

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1178

Introduced by Assembly Member Ma
(Coauthor: Assembly Member Cedillo)

February 18, 2011

~~An act to amend Section 42231 of the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.~~ *An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: ~~compost market program.~~ *place of origin.*

Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

This bill would also authorize a local agency to assess those special fees. The bill would prohibit a city, county, or local agency from otherwise restricting or limiting in any way the importation of solid waste into that city or county based on place of origin because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

Existing law prohibits a city or county from exporting solid waste to any other jurisdiction unless the exporting city or county has implemented an approved city or county household hazardous waste element and a source reduction and recycling element, or has submitted a countywide integrated waste management plan, with which it is in compliance.

This bill would also apply that prohibition to a local agency. The bill would make related changes.

~~Existing law, the California Integrated Waste Management Act of 1989, establishes a compost market program to increase the use of compost products, including requiring the Department of General Services and Department of Resources Recycling and Recovery to maintain specifications for the purchase of compost by the state and requiring the Department of Transportation to use compost in place of, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program. The term compost is defined, for purposes of this program, as the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream.~~

~~This bill would specify that these organic wastes include, but are not limited to, vegetable, yard, and wood wastes that are not hazardous waste.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$ -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 40002 of the Public Resources Code is*
- 2 *amended to read:*
- 3 40002. (a) *As an essential part of the state's comprehensive*
- 4 *program for solid waste management, and for the preservation of*
- 5 *health and safety, and the well-being of the public, the Legislature*
- 6 *declares that it is in the public interest for the state, as sovereign,*
- 7 *to authorize and require local agencies, as subdivisions of the state,*
- 8 *to make adequate provision for solid waste handling, both within*
- 9 *their respective jurisdictions and in response to regional needs*
- 10 *consistent with the policies, standards, and requirements of this*
- 11 *division and all regulations adopted pursuant to this division. The*
- 12 *provisions of this division which authorize and require local*
- 13 *agencies to provide adequate solid waste handling and services,*
- 14 *and the actions of local agencies taken pursuant thereto, are*
- 15 *intended to implement this state policy.*
- 16 (b) *The Legislature further declares that restrictions on the*
- 17 *disposal of solid waste that discriminate on the basis of the place*

1 *of origin of the waste are an obstacle to, and conflict with,*
2 *statewide and regional policies to ensure adequate and appropriate*
3 *capacity for solid waste disposal.*

4 *SEC. 2. Section 40900.1 of the Public Resources Code is*
5 *amended to read:*

6 40900.1. The Legislature hereby further finds and declares all
7 of the following:

8 (a) It is important to encourage state agencies to plan and
9 implement programs that will reduce the amount of solid waste
10 going to disposal facilities through source reduction, recycling,
11 and composting.

12 (b) Local agencies, other than a host jurisdiction, and federal
13 agencies should be encouraged to plan and implement programs
14 that will reduce the amount of solid waste going to disposal
15 facilities through source reduction, recycling, and composting.

16 (c) Each state agency shall, to the extent feasible and within
17 existing budgetary constraints, develop and implement source
18 reduction, recycling, and composting programs that will reduce
19 the amount of solid waste going to disposal facilities. Those
20 programs shall be consistent with Executive Order W-7-91, which
21 ordered state agencies to establish recycling programs, reduce
22 paper waste, purchase recycled products, and implement measures
23 that minimize the generation of waste.

24 (d) Local, state, and federal agencies generating solid waste that
25 is sent to a host jurisdiction for disposal should be encouraged to
26 provide the host jurisdiction with information on the amount of
27 solid waste and regarding any solid waste source reduction,
28 recycling, or composting programs that have been implemented
29 by the agency, to assist the host jurisdiction in developing and
30 implementing the planning requirements of this division.

31 (e) *Restrictions or limits on the importation of solid waste based*
32 *on the place of origin are not aspects of solid waste handling*
33 *subject to local government determination because they*
34 *unreasonably limit the disposal of solid waste.*

35 *SEC. 3. Section 41903 of the Public Resources Code is*
36 *amended to read:*

37 41903. (a) A city ~~or county~~, county, or local agency may assess
38 special fees of a reasonable amount on the importation of waste
39 from outside of the county to publicly owned or privately owned
40 facilities. ~~No~~

1 (b) A city, county, or local agency may not otherwise restrict
2 or limit in any way the importation of solid waste into that city or
3 county based on the place of origin, because ensuring adequate
4 and appropriate capacity for disposal of solid waste is a matter
5 of state and regional concern.

6 (c) A city ~~or county~~, county, or local agency shall not export
7 solid waste to any other jurisdiction unless the exporting city or
8 county has; *done either of the following:*

9 (1) ~~Implemented~~, within one year following the date ~~specified~~
10 ~~in~~ when the countywide integrated waste management plan is
11 required to be submitted to the department pursuant to subdivision
12 (a) or (b) of Section 41791, or a later date established or permitted
13 by the ~~board~~, department, both an approved city or county
14 household hazardous waste element and a source reduction and
15 recycling element ~~which have both been implemented, or have~~
16 ~~submitted.~~

17 (2) ~~Submitted~~ a countywide integrated waste management plan,
18 ~~and with which it is in compliance with it, provided, however, that,~~

19 (d) Notwithstanding subdivision (c), until one year following
20 the date ~~specified in~~ when the countywide integrated waste
21 management plan is required to be submitted to the department
22 pursuant to subdivision (a) or (b) of Section 41791, or a later date
23 established by the ~~board~~ department, nothing ~~herein in this section~~
24 shall be construed as prohibiting the export of solid waste. ~~The~~
25 ~~board~~

26 (e) The department may waive the requirements of ~~this section~~
27 subdivision (c) if the ~~board~~ department determines that all
28 additional reasonable source reduction and recycling programs are
29 being implemented in the city or county or if the ~~board~~ department
30 determines that the system to export waste supports or enhances
31 the city or county source recovery and recycling element.

32 SECTION 1. Section 42231 of the Public Resources Code is
33 amended to read:

34 42231. "Compost" means the product resulting from the
35 controlled biological decomposition of organic wastes, including,
36 but not limited to, vegetable, yard, and wood wastes that are not
37 hazardous waste, and that are source separated from the municipal
38 solid waste stream.

39 SEC. 2. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 ~~the meaning of Article IV of the Constitution and shall go into~~
2 ~~immediate effect. The facts constituting the necessity are:~~
3 ~~In order to encourage the use of sustainable compost as soon as~~
4 ~~possible, thereby protecting public health and safety and the~~
5 ~~environment, it is necessary that this act take effect immediately.~~

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