion technology facility that meets specified requirements the bill would impose with respect to the siting and identification of the conversion technology facility. The bill would require the countywide siting element and revision to that~~

~~element to include the identification of an area or areas for the location of new conversion technology facilities, as specified.~~

~~(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~~*no*. State-mandated local program: ~~yes~~*no*.

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

1 SECTION 1. The Legislature finds and declares ~~both~~ *all* of
2 the following:

3 (a) It is not the intent of the Legislature in enacting this act to
4 modify the existing limitations on the extent of the authority or
5 jurisdiction of the California Integrated Waste Management
6 Board over matters that are within the authority and jurisdiction
7 of other state agencies. Therefore, this act shall not be interpreted
8 to provide the California Integrated Waste Management Board or
9 enforcement agencies that implement in their local jurisdiction
10 the California Integrated Waste Management Act of 1989
11 (Division 30 (commencing with Section 40000) of the Public
12 Resources Code) with any authority or jurisdiction to establish
13 standards or permit terms and conditions over aspects of
14 conversion technology processes that are within the jurisdiction
15 of the State Air Resources Board, air pollution control districts,
16 and air quality management districts, for the prevention of air
17 pollution, or of the State Water Resources Control Board or
18 California regional water quality control boards, for the
19 prevention of water pollution.

20 (b) It is the intent of the Legislature that conversion
21 technology facilities shall be subject to applicable environmental
22 and health laws and regulations of a local government, or the
23 state or federal government.

24 (c) *It is the intent of this bill to develop a definition for*
25 *“convergent technology” that is consistent with the declarations*
26 *in subdivisions (a) and (b).*

1 SEC. 2. Section 40116 of the Public Resources Code is
2 amended to read:

3 40116. (a) “Compost” means the product resulting from the
4 controlled biological decomposition of organic wastes that are
5 source separated from the municipal solid waste stream, or ~~which~~
6 *that* are separated at a centralized facility. “Compost” includes
7 vegetable, yard, and wood wastes ~~which that~~ are not hazardous
8 waste.

9 (b) “Composting operation” or “composting facility” means an
10 operation or facility, that produces compost, including an entity
11 that produces compost aerobically and nonaerobically and an
12 operation or facility that utilizes anaerobic digestion.

13 ~~SEC. 3. Section 40116.5 is added to the Public Resources~~
14 ~~Code, to read:~~

15 ~~40116.5. (a) “Conversion technology” means the processing~~
16 ~~of solid waste or waste-derived material, through a~~
17 ~~noncombustion thermal, chemical, or biological process, that~~
18 ~~produces a physical product, including, but not limited to, an~~
19 ~~alternative fuel, chemical, or other physical product that is used~~
20 ~~in the marketplace.~~

21 ~~(b) “Conversion technology” does not include anaerobic~~
22 ~~digestion, biomass conversion, aerobic or anaerobic composting,~~
23 ~~or the placement of solid waste in a solid waste landfill or~~
24 ~~transformation.~~

25 ~~(c) “Conversion technology operation or facility” means an~~
26 ~~operation, facility, or location where conversion technology~~
27 ~~occurs.~~

28 ~~SEC. 4. Section 40117 of the Public Resources Code is~~
29 ~~repealed.~~

30 ~~SEC. 5. Section 40151 of the Public Resources Code is~~
31 ~~amended to read:~~

32 ~~40151. “Nondisposal facility” means a solid waste facility~~
33 ~~required to obtain a permit pursuant to Article 1 (commencing~~
34 ~~with Section 44001) of Chapter 3 of Part 4, except a disposal~~
35 ~~facility, a transformation facility, or a conversion technology~~
36 ~~facility.~~

37 ~~SEC. 6. Section 40194 of the Public Resources Code is~~
38 ~~amended to read:~~

39 ~~40194. “Solid waste facility” includes a solid waste transfer~~
40 ~~or processing station, a composting facility, a conversion~~

1 technology facility, a transformation facility, and a disposal
2 facility.

3 SEC. 7. Section 40200 of the Public Resources Code is
4 amended to read:

5 40200. (a) "Transfer or processing station" or "station"
6 includes those facilities utilized to receive solid wastes,
7 temporarily store, separate, or otherwise process the materials in
8 the solid wastes, or to transfer the solid wastes directly from
9 smaller to larger vehicles for transport, and those facilities
10 utilized for transformation.

