

AMENDED IN ASSEMBLY APRIL 6, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 341

Introduced by Assembly Member Chesbro

February 10, 2011

An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections ~~41734.5~~ 40004, 41734.5, and 41780.01 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 341, as amended, Chesbro. Solid waste: diversion.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components, including a source reduction component, a recycling component, and a composting component. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

This bill would require the department, on January 1, 2020, and annually thereafter, to ensure that 75% of all solid waste generated is source reduced, recycled, or composted.

(2) Existing law requires a city, county, and city and county to incorporate the nondisposal facility element and any amendment to the element into the revised source reduction and recycling element at the

time of the 5-year revision of the source reduction and recycling element. Existing law requires the department to review an amendment to a nondisposal facility element and requires a local task force to review and comment on amendments to a nondisposal facility element.

This bill would repeal those requirements. The bill would instead require a city, county, city and county, or regional agency to update all information required to be included in the nondisposal facility element. The bill would provide that the update is not subject to approval by the department or comment and review by a local task force.

(3) Existing law requires a local agency to impose certain requirements on an operator of a large venue or event to facilitate solid waste reduction, reuse, and recycling.

This bill would require the owner or operator of a business, *defined as a commercial or public entity*, that contracts for solid waste services and generates more than 4 cubic yards of total solid waste and recyclable materials per week or is a multifamily residential dwelling or 5 units or more to take specified action.

The bill would require a jurisdiction to implement a commercial *solid waste* recycling program meeting specified elements but would not require the jurisdiction to revise its source reduction and recycling element if the jurisdiction adds or expands a commercial *solid waste* recycling program to meet this requirement. The bill would authorize a local agency to charge and collect a fee from a commercial waste generator to recover the local agency's estimated costs incurred in complying with the ~~commercial~~ *commercial solid waste* recycling program requirements. By requiring a jurisdiction to implement a ~~commercial~~ *commercial solid waste* recycling program, this bill would impose a state-mandated local program.

The bill would require the department to review a jurisdiction's compliance with the above requirement as a part of the department's review of a jurisdiction's compliance with the 50% solid waste diversion requirement.

(4) Existing law requires each state agency to submit an annual report to the department summarizing its progress in reducing solid waste that is due on September 1 of each year starting in 2009.

This bill would change the due date to May 1 of each year.

(5) Existing law requires an operator of a solid waste facility that wants to change the design or operation of the solid waste facility in a manner not authorized by the current permit to apply for a revised permit. Within 60 days of receipt of the application for the revised

permit, the enforcement agency is required to inform the operator, and in some circumstances the department, of its determination to allow the change without revision of the permit, disallow the change, require a revision of the permit to allow the change, or require review under the California Environmental Quality Act before a decision is made.

This bill would also require the enforcement agency to give notice of its determination to allow certain changes without a revision to the permit through a modification to the permit allowed by regulations developed by the department.

(6) 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.
State-mandated local program: yes.

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

1 *SECTION. 1. (a) The Legislature finds and declares both of*
2 *the following:*

3 *(1) Since the enactment of the California Integrated Waste*
4 *Management Act of 1989 (Division 30 (commencing with Section*
5 *40000) of the Public Resources Code), local governments and*
6 *private industries have worked jointly to create an extensive*
7 *material collection and recycling infrastructure and have*
8 *implemented effective programs to achieve a statewide diversion*
9 *rate above 50 percent.*

10 *(2) Although the state now leads the nation in solid waste*
11 *reduction and recycling, the state continues to dispose of more*
12 *than 40 million tons of solid waste each year, which is more than*
13 *the national average on a per capita basis. Additional efforts must*
14 *be undertaken to divert more solid waste from disposal in order*
15 *to conserve scarce natural resources.*

16 *(b) The Legislature further finds and declares all of the*
17 *following:*

18 *(1) Approximately 64 percent of the state's solid waste disposal*
19 *is from commercial sources, including commercial, industrial,*
20 *construction, and demolition activities. In addition, 8 percent of*
21 *the state's solid waste disposal is from multifamily residential*

1 housing that is often collected along with the commercial waste
2 stream.

