

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 385

Introduced by Assembly Member Chu

February 18, 2015

An act to add Section 43209.3 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Chu. 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 report violations, investigations, and remedial actions that have occurred since the previous meeting and* to receive information regarding odor

and other nuisance impacts of the facility from representatives of that municipality or *those* 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.

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 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 report violations, investigations, and remedial*
- 8 *actions that have occurred since the previous meeting and to*
- 9 receive information regarding odor and other nuisance impacts of
- 10 the facility from representatives of that municipality or those
- 11 municipalities, unless waived in writing by the municipality or
- 12 ~~those~~ municipalities.
- 13 SEC. 2. If the Commission on State Mandates determines that
- 14 this act contains costs mandated by the state, reimbursement to
- 15 local agencies and school districts for those costs shall be made
- 16 pursuant to Part 7 (commencing with Section 17500) of Division
- 17 4 of Title 2 of the Government Code.