

ASSEMBLY BILL

No. 1594

Introduced by Assembly Member Williams

February 3, 2014

An act to amend Section 41781.3 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as introduced, Williams. Solid waste: recycling: diversion: green material.

The existing California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. The act requires the source reduction and recycling element to divert from disposal 50% of all solid waste subject to the element through source reduction, recycling, and composting activities, with specified exceptions. Under the act, the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, including the use of alternative daily cover, constitutes diversion through recycling and is not considered disposal.

This bill would authorize the department, if the department makes a specified determination, to adopt regulations to provide that the use of green material as alternative daily cover or alternative intermediate cover does not constitute diversion through recycling and would be considered disposal for purposes of the act.

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

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

1 SECTION 1. Section 41781.3 of the Public Resources Code
 2 is amended to read:
 3 41781.3. (a) ~~The~~ *(1) Except as provided in paragraph (2),*
 4 *the use of solid waste for beneficial reuse in the construction and*
 5 *operation of a solid waste landfill, including use of alternative*
 6 *daily cover, which reduces or eliminates the amount of solid waste*
 7 *being disposed pursuant to Section 40124, shall constitute diversion*
 8 *through recycling and shall not be considered disposal for the*
 9 *purposes of this division.*
 10 *(2) (A) The department may adopt regulations to provide that*
 11 *the use of green material, as defined in regulations by the*
 12 *department, as alternative daily cover or alternative intermediate*
 13 *cover, does not constitute diversion through recycling and shall*
 14 *be considered disposal for purposes of this division if the*
 15 *department determines that the regulations are necessary to meet*
 16 *the policy goals described in Section 41780.01.*
 17 *(B) If the department adopts regulations pursuant to*
 18 *subparagraph (A), the department shall consult with the compost*
 19 *industry, local governments, environmental organizations, landfill*
 20 *operators, and other stakeholders.*
 21 (b) ~~Prior to~~ *Before* December 31, 1997, pursuant to the ~~board's~~
 22 *department's* authority to adopt rules and regulations pursuant to
 23 Section 40502, the ~~board~~ *department* shall, by regulation, establish
 24 conditions for the use of alternative daily cover that are consistent
 25 with this division. In adopting the regulations, the ~~board~~ *department*
 26 shall consider, but is not limited to, all of the following criteria:
 27 (1) Those conditions established in past policies adopted by the
 28 ~~board~~ *department* affecting the use of alternative daily cover.
 29 (2) Those conditions necessary to provide for the continued
 30 economic development, economic viability, and employment
 31 opportunities provided by the composting industry in the state.
 32 (3) Those performance standards and limitations on maximum
 33 functional thickness necessary to ensure protection of public health
 34 and safety consistent with state minimum standards.
 35 (c) Until the adoption of additional regulations, the use of
 36 alternative daily cover shall be governed by the conditions
 37 established by the ~~board~~ *department* in its existing regulations set
 38 forth in paragraph (3) of subdivision (b) of, and paragraph (3) of

1 subdivision (c) of, Section 18813 of Title 14 of the California Code
2 of Regulations, as those sections read on ~~the effective date of this~~
3 ~~section~~ *January 1, 1997*, and by the conditions established in the
4 ~~board's~~ *department's* policy adopted on January 25, 1995.

5 (d) In adopting rules and regulations pursuant to ~~this section,~~
6 ~~Section 40124,~~ and this division, including, but not limited to, Part
7 2 (commencing with Section 40900), the ~~board~~ *department* shall
8 provide guidance to local enforcement agencies on any conditions
9 and restrictions on the utilization of alternative daily cover so as
10 to ensure proper enforcement of those rules and regulations.