3 (2) The state's local governments have made significant progress
4 in reducing the amount of solid waste disposal from single-family
5 residential sources that make up 28 percent of the state's disposal,
6 but have faced more challenges in reducing disposal from the
7 commercial and multifamily sources.

8 (3) The disposal of recyclable materials in the commercial solid
9 waste stream prevents materials from circulating in the state
10 economy to produce jobs and new products. Reducing the disposal
11 of these materials will conserve landfill capacity and contribute
12 to a reduction in greenhouse gas emissions and climate change.

13 (4) The state has long been a national and international leader
14 in environmental stewardship efforts and mandating the diversion
15 of solid waste away from disposal. Bold environmental leadership
16 and a new approach are needed to divert commercial solid waste
17 away from disposal.

18 (5) By exercising a leadership role, the state will lead the
19 business community toward a future in which the environment and
20 the economy both grow stronger together by recycling materials,
21 which creates new jobs, instead of burying resources, which exit
22 the economy forever.

23 (6) By requiring commercial recycling, the state will help
24 businesses reduce costly disposal fees and reclaim valuable
25 resources.

26 SEC. 2. Section 40004 is added to the Public Resources Code,
27 to read:

28 40004. (a) The Legislature finds and declares all of the
29 following:

30 (1) Solid waste diversion and disposal reduction require the
31 availability of adequate solid waste processing and composting
32 capacity.

33 (2) The existing network of public and private solid waste
34 processing and composting facilities provides a net environmental
35 benefit to the communities served, and represents a valuable asset
36 and resource of this state, one that must be sustained and expanded
37 to provide the additional solid waste processing capacity that will
38 be required to achieve the additional solid waste diversion targets
39 expressed in Section 41780.01 and the commercial solid waste
40 recycling requirement expressed in Section 42649.

1 (3) *The provisions in existing law that confer broad discretion*
2 *on local agencies to determine aspects of solid waste handling*
3 *that are of local concern have significantly contributed to the*
4 *statewide diversion rate exceeding 50 percent, and further progress*
5 *toward decreasing solid waste disposal requires that this essential*
6 *element of local control be preserved.*

7 (b) *It is the intent of the Legislature to encourage the*
8 *development of the additional solid waste processing and*
9 *composting capacity that is needed to meet state objectives for*
10 *decreasing solid waste disposal by identifying incentives for local*
11 *governments to locate and approve new or expanded facilities that*
12 *meet and exceed their capacity needs, and to recognize local*
13 *agencies that make significant contributions to the state's overall*
14 *solid waste reduction and recycling objectives through the siting*
15 *of facilities for the processing and composting of materials diverted*
16 *from the solid waste stream.*

17 (c) *By setting new commercial solid waste recycling*
18 *requirements in Section 42649, the Legislature does not intend to*
19 *limit a right afforded to local governments pursuant to Section*
20 *40059, or to modify or abrogate in any manner the rights of a*
21 *local government or solid waste enterprise with regard to a solid*
22 *waste handling franchise or contract.*

23 **SECTION 1.**

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

26 41730. Except as provided in Section 41750.1, each city shall
27 prepare, adopt, and, except for a city and county, transmit to the
28 county in which the city is located a nondisposal facility element
29 that includes all of the information required by this chapter and
30 that is consistent with the implementation of a city source reduction
31 and recycling element adopted pursuant to this part. The
32 nondisposal facility element and any updates to the element shall
33 not be subject to the approval of the county and the majority of
34 cities with the majority of the population in the incorporated area.

35 ~~SEC. 2.~~

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

38 41731. Except as provided in Section 41750.1, each county
39 shall prepare, adopt, and, except for a city and county, transmit to
40 the cities located in the county a nondisposal facility element that

1 includes all of the information required by this chapter and that is
 2 consistent with the implementation of a county source reduction
 3 and recycling element adopted pursuant to this part. The
 4 nondisposal facility element and any updates to the element shall
 5 not be subject to the approval of the majority of cities with the
 6 majority of the population in the incorporated area.

