

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1178**

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

February 18, 2011

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An act to amend Sections ~~40002, 40900.1, and 41903~~ of *40002 and 40900.1 of*, and to add Section 40059.3 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: 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.~~

*The existing 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 ~~a city or county, including by~~ 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, ~~except as specified with~~

~~regard to requiring.~~ *The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, ~~allowing does not allow~~ a privately owned solid waste facility to abrogate certain agreements, ~~or preventing does not prohibit~~ a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not prevent a city or county from exercising local land use authority.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. 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  
18 of origin of the waste are an obstacle to, and conflict with,  
19 statewide and regional policies to ensure adequate and appropriate  
20 capacity for solid waste disposal.

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

23 40059.3. (a) An ordinance adopted by a city or county or an  
24 ordinance enacted by initiative by the voters of a city or county  
25 shall not restrict or limit the importation of solid waste into a  
26 privately owned facility in that city or county based on the place  
27 of origin.

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

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

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

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

11 (c) *This section does not supersede or affect the land use*  
12 *authority of a city or county, including, but not limited to, planning,*  
13 *zoning, and permitting, and an ordinance adopted pursuant to that*  
14 *land use authority.*

15 ~~SEC. 2.~~

16 SEC. 3. Section 40900.1 of the Public Resources Code is  
17 amended to read:

18 40900.1. The Legislature hereby further finds and declares all  
19 of the following:

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

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

28 (c) Each state agency shall, to the extent feasible and within  
29 existing budgetary constraints, develop and implement source  
30 reduction, recycling, and composting programs that will reduce  
31 the amount of solid waste going to disposal facilities. Those  
32 programs shall be consistent with Executive Order W-7-91, which  
33 ordered state agencies to establish recycling programs, reduce  
34 paper waste, purchase recycled products, and implement measures  
35 that minimize the generation of waste.

36 (d) Local, state, and federal agencies generating solid waste that  
37 is sent to a host jurisdiction for disposal should be encouraged to  
38 provide the host jurisdiction with information on the amount of  
39 solid waste and regarding any solid waste source reduction,  
40 recycling, or composting programs that have been implemented

1 by the agency, to assist the host jurisdiction in developing and  
 2 implementing the planning requirements of this division.

3 ~~SEC. 3. Section 41903 of the Public Resources Code is~~  
 4 ~~amended to read:~~

5 ~~41903. (a) A city or county may assess special fees of a~~  
 6 ~~reasonable amount on the importation of waste from outside of~~  
 7 ~~the county to publicly owned or privately owned facilities.~~

8 ~~(b) (1) A city or county, including by an ordinance enacted by~~  
 9 ~~the voters of that city or county, may not otherwise restrict or limit~~  
 10 ~~the importation of solid waste into a privately owned facility in~~  
 11 ~~that city or county based on the place of origin.~~

12 ~~(2) This subdivision does not do any of the following:~~

13 ~~(A) Require a privately owned solid waste facility or privately~~  
 14 ~~operated solid waste facility to accept solid waste from outside the~~  
 15 ~~city or county where the facility is located.~~

16 ~~(B) Allow a privately owned solid waste facility to abrogate a~~  
 17 ~~written disposal agreement guaranteeing permitted capacity to a~~  
 18 ~~host jurisdiction, including a regional agency.~~

19 ~~(C) Prevent a city or county from exercising its land use~~  
 20 ~~authority, including making a zoning, permitting, or other land use~~  
 21 ~~determination that is subject to paragraph (1).~~

22 ~~(e) A city or county shall not export solid waste to any other~~  
 23 ~~jurisdiction unless the exporting city or county has done either of~~  
 24 ~~the following:~~

25 ~~(1) Implemented, within one year following the date when the~~  
 26 ~~countywide integrated waste management plan is required to be~~  
 27 ~~submitted to the department pursuant to subdivision (a) or (b) of~~  
 28 ~~Section 41791, or a later date established or permitted by the~~  
 29 ~~department, both an approved city or county household hazardous~~  
 30 ~~waste element and a source reduction and recycling element.~~

31 ~~(2) Submitted a countywide integrated waste management plan,~~  
 32 ~~with which it is in compliance.~~

33 ~~(d) Notwithstanding subdivision (e), until one year following~~  
 34 ~~the date when the countywide integrated waste management plan~~  
 35 ~~is required to be submitted to the department pursuant to~~  
 36 ~~subdivision (a) or (b) of Section 41791, or a later date established~~  
 37 ~~by the department, nothing in this section shall be construed as~~  
 38 ~~prohibiting the export of solid waste.~~

39 ~~(e) The department may waive the requirements of subdivision~~  
 40 ~~(e) if the department determines that all additional reasonable~~

- 1 ~~source reduction and recycling programs are being implemented~~
- 2 ~~in the city or county or if the department determines that the system~~
- 3 ~~to export waste supports or enhances the city or county source~~
- 4 ~~recovery and recycling element.~~

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