

AMENDED IN SENATE MAY 3, 2005
AMENDED IN SENATE APRIL 19, 2005

SENATE BILL

No. 318

Introduced by Senator Romero

February 16, 2005

An act to add Section 43310.2 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 318, as amended, Romero. Waste management.

The existing California Integrated Waste Management Act of 1989 requires the California Integrated Waste Management Board and local agencies to promote specified waste management practices, and to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal.

This bill would create within the board the Office of the Solid Waste Public Advisor to provide objective information to members of the public living adjacent to, or near, a solid waste facility that is proposed to be ~~constructed~~ *constructed*, or an existing solid waste facility that is proposed to be expanded or otherwise altered. The bill would require ~~the board~~ *Governor* to appoint a solid waste facilities public advisor, *with the advice and consent of the Senate*. The bill would prescribe the functions and duties of the public advisor, with respect to providing information to the public concerning proposed or existing solid waste facilities, as specified. The bill would require the board, using existing resources, to provide for the assignment of personnel and resources to the office, as provided, ~~and to develop guidelines governing the activities of the public advisor~~. The bill would prohibit the public advisor from advocating in favor of, or in opposition to, any

application for a solid waste permit, modification of design or operation, revised permit, appeal, or waiver.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 43310.2 is added to the Public
2 Resources Code, to read:

3 43310.2. (a) There is hereby created within the board the
4 Office of the Solid Waste Public Advisor to provide objective
5 information to members of the public living adjacent to, or near,
6 a solid waste facility that is proposed to be constructed, or an
7 existing solid waste facility that is proposed to be expanded or
8 otherwise altered.

9 ~~(b) The board shall appoint a solid waste facilities public~~
10 ~~advisor.~~

11 *(b) The Governor shall appoint the public advisor, with the*
12 *advice and consent of the Senate.* The person who is appointed as
13 the public advisor shall possess sufficient knowledge of the solid
14 waste facilities permitting process *and other board permitting*
15 *procedures*, and have the necessary qualifications to provide
16 information to members of the public living adjacent to, or near,
17 a proposed or an existing solid waste facility.

18 (c) The public advisor shall do all of the following:

19 (1) Operate and manage the office.

20 (2) Provide objective, unbiased information regarding the solid
21 waste permitting process *and other board permitting procedures*,
22 including, but not limited to, opportunities for public comment
23 on local ~~land use planning~~ *matters that are under the jurisdiction*
24 *of the board*, and local enforcement agency or board
25 consideration of any solid waste facilities permit applications,
26 modifications of design or operation, reviews, appeals, and
27 waivers.

28 (3) Provide information to local jurisdictions, local
29 enforcement agencies, and to solid waste facilities permit
30 applicants regarding best practices to foster public awareness of
31 the solid waste facility permit process.

32 (d) Using existing resources, the board shall provide for the
33 assignment of personnel and resources to the office. Personnel

1 and resources shall be provided to the office by the board at a
2 level sufficient to ensure that objective, unbiased information is
3 readily available to the public regarding the solid waste
4 ~~permitting process, including the role of local land use planning~~
5 ~~and the authority of local enforcement agencies.~~

6 ~~(e) The board shall develop guidelines regarding the activities~~
7 ~~of the public advisor.~~

8 ~~(f) *permitting process and other board permitting procedures,*~~
9 ~~*including the role and authority of local enforcement agencies*~~
10 ~~*and other public agencies involving matters that are under the*~~
11 ~~*jurisdiction of the board.*~~

12 (e) The public advisor shall not advocate in favor of, or in
13 opposition to, any solid waste permit application, modification of
14 design or operation, revised permit, appeal, or waiver.