11 (b) "Transfer or processing station" or "station" does not
12 include any of the following:

13 (1) A facility, whose principal function is to receive, store,
14 separate, or otherwise process in accordance with state minimum
15 standards, manure.

16 (2) A facility, whose principal function is to receive, store, or
17 otherwise process wastes that have already been separated for
18 reuse and are not intended for disposal.

19 (3) The operations premises of a duly licensed solid waste
20 handling operator who receives, stores, transfers, or otherwise
21 processes wastes as an activity incidental to the conduct of a
22 refuse collection and disposal business in accordance with
23 regulations adopted pursuant to Section 43309.

24 SEC. 8. Section 40201 of the Public Resources Code is
25 amended to read:

26 40201. "Transformation" means the incineration of solid
27 waste or the processing of solid waste, through a noncombustion
28 thermal, chemical, or biological process, that does not produce a
29 physical product that is used in the marketplace.
30 "Transformation" does not include composting, conversion
31 technology, or biomass conversion.

32 SEC. 9. Section 41701 of the Public Resources Code is
33 amended to read:

34 41701. Each countywide siting element and revision thereto
35 shall include, but is not limited to, all of the following:

36 (a) A statement of goals and policies for the environmentally
37 safe transformation or disposal of solid waste that cannot be
38 reduced, recycled, or composted.

39 (b) An estimate of the total transformation or disposal capacity
40 in cubic yards that will be needed for a 15-year period to safely

1 ~~handle solid wastes generated within the county that cannot be~~
2 ~~reduced, recycled, or composted.~~

3 ~~(e) The remaining combined capacity of existing solid waste~~
4 ~~transformation or disposal facilities existing at the time of the~~
5 ~~preparation of the siting element or revision thereto, in cubic~~
6 ~~yards and years.~~

7 ~~(d) The identification of an area or areas for the location of~~
8 ~~new solid waste transformation or disposal facilities, or the~~
9 ~~expansion of existing facilities, that are consistent with the~~
10 ~~applicable city or county general plan, if the county determines~~
11 ~~that existing capacity will be exhausted within 15 years or~~
12 ~~additional capacity is desired. The element shall also include the~~
13 ~~identification of an area or areas for the location of new~~
14 ~~conversion technology facilities that may be approved pursuant~~
15 ~~to subdivision (e) of Section 50001.~~

16 ~~(e) For countywide elements submitted or revised on or after~~
17 ~~January 1, 2003, a description of the actions taken by the city or~~
18 ~~county to solicit public participation by the affected~~
19 ~~communities, including, but not limited to, minority and~~
20 ~~low-income populations.~~

21 ~~SEC. 10. Section 41780 of the Public Resources Code is~~
22 ~~amended to read:~~

23 ~~41780. (a) Each city or county source reduction and~~
24 ~~recycling element shall include an implementation schedule that~~
25 ~~shows both of the following:~~

26 ~~(1) For the initial element, the city or county shall divert 25~~
27 ~~percent of all solid waste from landfill disposal or transformation~~
28 ~~by January 1, 1995, through source reduction, recycling, and~~
29 ~~composting activities.~~

30 ~~(2) Except as provided in Sections 41783 and 41784, for the~~
31 ~~first and each subsequent revision of the element, the city or~~
32 ~~county shall divert 50 percent of all solid waste from disposal~~
33 ~~and conversion technology on and after January 1, 2000, through~~
34 ~~source reduction, recycling, and composting activities.~~

35 ~~(b) Nothing in this part prohibits a city or county from~~
36 ~~implementing source reduction, recycling, and composting~~
37 ~~activities designed to exceed these requirements.~~

38 ~~SEC. 11. Section 41780.1 of the Public Resources Code is~~
39 ~~amended to read:~~

1 ~~41780.1. (a) Notwithstanding any other requirement of this~~
2 ~~part, for the purposes of determining the amount of solid waste~~
3 ~~that a regional agency is required to divert from disposal and~~
4 ~~conversion technology through source reduction, recycling, and~~
5 ~~composting to meet the diversion requirements of Section 41780,~~
6 ~~the regional agency shall use the solid waste disposal projections~~
7 ~~in the source reduction and recycling elements of the regional~~
8 ~~agency's member agencies. The method prescribed in Section~~
9 ~~41780.2 shall be used to determine the maximum amount of~~
10 ~~disposal and conversion technology allowable to meet the~~
11 ~~diversion requirements of Section 41780.~~

