

Date of Hearing: May 3, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 592 (Wilson) – As Amended April 18, 2023

SUBJECT: Vehicles: nonfranchise solid waste haulers.

SUMMARY: Authorizes counties to adopt ordinances to regulate the transport of solid waste by nonfranchise solid waste haulers on public roads in unincorporated areas of the county.

Specifically, **this bill:**

- 1) Authorizes a county to adopt an ordinance to regulate the transport of solid waste by nonfranchise solid waste haulers on public roads in unincorporated areas of the county. Provides that an ordinance adopted under this bill may include, but is not limited to, requiring nonfranchise solid waste haulers to do any or all of the following:
 - a) Obtain a permit to transport solid waste on public roads in unincorporated areas.
 - b) Display evidence of the permit when transporting solid waste.
 - c) Pay a fee to cover the county’s reasonable regulatory cost of enforcing the ordinance without regard to fee limitations in Section 9400.8 of the Vehicle Code.
- 2) Provides that this bill does not grant a county any new authority over solid waste hauling operations pursuant to a franchise agreement and does not affect, limit, or abrogate in any manner any franchise granted to a solid waste enterprise for the handling of solid waste.
- 3) Defines “solid waste” to have the same meaning defined in the Public Resources Code.

EXISTING LAW:

- 1) Establishes the Integrated Waste Management Act (IWMA), which is administered by the Department of Resources Recycling and Recovery (CalRecycle), and generally regulates solid waste disposal, management, and recycling. Among other provisions, the IWMA defines solid waste as follows:
 - a) “Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
 - b) “Solid waste” does not include any of the following wastes:
 - i) Hazardous waste, as defined.
 - ii) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).

- iii) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to the provisions of the IWMA (Public Resources Code § 40050 et seq.).
- 2) Establishes registration and weight fees for vehicles in the Vehicle Code. Provides that if the voters approve Senate Constitutional Amendment 1 of the 1989–90 Regular Session, no local agency may impose a tax, permit fee, or other charge for the privilege of using its streets or highways, other than a permit fee for extra legal loads, after December 31, 1990, unless the local agency had imposed the fee prior to June 1, 1989 (Vehicle Code § 9400.8).
- 3) Under Senate Constitutional Amendment 1 of the 1989–90 Regular Session, Approved by voters as Proposition 111 *The Traffic Congestion Relief And Spending Limitation Act Of 1990*, the voters approved changes to the California Constitution including changes in state and local appropriations limits, and changes in the K-14 education funding guarantee. Several transportation funding measures separately adopted by the Legislature, including increases to state gas tax, and increases in truck weight fees, and limitations on fees, took effect upon voter approval of Proposition 111 (California Constitution Articles XIII B and XVI).
- 4) Establishes a series of penalties and fine schedules for illegal dumping by individuals and companies with more than 10 employees (Penal Code § 374.3).

FISCAL EFFECT: None.

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill authorizes counties to adopt an ordinance to regulate nonfranchise solid waste haulers on public roads in the unincorporated areas in the county. The bill specifies that counties may require regulated haulers to obtain a permit to transport solid waste on public roads within the county’s unincorporated area, and authorizes the county to impose a fee on regulated haulers to cover the county’s reasonable regulatory cost of enforcing the ordinance.

According to the author, “Illegal dumping has been a serious and growing problem in California for many years. Nonfranchise haulers are illegally dumping in an attempt to ‘cut corners’ and maximize their total profit. Violators assume little risk in doing so because it is economically feasible, law enforcement has no ‘probable cause’ to pull over nonfranchise haulers, and district attorneys throughout California report having difficulty in prosecuting cases.”

This bill is sponsored by Contra Costa County Board of Supervisors.