7 ~~SEC. 3.~~

8 *SEC. 5.* Section 41734 of the Public Resources Code is
 9 amended to read:

10 41734. (a) (1) Prior to adopting a nondisposal facility element,
 11 the city, county, or regional agency shall submit the element to
 12 the task force created pursuant to Section 40950 for review and
 13 comment.

14 (2) Prior to adopting a regional agency nondisposal facility
 15 element, if the jurisdiction of the regional agency extends beyond
 16 the boundaries of a single county, the regional agency shall submit
 17 the element for review and comment to each task force created
 18 pursuant to Section 40950 of each county within the jurisdiction
 19 of the regional agency.

20 (b) Comments by the task force shall include an assessment of
 21 the regional impacts of potential diversion facilities and shall be
 22 submitted to the city, county, or regional agency and to the
 23 department within 90 days of the date of receipt of the nondisposal
 24 facility element for review and comment.

25 ~~SEC. 4.~~

26 *SEC. 6.* Section 41734.5 is added to the Public Resources Code,
 27 to read:

28 41734.5. (a) Once a nondisposal facility element has been
 29 adopted, the city, county, or regional agency shall update all
 30 information required to be included in the nondisposal facility
 31 element, including, but not limited to, new information regarding
 32 existing and new, or proposed, nondisposal facilities.

33 (b) Updates shall be provided to the department within 30 days
 34 of any change in information.

35 (c) Copies of the updated information shall also be provided to
 36 the local task force and shall be appended or otherwise added to
 37 the nondisposal facility element.

38 (d) The local task force shall not be required to review and
 39 comment on the updates to the nondisposal facility elements.

1 (e) Updates to the nondisposal facility elements are not subject
2 to approval by the department.

3 ~~SEC. 5.~~

4 *SEC. 7.* Section 41735 of the Public Resources Code is
5 amended to read:

6 41735. (a) Notwithstanding Division 13 (commencing with
7 Section 21000), the adoption or update of a nondisposal facility
8 element shall not be subject to environmental review.

9 (b) Local agencies may impose a fee on project proponents to
10 fund their necessary and actual costs of preparing and approving
11 updates to nondisposal facility elements.

12 ~~SEC. 6.~~

13 *SEC. 8.* Section 41736 of the Public Resources Code is
14 amended to read:

15 41736. It is not the intent of the Legislature to require cities
16 and counties to revise their source reduction and recycling elements
17 to comply with the requirements of this chapter.

18 ~~SEC. 7.~~

19 *SEC. 9.* Section 41780.01 is added to the Public Resources
20 Code, to read:

21 41780.01. On or before January 1, 2020, and annually
22 thereafter, the department shall ensure that 75 percent of solid
23 waste generated is source reduced, recycled, or composted.

24 ~~SEC. 8.~~

25 *SEC. 10.* Section 41800 of the Public Resources Code is
26 amended to read:

27 41800. (a) Except as provided in subdivision (b), within 120
28 days from the date of receipt of a countywide or regional integrated
29 waste management plan that the department has determined to be
30 complete, or any element of the plan that the department has
31 determined to be complete, the department shall determine whether
32 the plan or element is in compliance with Article 2 (commencing
33 with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing
34 with Section 41000), and Chapter 5 (commencing with Section
35 41750), and, based upon that determination, the department shall
36 approve, conditionally approve, or disapprove the plan or element.

37 (b) (1) Within 120 days from the date of receipt of a city,
38 county, or regional agency nondisposal facility element that the
39 department has determined to be complete, the department shall
40 determine whether the element that the department has determined

1 to be complete is in compliance with Chapter 4.5 (commencing
2 with Section 41730) and Article 1 (commencing with Section
3 41780) of Chapter 6, and, based upon that determination, the
4 department shall approve, conditionally approve, or disapprove
5 the element within that time period.

