

AMENDED IN ASSEMBLY JUNE 26, 2007

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 1020**

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**Introduced by Senator Padilla**  
*(Coauthors: Senators Perata and Romero)*

February 23, 2007

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An act to amend Sections 41780, 41820.5, and 41820.6 add Article 4 (commencing with Section 40520) to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as amended, Padilla. Solid waste: diversion.

~~(1) The~~

*The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, 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 source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.*

~~This bill would increase that requirement to require, on and after January 1, 2012, with exceptions, that a city or county divert from landfill disposal or transformation no less than 75% of all solid waste, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties upon local agencies with regard to the management of solid waste.~~

~~This bill would also make nonsubstantive technical changes.~~

~~(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.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The bill would require the board, by July 1, 2009, to develop a strategic and comprehensive plan to achieve, on or before January 1, 2020, a diversion of 75% of solid waste statewide from landfill disposal or transformation.~~

~~The bill would require the board to adopt policies, programs, and incentives to ensure that on or before December 21, 2012, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, 2020, and annually thereafter, that 75% of all solid waste generated is source reduced, recycled, or composted.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

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

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

1 SECTION 1. Article 4 (commencing with Section 40520) is  
2 added to Chapter 3 of Part 1 of Division 30 of the Public Resources  
3 Code, to read:

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*Article 4. Statewide Diversion*

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7 40520. The Legislature finds and declares all of the following:

8 (a) Since the enactment of this division, local governments and  
9 private industry have worked jointly to create an extensive material  
10 collection and recycling infrastructure and have implemented  
11 effective programs to achieve a statewide diversion rate above 50  
12 percent.

13 (b) Although the state now leads the nation in waste reduction  
14 and recycling, the state continues to dispose of more than 40  
15 million tons of waste each year, which is more than the national  
16 average on a per capita basis.

17 (c) To meet the goals of the California Global Warming Solution  
18 Act of 2006 (Division 25.5 (commencing with Section 38500) of  
19 the Health and Safety Code), there is an urgent need to reduce

1 *greenhouse gas emissions from all aspects of solid waste handling*  
2 *through increased source reduction, reuse, and recycling.*

3 *(d) The purpose of this article is to build on the successful efforts*  
4 *of local governments and private industry to achieve a statewide*  
5 *diversion rate of 75 percent by January 1, 2020, through strategic*  
6 *statewide initiatives developed and implemented by the board.*

7 *40521. On or before July 1, 2009, the board shall develop a*  
8 *strategic and comprehensive plan to achieve, on or before January*  
9 *1, 2020, a diversion of 75 percent of solid waste statewide from*  
10 *landfill disposal or transformation. The plan developed by the*  
11 *board shall include all of the following:*

12 *(a) Place primary emphasis on programs that minimize the*  
13 *generation of solid waste, maximize diversion from landfills, and*  
14 *manage materials to their highest and best use in accordance with*  
15 *the waste management hierarchy specified in Section 40051 and*  
16 *in support of the California Global Warming Solution Act of 2006*  
17 *(Division 25.5 (commencing with Section 38500) of the Health*  
18 *and Safety Code).*

19 *(b) Include specific statewide strategies for promoting producer*  
20 *responsibility, increasing commercial recycling, expanding the*  
21 *recovery of construction and demolition debris, increasing the*  
22 *diversion of organics, and increasing recycling opportunities for*  
23 *multifamily housing.*

24 *(c) Identify opportunities to update and expand the source*  
25 *reduction and recycling elements of the local integrated waste*  
26 *management plans prepared pursuant to Chapter 2 (commencing*  
27 *with Section 41000) or Chapter 3 (commencing with Section*  
28 *41300) of Part 3, to include cost-effective opportunities to advance*  
29 *waste management practices that increase diversion and reduce*  
30 *greenhouse gas emissions.*

31 *(d) Include specific strategies that would enable each state*  
32 *agency to achieve a diversion rate of 75 percent on or before*  
33 *January 1, 2015.*

34 *(e) Identify incentives, investments, and environmentally sound*  
35 *processing technologies that will be needed to achieve a 75 percent*  
36 *diversion rate.*

37 *40522. The board shall adopt policies, programs, and*  
38 *incentives to ensure that solid waste generated in this state is*  
39 *source reduced, recycled, or composted, in accordance with the*  
40 *following schedule:*

1 (a) On or before December 21, 2012, ensure that 60 percent of  
2 all solid waste generated is source reduced, recycled, or  
3 composted.

