

ASSEMBLY BILL

No. 2614

Introduced by Assembly Member Torres

February 24, 2012

An act to amend Section 50000 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2614, as introduced, Torres. Solid waste facilities: waste management plans.

Existing law prohibits a person from establishing a new solid waste facility or transformation facility or expanding an existing solid waste facility or transformation facility that will result in a significant increase in the amount of solid waste handled at the facility without a certification by the enforcement agency until an integrated waste management plan has been approved by the Department of Resources Recycling and Recovery.

This bill would make technical, nonsubstantive changes to these provisions.

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 50000 of the Public Resources Code is
- 2 amended to read:
- 3 50000. (a) Until an integrated waste management plan has
- 4 been approved by the ~~California Integrated Waste Management~~
- 5 ~~Board~~ *Department of Resources Recycling and Recovery* pursuant

1 to Division 30 (commencing with Section 40000), ~~no~~ a person
 2 shall *not* establish a new solid waste facility or transformation
 3 facility or expand an existing solid waste facility or transformation
 4 facility that will result in a significant increase in the amount of
 5 solid waste handled at the facility without a certification by the
 6 enforcement agency that one of the following has occurred:

7 (1) The facility is identified and described in, or found to
 8 conform with, a county solid waste management plan that was in
 9 compliance with statutes and regulations in existence on December
 10 31, 1989, adopted pursuant to former Title 7.3 (commencing with
 11 Section 66700) of the Government Code as that former statute
 12 read on December 31, 1989. The conformance finding with that
 13 plan shall be in accordance with the procedure for a finding of
 14 conformance that was set forth in the plan prior to January 1, 1990.

15 (2) The facility is identified and described in the most recent
 16 county solid waste management plan that has been approved by
 17 the county and by a majority of the cities within the county that
 18 contain a majority of the population of the incorporated area of
 19 the county, except in those counties that have only two cities, in
 20 which case, the plan has been approved by the county and by the
 21 city that contains a majority of the population of the incorporated
 22 area of the county.

23 (3) Pursuant to the procedures in subdivision (b), the facility
 24 has been approved by the county and by a majority of the cities
 25 within the county that contain a majority of the population of the
 26 incorporated area of the county, except in those counties that have
 27 only two cities, in which case, the facility has been approved by
 28 the county and by the city that contains a majority of the population
 29 of the incorporated area of the county.

30 (4) The facility is a material recovery facility and the site
 31 identification and description of the facility have been submitted
 32 to the task force created pursuant to Section 40950 for review and
 33 comment, pursuant to the procedures set forth in subdivision (c).
 34 For purposes of this paragraph, “material recovery facility” means
 35 a transfer station that is designed to, and, as a condition of its
 36 permit, shall, recover for reuse or recycling at least 15 percent of
 37 the total volume of material received by the facility.

38 (5) The facility is identified and described in the countywide
 39 siting element that has been approved pursuant to Section 41721.

1 (b) (1) The review and approval of a solid waste facility or
2 transformation facility that has not been identified or described in
3 a county solid waste management plan shall be initiated by
4 submittal by the person or agency proposing the facility of a site
5 identification and description to the county board of supervisors.

6 (2) The county shall submit the site identification and description
7 to each city within the county within 20 days from the date that
8 the site identification and description is submitted to the county
9 board of supervisors. The county and each city shall approve or
10 disapprove by resolution the site identification and description
11 within 90 days from the date that the site identification and
12 description are initially submitted to the county or city. Each city
13 shall notify the county board of supervisors of its decision within
14 that 90-day period. If the county or a city fails to approve or
15 disapprove the site identification and description within 90 days,
16 the city or county shall be deemed to have approved the site
17 identification and description as submitted.

18 (3) If a city or county disapproves the site identification and
19 description, the city or county shall mail notice of its decision by
20 first-class mail to the person or agency requesting the approval
21 within 10 days of the disapproval by the city or county, stating its
22 reasons for the disapproval.

23 (4) No county or city shall disapprove a proposed site
24 identification and description for a new solid waste facility or
25 transformation facility or an expanded solid waste facility or
26 transformation facility that will result in a significant increase in
27 the amount of solid waste handled at the facility unless it
28 determines, based upon substantial evidence in the record, that
29 there will be one or more significant adverse impacts within its
30 boundaries from the proposed project.

31 (5) Within 45 days from the date of a decision by a city or
32 county to disapprove a site identification and description, or a
33 decision by the board not to concur in the issuance of a permit
34 pursuant to Section 44009, any person may file with the superior
35 court a writ of mandate for review of the decision. The evidence
36 before the court shall consist of the record before the city or county
37 that disapproved the site identification and description or the record
38 before the board in its determination not to concur in issuance of
39 the permit. Section 1094.5 of the Code of Civil Procedure shall
40 govern the proceedings conducted pursuant to this subdivision.

1 (c) To initiate the review and comment by the task force required
2 by paragraph (4) of subdivision (a) and subdivision (d), the person
3 or agency proposing the facility shall submit the site identification
4 and description of the facility to the task force. Within 90 days
5 after the site identification and description are submitted to the
6 task force, the task force shall meet and comment on the facility
7 in writing. Those comments shall include, but are not limited to,
8 the relationship between the proposed new or expanded material
9 recovery facility and the requirements of Section 41780. The task
10 force shall transmit those comments to the applicant, to the county,
11 and to all of the cities in the county.

12 (d) On or before February 1, 1991, each county, by vote of the
13 board of supervisors and the majority of the cities in the county
14 containing a majority of the population of the incorporated area
15 of the county, except in those counties that have only two cities,
16 in which case the vote is subject to approval of the city that
17 contains a majority of the population of the incorporated area of
18 the county, shall adopt two resolutions after holding a public
19 hearing. One resolution shall address solid waste transfer facilities
20 that are designed to, and, as a condition of their permits, shall,
21 recover for reuse or recycling less than 15 percent of the total
22 volume of material received by the facility and that serve more
23 than one jurisdiction. The second resolution shall address solid
24 waste transfer facilities that are designed to, and, as a condition of
25 their permits, shall, recover for reuse or recycling less than 15
26 percent of the total volume of material received by the facility and
27 that serve only one jurisdiction. These resolutions shall specify
28 whether the facilities shall be subject to the review and approval
29 process described in subdivision (b) or the review and comment
30 process described in subdivision (c). If the resolutions required by
31 this subdivision are not adopted on or before February 1, 1991,
32 those facilities shall be subject to the review process described in
33 subdivision (c).

34 For purposes of this subdivision, a facility serves only one
35 jurisdiction if it serves only one city, only the unincorporated area
36 of one county, or only one city and county.

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