6 (2) In reviewing the element, the department shall:

7 (A) Not consider the estimated capacity of the facility or
8 facilities in the element unless the department determines that this
9 information is needed to determine whether the element meets the
10 requirements of Article 1 (commencing with Section 41780) of
11 Chapter 6.

12 (B) Recognize that individual facilities represent portions of
13 local plans or programs that are designed to achieve the diversion
14 requirements of Section 41780 and therefore may not arbitrarily
15 require new or expanded diversion at proposed facilities.

16 (C) Not disapprove an element that includes a transfer station
17 or other facility solely because the facility does not contribute
18 toward the jurisdiction’s efforts to comply with Section 41780.

19 (c) If the department does not act to approve, conditionally
20 approve, or disapprove an element that the department has
21 determined to be complete within 120 days, the department shall
22 be deemed to have approved the element.

23 ~~SEC. 9.~~

24 *SEC. 11.* Chapter 12.8 (commencing with Section 42649) is
25 added to Part 3 of Division 30 of the Public Resources Code, to
26 read:

27
28 CHAPTER 12.8. ~~COMMERCIAL RECYCLING~~ *RECYCLING OF*
29 *COMMERCIAL SOLID WASTE*
30

31 42649. (a) It is the intent of the Legislature to require
32 businesses to recycle solid waste that they generate.

33 (b) It is the intent of the Legislature to allow jurisdictions
34 flexibility in developing and maintaining commercial *solid waste*
35 recycling programs.

36 42649.1. For purposes of this chapter, the following terms
37 mean the following:

38 (a) “Business” means a commercial ~~entity operated by~~ *or public*
39 *entity, including, but not limited to,* a firm, partnership,
40 proprietorship, joint stock company, corporation, or association

1 that is organized as a for-profit or nonprofit entity, or a multifamily
2 residential dwelling ~~of five units or more.~~

3 (b) “Commercial waste generator” means a business subject to
4 subdivision (a) of Section 42649.2.

5 (c) “Self-hauler” means a business that hauls its own waste
6 rather than contracting for that service.

7 42649.2. (a) The owner or operator of a business that contracts
8 for solid waste services and generates more than four cubic yards
9 ~~of total solid waste and recyclable materials that are not solid waste~~
10 ~~per week of total solid waste per week or is a multifamily~~
11 ~~residential dwelling of five units or more~~ shall arrange for recycling
12 services, consistent with state or local laws or requirements,
13 including a local ordinance or agreement, applicable to the
14 collection, handling, or recycling of solid waste, to the extent that
15 these services are offered and reasonably available from a local
16 service provider.

17 (b) A commercial waste generator shall take either of the
18 following actions:

19 (1) Source separate specified recyclable materials from solid
20 waste and subscribe to a basic level of recycling service that
21 includes the collection of those recyclable materials or specific
22 provisions for authorized self-hauling.

23 (2) Subscribe to an alternative type of recycling service that
24 may include mixed waste processing that yields diversion results
25 comparable to source separation.

26 42649.3. (a) Each jurisdiction shall implement a commercial
27 *solid waste* recycling program appropriate for that jurisdiction
28 designed to divert solid waste from businesses subject to Section
29 426492, whether or not the jurisdiction has met the requirements
30 of Section 41780.

31 (b) If a jurisdiction already has a commercial *solid waste*
32 recycling program as one of its diversion elements that meets the
33 requirements of this section, it shall not be required to implement
34 a new or expanded commercial *solid waste* recycling program.

35 (c) The commercial *solid waste* recycling program shall be
36 directed at a commercial waste generator, as defined in subdivision
37 (b) of Section 42649.1, and may include, but is not limited to, any
38 of the following:

39 (1) Implementing a mandatory commercial *solid waste* recycling
40 policy or ordinance.

1 (2) Requiring a mandatory commercial *solid waste* recycling
2 program through a franchise contract or agreement.

