

AMENDED IN ASSEMBLY APRIL 8, 1997
AMENDED IN ASSEMBLY MARCH 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 117

Introduced by Assembly Member Escutia

January 13, 1997

An act to add Section 44002.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Escutia. Solid waste: demolition and construction.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, establishes an integrated waste management program.

Under the act, no person may operate a solid waste facility without a solid waste facilities permit, except as prescribed.

This bill would prohibit the operation of a solid waste facility ~~that engages in the recycling of demolition and construction waste, including the recycling of cement, by any person, except as authorized pursuant to a solid waste facilities permit issued by the enforcement agency or operation that handles demolition and construction debris, except as authorized by the act and tiered regulations that the board would be required to adopt.~~ The ~~bill would require the board,~~ would be required to adopt those regulations by ~~March~~ October 1, 1998,

~~to adopt regulations to establish conditions for the permitting of a solid waste facility that engages in the recycling of demolition and construction waste~~ *the operation of solid waste facilities and operations that handle demolition and construction debris, but excluding surface mining operations. The bill would prescribe related duties of the board.*

The bill would make legislative findings and declarations in that regard.

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. The Legislature hereby finds and
2 declares all of the following:

3 (a) Nontraditional solid waste facilities are those solid
4 waste facilities, other than disposal facilities, transfer
5 stations, and composting facilities, that handle or process
6 solid waste.

7 (b) Solid waste includes demolition and construction
8 waste.

9 ~~(c) The operation of nontraditional solid waste~~
10 ~~facilities that engage in the recycling of demolition and~~
11 ~~construction waste, and the permitting of those facilities,~~
12 ~~is a matter of statewide concern.~~

13 ~~(d) After the Northridge earthquake in January 1994,~~
14 ~~quake-damaged segments of the Santa Monica Freeway,~~
15 ~~including concrete mixed with reinforcing steel and~~
16 ~~wood debris, were hauled to a recycling facility located~~
17 ~~next to a residential neighborhood in the City of~~
18 ~~Huntington Park.~~

19 ~~(e) However, that so-called concrete recycling facility~~
20 ~~has operated since 1993 without a solid waste facilities~~
21 ~~permit. In December 1996, the City of Huntington Park~~
22 ~~declared the facility to be a public nuisance.~~ *debris.*

23 *(c) Solid waste facilities and operations that handle*
24 *construction and demolition debris, including*
25 *nontraditional solid waste facilities, can become a public*
26 *nuisance if not regulated.*



1 SEC. 2. (a) The Legislature further finds and
2 declares that it is necessary to amend provisions of the
3 California Integrated Waste Management Act of 1989
4 (Division 30 (commencing with Section 40000) of the
5 Public Resources Code) to clarify the intent of existing
6 ~~law that solid waste facilities that engage in the recycling~~
7 ~~of demolition and construction waste require a solid~~
8 ~~waste facilities permit before they may begin operations.~~
9 *law that solid waste facilities and operations that handle*
10 *demolition and construction debris, with the exception of*
11 *surface mining operations, operate in compliance with*
12 *the regulations of the California Integrated Waste*
13 *Management Board, to the extent required by those*
14 *regulations.*

15 (b) It is also the intent of the Legislature that the
16 California Integrated Waste Management Board, and all
17 other state agencies, continue their efforts to promote the
18 recycling of demolition and construction waste and the
19 expansion of markets for those recycled materials.

20 ~~(c) It is further the intent of the Legislature that the~~
21 ~~operation of a nontraditional solid waste facility shall~~
22 ~~cause no harm to human health or to the environment~~
23 ~~and that all solid waste facilities that engage in the~~
24 ~~recycling of demolition and construction waste receive a~~
25 ~~solid waste facilities permit before they begin operation.~~

26 (c) *It is further the intent of the Legislature that a*
27 *nontraditional solid waste facility or operation that*
28 *handles demolition and construction debris shall be*
29 *operated in an environmentally sound manner, such that*
30 *any threat to public health or the environment is*
31 *mitigated, and that all solid waste facilities and operations*
32 *that handle demolition and construction debris, with the*
33 *exception of surface mining operations, operate in*
34 *compliance with the regulations of the California*
35 *Integrated Waste Management Board, as well as in*
36 *compliance with all applicable local, regional, and state*
37 *permitting requirements.*

38 SEC. 3. Section 44002.5 is added to the Public
39 Resources Code, to read:



1 44002.5. (a) No person shall operate a solid waste
2 facility that engages in the recycling of demolition and
3 construction waste, including, but not limited to, the
4 recycling of cement by any person, except as authorized
5 pursuant to a solid waste facilities permit issued by the
6 enforcement agency. *facility or operation that handles
7 demolition and construction debris, except as authorized
8 pursuant to this division or the regulations adopted by the
9 board.*

10 (b) On or before ~~March~~ *October* 1, 1998, the board
11 shall, in accordance with Section 40502, ~~initially by~~
12 ~~emergency regulation by tiered regulations,~~ establish
13 conditions for the ~~permitting of any solid waste facility~~
14 ~~that engages in the recycling of demolition and~~
15 ~~construction waste, including, but not limited to, the~~
16 ~~recycling of cement.~~ *operation of solid waste facilities and
17 operations that handle demolition and construction
18 debris.*

19 (c) In adopting regulations pursuant to this section,
20 the board shall ~~provide~~ *do both of the following:*

21 (1) *Provide* guidance to local enforcement agencies
22 on any conditions and restrictions on the recycling of
23 demolition and construction waste, so as to ensure the
24 proper enforcement of those regulations.

25 (2) *Assist in the formation of a working group of local*
26 *enforcement agencies through the California State*
27 *Association of Counties and the League of California*
28 *Cities, in conjunction with local construction and*
29 *demolition industry and engineering contractor*
30 *representatives, to provide either a model ordinance or*
31 *best management practices for nontraditional solid waste*
32 *facilities or operations that handle demolition and*
33 *construction debris.*

34 (d) *Any solid waste facility or operation that handles*
35 *demolition and construction debris operating under a*
36 *various location permit shall at all times operate within*
37 *board regulations to protect the environment and the*
38 *residents of any area affected by the operation from any*
39 *increased air pollution.*



1 *(e) This section does not apply to surface mining*
2 *operations, as defined in Section 2735, that are regulated*
3 *under Chapter 9 (commencing with Section 2710) of*
4 *Division 2.*

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