12 ~~(b) Notwithstanding any other requirement of this part, for the~~
13 ~~purposes of determining the amount of solid waste that a city or~~
14 ~~county is required to divert from disposal and conversion~~
15 ~~technology through source reduction, recycling, and composting~~
16 ~~to meet the diversion requirements of Section 41780, the city or~~
17 ~~county shall use the solid waste disposal projections in the source~~
18 ~~reduction and recycling elements of the city or county. The~~
19 ~~method prescribed in Section 41780.2 shall be used to determine~~
20 ~~the maximum amount of disposal and conversion technology~~
21 ~~allowable to meet the diversion requirements of Section 41780.~~

22 ~~(c) To determine achievement of the diversion requirements of~~
23 ~~Section 41780 in 1995 and in the year 2000, projections of~~
24 ~~disposal amounts from the source reduction and recycling~~
25 ~~elements shall be adjusted to reflect annual increases or decreases~~
26 ~~in population and other factors affecting the waste stream, as~~
27 ~~determined by the board. By January 1, 1994, the board shall~~
28 ~~study the factors that affect the generation and disposal of solid~~
29 ~~waste and shall develop a standard methodology and guidelines~~
30 ~~to be used by cities, counties, and regional agencies in adjusting~~
31 ~~disposal projections as required by this section.~~

32 ~~(d) The amount of additional diversion required to be achieved~~
33 ~~by a regional agency to meet the diversion requirements of~~
34 ~~Section 41780 shall be equal to the sum of the diversion~~
35 ~~requirements of its member agencies. To determine the~~
36 ~~maximum amount of disposal and conversion technology~~
37 ~~allowable for the regional agency to meet the diversion~~
38 ~~requirements of Section 41780, the maximum amount of disposal~~
39 ~~and conversion technology allowable for each member agency~~

1 shall be added together to yield the agency disposable and
2 conversion technology maximum.

3 SEC. 12. Section 41780.2 of the Public Resources Code is
4 amended to read:

5 41780.2. (a) Each city, county, or member agency of a
6 regional agency shall determine the amount of reduction in solid
7 waste disposal and conversion technology and the amount of
8 additional diversion required from the base-year amounts by
9 using the methods set forth in this section.

10 (b) The city, county, or member agency of a regional agency
11 shall multiply the total amount of base-year solid waste
12 generation, as adjusted using the methods described in
13 subdivision (c) of Section 41780.1, by 0.75 to determine the
14 maximum amount of total disposal allowable in 1995 to meet the
15 diversion requirements of Section 41780.

16 (c) The city, county, or member agency of a regional agency
17 shall multiply the total amount of base-year solid waste
18 generation, as adjusted using the methods described in
19 subdivision (c) of Section 41780.1, by 0.50 to determine the
20 maximum amount of total disposal and conversion technology
21 allowable in the year 2000 to meet the diversion requirements of
22 Section 41780.

23 (d) The city, county, or member agency of a regional agency
24 shall multiply the total amount of base-year solid waste
25 generation, as adjusted using the methods described in
26 subdivision (c) of Section 41780.1, by 0.25 to determine the
27 minimum amount of total diversion needed in the year 1995 to
28 meet the diversion requirements of Section 41780.

29 (e) The city, county, or member agency of a regional agency
30 shall multiply the total amount of base-year solid waste
31 generation, as adjusted using the methods described in
32 subdivision (c) of Section 41780.1, by 0.50 to determine the
33 minimum amount of total diversion needed in the year 2000 to
34 meet the diversion requirements of Section 41780.

35 (f) The city, county, or member agency of a regional agency
36 shall subtract the total amount of base-year existing diversion
37 from the minimum total diversion required as determined in
38 subdivision (d) or (e) to determine the amount of additional
39 diversion needed to meet the diversion requirements of Section
40 41780. This amount of additional diversion shall be equal to the

1 ~~minimum amount of additional reduction in disposal and~~
2 ~~conversion technology amounts that is needed to comply with~~
3 ~~Section 41780.~~

4 ~~SEC. 13. Section 41781 of the Public Resources Code is~~
5 ~~amended to read:~~

6 ~~41781. (a) Except as provided in Sections 41781.1 and~~
7 ~~41781.2, for the purpose of determining the base rate of solid~~
8 ~~waste from which diversion requirements shall be calculated,~~
9 ~~“solid waste” includes only the following:~~