3 (3) Requiring all commercial ~~recycling material~~ *solid waste* to
4 go through a mixed processing system that diverts material from
5 disposal.

6 (d) The commercial *solid waste* recycling program shall include
7 education and outreach to businesses.

8 (e) The commercial *solid waste* recycling program may include
9 enforcement and monitoring provisions.

10 (f) The commercial *solid waste* recycling program may include
11 certification requirements for self-haulers.

12 (g) The department shall review a jurisdiction’s compliance
13 with this section as part of the department’s review required by
14 Section 41825.

15 42649.4. (a) If a jurisdiction adds or expands a commercial
16 *solid waste* recycling program to meet the requirements of Section
17 42649.3, the jurisdiction shall not be required to revise its source
18 reduction and recycling element, or obtain the department’s
19 approval pursuant to Article 1 (commencing with Section 41800)
20 of Chapter 7 of Part 1.

21 (b) If an addition or expansion of a jurisdiction’s commercial
22 *solid waste* recycling program is necessary, the jurisdiction shall
23 update in its annual report required pursuant to Section 41821.

24 42649.5. (a) This chapter does not limit the authority of a local
25 agency to adopt, implement, or enforce a local commercial *solid*
26 *waste* recycling requirement that is more stringent or
27 comprehensive than the requirements of this section or limit the
28 authority of a local agency in a county with a population of less
29 than 200,000 to require commercial *solid waste* recycling.

30 (b) This chapter does not modify ~~or~~, *limit*, or abrogate in any
31 manner any of the following:

32 (1) A franchise granted or extended by a city, county, or other
33 local government agency.

34 (2) A contract, license, or permit to collect solid waste
35 previously granted or extended by a city, county, or other local
36 government agency.

37 ~~(3) The existing right of a business to sell or donate its recyclable~~
38 ~~materials.~~

1 (3) *The existing right of a business to sell, donate, or otherwise*
2 *transfer its recyclable materials to any person or entity for*
3 *recycling.*

4 42649.6. A local agency may charge and collect a fee from a
5 commercial waste generator in order to recover the local agency's
6 estimated costs incurred in complying with this chapter.

7 42649.7. (a) *This chapter does not require a commercial entity*
8 *in the business of buying or selling recyclable materials to disclose*
9 *data, information, or writings, as defined by Section 250 of the*
10 *Evidence Code, relating to recyclable materials, including, but*
11 *not limited to, the quantity, price, or types of recyclable materials.*

12 (b) *Subdivision (a) does not limit the authority of the department*
13 *to collect data, information, or writings from a solid waste facility.*

14 ~~SEC. 10.~~

15 *SEC. 12.* Section 42926 of the Public Resources Code is
16 amended to read:

17 42926. (a) In addition to the information provided to the
18 department pursuant to Section 12167.1 of the Public Contract
19 Code, each state agency shall submit an annual report to the
20 department summarizing its progress in reducing solid waste as
21 required by Section 42921. The annual report shall be due on or
22 before May 1, 2012, and on or before May 1 in each subsequent
23 year. The information in this report shall encompass the previous
24 calendar year.

25 (b) Each state agency's annual report to the department shall,
26 at a minimum, include all of the following:

27 (1) Calculations of annual disposal reduction.

28 (2) Information on the changes in waste generated or disposed
29 of due to increases or decreases in employees, economics, or other
30 factors.

31 (3) A summary of progress made in implementing the integrated
32 waste management plan.

33 (4) The extent to which the state agency intends to utilize
34 programs or facilities established by the local agency for the
35 handling, diversion, and disposal of solid waste. If the state agency
36 does not intend to utilize those established programs or facilities,
37 the state agency shall identify sufficient disposal capacity for solid
38 waste that is not source reduced, recycled, or composted.

39 (5) Other information relevant to compliance with Section
40 42921.

