

AMENDED IN SENATE JULY 6, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

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 amended, 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 that meets specified criteria.

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 ~~which meets all of the following criteria:~~

5 ~~(a) The facility processes at least 70 percent of the solid~~
6 ~~waste it receives on a quarterly basis into recycled~~
7 ~~materials.~~

8 ~~(b) The facility accepts solid waste for recycling from~~
9 ~~both within and without the jurisdiction of the city or~~
10 ~~county within which it is located.~~

11 ~~(c) All solid waste accepted by the facility has been~~
12 ~~source-separated for the purpose of being processed prior~~
13 ~~to its arrival at the facility.~~

14 ~~(d) The residual solid waste generated by the facility~~
15 ~~is a byproduct of the recycling that takes place at the~~
16 ~~facility.~~

17 ~~(e) The facility provides a measurable benefit to~~
18 ~~regional efforts to divert solid waste from disposal.~~

19 ~~(f) The facility is not a solid waste facility as defined in~~
20 ~~Section 40194.~~

21 ~~SEC. 2.~~

22 ~~SECTION 1. Section 41782 of the Public Resources~~
23 ~~Code is amended to read:~~

24 ~~41782. (a) The board may make adjustments to the~~
25 ~~amounts reported pursuant to subdivisions (a) and (c) of~~



1 Section 41821.5, if the city, county, or regional agency
2 demonstrates, and the board concurs, based on
3 substantial evidence in the record, that achievement of
4 the diversion requirements of Section 41780 is not feasible
5 due to either of the following circumstances:

6 (1) A medical waste treatment facility, as defined in
7 subdivision (a) of Section 25025 of the Health and Safety
8 Code, accepts untreated medical waste, which was
9 generated outside of the jurisdiction, for purposes of
10 treatment, and the medical waste, when treated,
11 becomes solid waste.

12 ~~(2) A regional diversion facility within the jurisdiction~~
13 ~~accepts waste generated outside the jurisdiction and the~~
14 ~~conversion or processing of that waste results in the~~
15 ~~production of residual solid waste that cannot feasibly be~~
16 ~~diverted.~~

17 (2) (A) *A regional diversion facility within the*
18 *jurisdiction accepts material generated outside the*
19 *jurisdiction and the conversion or processing of that*
20 *material results in the production of residual solid waste*
21 *that cannot feasibly be diverted. Any adjustment*
22 *provided pursuant to this paragraph shall apply only to*
23 *that portion of the residual solid waste produced as a*
24 *consequence of processing material that is not subject to*
25 *the reporting requirements of subdivisions (a) and (c) of*
26 *Section 41821.5 and that cannot feasibly be allocated to*
27 *the originating jurisdiction.*

28 (B) *For purposes of granting the reduction specified*
29 *in subparagraph (A) and for the purpose of calculating*
30 *compliance with the diversion requirements of Section*
31 *41780, “regional diversion facility” means a facility which*
32 *meets all of the following criteria:*

33 (1) *The facility accepts material for recycling from*
34 *both within and without the jurisdiction of the city or*
35 *county within which it is located.*

36 (2) *All material accepted by the facility has been*
37 *source-separated for the purpose of being processed prior*
38 *to its arrival at the facility.*



1 (3) *The residual solid waste generated by the facility*
2 *is a byproduct of the recycling that takes place at the*
3 *facility.*

4 (4) *The facility is not a solid waste facility or solid waste*
5 *handling operation pursuant to Section 43020.*

6 (5) *The facility contributes to regional efforts to divert*
7 *solid waste from disposal.*

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.

31 (d) *It is not the intent of the Legislature to exempt any*
32 *solid waste facility or handling operation from periodic*
33 *tracking and the reporting of disposal tonnages in*
34 *accordance with the regulations adopted by the board*
35 *pursuant to subdivisions (a) and (c) of Section 41821.5, or*
36 *from the permitting requirements pursuant to Section*
37 *43020.*