4 (b) On or before January 1, 2020, and annually thereafter,  
5 ensure that 75 percent of all solid waste generated is source  
6 reduced, recycled, or composted.

7 ~~SECTION 1. Section 41780 of the Public Resources Code is~~  
8 ~~amended to read:~~

9 ~~41780. (a) Each city or county source reduction and recycling~~  
10 ~~element shall include an implementation schedule that shows both~~  
11 ~~of the following:~~

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

16 ~~(2) Except as provided in Sections 41783 and 41784, for the~~  
17 ~~first and each subsequent revision of the element, the city or county~~  
18 ~~shall divert 50 percent of all solid waste by January 1, 2000, and~~  
19 ~~75 percent on and after January 1, 2012, through source reduction,~~  
20 ~~recycling, and composting activities.~~

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

24 ~~SEC. 2. Section 41820.5 of the Public Resources Code is~~  
25 ~~amended to read:~~

26 ~~41820.5. (a) The board may, after a public hearing, grant a~~  
27 ~~time extension from the diversion requirements of Section 41780~~  
28 ~~to a city if both of the following conditions exist:~~

29 ~~(1) The city was incorporated pursuant to Division 3~~  
30 ~~(commencing with Section 56000) of Title 5 of the Government~~  
31 ~~Code after January 1, 1990, and before January 1, 2001.~~

32 ~~(2) The county within which the city is located did not include~~  
33 ~~provisions in its franchises that ensured that the now incorporated~~  
34 ~~area would comply with the diversion requirements of Section~~  
35 ~~41780.~~

36 ~~(b) The board may authorize a city that meets the requirements~~  
37 ~~of subdivision (a) to submit a source reduction and recycling~~  
38 ~~element that includes an implementation schedule that shows both~~  
39 ~~of the following:~~

1 ~~(1) The city shall divert 25 percent of its estimated generation~~  
2 ~~amount of solid waste from landfill or transformation facilities~~  
3 ~~within three years from the date on which the source reduction~~  
4 ~~and recycling element is due pursuant to subdivision (b) of Section~~  
5 ~~41791.5, through source reduction, recycling, and composting~~  
6 ~~activities.~~

7 ~~(2) The city shall divert 50 percent of its estimated generation~~  
8 ~~amount of solid waste from landfill or transformation facilities~~  
9 ~~within eight years from the date on which the source reduction~~  
10 ~~and recycling element is due pursuant to subdivision (b) of Section~~  
11 ~~41791.5, through source reduction, recycling, and composting~~  
12 ~~activities.~~

13 ~~SEC. 3. Section 41820.6 of the Public Resources Code is~~  
14 ~~amended to read:~~

15 ~~41820.6. (a) The board may, after a public hearing, grant a~~  
16 ~~time extension from the diversion requirements of Section 41780~~  
17 ~~to a city if both of the following conditions exist:~~

18 ~~(1) The city was incorporated pursuant to Division 3~~  
19 ~~(commencing with Section 56000) of Title 5 of the Government~~  
20 ~~Code on or after January 1, 2001.~~

21 ~~(2) The county within which the city is located did not include~~  
22 ~~provisions in its franchises that ensured that the now incorporated~~  
23 ~~area would comply with the diversion requirements of Section~~  
24 ~~41780.~~

25 ~~(b) The board may authorize a city that meets the requirements~~  
26 ~~of subdivision (a) to submit a source reduction and recycling~~  
27 ~~element that includes an implementation schedule that shows that~~  
28 ~~the city shall divert 50 percent of its estimated generation amount~~  
29 ~~of solid waste from landfill or transformation facilities, within~~  
30 ~~three years from the date on which the source reduction and~~  
31 ~~recycling element is due pursuant to subdivision (b) of Section~~  
32 ~~41791.5, through source reduction, recycling, and composting~~  
33 ~~activities.~~

34 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
35 ~~Section 6 of Article XIII B of the California Constitution because~~  
36 ~~a local agency or school district has the authority to levy service~~  
37 ~~charges, fees, or assessments sufficient to pay for the program or~~

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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