

AMENDED IN ASSEMBLY MAY 5, 2011

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 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 *to include* a commercial or public entity, that contracts for solid waste services and generates more than 4 cubic yards of total solid waste per week or is a multifamily residential dwelling ~~or~~ of 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 solid waste recycling program requirements. By requiring a jurisdiction to implement a 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:

1 (1) Approximately 64 percent of the state’s solid waste disposal
2 is from commercial sources, including commercial, industrial,
3 construction, and demolition activities. In addition, 8 percent of
4 the state’s solid waste disposal is from multifamily residential
5 housing that is often collected along with the commercial waste
6 stream.

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

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

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

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

27 (6) By requiring commercial recycling, the state will help
28 businesses reduce costly disposal fees and reclaim valuable
29 resources.

30 SEC. 2. Section 40004 is added to the Public Resources Code,
31 to read:

32 40004. (a) The Legislature finds and declares all of the
33 following:

34 (1) Solid waste diversion and disposal reduction require the
35 availability of adequate solid waste processing and composting
36 capacity.

37 (2) The existing network of public and private solid waste
38 processing and composting facilities provides a net environmental
39 benefit to the communities served, and represents a valuable asset
40 and resource of this state, one that must be sustained and expanded

1 to provide the additional solid waste processing capacity that will
2 be required to achieve the additional solid waste diversion targets
3 expressed in Section 41780.01 and the commercial solid waste
4 recycling requirement expressed in Section 42649.

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

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

21 (c) By setting new commercial solid waste recycling
22 requirements in Section 42649, the Legislature does not intend to
23 limit a right afforded to local governments pursuant to Section
24 40059, or to modify or abrogate in any manner the rights of a local
25 government or solid waste enterprise with regard to a solid waste
26 handling franchise or contract.

27 SEC. 3. Section 41730 of the Public Resources Code is
28 amended to read:

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

38 SEC. 4. Section 41731 of the Public Resources Code is
39 amended to read:

1 41731. Except as provided in Section 41750.1, each county
2 shall prepare, adopt, and, except for a city and county, transmit to
3 the cities located in the county a nondisposal facility element that
4 includes all of the information required by this chapter and that is
5 consistent with the implementation of a county source reduction
6 and recycling element adopted pursuant to this part. The
7 nondisposal facility element and any updates to the element shall
8 not be subject to the approval of the majority of cities with the
9 majority of the population in the incorporated area.

10 SEC. 5. Section 41734 of the Public Resources Code is
11 amended to read:

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

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

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

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

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

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

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

39 (d) The local task force shall not be required to review and
40 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. 7. Section 41735 of the Public Resources Code is
4 amended to read:

5 41735. (a) Notwithstanding Division 13 (commencing with
6 Section 21000), the adoption or update of a nondisposal facility
7 element shall not be subject to environmental review.

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

11 SEC. 8. Section 41736 of the Public Resources Code is
12 amended to read:

13 41736. It is not the intent of the Legislature to require cities
14 and counties to revise their source reduction and recycling elements
15 to comply with the requirements of this chapter.

16 SEC. 9. Section 41780.01 is added to the Public Resources
17 Code, to read:

18 41780.01. On or before January 1, 2020, and annually
19 thereafter, the department shall ensure that 75 percent of solid
20 waste generated is source reduced, recycled, or composted.

21 SEC. 10. Section 41800 of the Public Resources Code is
22 amended to read:

23 41800. (a) Except as provided in subdivision (b), within 120
24 days from the date of receipt of a countywide or regional integrated
25 waste management plan that the department has determined to be
26 complete, or any element of the plan that the department has
27 determined to be complete, the department shall determine whether
28 the plan or element is in compliance with Article 2 (commencing
29 with Section 40050) of Chapter 1 of Part 1, Chapter 2 (commencing
30 with Section 41000), and Chapter 5 (commencing with Section
31 41750), and, based upon that determination, the department shall
32 approve, conditionally approve, or disapprove the plan or element.

33 (b) (1) Within 120 days from the date of receipt of a city,
34 county, or regional agency nondisposal facility element that the
35 department has determined to be complete, the department shall
36 determine whether the element that the department has determined
37 to be complete is in compliance with Chapter 4.5 (commencing
38 with Section 41730) and Article 1 (commencing with Section
39 41780) of Chapter 6, and, based upon that determination, the

1 department shall approve, conditionally approve, or disapprove
2 the element within that time period.

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

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

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

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

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

20 SEC. 11. Chapter 12.8 (commencing with Section 42649) is
21 added to Part 3 of Division 30 of the Public Resources Code, to
22 read:

23

24 CHAPTER 12.8. RECYCLING OF COMMERCIAL SOLID WASTE

25

26 42649. (a) It is the intent of the Legislature to require
27 businesses to recycle solid waste that they generate.