10 ~~(1) The amount of solid waste generated within a local~~
11 ~~agency’s jurisdiction, the types and quantities of which were~~
12 ~~disposed of at a permitted disposal or conversion technology~~
13 ~~facility as of January 1, 1990. Nothing in this section requires~~
14 ~~local agencies to perform waste characterization in addition to~~
15 ~~the waste characterization requirements established under~~
16 ~~Sections 41030, 41031, 41330, 41331, and 41332.~~

17 ~~(2) The amount of solid waste diverted from a disposal or~~
18 ~~conversion technology facility through source reduction,~~
19 ~~recycling, or composting.~~

20 ~~(b) For the purposes of this section, “solid waste” does not~~
21 ~~include any solid waste that would not normally be disposed of at~~
22 ~~a disposal or sent to a conversion technology facility.~~

23 ~~(c) For the purposes of this chapter, the amount of solid waste~~
24 ~~from which the required reductions are measured shall be the~~
25 ~~amount of solid waste existing on January 1, 1990, with future~~
26 ~~adjustments for increases or decreases in the quantity of waste~~
27 ~~caused only by changes in population or changes in the number~~
28 ~~or size of governmental, industrial, or commercial operations in~~
29 ~~the jurisdiction.~~

30 ~~SEC. 14. Section 41821.5 of the Public Resources Code is~~
31 ~~amended to read:~~

32 ~~41821.5. (a) Disposal and conversion technology facility~~
33 ~~operators shall submit to counties information from periodic~~
34 ~~tracking surveys on the tonnages by jurisdiction or region of~~
35 ~~origin that are disposed of or converted at each facility. To~~
36 ~~enable disposal facility operators to provide that information,~~
37 ~~solid waste handlers and transfer station operators shall provide~~
38 ~~information to disposal and conversion technology facility~~
39 ~~operators on the origin of the solid waste that they deliver to the~~
40 ~~disposal and conversion technology facilities.~~

1 ~~(b) Recycling and composting facilities shall submit periodic~~
2 ~~information to counties on the types and quantities of materials~~
3 ~~that are disposed of, sold to end users, or that are sold to~~
4 ~~exporters or transporters for sale outside of the state, by county~~
5 ~~of origin. When materials are sold or transferred by one recycling~~
6 ~~or composting facility to another, for other than an end use of the~~
7 ~~material or for export, the seller or transferor of the material shall~~
8 ~~inform the buyer or transferee of the county of origin of the~~
9 ~~materials. The reporting requirements of this subdivision do not~~
10 ~~apply to entities that sell the byproducts of a manufacturing~~
11 ~~process.~~

12 ~~(c) Each county shall submit periodic reports to the cities~~
13 ~~within the county, to any regional agency of which it is a member~~
14 ~~agency, and to the board, on the amounts of solid waste disposed~~
15 ~~or converted by jurisdiction or region of origin, as specified in~~
16 ~~subdivision (a), and on the categories and amounts of solid waste~~
17 ~~diverted to recycling and composting facilities within the county~~
18 ~~or region, as specified in subdivision (b).~~

19 ~~(d) The board may adopt regulations pursuant to this section~~
20 ~~requiring practices and procedures that are reasonable and~~
21 ~~necessary to perform the periodic tracking surveys required by~~
22 ~~this section, and that provide a representative accounting of solid~~
23 ~~wastes that are handled, processed, or disposed. Those~~
24 ~~regulations or periodic tracking surveys approved by the board~~
25 ~~shall not impose an unreasonable burden on waste handling,~~
26 ~~processing, conversion technology, or disposal operations or~~
27 ~~otherwise interfere with the safe handling, processing, and~~
28 ~~disposal of solid waste. Until the effective date of the regulations~~
29 ~~adopted by the board to implement the changes made by the act~~
30 ~~amending this section at the 2005-06 Regular Session of the~~
31 ~~Legislature, a conversion technology facility shall comply with~~
32 ~~the regulations adopted to implement this section that apply to a~~
33 ~~disposal facility.~~

34 ~~(e) On or before January 1, 2002, the board shall submit a~~
35 ~~report to the Legislature that evaluates the implementation of this~~
36 ~~section. The report shall include, but not be limited to, all of the~~
37 ~~following:~~

38 ~~(1) An evaluation of the accuracy of the disposal reporting~~
39 ~~system under differing circumstances.~~

1 ~~(2) The status of implementation of the disposal reporting~~
2 ~~system at the local level by waste haulers, landfills, transfer~~
3 ~~station and material recovery operators, and local agencies.~~

4 ~~(3) The need for modification of the disposal reporting system~~
5 ~~to improve accuracy.~~

