

AMENDED IN SENATE AUGUST 24, 2011

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

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

February 18, 2011

An act to amend Sections 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.

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 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 a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not ~~prevent otherwise limit or affect the land use authority of a city or county from exercising local land use authority.~~

Vote: majority. Appropriation: no. Fiscal committee: 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, *because these restrictions or limitations are not an aspect*
 28 *of solid waste handling pursuant to paragraph (1) of subdivision*
 29 *(a) of Section 40059.*

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

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

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

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

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

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

17 40900.1. The Legislature hereby further finds and declares all
18 of the following:

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

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

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

35 (d) Local, state, and federal agencies generating solid waste that
36 is sent to a host jurisdiction for disposal should be encouraged to
37 provide the host jurisdiction with information on the amount of
38 solid waste and regarding any solid waste source reduction,
39 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.

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