

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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, commencing January 1, 2020, would provide that the use of green material, not including materials left over from the composting process, as alternative daily cover does not constitute diversion through

recycling and would be considered disposal for purposes of the act. The bill would authorize a jurisdiction that, as a result of these provisions, would not be able to meet certain diversion requirements to apply before that date to the department for one deferral of up to two-years of the application of these provisions. The bill would require the application form, to be developed by the department, to require the applicant to include specified information. The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the diversion of solid waste.

Existing law requires the operator of a disposal facility to pay a quarterly fee based on the amount of solid waste disposed of at each disposal site.

This bill would provide that commencing January 1, 2020, green material used as alternative daily cover at a solid waste landfill is not subject to this fee.

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 41781.3 of the Public Resources Code
- 2 is amended to read:
- 3 41781.3. (a) (1) Except as provided in paragraphs (2) and (3),
- 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 purposes
- 9 of this division.
- 10 (2) (A) Commencing January 1, 2020, the use of green material,
- 11 not including materials left over from the composting process, as
- 12 alternative daily cover does not constitute diversion through
- 13 recycling and shall be considered disposal for purposes of this
- 14 division.

1 (B) Commencing January 1, 2020, green material used as
2 alternative daily cover at a solid waste landfill is not subject to
3 the fee imposed on disposed solid waste pursuant to Section 48000.

4 (3) (A) If a local jurisdiction will no longer be in compliance
5 with Section 41780 after January 1, 2020, as a result of using green
6 material as alternative daily cover, that jurisdiction, pursuant to
7 subparagraph (B), may apply before that date to the department
8 for one deferral of up to two-years of the application of
9 *subparagraph (A) of paragraph (2)*.

10 (B) An application form for a deferral pursuant to this paragraph
11 shall be developed by the department and shall require the applicant
12 to do both of the following:

13 (i) Identify all of the following:

14 (I) Existing organic waste recycling facilities within a reasonable
15 vicinity of the local jurisdiction and the capacities available for
16 materials to be accepted at each facility.

17 (II) Facilities for potential expansion or ~~relocation~~ *collocation*.

18 (III) Closed or abandoned sites within the jurisdiction that might
19 be available for use as new recycling facilities.

20 (IV) Other nondisposal opportunities and markets.

21 (V) Appropriate zoning and permit requirements for the location
22 of new organic waste recycling facilities.

23 (VI) Incentives available for developing new organic waste
24 recycling facilities.

25 (ii) Identify barriers to siting new or expanded organic waste
26 recycling facilities and a plan to remedy those barriers that are
27 within the control of the local jurisdiction.

28 (C) Upon receipt of an application pursuant to this paragraph,
29 the department may, in its sole discretion, grant a local jurisdiction
30 one deferral of up to two-years of the application of *subparagraph*
31 *(A) of paragraph (2)*.

32 (b) Before December 31, 1997, pursuant to the department's
33 authority to adopt rules and regulations pursuant to Section 40502,
34 the department shall, by regulation, establish conditions for the
35 use of alternative daily cover that are consistent with this division.
36 In adopting the regulations, the department shall consider, but is
37 not limited to, all of the following criteria:

38 (1) Those conditions established in past policies adopted by the
39 department affecting the use of alternative daily cover.

1 (2) Those conditions necessary to provide for the continued
2 economic development, economic viability, and employment
3 opportunities provided by the composting industry in the state.

4 (3) Those performance standards and limitations on maximum
5 functional thickness necessary to ensure protection of public health
6 and safety consistent with state minimum standards.

7 (c) Until the adoption of additional regulations, the use of
8 alternative daily cover shall be governed by the conditions
9 established by the department in its existing regulations set forth
10 in paragraph (3) of subdivision (b) of, and paragraph (3) of
11 subdivision (c) of, Section 18813 of Title 14 of the California Code
12 of Regulations, as those sections read on January 1, 1997, and by
13 the conditions established in the department’s policy adopted on
14 January 25, 1995.

15 (d) In adopting rules and regulations pursuant to this division,
16 including, but not limited to, Part 2 (commencing with Section
17 40900), the department shall provide guidance to local enforcement
18 agencies on any conditions and restrictions on the utilization of
19 alternative daily cover so as to ensure proper enforcement of those
20 rules and regulations.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.