6 ~~(4) Recommendations for regulatory and statutory changes~~
7 ~~needed to address deficiencies in the disposal reporting system.~~

8 ~~(5) Recommendations to improve implementation and to~~
9 ~~streamline the reporting system, including ways to assist agencies~~
10 ~~to meet the reporting and tracking requirements.~~

11 ~~(f) The board shall convene a working group composed of~~
12 ~~representatives of stakeholder groups, including, but not limited~~
13 ~~to, cities, counties, regional agencies, the solid waste industry,~~
14 ~~recyclers, and environmental organizations, to assist the board in~~
15 ~~preparing the report required pursuant to subdivision (e).~~

16 ~~SEC. 15. Section 43020 of the Public Resources Code is~~
17 ~~amended to read:~~

18 ~~43020. The board shall adopt and revise regulations that set~~
19 ~~forth minimum standards for solid waste handling, transfer,~~
20 ~~composting, transformation, conversion technology, and~~
21 ~~disposal, in accordance with this division, and Section 117590 of,~~
22 ~~and Chapter 6.5 (commencing with Section 25100) of Division~~
23 ~~20 of, the Health and Safety Code. The board shall not include~~
24 ~~any requirements that are already under the authority of the State~~
25 ~~Air Resources Board for the prevention of air pollution or of the~~
26 ~~state water board for the prevention of water pollution.~~

27 ~~SEC. 16. Section 44153 is added to the Public Resources~~
28 ~~Code, to read:~~

29 ~~44153. The enforcement agency shall not issue or revise a~~
30 ~~solid waste facilities permit for a proposed project that proposes~~
31 ~~to use conversion technology, as defined in Section 40116.5,~~
32 ~~unless the project complies with all of the following conditions:~~

33 ~~(a) The proposed conversion technology facility, and any~~
34 ~~contracts or commitments the proposed conversion technology~~
35 ~~facility has entered into for the provision of waste, uses front-end~~
36 ~~recycling methods or programs to remove all recyclable materials~~
37 ~~from the waste stream prior to conversion technology, to the~~
38 ~~maximum extent feasible.~~

39 ~~(b) The facility maintains or enhances environmental benefits.~~

1 ~~(e) The ash or other residue generated from the conversion~~
2 ~~technology facility is routinely tested at least once a month and,~~
3 ~~if hazardous wastes are present, the ash or residue is sent to a~~
4 ~~Class 1 hazardous waste disposal facility.~~

5 SEC. 17. ~~Section 44154 is added to the Public Resources~~
6 ~~Code, to read:~~

7 ~~44154. The board shall not concur in the issuance or revision~~
8 ~~of a solid waste facilities permit for a proposed project that~~
9 ~~proposes to use conversion technology, as defined in Section~~
10 ~~40116.5, unless the project complies with all of the following~~
11 ~~conditions:~~

12 ~~(a) The proposed project is consistent with state solid waste~~
13 ~~management policy as set forth in Section 40051.~~

14 ~~(b) The jurisdiction continues to implement the recycling and~~
15 ~~diversion programs in the jurisdiction's source reduction and~~
16 ~~recycling element or its modified annual report.~~

17 ~~(c) The facility complements the existing recycling and~~
18 ~~diversion infrastructure and is converting solid waste that was~~
19 ~~previously disposed.~~

20 SEC. 18. ~~Section 50001 of the Public Resources Code is~~
21 ~~amended to read:~~

22 ~~50001. (a) Except as provided by subdivision (b), after a~~
23 ~~countywide or regional agency integrated waste management~~
24 ~~plan has been approved by the California Integrated Waste~~
25 ~~Management Board pursuant to Division 30 (commencing with~~
26 ~~Section 40000), a person shall not establish or expand a solid~~
27 ~~waste facility, as defined in Section 40194, in the county unless~~
28 ~~the solid waste facility meets one of the following criteria:~~

29 ~~(1) The solid waste facility is a disposal facility or a~~
30 ~~transformation facility, the location of which is identified in the~~
31 ~~countywide siting element or amendment thereto, that has been~~
32 ~~approved pursuant to Section 41721.~~

33 ~~(2) The solid waste facility is a facility that is designed to, and~~
34 ~~that as a condition of its permit, will recover for reuse or~~
35 ~~recycling at least 5 percent of the total volume of material~~
36 ~~received by the facility, and that is identified in the nondisposal~~
37 ~~facility element or amendment thereto, that has been approved~~
38 ~~pursuant to Section 41800 or 41801.5.~~

