

AMENDED IN SENATE MAY 28, 2014

AMENDED IN SENATE SEPTEMBER 9, 2013

AMENDED IN SENATE SEPTEMBER 6, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1383**

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**Introduced by Assembly Member Roger Hernández**

March 4, 2013

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~~An act to amend Sections 25199.3 and 25200 of, and to add Sections 25107, 25122.10, 25178.2, 25186.4, and 25199.3.1 to, the Health and Safety Code, and to amend Section 21151.1 of the Public Resources Code, relating to hazardous waste. An act to add and repeal Section 14035 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1383, as amended, Roger Hernández. ~~Hazardous waste: permitting.~~ *District-based municipal elections.*

*Existing law provides for political subdivisions that encompass areas of representation within the state. With respect to these areas, public officials are generally elected by all of the voters of the political subdivision (at-large) or from districts formed within the political subdivision (district-based). Existing law, the California Voting Rights Act of 2001, prohibits an at-large method of election to be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined.*

*Existing law authorizes the legislative body of a city to submit to voters at any municipal or special election an ordinance providing for*

*the election of members of the legislative body by districts, from districts, by districts with an elective mayor, or from districts with an elective mayor. Under existing law, “by district” means election of members of the legislative body by voters of the district alone and “from district” means election of members of the legislative body who are residents of the district from which they are elected by the voters of the entire city. Existing law prescribes the procedures for the electors to change from the election of these members by district to election from districts or vice versa.*

*This bill would permit the legislative body of a city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district if the voters of the city previously rejected such an ordinance, as specified. This provision would be repealed on December 31, 2016.*

*The bill would, commencing January 1, 2017, require the legislative body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census, to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district. The bill would, commencing January 1, 2017, permit the legislative body of any other city to provide by ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district.*

*The bill would require that the boundary lines of each district be adjusted in accordance with specified provisions of law.*

*By requiring cities to conduct elections for members of their legislative bodies in a specified manner, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~(1) Existing law requires the Department of Toxic Substances Control to post certain information regarding the status of the hazardous waste facilities program on or before January 1 of each odd-numbered year on its Internet Web site.~~

This bill would define the term “significant noncomplier” and would require the department to develop and maintain a searchable database that contains certain information regarding hazardous waste facilities permits, including information regarding significant noncompliers, for certain hazardous waste facilities.

~~(2) Existing law requires the department to issue a hazardous waste facilities permit to a facility that, in the judgment of the department, meets specified requirements. The permit is required to be issued for a fixed term and existing law specifies a procedure for the continuation of that term. Existing law also authorizes the department to issue specified permits and grants of authorization to hazardous waste facilities managing specified types of hazardous waste, including standardized permits for hazardous waste facilities that are not subject to the federal Resource Conservation and Recovery Act of 1976 (RCRA). The department is required to issue a written report regarding the issuance of a hazardous waste facilities permit regarding the violations of specified laws or regulations by the applicant.~~

~~This bill would prohibit the department from issuing, renewing, or modifying a hazardous waste facilities permit for a hazardous waste facility, as defined, if the applicant, project proponent, or any of its affiliated entities is a significant noncomplier, unless the department makes a specified finding.~~

~~(3) Existing law establishes procedures for a land use decision by a local agency concerning a hazardous waste facility project, as defined, including the requirements imposed by the Permit Streamlining Act. An applicant for a hazardous waste facility project is authorized to submit applications for land use decisions and for one or more permits, including a hazardous waste facilities permit, simultaneously. A state agency is prohibited from refusing to issue a permit for a hazardous waste facility on the grounds that the applicant has not been granted a local land use permit.~~

~~This bill would require an applicant for a hazardous waste facilities permit for a hazardous waste facility project or for the modification of a hazardous waste facilities permit for a material expansion of a hazardous waste facility to file the application for a hazardous waste facilities permit with the department concurrently with the applications for any land use decisions that a local agency may require for the hazardous waste facility. The bill would require the department to serve as the lead agency for the issuance of the hazardous waste facilities permit pursuant to the California Environmental Quality Act and would~~

require any other state agency that is required to issue a permit and any other local agency that is required to issue a land use decision to serve as a responsible agency. The bill would impose a state-mandated local program by imposing new duties upon local agencies.

The bill would require the department to take specified actions with regard to holding hearings, providing notice, and making certain environmental documents and other materials related to a hazardous waste facilities permit publicly available on its Internet Web site.

The bill would require the department to prepare and certify an environmental impact report and a health risk assessment for the permit in a specified manner and to either reject the application for the hazardous waste facilities permit or issue a draft hazardous waste facilities permit. The bill would prohibit the department from issuing a final hazardous waste facilities permit until all the local land use decisions for the hazardous waste facility have been issued.

(4) The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Existing law requires the preparation of an EIR, or the modification, addendum, or supplement of an existing environmental impact report, for the initial issuance of a hazardous waste facilities permit to an offsite large treatment facility or for the initial issuance of a hazardous waste facilities permit to a land disposal facility.

This bill would instead require the preparation of an EIR or the modification, addendum, or supplement of an existing EIR for the issuance of a hazardous waste facilities permit, including the initial issuance of a permit to a land disposal facility, or the issuance of a standardized hazardous waste facility permit or the modification of a permit for a facility undergoing a material expansion, as defined.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 14035 is added to the Elections Code, to*  
2 *read:*

3     *14035. (a) (1) Notwithstanding any other law, if the voters*  
4 *of a city reject an ordinance providing for the election of members*  
5 *of the legislative body by district submitted pursuant to Section*  
6 *34871 of the Government Code, the legislative body of the city*  
7 *may provide by ordinance, without submitting the ordinance to*  
8 *the voters of the city for approval, for the election of members of*  
9 *the legislative body by district as provided in subdivision (a) or*  
10 *(c) of Section 34871 of the Government Code.*

11     *(2) The boundaries of the districts of the legislative body shall*  
12 *be established and adjusted in accordance with Chapter 7*  
13 *(commencing with Section 21600) of Division 21.*

14     *(b) This section shall remain in effect only until December 31,*  
15 *2016, and as of that date is repealed.*

16     *SEC. 2. Section 14035 is added to the Elections Code, to read:*

17     *14035. (a) (1) Notwithstanding any other law, the legislative*  
18 *body of a city may provide by ordinance, without submitting the*  
19 *ordinance to the voters of the city for approval, for the election of*  
20 *members of the legislative body by district as provided in*  
21 *subdivision (a) or (c) of Section 34871 of the Government Code.*

22     *(2) The boundaries of the districts of the legislative body shall*  
23 *be established and adjusted in accordance with Chapter 7*  
24 *(commencing with Section 21600) of Division 21.*

25     *(b) (1) Notwithstanding any other law, the legislative body of*  
26 *a city with a population of 100,000 or more, as determined by the*  
27 *most recent federal decennial census, shall adopt an ordinance*  
28 *for the election of members of the legislative body by district as*  
29 *provided in subdivision (a) or (c) of Section 34871 of the*  
30 *Government Code.*

31     *(2) The boundaries of the districts of the legislative body shall*  
32 *be established and adjusted in accordance with Chapter 7*  
33 *(commencing with Section 21600) of Division 21.*

34     *(c) This section shall become operative on January 1, 2017.*

35     *SEC. 3. If the Commission on State Mandates determines that*  
36 *this act contains costs mandated by the state, reimbursement to*  
37 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*  
2 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate September 9, 2013. (JR11)**

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