

AMENDED IN ASSEMBLY SEPTEMBER 2, 1997

AMENDED IN ASSEMBLY JULY 22, 1997

AMENDED IN ASSEMBLY JULY 7, 1997

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

**SENATE BILL**

**No. 675**

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**Introduced by Senator Costa**

February 25, 1997

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An act to amend, repeal, and add Section 41705 of the Health and Safety Code, and to amend and repeal Section 43209.1 of the Public Resources Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 675, as amended, Costa. Air pollution: odors.

Existing law prohibits the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public. Existing law, until October 16, 1997, exempts from that prohibition odors emanating directly from a facility or operations that produce, manufacture, or handle compost, as defined, and requires an air pollution control district or air quality management district that receives a complaint regarding such an odor to refer the complaint as

soon as feasible to an enforcement agency for action pursuant to the California Integrated Waste Management Act of 1989.

This bill would extend that exemption until 4 years after the effective date of the bill, *and* require the districts to report those complaints to an enforcement agency within 24 hours or by the next working day; ~~and. The bill would~~ require the California Integrated Waste Management Board, on or before April 1, 1998, to convene a working group, as prescribed, to assist in the implementation of the exemption. ~~The bill would~~ require the board and the working group to take specified actions by April 1, 1999, *and require the board to implement, by January 1, 2000, recommendations of the working group that the board determines to be appropriate.*

The bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 41705 of the Health and Safety
- 2 Code, as amended by Section 2.1 of Chapter 952 of the
- 3 Statutes of 1995, is amended to read:
- 4 41705. (a) Section 41700 shall not apply to odors
- 5 emanating from any of the following:
- 6 (1) Agricultural operations necessary for the growing
- 7 of crops or the raising of fowl or animals.
- 8 (2) Operations that produce, manufacture, or handle
- 9 compost, as defined in Section 40116 of the Public
- 10 Resources Code, provided that the odors emanate
- 11 directly from the compost facility or operations.
- 12 (3) Operations that compost green material or animal
- 13 waste products derived from agricultural operations, and
- 14 that return similar amounts of the compost produced to
- 15 that same agricultural operations source, or to an
- 16 agricultural operations source owned or leased by the
- 17 owner, parent company, or subsidiary conducting the
- 18 composting operation. The composting operation may
- 19 produce an incidental amount of compost not exceeding



1 2,500 cubic yards of compost, which may be given away  
2 or sold annually.

3 (b) If a district receives a complaint pertaining to an  
4 odor emanating from a compost operation exempt from  
5 Section 41700 pursuant to paragraph (2) or (3) of  
6 subdivision (a), that is subject to the jurisdiction of an  
7 enforcement agency under Division 30 (commencing  
8 with Section 40000) of the Public Resources Code, the  
9 district shall, within 24 hours or by the next working day,  
10 refer the complaint to the enforcement agency.

11 (c) This section shall become inoperative on the date  
12 ~~that is four years from the effective date of this section,~~  
13 ~~as amended by the act adding this subdivision, and, as of~~  
14 ~~that is four years from the effective date of the~~  
15 ~~amendments to this section enacted in 1997, and, as of~~  
16 January 1, 2002, is repealed, unless a later enacted statute,  
17 that becomes operative on or before that date, deletes or  
18 extends the dates on which it is inoperative and is  
19 repealed.

20 ~~SEC. 2. Section 41705 is added to the Health and~~  
21 ~~Safety Code, to read:~~

22 ~~41705. (a) Section 41700 does not apply to odors~~  
23 ~~emanating from agricultural operations that are~~  
24 ~~necessary for the growing of crops or the raising of fowl~~  
25 ~~or animals.~~

26 ~~(b) This section shall become operative on the date~~  
27 ~~that is four years from the effective date of the act adding~~  
28 ~~this section, unless a later enacted statute, that becomes~~  
29 ~~operative on or before that operative date, deletes or~~  
30 ~~delays that operative date.~~

31 *SEC. 2. Section 41705 of the Health and Safety Code,*  
32 *as amended by Section 2.2 of Chapter 952 of the Statutes*  
33 *of 1995, is amended to read:*

34 41705. (a) Section 41700 shall not apply to odors  
35 emanating from agricultural operations necessary for the  
36 growing of crops or the raising of fowl or animals.

37 (b) This section shall become operative on the date  
38 that is ~~two~~ four years from the effective date of *the*  
39 *amendments to this section enacted in 1997.*



1 SEC. 3. Section 43209.1 of the Public Resources Code  
2 is amended to read:

3 43209.1. (a) Notwithstanding any other provision of  
4 law, if an enforcement agency receives a complaint,  
5 pursuant to subdivision (b) of Section 41705 of the Health  
6 and Safety Code, from an air pollution control district or  
7 an air quality management district pertaining to an odor  
8 emanating from a compost facility under its jurisdiction,  
9 the enforcement agency shall, in consultation with the  
10 district, take appropriate enforcement actions pursuant  
11 to this part.

12 (b) On or before April 1, 1998, the board shall convene  
13 a working group consisting of enforcement agencies and  
14 air pollution control districts and air quality management  
15 districts to assist in the implementation of this section and  
16 Section 41705 of the Health and Safety Code. On or before  
17 April 1, 1999, the board and the working group shall  
18 develop recommendations on odor measurement and  
19 thresholds, complaint response procedures, and  
20 enforcement tools and take any other action necessary to  
21 ensure that enforcement agencies respond in a timely  
22 and effective manner to complaints of odors emanating  
23 from composting facilities. *On or before January 1, 2000,*  
24 *the board shall implement the recommendations of the*  
25 *working group that the board determines to be*  
26 *appropriate.*

27 (c) This section shall become inoperative on the date  
28 ~~that is four years from the effective date of of the act~~  
29 ~~adding subdivision (b), and, as of January 1, 2002, is that~~  
30 ~~is four years from the effective date of the amendments~~  
31 ~~to this section enacted in 1997, and, as of January 1, 2002,~~  
32 ~~is repealed, unless a later enacted statute, that becomes~~  
33 ~~operative on or before that date, deletes or extends the~~  
34 ~~dates on which it becomes inoperative and is repealed.~~

35 SEC. 4. This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or  
37 safety within the meaning of Article IV of the  
38 Constitution and shall go into immediate effect. The facts  
39 constituting the necessity are:



1 In order to maintain continuity in achieving the  
2 purposes of the California Integrated Waste  
3 Management Act of 1989, it is necessary that this act take  
4 effect immediately.

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