

AMENDED IN SENATE JANUARY 3, 2000

AMENDED IN SENATE JULY 1, 1999

AMENDED IN ASSEMBLY JUNE 1, 1999

AMENDED IN ASSEMBLY MAY 18, 1999

AMENDED IN ASSEMBLY APRIL 29, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1450

Introduced by Assembly Member Calderon

February 26, 1999

An act to ~~amend Section 41705 of, and to add Section 42301.14 to;~~ the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1450, as amended, Calderon. Air quality: composting.

~~(1) Existing~~

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. A violation of that prohibition is a crime. Existing law, until October 8, 2001, exempts from that prohibition odors emanating directly from various operations, including a facility or operation that produces, manufactures, or handles compost, as defined.

This ~~bill would delete from that exemption, operations that compost, or are designed to compost, biosolids or sewage~~

sludge, thereby imposing a state-mandated local program by creating a new crime. The bill would authorize a district that has established a specified permit system to require any person who intends to take certain actions with regard to an operation that composts biosolids or sewage sludge to obtain a permit from the district.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes *no*. State-mandated local program: yes *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 1 of Chapter 788 of the
3 Statutes of 1997, is amended to read:

4 41705. (a) Section 41700 does 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, excluding operations that compost, or
11 are designed to compost, biosolids or sewage sludge,
12 provided that the odors emanate directly from the
13 compost facility or operations.

14 (3) Operations that compost green material or animal
15 waste products derived from agricultural operations, and
16 that return similar amounts of the compost produced to
17 that same agricultural operations source, or to an
18 agricultural operations source owned or leased by the
19 owner, parent company, or subsidiary conducting the
20 composting operation. The composting operation may
21 produce an incidental amount of compost not exceeding
22 2,500 cubic yards of compost, which may be given away
23 or sold annually.



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

9 ~~(c) This section shall become inoperative on October~~
10 ~~8, 2001, and, as of January 1, 2002, is repealed, unless a later~~
11 ~~enacted statute, that becomes operative on or before that~~
12 ~~date, deletes or extends the dates on which it is~~
13 ~~inoperative and is repealed.~~

14 ~~SEC. 2.~~

15 *SECTION 1.* Section 42301.14 is added to the Health
16 and Safety Code, to read:

17 42301.14. Any district that has established a permit
18 system pursuant to Section 42300 may require any person
19 who intends to build, erect, alter, replace, operate, or use
20 any operation that composts biosolids or sewage sludge,
21 to obtain a permit from the air pollution control officer of
22 the district before taking that action. The permit shall
23 include those conditions necessary to ensure that the
24 compost facility does not violate Section 41700.

25 ~~SEC. 3. No reimbursement is required by this act~~
26 ~~pursuant to Section 6 of Article XIII B of the California~~
27 ~~Constitution because the only costs that may be incurred~~
28 ~~by a local agency or school district will be incurred~~
29 ~~because this act creates a new crime or infraction,~~
30 ~~eliminates a crime or infraction, or changes the penalty~~
31 ~~for a crime or infraction, within the meaning of Section~~
32 ~~17556 of the Government Code, or changes the definition~~
33 ~~of a crime within the meaning of Section 6 of Article~~
34 ~~XIII B of the California Constitution.~~

