

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 385**

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**Introduced by Assembly Member Chu**

February 18, 2015

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An act to ~~amend~~ *add* Section ~~53000~~ of the Government Code ~~43209.3~~ to the Public Resources Code, relating to ~~local agencies~~: *solid waste*.

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Chu. ~~Local agencies~~. *Solid waste facilities: local enforcement agencies.*

*The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, prohibits a person from operating a solid waste facility without a solid waste facilities permit, as provided. The act requires the department to prepare and adopt certification regulations for local enforcement agencies. The act requires the local enforcement agency, if it receives a complaint from an air pollution control district or an air quality management district pertaining to an odor emanating from a compost facility under its jurisdiction to take appropriate enforcement actions, as provided.*

*This bill would, if a solid waste facility in a jurisdiction is within a quarter mile of a municipality or municipalities that are not part of the jurisdiction, require the local enforcement agency that has jurisdiction over the facility to hold a public meeting every 6 months to receive information regarding odor and other nuisance impacts of the facility from representatives of that municipality or municipalities, as specified. By imposing new duties on a local enforcement agency, this bill would create 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.*

~~Existing law defines the term “legislative body” for purposes of laws relating to cities, counties, and other local agencies.~~

~~This bill would make a technical, nonsubstantive change to that definition.~~

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

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

1 SECTION 1. Section 43209.3 is added to the Public Resources  
2 Code, to read:

3 43209.3. If a solid waste facility in a jurisdiction is within a  
4 quarter mile of a municipality or municipalities that are not part  
5 of the jurisdiction, the local enforcement agency that has  
6 jurisdiction over the facility shall hold a public meeting, at least  
7 every six months, to receive information regarding odor and other  
8 nuisance impacts of the facility from representatives of that  
9 municipality or those municipalities, unless waived in writing by  
10 the municipality or those municipalities.

11 SEC. 2. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.

16 SECTION 1. ~~Section 53000 of the Government Code is~~  
17 ~~amended to read:~~

18 53000. ~~As used in this chapter, “legislative body” means the~~  
19 ~~board of supervisors in the case of a county or a city and county,~~  
20 ~~the city council or the board of trustees in the case of a city, and~~  
21 ~~the board of directors or other governing body in the case of a~~  
22 ~~district or other public agency, unless the context otherwise~~  
23 ~~requires.~~

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