

ASSEMBLY BILL

No. 1932

**Introduced by Assembly Member Sweeney
(Principal coauthor: Assembly Member Lee)**

February 24, 1995

An act to amend Section 41782 of, and to add Section 40181.5 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as introduced, Sweeney. Solid waste: diversion requirements: regional diversion facilities: reporting.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, regulates the management of solid waste.

The act requires each county to submit periodic reports to the cities within the county, to any regional agency of which it is a member agency, and to the board, on the amounts of solid waste disposed by jurisdiction or region of origin, as specified, and on the categories and amounts of solid waste diverted to recycling and composting facilities within the county or region, as specified. The act authorizes the board to make adjustments in the amounts reported pursuant to those provisions, if the jurisdiction demonstrates, and the board concurs, based on substantial evidence in the record, that achievement of the diversion requirements is not possible due to medical waste, when treated, becoming solid waste.

This bill would add as an alternative circumstance for making that adjustment that a regional diversion facility

located within the jurisdiction accepts waste generated outside the jurisdiction and the conversion or processing of that waste results in the production of residual solid waste that cannot feasibly be diverted. The bill would define a “regional diversion facility,” for purposes of those provisions, to mean a facility whose principal function is to receive, store, convert, or otherwise process wastes that have been generated both inside and outside of the jurisdiction where the facility is located and that have been separated for reuse and are not intended for disposal, and would specify that a regional diversion facility is not a solid waste facility.

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 40181.5 is added to the Public
 2 Resources Code, to read:
 3 40181.5. “Regional diversion facility” means a facility
 4 whose principal function is to receive, store, convert, or
 5 otherwise process wastes that have been generated both
 6 inside and outside of the jurisdiction where the facility is
 7 located and that have been separated for reuse and are
 8 not intended for disposal. A regional diversion facility is
 9 not a solid waste facility.
 10 SEC. 2. Section 41782 of the Public Resources Code is
 11 amended to read:
 12 41782. (a) The board may make adjustments to the
 13 amounts reported pursuant to subdivisions (a) and (c) of
 14 Section 41821.5, if the city, county, or regional agency
 15 demonstrates, and the board concurs, based on
 16 substantial evidence in the record, that achievement of
 17 the diversion requirements of Section 41780 is not feasible
 18 due to ~~the fact that~~ *a either of the following*
 19 *circumstances:*
 20 (1) A medical waste treatment facility, as defined in
 21 subdivision (a) of Section 25025 of the Health and Safety
 22 Code, *accepts* untreated medical waste, which was
 23 generated outside of the jurisdiction, for purposes of



1 treatment, and the medical waste, when treated,
2 becomes solid waste.

3 (2) *A regional diversion facility within the jurisdiction*
4 *accepts waste generated outside the jurisdiction and the*
5 *conversion or processing of that waste results in the*
6 *production of residual solid waste that cannot feasibly be*
7 *diverted.*

8 (b) If the board makes an adjustment pursuant to
9 subdivision (a), the annual report required pursuant to
10 Section 41821 by the jurisdiction, within which a medical
11 waste treatment facility *or regional diversion facility*
12 described in subdivision (a) is located, shall include all of
13 the following information:

14 (1) The total amount of residual solid waste produced
15 at the facility.

16 (2) The waste types and amounts in the residual solid
17 waste that cannot feasibly be diverted.

18 (3) The factors that continue to prevent the waste
19 types from being feasibly diverted.

20 (4) Any changes since the petition for adjustment was
21 granted or since the last annual report.

22 (5) The additional efforts undertaken by the
23 jurisdiction to divert the waste produced at the facility.

24 (c) Based upon the information submitted pursuant to
25 subdivision (b), if the board finds, as part of the biennial
26 review pursuant to Section 41825, that the residual solid
27 waste that previously could not be diverted can now be
28 diverted, the board shall rescind the adjustment
29 commensurate with the amount of diversion of the
30 residual tonnages.

