

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 876**

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**Introduced by Assembly Member McCarty**

February 26, 2015

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An act to ~~amend~~ *add* Section ~~41701~~ of *41821.4* to the Public Resources Code, relating to solid waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 876, as amended, McCarty. Compostable organics.

The 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. ~~Existing law requires each county to prepare a countywide siting element that provides, among other things, for an estimate of the total transformation or disposal capacity that will be needed for a 15-year period to safely handle solid wastes generated with the county that cannot be reduced, recycled, or composted, and to identify areas for the location of new or expanded solid waste transformation or disposal facilities, if needed or desired. On and after January 1, 2000, the element is required to provide for the diversion of 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. Existing law requires each city, county, and regional agency to submit an annual~~

*report to the department summarizing its progress in reducing solid waste.*

*This bill would ~~require each countywide siting element to provide require, commencing August 1, 2017, a county or regional agency to include in its annual report to the department an estimate of the total organics processing capacity that will be needed amount of organic waste in cubic yards that will be generated in the county or region over a 15-year period to safely handle organic wastes generated with the county period, an estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process that amount of waste, and to identify areas for the location of organics processing facilities, if needed or desired, identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting that additional need,~~ thereby imposing a state-mandated local program. The bill would also make legislative findings and declarations.*

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) With the enactment of the California Integrated Waste
- 4 Management Act of 1989 (Division 30 (commencing with Section
- 5 40000) of the Public Resources Code), the Legislature required
- 6 the Department of Resources Recycling and Recovery and local
- 7 agencies to promote recycling, anaerobic digestion, and composting
- 8 over land disposal and transformation.
- 9 (b) Since the enactment of the act, local governments and private
- 10 industries have worked jointly to create an extensive material
- 11 collection infrastructure and have implemented effective programs
- 12 to achieve a statewide diversion rate of greater than 50 percent.

1 (c) Although California now leads the nation in waste reduction  
2 and recycling, the state continues to dispose of more than 15  
3 million tons of compostable organics each year in solid waste  
4 landfills.

5 (d) To reduce the landfilling of organics, increase composting  
6 and anaerobic digestion, and meet the state's organic diversion  
7 goals, cities and counties must plan for organics processing  
8 facilities that can process organics diverted from landfills and  
9 organics waste generators.

10 ~~SEC. 2. Section 41701 of the Public Resources Code is~~  
11 ~~amended to read:~~

12 ~~41701. Each countywide siting element and revision thereto~~  
13 ~~shall include, but is not limited to, all of the following:~~

14 ~~(a) A statement of goals and policies for the environmentally~~  
15 ~~safe transformation or disposal of solid waste that cannot be~~  
16 ~~reduced, recycled, or composted.~~

17 ~~(b) An estimate of the total transformation or disposal capacity~~  
18 ~~in cubic yards that will be needed for a 15-year period to safely~~  
19 ~~handle solid wastes generated with the county that cannot be~~  
20 ~~reduced, recycled, or composted.~~

21 ~~(c) An estimate of the total organics processing capacity in cubic~~  
22 ~~yards that will be needed for a 15-year period to safely handle~~  
23 ~~organic wastes generated with the county.~~

24 ~~(d) The remaining combined capacity of existing solid waste~~  
25 ~~transformation or disposal facilities existing at the time of the~~  
26 ~~preparation of the siting element, or revision thereto, in cubic yards~~  
27 ~~and years.~~

28 ~~(e) The identification of an area or areas for the location of new~~  
29 ~~solid waste transformation or disposal facilities, or new organics~~  
30 ~~processing facilities, or the expansion of existing solid waste or~~  
31 ~~organics facilities, that are consistent with the applicable city or~~  
32 ~~county general plan, if the county determines that existing capacity~~  
33 ~~will be exhausted within 15 years or additional capacity is desired.~~

34 ~~(f) For countywide elements submitted or revised on or after~~  
35 ~~January 1, 2003, a description of the actions taken by the city or~~  
36 ~~county to solicit public participation by the affected communities,~~  
37 ~~including, but not limited to, minority and low-income populations.~~

38 *SEC. 2. Section 41821.4 is added to the Public Resources Code,*  
39 *to read:*

1     41821.4. (a) Commencing August 1, 2017, a county or regional  
2     agency shall include, in the annual report required pursuant to  
3     Section 41821, the following information:

4     (1) An estimate of the amount of organic waste in cubic yards  
5     that will be generated in the county or region over a 15-year  
6     period.

7     (2) An estimate of the additional organic waste recycling facility  
8     capacity in cubic yards that will be needed to process the amount  
9     of organic waste identified pursuant to paragraph (1).

10    (3) Areas identified by the county or regional agency as  
11    locations for new or expanded organic waste recycling facilities  
12    capable of safely meeting the additional organic waste recycling  
13    facility capacity need identified pursuant to paragraph (2).

14    (b) To provide the information pursuant to subdivision (a), the  
15    county or regional agency may use existing data regarding its  
16    diversion programs and is not required to perform additional  
17    waste characterization studies.

18    (c) For purposes of this section, “organic waste recycling  
19    facility” has the same meaning as defined in paragraph (2) of  
20    subdivision (d) of Section 42649.82.

21    SEC. 3. If the Commission on State Mandates determines that  
22    this act contains costs mandated by the state, reimbursement to  
23    local agencies and school districts for those costs shall be made  
24    pursuant to Part 7 (commencing with Section 17500) of Division  
25    4 of Title 2 of the Government Code.