28 (b) It is the intent of the Legislature to allow jurisdictions
29 flexibility in developing and maintaining commercial solid waste
30 recycling programs.

31 42649.1. For purposes of this chapter, the following terms
32 mean the following:

33 (a) “Business” means a commercial or public entity, including,
34 but not limited to, a firm, partnership, proprietorship, joint stock
35 company, corporation, or association that is organized as a
36 for-profit or nonprofit entity, or a multifamily residential dwelling.

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

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

1 42649.2. (a) The owner or operator of a business that contracts
2 for solid waste services and generates more than four cubic yards
3 of total solid waste per week or is a multifamily residential
4 dwelling of five units or more shall arrange for recycling services,
5 consistent with state or local laws or requirements, including a
6 local ordinance or agreement, applicable to the collection, handling,
7 or recycling of solid waste, to the extent that these services are
8 offered and reasonably available from a local service provider.

9 (b) A commercial waste generator shall take either of the
10 following actions:

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

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

18 42649.3. (a) Each jurisdiction shall implement a commercial
19 solid waste recycling program appropriate for that jurisdiction
20 designed to divert solid waste from businesses subject to Section
21 426492, whether or not the jurisdiction has met the requirements
22 of Section 41780.

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

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

31 (1) Implementing a mandatory commercial solid waste recycling
32 policy or ordinance.

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

35 (3) Requiring all commercial solid waste to go through a mixed
36 processing system that diverts material from disposal.

37 (d) The commercial solid waste recycling program shall include
38 education and outreach to businesses.

39 (e) The commercial solid waste recycling program may include
40 enforcement and monitoring provisions.

1 (f) The commercial solid waste recycling program may include
2 certification requirements for self-haulers.

3 (g) The department shall review a jurisdiction's compliance
4 with this section as part of the department's review required by
5 Section 41825.

6 42649.4. (a) If a jurisdiction adds or expands a commercial
7 solid waste recycling program to meet the requirements of Section
8 42649.3, the jurisdiction shall not be required to revise its source
9 reduction and recycling element, or obtain the department's
10 approval pursuant to Article 1 (commencing with Section 41800)
11 of Chapter 7 of Part 1.

12 (b) If an addition or expansion of a jurisdiction's commercial
13 solid waste recycling program is necessary, the jurisdiction shall
14 update in its annual report required pursuant to Section 41821.

15 42649.5. (a) This chapter does not limit the authority of a local
16 agency to adopt, implement, or enforce a local commercial solid
17 waste recycling requirement that is more stringent or
18 comprehensive than the requirements of this section or limit the
19 authority of a local agency in a county with a population of less
20 than 200,000 to require commercial solid waste recycling.

21 (b) This chapter does not modify, limit, or abrogate in any
22 manner any of the following:

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

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

28 ~~(3) The existing right of a business to sell, donate, or otherwise~~
29 ~~transfer its recyclable materials to any person or entity for~~
30 ~~recycling.~~

31 *(3) The existing right of a business to sell or donate its*
32 *recyclable materials.*

33 42649.6. A local agency may charge and collect a fee from a
34 commercial waste generator in order to recover the local agency's
35 estimated costs incurred in complying with this chapter.

36 ~~42649.7. (a) This chapter does not require a commercial entity~~
37 ~~in the business of buying or selling recyclable materials to disclose~~
38 ~~data, information, or writings, as defined by Section 250 of the~~
39 ~~Evidence Code, relating to recyclable materials, including, but not~~
40 ~~limited to, the quantity, price, or types of recyclable materials.~~

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

3 SEC. 12. Section 42926 of the Public Resources Code is
4 amended to read:

5 42926. (a) In addition to the information provided to the
6 department pursuant to Section 12167.1 of the Public Contract
7 Code, each state agency shall submit an annual report to the
8 department summarizing its progress in reducing solid waste as
9 required by Section 42921. The annual report shall be due on or
10 before May 1, 2012, and on or before May 1 in each subsequent
11 year. The information in this report shall encompass the previous
12 calendar year.

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

15 (1) Calculations of annual disposal reduction.

16 (2) Information on the changes in waste generated or disposed
17 of due to increases or decreases in employees, economics, or other
18 factors.

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

21 (4) The extent to which the state agency intends to utilize
22 programs or facilities established by the local agency for the
23 handling, diversion, and disposal of solid waste. If the state agency
24 does not intend to utilize those established programs or facilities,
25 the state agency shall identify sufficient disposal capacity for solid
26 waste that is not source reduced, recycled, or composted.

27 (5) Other information relevant to compliance with Section
28 42921.

29 (c) The department shall use, but is not limited to the use of,
30 the annual report in the determination of whether the agency's
31 integrated waste management plan needs to be revised.