39 ~~(3) The solid waste facility is a conversion technology facility~~
40 ~~that has met the requirements of subdivision (c).~~

1 ~~(b) Solid waste facilities other than those specified in~~
2 ~~paragraphs (1), (2), and (3) of subdivision (a) shall not be~~
3 ~~required to comply with the requirements of this section.~~

4 ~~(c) The person or agency proposing to establish a solid waste~~
5 ~~facility shall prepare and submit a site identification and~~
6 ~~description of the proposed facility to the task force established~~
7 ~~pursuant to Section 40950. Within 90 days after the site~~
8 ~~identification and description is submitted to the task force, the~~
9 ~~task force shall meet and comment on the proposed solid waste~~
10 ~~facility in writing. These comments shall include, but are not~~
11 ~~limited to, the relationship between the proposed solid waste~~
12 ~~facility and the implementation schedule requirements of Section~~
13 ~~41780 and the regional impact of the facility. The task force shall~~
14 ~~transmit these comments to the person or public agency~~
15 ~~proposing establishment of the solid waste facility, to the county,~~
16 ~~and to all cities within the county. The comments shall become~~
17 ~~part of the official record of the proposed solid waste facility.~~

18 ~~(d) The review and comment by the local task force required~~
19 ~~by subdivision (c) for amendment to an element may be satisfied~~
20 ~~by the review required by subdivision (a) of Section 41734 for an~~
21 ~~amendment to an element.~~

22 ~~(e) (1) The person or agency proposing to establish a~~
23 ~~conversion technology facility shall prepare and submit a site~~
24 ~~identification and description of the proposed facility to the local~~
25 ~~governing body of the jurisdiction in which the facility will be~~
26 ~~located and to those jurisdictions directly adjacent to this host~~
27 ~~jurisdiction or within one mile of the proposed facility. Within 90~~
28 ~~days after the site identification and description is submitted to~~
29 ~~these jurisdictions, the local governing body of the host~~
30 ~~jurisdiction shall hold a minimum of two public hearings. One~~
31 ~~public hearing shall be on a weekday convenient for local~~
32 ~~government officials and other interested parties and one public~~
33 ~~hearing shall be on a weeknight or weekend convenient for~~
34 ~~interested residents and other interested parties. The hearings are~~
35 ~~intended to provide a forum for all interested parties to comment~~
36 ~~on the proposed site and description of the facility and for the~~
37 ~~host jurisdiction to take under consideration the comments of~~
38 ~~interested parties within the jurisdiction and from adjacent~~
39 ~~jurisdictions within a one mile radius of the proposed facility, in~~

1 order to decide to either approve or disapprove the site and
2 description of the facility.

3 (2) The proposed conversion technology facility shall be
4 deemed to be in compliance with the requirements of this section
5 if its description has been approved by the host jurisdiction. Once
6 the description of a conversion technology facility has been
7 approved in this manner, its site identification and description
8 shall be appended to the countywide siting element, but it shall
9 not be considered to be an amendment to the countywide siting
10 element.

11 (3) If the local governing body of the host jurisdiction
12 disapproves the proposed description, the jurisdiction shall mail
13 notice of its decision by first-class mail to the person or public
14 agency proposing the facility within 10 days of the disapproval,
15 stating its reasons for the disapproval.

16 (4) A local governing body shall not disapprove the proposed
17 description of a conversion technology facility unless it
18 determines, based on substantial evidence in the record, that the
19 proposed description of the facility does not meet the
20 requirements of Sections 44153 and 44154.

21 (5) Within 45 days after the date of disapproval by the local
22 governing body of a proposed facility siting, or a decision by the
23 board not to concur in the issuance of a solid waste facilities
24 permit to a conversion technology facility as a result of this
25 disapproval, a person may file with the superior court a writ of
26 mandate for review of the disapproval or the decision. The
27 evidence before the court shall consist of the record before the
28 local governing body that disapproved the proposed facility
29 siting or the record before the board in its determination not to
30 concur in issuance of the solid waste facilities permit. Section
31 1094.5 of the Code of Civil Procedure shall govern the
32 proceedings conducted pursuant to this subdivision.

33 SEC. 19. No reimbursement is required by this act pursuant
34 to Section 6 of Article XIII B of the California Constitution
35 because a local agency or school district has the authority to levy
36 service charges, fees, or assessments sufficient to pay for the
37 program or level of service mandated by this act, within the
38 meaning of Section 17556 of the Government Code.

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