1 (c) The department shall use, but is not limited to the use of,
2 the annual report in the determination of whether the agency’s
3 integrated waste management plan needs to be revised.

4 ~~SEC. 11.~~

5 *SEC. 13.* Section 44004 of the Public Resources Code is
6 amended to read:

7 44004. (a) An operator of a solid waste facility shall not make
8 a significant change in the design or operation of the solid waste
9 facility that is not authorized by the existing permit, unless the
10 change is approved by the enforcement agency, the change
11 conforms with this division and all regulations adopted pursuant
12 to this division, and the terms and conditions of the solid waste
13 facilities permit are revised to reflect the change.

14 (b) If the operator wishes to change the design or operation of
15 the solid waste facility in a manner that is not authorized by the
16 existing permit, the operator shall file an application for revision
17 of the existing solid waste facilities permit with the enforcement
18 agency. The application shall be filed at least 180 days in advance
19 of the date when the proposed modification is to take place unless
20 the 180-day time period is waived by the enforcement agency.

21 (c) The enforcement agency shall review the application to
22 determine all of the following:

23 (1) Whether the change conforms with this division and all
24 regulations adopted pursuant to this division.

25 (2) Whether the change requires review pursuant to Division
26 13 (commencing with Section 21000).

27 (d) Within 60 days from the date of the receipt of the application
28 for a revised permit, the enforcement agency shall inform the
29 operator, and if the enforcement agency is a local enforcement
30 agency, also inform the department, of its determination to do any
31 of the following:

32 (1) Allow the change without a revision to the permit.

33 (2) Allow the following changes without a revision to the permit
34 through a modification to the permit allowed pursuant to
35 regulations developed by the department:

36 (A) The proposed change is to allow a nondisposal facility to
37 increase the amount of solid waste that it may handle and that
38 increased amount is within the existing design capacity as described
39 in the facility’s transfer processing report and review pursuant to
40 Division 13 (commencing with Section 21000).

1 (B) The proposed change is to allow a disposal facility to add
2 a nondisposal activity to the facility that will increase the amount
3 of solid waste that may be handled as described in the facility's
4 report of facility information and review pursuant to Division 13
5 (commencing with Section 21000).

6 (3) Disallow the change because it does not conform with the
7 requirements of this division or the regulations adopted pursuant
8 to this division.

9 (4) Require a revision of the solid waste facilities permit to
10 allow the change.

11 (5) Require review under Division 13 (commencing with Section
12 21000) before a decision is made.

13 (e) The operator has 30 days within which to appeal the decision
14 of the enforcement agency to the hearing panel, as authorized
15 pursuant to Article 2 (commencing with Section 44305) of Chapter
16 4. The enforcement agency shall provide notice of a hearing held
17 pursuant to this subdivision in the same manner as notice is
18 provided pursuant to subdivision (h).

19 (f) Under circumstances that present an immediate danger to
20 the public health and safety or to the environment, as determined
21 by the enforcement agency, the 180-day filing period may be
22 waived.

23 (g) (1) A permit revision is not required for the temporary
24 suspension of activities at a solid waste facility if the suspension
25 meets either of the following criteria:

26 (A) The suspension is for the maintenance or minor
27 modifications to a solid waste unit or to solid waste management
28 equipment.

29 (B) The suspension is for temporarily ceasing the receipt of
30 solid waste at a solid waste management facility and the owner or
31 operator is in compliance with all other applicable terms and
32 conditions of the solid waste facilities permit and minimum
33 standards adopted by the department.

34 (2) An owner or operator of a solid waste facility who
35 temporarily suspends operations shall remain subject to the closure
36 and postclosure maintenance requirements of this division and to
37 all other requirements imposed by federal law pertaining to the
38 operation of a solid waste facility.

39 (3) The enforcement agency may impose any reasonable
40 conditions relating to the maintenance of the solid waste facility,

1 environmental monitoring, and periodic reporting during the period
2 of temporary suspension. The department may also impose any
3 reasonable conditions determined to be necessary to ensure
4 compliance with applicable state standards.