32 SEC. 13. Section 44004 of the Public Resources Code is
33 amended to read:

34 44004. (a) An operator of a solid waste facility shall not make
35 a significant change in the design or operation of the solid waste
36 facility that is not authorized by the existing permit, unless the
37 change is approved by the enforcement agency, the change
38 conforms with this division and all regulations adopted pursuant
39 to this division, and the terms and conditions of the solid waste
40 facilities permit are revised to reflect the change.

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

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

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

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

14 (d) Within 60 days from the date of the receipt of the application
15 for a revised permit, the enforcement agency shall inform the
16 operator, and if the enforcement agency is a local enforcement
17 agency, also inform the department, of its determination to do any
18 of the following:

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

20 (2) Allow the following changes without a revision to the permit
21 through a modification to the permit allowed pursuant to
22 regulations developed by the department:

23 (A) The proposed change is to allow a nondisposal facility to
24 increase the amount of solid waste that it may handle and that
25 increased amount is within the existing design capacity as described
26 in the facility's transfer processing report and review pursuant to
27 Division 13 (commencing with Section 21000).

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

33 (3) Disallow the change because it does not conform with the
34 requirements of this division or the regulations adopted pursuant
35 to this division.

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

38 (5) Require review under Division 13 (commencing with Section
39 21000) before a decision is made.

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

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

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

14 (A) The suspension is for the maintenance or minor
15 modifications to a solid waste unit or to solid waste management
16 equipment.

17 (B) The suspension is for temporarily ceasing the receipt of
18 solid waste at a solid waste management facility and the owner or
19 operator is in compliance with all other applicable terms and
20 conditions of the solid waste facilities permit and minimum
21 standards adopted by the department.

22 (2) An owner or operator of a solid waste facility who
23 temporarily suspends operations shall remain subject to the closure
24 and postclosure maintenance requirements of this division and to
25 all other requirements imposed by federal law pertaining to the
26 operation of a solid waste facility.

27 (3) The enforcement agency may impose any reasonable
28 conditions relating to the maintenance of the solid waste facility,
29 environmental monitoring, and periodic reporting during the period
30 of temporary suspension. The department may also impose any
31 reasonable conditions determined to be necessary to ensure
32 compliance with applicable state standards.

33 (h) (1) (A) Before making its determination pursuant to
34 subdivision (d), the enforcement agency shall submit the proposed
35 determination to the department for comment and hold at least one
36 public hearing on the proposed determination. The enforcement
37 agency shall give notice of the hearing pursuant to Section 65091
38 of the Government Code, except that the notice shall be provided
39 to all owners of real property within a distance other than 300 feet
40 of the real property that is the subject of the hearing, if specified

1 in the regulations adopted by the department pursuant to
2 subdivision (i). The enforcement agency shall also provide notice
3 of the hearing to the department when it submits the proposed
4 determination to the department.

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

13 (C) The enforcement agency shall consider environmental justice
14 issues when preparing and distributing the notice to ensure that
15 the notice is concise and understandable for
16 limited-English-speaking populations.

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

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

25 (2) While formulating and adopting the regulations required
26 pursuant to paragraph (1), the department shall consider
27 recommendations of the Working Group on Environmental Justice
28 and the advisory group made pursuant to Sections 71113 and 71114
29 and the report required pursuant to Section 71115.

30 SEC. 14. Section 50001 of the Public Resources Code is
31 amended to read:

32 50001. (a) Except as provided by subdivision (b), after a
33 countywide or regional agency integrated waste management plan
34 has been approved by the Department of Resources Recycling and
35 Recovery pursuant to Division 30 (commencing with Section
36 40000), a person shall not establish or expand a solid waste facility,
37 as defined in Section 40194, in the county unless the solid waste
38 facility meets one of the following criteria:

39 (1) The solid waste facility is a disposal facility or a
40 transformation facility, the location of which is identified in the

1 countywide siting element or amendment to that element, which
2 has been approved pursuant to Section 41721.

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

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

11 (c) The person or agency proposing to establish a solid waste
12 facility shall prepare and submit a site identification and description
13 of the proposed facility to the task force established pursuant to
14 Section 40950. Within 90 days after the site identification and
15 description is submitted to the task force, the task force shall meet
16 and comment on the proposed solid waste facility in writing. These
17 comments shall include, but are not limited to, the relationship
18 between the proposed solid waste facility and the implementation
19 schedule requirements of Section 41780 and the regional impact
20 of the facility. The task force shall transmit these comments to the
21 person or public agency proposing establishment of the solid waste
22 facility, to the county, and to all cities within the county. The
23 comments shall become part of the official record of the proposed
24 solid waste facility.

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

27 SEC. 15. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 a local agency or school district has the authority to levy service
30 charges, fees, or assessments sufficient to pay for the program or
31 level of service mandated by this act, within the meaning of Section
32 17556 of the Government Code.

O