

## Assembly Bill No. 845

### CHAPTER 526

An act to amend Section 40002 of, and to add Section 40059.3 to, the Public Resources Code, relating to solid waste.

[Approved by Governor September 25, 2012. Filed with Secretary of State September 25, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 845, Ma. Solid waste: place of origin.

The California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided.

This bill would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not otherwise supersede or affect the land use authority of a city or county.

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

SECTION 1. Section 40002 of the Public Resources Code is amended to read:

40002. (a) As an essential part of the state's comprehensive program for solid waste management, and for the preservation of health and safety, and the well-being of the public, the Legislature declares that it is in the public interest for the state, as sovereign, to authorize and require local agencies, as subdivisions of the state, to make adequate provision for solid waste handling, both within their respective jurisdictions and in response to regional needs consistent with the policies, standards, and requirements of this division and all regulations adopted pursuant to this division. This division, which authorizes and requires local agencies to provide adequate solid waste handling and services, and the actions of local agencies taken pursuant to this division, are intended to implement this state policy.

(b) The Legislature further declares that restrictions on the disposal of solid waste that discriminate on the basis of the place of origin of the waste

are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste disposal.

SEC. 2. Section 40059.3 is added to the Public Resources Code, to read:

40059.3. (a) An ordinance adopted by a city or county or an ordinance enacted by initiative by the voters of a city or county shall not restrict or limit the importation of solid waste into a privately owned facility in that city or county based on the place of origin.

(b) This section does not do any of the following:

(1) Require a privately owned solid waste facility or privately operated solid waste facility to accept solid waste from outside the city or county where the facility is located.

(2) Allow a privately owned solid waste facility to abrogate a written agreement guaranteeing permitted capacity to a host jurisdiction, including a regional agency.

(3) Prohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, including a regional agency.

(4) Supersede or otherwise affect the land use authority of a city or county, including, but not limited to, planning, zoning, and permitting, or an ordinance lawfully adopted pursuant to that land use authority.