5 (h) (1) (A) Before making its determination pursuant to
6 subdivision (d), the enforcement agency shall submit the proposed
7 determination to the department for comment and hold at least one
8 public hearing on the proposed determination. The enforcement
9 agency shall give notice of the hearing pursuant to Section 65091
10 of the Government Code, except that the notice shall be provided
11 to all owners of real property within a distance other than 300 feet
12 of the real property that is the subject of the hearing, if specified
13 in the regulations adopted by the department pursuant to
14 subdivision (i). The enforcement agency shall also provide notice
15 of the hearing to the department when it submits the proposed
16 determination to the department.

17 (B) The enforcement agency shall mail or deliver the notice
18 required pursuant to subparagraph (A) at least 10 days prior to the
19 date of the hearing to any person who has filed a written request
20 for the notice with a person designated by the enforcement agency
21 to receive these requests. The enforcement agency may charge a
22 fee to the requester in an amount that is reasonably related to the
23 costs of providing this service and the enforcement agency may
24 require each request to be annually renewed.

25 (C) The enforcement agency shall consider environmental justice
26 issues when preparing and distributing the notice to ensure that
27 the notice is concise and understandable for
28 limited-English-speaking populations.

29 (2) If the department comments pursuant to paragraph (1), the
30 department shall specify whether the proposed determination is
31 consistent with the regulation adopted pursuant to subdivision (i).

32 (i) (1) The department shall, to the extent resources are
33 available, adopt regulations that implement subdivision (h) and
34 define the term “significant change in the design or operation of
35 the solid waste facility that is not authorized by the existing
36 permit.”

37 (2) While formulating and adopting the regulations required
38 pursuant to paragraph (1), the department shall consider
39 recommendations of the Working Group on Environmental Justice

1 and the advisory group made pursuant to Sections 71113 and 71114
2 and the report required pursuant to Section 71115.

3 ~~SEC. 12.~~

4 *SEC. 14.* Section 50001 of the Public Resources Code is
5 amended to read:

6 50001. (a) Except as provided by subdivision (b), after a
7 countywide or regional agency integrated waste management plan
8 has been approved by the Department of Resources Recycling and
9 Recovery pursuant to Division 30 (commencing with Section
10 40000), a person shall not establish or expand a solid waste facility,
11 as defined in Section 40194, in the county unless the solid waste
12 facility meets one of the following criteria:

13 (1) The solid waste facility is a disposal facility or a
14 transformation facility, the location of which is identified in the
15 countywide siting element or amendment to that element, which
16 has been approved pursuant to Section 41721.

17 (2) The solid waste facility is a facility that is designed to
18 recover for reuse or recycling at least 5 percent of the total volume
19 of material received by the facility, and that is described in the
20 nondisposal facility element that has been approved pursuant to
21 Section 41800 or is included in an update to that element.

22 (b) Solid waste facilities other than those specified in paragraphs
23 (1) and (2) of subdivision (a) shall not be required to comply with
24 the requirements of this section.

25 (c) The person or agency proposing to establish a solid waste
26 facility shall prepare and submit a site identification and description
27 of the proposed facility to the task force established pursuant to
28 Section 40950. Within 90 days after the site identification and
29 description is submitted to the task force, the task force shall meet
30 and comment on the proposed solid waste facility in writing. These
31 comments shall include, but are not limited to, the relationship
32 between the proposed solid waste facility and the implementation
33 schedule requirements of Section 41780 and the regional impact
34 of the facility. The task force shall transmit these comments to the
35 person or public agency proposing establishment of the solid waste
36 facility, to the county, and to all cities within the county. The
37 comments shall become part of the official record of the proposed
38 solid waste facility.

39 (d) The review and comment by the local task force shall not
40 be required for an update to a nondisposal facility element.

1 ~~SEC. 13.~~

2 *SEC. 15.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

8

9

10 CORRECTIONS: _____

11 Text—Page 10.

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