- 2) **Illegal Dumping.** Illegal dumping is the disposal of waste matter, commonly mattresses, tires, appliances, and construction debris, at an unpermitted location. Often done out of convenience or for economic gain, illegal dumping causes significant social, environmental, and economic costs statewide. Local agencies spends tens of millions of dollars each year to remove illegally disposed materials, and private property owners also incur significant costs

for the removal of dumped waste matter. If left undealt with, a single act of illegal dumping can often lead to more widely used illegal solid waste disposal sites.

Illegal dumping is subject to investigation, cleanup, and enforcement by CalRecycle and local code enforcement departments. No state or local entity is solely responsible for combatting and responding to illegal dumping, resulting in a wide variety of responses across the state from law enforcement, public works, and code enforcement. According to recent reports, California communities have experienced an increase in illegal dumping. The Los Angeles Controller recently stated that “businesses and individuals are illegally dumping garbage and debris...with increasing frequency.”¹ The City of Oakland found that illegal dumping increased 100 percent between 2012 and 2017.² Finally, according to one recent article, “Rural land and roadsides have become dumping grounds. Old mattresses, sofas, appliances, tires and household garbage are routinely dumped along the sides of rural roadways, causing an unsightly mess and bringing added cost for the farmer or the county, who must pay to have the mess cleared or taken to the dump.”³

- 3) **Previous Legislation.** AB 2374 (Bauer-Kahan), Chapter 784, Statutes of 2022, increased the maximum fines for illegal dumping for persons employing more than 10 full-time employees, and required any person convicted of illegal dumping to remove or pay the cost of removing the waste matter they were convicted of illegally dumping.

SB 409 (Wilk) of 2020 would have increased the fines for dumping of waste in non-commercial quantities and make it a crime to transport and dump waste and other materials. SB 409 was held in the Assembly Appropriations Committee.

AB 215 (Mathis) of 2019 would have made a fourth violation of illegal dumping on private property a misdemeanor punishable by up to 30 days in the county jail and created a fine of not less than \$750 nor more than \$3,000. AB 215 was held in the Assembly Appropriations Committee.

AB 1216 (Bauer-Kahan) of 2019 would have created a pilot program to employ a single law enforcement officer in both Alameda and Contra Costa counties to enforce laws prohibiting dumping. AB 1216 was held in the Assembly Appropriations Committee.

AB 144 (Mathis) of 2015 would have made a fourth violation of illegal dumping on private property a misdemeanor punishable by up to 30 days in the county jail. AB 144 was vetoed by the Governor.

AB 1992 (Canciamilla), Chapter 416, Statutes of 2006, imposed graduated penalties and increased fines for second and third violations of illegal dumping offenses.

- 4) **Arguments in Support.** The Contra Costa County Board of Supervisors writes in support, “Illegal dumping by non-franchise haulers has been a serious and growing problem in California for many years. Illegal dumping poses significant health, social, environmental,

¹ L.A. Controller, Piling Up: Addressing L.A.’s Illegal Dumping Problem (Mar. 24, 2021) at p. 1 <<https://lacontroller.org/audits-and-reports/illegaldumping/>> .)

² oaklandca.gov/resources/illegal-dumping-data

³ (Souza, *Illegal dumping plagues rural California*, The Sun-Gazette (May 1, 2019).

<https://thesungazette.com/article/news/2019/05/01/illegal-dumping-plagues-rural-california/>>;

and economic impacts to communities. Specifically, illegal dumping contributes to a loss of community pride, discourages investment and development, decreases property values, and increases a community's vulnerability to crime.

“AB 592 would authorize Contra Costa County and any other county to create a program to regulate nonfranchise waste hauling operations within the county, including waste loads that initiated within an incorporated area within the county and waste being hauled on county roadways. A participating county may adopt regulations to require a permit for non-franchise haulers to haul waste within the county and on county roadways, require the display of a permit, and require a fee to cover the county's reasonable costs to create and oversee the program. These regulations would improve enforcement and reduce illegal dumping.”

5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Contra Costa County Board of Supervisors [SPONSOR]
California State Association of Counties

Opposition

None on file

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