

AMENDED IN SENATE APRIL 27, 1999

**SENATE BILL**

**No. 515**

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**Introduced by Senator Chesbro**

February 18, 1999

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An act to amend Sections 40183, 40184, ~~40973~~, 41730, and 41731 of the Public Resources Code, relating to waste management.

LEGISLATIVE COUNSEL'S DIGEST

SB 515, as amended, Chesbro. Waste management.

The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Existing law also requires each city, county, and city and county to adopt a nondisposal facility element consistent with the implementation of the source reduction and recycling element. Existing law requires the nondisposal facility element, and any amendments to the element, to be appended to the source reduction and recycling element when that element is included in the integrated waste management plan.

This bill would authorize, rather than require, the nondisposal facility element to be appended to the source reduction and recycling element.

Existing law defines terms for purposes of the act and requires the board to adopt regulations that define “rural area” in a manner that establishes criteria and conditions applicable only to counties and cities located in those areas of the state that are rural in character, including those counties and cities that are located in agricultural or mountainous areas of the state and geographically distant from markets for recyclable materials.

This bill would delete the requirement that the board adopt regulations that define “rural area.” The bill, instead, would define “rural area,” in statute for purposes of the act, to mean those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance’s Primary Metropolitan Statistical Areas. The bill would revise the definition of “rural city” for purposes of the act.

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 40183 of the Public Resources  
 2 Code is amended to read:  
 3 40183. (a) “Rural city” means either of the following:  
 4 (1) An incorporated city that has a geographic area of  
 5 less than three square miles, has a current waste disposal  
 6 rate of less than 100 cubic yards per day, or 60 tons per day,  
 7 and is located in a rural area.  
 8 (2) An incorporated city that has a population density  
 9 of less than 1,500 people per square mile, has a current  
 10 waste disposal rate of less than 100 cubic yards per day, or  
 11 60 tons per day, and is located in a rural area.  
 12 (b) Nothing in this section shall affect any reduction  
 13 granted to a rural city or rural county by the board  
 14 pursuant to Section 41787 prior to September 1, 1994.  
 15 SEC. 2. Section 40184 of the Public Resources Code is  
 16 amended to read:  
 17 40184. (a) “Rural county” means any county that has  
 18 a population of 200,000 or less and is located in a rural area.



1 (b) For the purposes of this section, Section 40183, and  
2 subdivision (c) of Section 40973, “rural area” means those  
3 counties and cities located in agricultural or mountainous  
4 areas of the state and located outside the Department of  
5 Finance’s Primary Metropolitan Statistical Areas.

6 (c) Nothing in this section shall affect any reduction  
7 granted to a rural city or rural county by the board  
8 pursuant to Section 41787 prior to September 1, 1994.

9 ~~SEC. 3. Section 40973 of the Public Resources Code is~~  
10 ~~amended to read:~~

11 ~~40973. (a) The regional agency, and not the cities or~~  
12 ~~counties that are member agencies of the regional~~  
13 ~~agency, may be responsible for compliance with Article~~  
14 ~~1 (commencing with Section 41780) of Chapter 6 if~~  
15 ~~specified in the agreement pursuant to which the~~  
16 ~~regional agency is formed.~~

17 ~~(b) Notwithstanding Section 41782, except as~~  
18 ~~provided in subdivision (c), if a regional agency has been~~  
19 ~~specified in the regional agency formation agreement as~~  
20 ~~the responsible party for compliance with Article 1~~  
21 ~~(commencing with Section 41780) of Chapter 6, neither~~  
22 ~~the regional agency nor any member jurisdiction of the~~  
23 ~~regional agency shall be eligible for a reduction of the~~  
24 ~~diversion requirements of Section 41780.~~

25 ~~(c) The regional agency may be eligible for a~~  
26 ~~reduction of the diversion and planning requirements of~~  
27 ~~Section 41780 if all member jurisdictions of a regional~~  
28 ~~agency are either of the following:~~

29 ~~(1) Rural cities or rural counties, as defined,~~  
30 ~~respectively, in Sections 40183 and 40184.~~

31 ~~(2) Cities and the unincorporated county located in~~  
32 ~~both a rural area and a rural county as defined in Section~~  
33 ~~40184.~~

34 ~~(d) (1) If, pursuant to subdivision (a), a regional~~  
35 ~~agency is specified in the regional agency formation~~  
36 ~~agreement as the responsible party for compliance with~~  
37 ~~Article 1 (commencing with Section 41780) of Chapter 6,~~  
38 ~~the regional agency shall not be comprised of more than~~  
39 ~~two counties and all of the cities within those two~~  
40 ~~counties, except as otherwise authorized by the board.~~



1 ~~(2) The board may authorize the formation of a~~  
 2 ~~regional agency that exceeds two counties and all of the~~  
 3 ~~cities within those two counties for purposes of~~  
 4 ~~compliance with Article 1 (commencing with Section~~  
 5 ~~41780) of Chapter 6, if the board finds that the formation~~  
 6 ~~of the regional agency will not adversely affect~~  
 7 ~~compliance with this part.~~

8 ~~SEC. 4.~~

9 *SEC. 3.* Section 41730 of the Public Resources Code is  
10 amended to read:

11 41730. Except as provided in Section 41750.1, each  
 12 city shall prepare, adopt, and, except for a city and  
 13 county, transmit to the county in which the city is located  
 14 a nondisposal facility element that includes all of the  
 15 information required by this chapter and that is  
 16 consistent with the implementation of a city source  
 17 reduction and recycling element adopted pursuant to this  
 18 part. The nondisposal facility element and any  
 19 amendments to the element may be appended to the  
 20 city’s source reduction and recycling element when that  
 21 element is included in the countywide integrated waste  
 22 management plan, prepared pursuant to Section 41750.  
 23 The nondisposal facility element and any amendments to  
 24 the element shall not be subject to the approval of the  
 25 county and the majority of cities with the majority of the  
 26 population in the incorporated area.

27 ~~SEC. 5.~~

28 *SEC. 4.* Section 41731 of the Public Resources Code is  
29 amended to read:

30 41731. Except as provided in Section 41750.1, each  
 31 county shall prepare, adopt, and, except for a city and  
 32 county, transmit to the cities located in the county a  
 33 nondisposal facility element that includes all of the  
 34 information required by this chapter and that is  
 35 consistent with the implementation of a county source  
 36 reduction and recycling element adopted pursuant to this  
 37 part. The nondisposal facility element and any  
 38 amendments to the element may be appended to the  
 39 county’s source reduction and recycling element when  
 40 that element is included in the countywide integrated



1 waste management plan prepared pursuant to Section  
2 41750. The nondisposal facility element and any  
3 amendments to the element shall not be subject to the  
4 approval of the majority of cities with the majority of the  
5 population in the incorporated area.

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