

ASSEMBLY BILL

No. 2396

Introduced by Assembly Member McCarty

February 18, 2016

An act to amend Section 42926 of the Public Resources Code, and to repeal Section 3 of Chapter 593 of the Statutes of 2015, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, as introduced, McCarty. Solid waste: annual reports.

(1) 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 state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on or before May 1 of each year.

This bill would require each state agency to include in that annual report a summary of the state agency's compliance with specified requirements relating to recycling commercial solid waste and organic waste.

(2) Existing law requires, commencing August 1, 2017, a county or regional agency to include in its annual report to the Department of Resources Recycling and Recovery summarizing its progress in reducing solid waste an estimate of the amount of organic waste in cubic yards that will be generated in the county or region over a 15-year 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 areas identified by the county or regional agency as locations for new

or expanded organic waste recycling facilities capable of safely meeting that additional need.

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.

Existing law provides that, if the Commission on State Mandates determines that the above-mentioned state-mandated requirements impose costs on local agencies, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would instead provide that no reimbursement is required by the above-mentioned requirements for a specified reason.

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

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

- 1 SECTION 1. Section 42926 of the Public Resources Code is
- 2 amended to read:
- 3 42926. (a) In addition to the information provided to the
- 4 department pursuant to Section 12167.1 of the Public Contract
- 5 Code, each state agency shall submit an annual report to the
- 6 department summarizing its progress in reducing solid waste as
- 7 required by Section 42921. The annual report shall be due on or
- 8 before May 1, 2012, and on or before May 1 in each subsequent
- 9 year. The information in this report shall encompass the previous
- 10 calendar year.
- 11 (b) Each state agency’s annual report to the department shall,
- 12 at a minimum, include all of the following:
- 13 (1) Calculations of annual disposal reduction.
- 14 (2) Information on the changes in waste generated or disposed
- 15 of due to increases or decreases in employees, economics, or other
- 16 factors.
- 17 (3) A summary of progress made in implementing the integrated
- 18 waste management plan.
- 19 (4) The extent to which the state agency intends to utilize
- 20 programs or facilities established by the local agency for the
- 21 handling, diversion, and disposal of solid waste. If the state agency
- 22 does not intend to utilize those established programs or facilities,
- 23 the state agency shall identify sufficient disposal capacity for solid
- 24 waste that is not source reduced, recycled, or composted.

1 (5) *A summary of the state agency’s compliance with Chapter*
2 *12.8 (commencing with Section 42649) and Chapter 12.9*
3 *(commencing with Section 42649.8), if applicable.*

4 ~~(5)~~

5 (6) Other information relevant to compliance with Section
6 42921.

7 (c) The department shall use, but is not limited to the use of,
8 the annual report in the determination of whether the agency’s
9 integrated waste management plan needs to be revised.

10 (d) For purposes of this section, the meaning of “state agency”
11 does not include a district agricultural association, as defined in
12 Section 3951 of the Food and Agricultural Code.

13 SEC. 2. Section 3 of Chapter 593 of the Statutes of 2015 is
14 repealed.

15 ~~SEC. 3. If the Commission on State Mandates determines that~~
16 ~~this act contains costs mandated by the state, reimbursement to~~
17 ~~local agencies and school districts for those costs shall be made~~
18 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
19 ~~4 of Title 2 of the Government Code.~~

20 SEC. 3. No reimbursement is required by Chapter 593 of the
21 Statutes of 2015 pursuant to Section 6 of Article XIII B of the
22 California Constitution because a local agency or school district
23 has the authority to levy service charges, fees, or assessments
24 sufficient to pay for the program or level of service mandated by
25 that act, within the meaning of Section 17556 of the Government
26 Code.