

Senate Bill No. 675

Passed the Senate September 9, 1997

Secretary of the Senate

Passed the Assembly September 4, 1997

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

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, 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. 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, 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.



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

SECTION 1. Section 41705 of the Health and Safety Code, as amended by Section 2.1 of Chapter 952 of the Statutes of 1995, is amended to read:

41705. (a) Section 41700 shall not apply to odors emanating from any of the following:

(1) Agricultural operations necessary for the growing of crops or the raising of fowl or animals.

(2) Operations that produce, manufacture, or handle compost, as defined in Section 40116 of the Public Resources Code, provided that the odors emanate directly from the compost facility or operations.

(3) Operations that compost green material or animal waste products derived from agricultural operations, and that return similar amounts of the compost produced to that same agricultural operations source, or to an agricultural operations source owned or leased by the owner, parent company, or subsidiary conducting the composting operation. The composting operation may produce an incidental amount of compost not exceeding 2,500 cubic yards of compost, which may be given away or sold annually.

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

(c) This section shall become inoperative on the date that is four years from the effective date of the amendments to this section enacted in 1997, and, as of January 1, 2002, is repealed, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the dates on which it is inoperative and is repealed.



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

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

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

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

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

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

(c) This section shall become inoperative on the date that is four years from the effective date of the amendments to this section enacted in 1997, and, as of January 1, 2002, is repealed, unless a later enacted statute, that becomes operative on or before that date, deletes or



extends the dates on which it becomes inoperative and is repealed.

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

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



Approved _____, 1997

Governor

