

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 864

Introduced by Assembly Member Williams

February 26, 2015

An act to add and repeal Section 44002.1 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 864, as amended, Williams. Solid waste facilities: temporary permits.

(1) 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 if that facility is required to have a permit pursuant to the act. The enforcement agency is required to immediately issue a cease and desist order ordering a solid waste facility that is operating without a permit to immediately cease operations and to direct the owner or operator of the facility to obtain a permit.

This bill would require, until January 1, 2025, the department to adopt regulations to authorize an enforcement agency, upon the department's approval, to issue a temporary solid waste facilities permit to a person carrying out solid waste operations at a facility that is required under the act to have a solid waste facilities permit, but for which a permit has not been obtained. The bill would require the regulations to direct any person desiring to obtain a temporary solid waste facilities permit to submit an application to the enforcement agency no later than 60

days from the date it is determined by the enforcement agency that a permit is required. The bill would require the owner or operator of a facility covered under a temporary permit to agree to inspections, at least monthly, by the enforcement agency.

The bill would require a local enforcement agency to notify the operators of all facilities within its jurisdiction of the availability of temporary solid waste facilities permits, thereby imposing a state-mandated local program by imposing new duties upon local enforcement agencies. The bill would also require the department to review and act on a proposed temporary solid waste facilities permit submitted by an enforcement agency within 30 days of that submission.

~~(2) 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.~~

~~(2) 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 44002.1 is added to the Public Resources
- 2 Code, to read:
- 3 44002.1. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The swift advance of new trends in solid waste handling and
- 6 collection practices, such as single-stream collection of recyclable
- 7 materials, including, but not limited to, carpet, mattresses, and
- 8 other materials, has resulted in the regulations adopted by the
- 9 department that govern solid waste facilities not keeping pace with
- 10 those trends, leading to the failure to comply with existing law by

1 a substantial number of persons carrying out solid waste handling
2 activities.

3 (2) As cities and counties make greater efforts to increase the
4 diversion of solid waste from landfills, the department anticipates
5 that many new recycling and solid waste handling activities will
6 commence in California in the next decades.

7 (3) To address these trends, it is necessary to provide a
8 temporary permitting scheme to enable the operators of existing
9 solid waste facilities to obtain temporary permits more quickly
10 than is possible under existing law, in order to protect the public
11 health and safety, and the environment.

12 (b) The department shall adopt regulations pursuant to
13 subdivision (d) to authorize an enforcement agency, upon the
14 department's approval, to issue a temporary solid waste facilities
15 permit to a person operating a solid waste facility that is required
16 under this division and the regulations adopted by the department
17 pursuant to this division to obtain a solid waste facilities permit,
18 but for which a permit has not been obtained. The regulations
19 adopted by the department shall specify all of the following:

20 (1) A requirement that a person desiring to obtain a temporary
21 solid waste facilities permit submit a complete and correct
22 application for the permit to the enforcement agency having
23 jurisdiction no later than 60 days from the date the enforcement
24 agency determines a solid waste facility permit is required.

25 (2) The period of time during which a temporary solid waste
26 facility permit shall remain effective.

27 (3) The types and operational status of solid waste facilities that
28 are eligible to obtain a temporary solid waste facilities permit.

29 (4) A requirement that the owner or operator of a facility covered
30 under a temporary solid waste facilities permit agree to allow the
31 facility to be inspected, at least monthly, by the enforcement
32 agency.

33 (c) (1) An enforcement agency shall notify the operators of all
34 solid waste facilities within its jurisdiction of the availability of
35 temporary solid waste facilities permits under the regulations
36 adopted pursuant to this section.

37 (2) The department shall review and act on a proposed temporary
38 solid waste facilities permit submitted to it by an enforcement
39 agency for approval within 30 days of that submission. Upon the
40 request of an enforcement agency, the department shall provide

1 assistance to the enforcement agency to expeditiously process
2 applications for temporary solid waste facilities permits.

3 (d) The regulations adopted by the department pursuant to this
4 section may be adopted as emergency regulations and shall be
5 considered by the Office of Administrative Law as necessary for
6 the immediate preservation of the public peace, health and safety,
7 or general welfare. The department shall file the emergency
8 regulations with the Office of Administrative Law at the earliest
9 feasible date.

10 (e) This section shall remain in effect only until January 1, 2025,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2025, deletes or extends that date.

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.~~

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