

ASSEMBLY BILL

No. 1647

Introduced by Assembly Member Gordon

February 13, 2012

An act to amend Section 42845 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as introduced, Gordon. Solid waste: waste tires: injunction.

Existing law requires, upon the order of the Department of Resources Recycling and Recovery, a person who stores, stockpiles, or accumulates waste tires in violation of the provisions regulating the storage, stockpiling, or accumulation of waste tires to clean up those waste tires and abate the effects of the waste tires or take other necessary remedial actions in the case of threatened pollution or nuisance. Existing law requires the Attorney General, at the request of the department, to petition the appropriate superior court for the issuance of an injunction if the person fails to comply with the cleanup or abatement order. Existing law authorizes, at the request of the department, the district attorney or county counsel of the county in which the violation occurred to petition the court for the issuance of an injunction if the Attorney General fails to petition the court within 45 days of the department's request to the Attorney General.

This bill would shorten that time period to 30 days.

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 42845 of the Public Resources Code is
2 amended to read:

3 42845. (a) ~~Any~~A person who stores, stockpiles, or accumulates
4 waste tires at a location for which a waste tire facility permit is
5 required pursuant to this chapter, or in violation of the terms and
6 conditions of the permit, the provisions of this chapter, or the
7 regulations adopted under this chapter, shall, upon order of the
8 ~~board~~ department, clean up those waste tires or abate the effects
9 ~~thereof of the waste tires~~, or, in the case of threatened pollution or
10 nuisance, take other necessary remedial action.

11 (b) (1) Upon failure of ~~any~~ a person to comply with the cleanup
12 or abatement order, the Attorney General, at the request of the
13 ~~board~~ department, shall petition the superior court for that county
14 for the issuance of an injunction requiring the person to comply
15 with that order. In ~~any~~ a suit, the court shall have jurisdiction to
16 grant a prohibitory or mandatory injunction, either preliminary or
17 permanent, as the facts may warrant.

18 (2) If the Attorney General declines, or is unable, to petition the
19 appropriate superior court for issuance of an injunction within ~~45~~
20 30 days from the ~~board's~~ department's request, pursuant to
21 paragraph (1), the district attorney or county counsel of that county
22 may, at the ~~board's~~ department's request, petition the superior
23 court for issuance of the injunction specified in paragraph (1).

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