

Senate Bill No. 17

CHAPTER 4

An act relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1995. Filed with Secretary of State May 15, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 17, Craven. Environmental quality: solid waste handling.

(1) Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project which it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act.

This bill would, until January 1, 1996, exempt from the act an amendment to Section 4-3-116 of the Orange County Codified Ordinance, as those provisions pertain to the importation of solid waste into the county, if specified conditions are met. The bill would thereby impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption.

(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.

(3) 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. (a) Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to an amendment of Section 4-3-116 of the Orange County Codified Ordinance, as that amendment pertains to the importation of solid waste into Orange County, if all of the following conditions are met:

(1) The amendment is made on or before January 1, 1996.

(2) The amendment consists exclusively of the authorization for the importation of solid waste into the county, and only those



conditions established by the county for the importation of that solid waste.

(3) The county holds at least one public hearing on the proposed amendment that is duly noticed to the mayor, city council members, and members of the public within each city in which a solid waste facility that will accept imported solid waste for disposal is located.

(4) The county takes all reasonable feasible actions to mitigate any adverse environmental effects from additional truck traffic to and from solid waste facilities that accept imported solid waste for disposal.

(5) The solid waste facilities permit for each solid waste facility that will accept imported solid waste meets all of the following conditions:

(A) The solid waste facilities permit was issued, modified, or revised within the past five years.

(B) At the time of the issuance, modification, or revision, the solid waste facilities permit was subject to Division 13 (commencing with Section 21000) of the Public Resources Code.

(C) The total tonnage accepted by each solid waste disposal facility after the county authorizes the importation of solid waste into the county by amending Section 4-3-116 of the Orange County Codified Ordinance does not exceed the tonnage authorized in the solid waste facilities permit for each solid waste facility, as it existed on January 1, 1995.

(D) The acceptance of imported solid waste at the solid waste facility does not require any modification of, or revision to, the solid waste facilities permit, or the issuance of any enforcement order that allows increases in tonnages to be accepted at the solid waste facility.

(6) The county has prepared a source reduction and recycling element that complies with Chapter 3 (commencing with Section 41300) and Chapter 6 (commencing with Section 41780) of Part 2 of Division 30 of the Public Resources Code, has received approval from the California Integrated Waste Management Board for the element, and is implementing the element.

(7) The county pays all fees, including any fees required by Section 43501 or 48000 of the Public Resources Code, including any fees owed in arrears, on solid waste disposed of in the county, including any solid waste imported for disposal.

(b) This section shall remain in effect until January 1, 1996, and as of that date is repealed, unless a later enacted statute amends or repeals that date.

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



Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 3. 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 provide meaningful fiscal relief that will alleviate the severe fiscal difficulties being suffered by Orange County, it is necessary that this act take effect immediately.

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