

Introduced by Senator PadillaFebruary 15, 2024

An act to amend Section 40060 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1208, as introduced, Padilla. Waste discharge permits: landfills.

Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act and the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act.

The California Integrated Waste Management Act of 1989 prohibits a regional water board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, that is used for the disposal of nonhazardous solid waste if the land has been primarily used at any time for the mining or excavation of gravel or sand, as specified. The act defines "landfill used for the disposal of nonhazardous solid waste" as a disposal site regulated by a regional water board as a Class III landfill, as provided.

This bill would additionally prohibit a regional water board from issuing a waste discharge permit for a new landfill that is used for the disposal of nonhazardous solid waste if the land is located within the Tijuana River National Estuarine Research Reserve or within an area that is tributary to the Tijuana River. The bill would also expand the definition of "landfill used for the disposal of nonhazardous solid waste" to also include a disposal site regulated by a regional water board as a Class II landfill, as provided.

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. The Legislature finds and declares that the use
2 of areas within the Tijuana River watershed for landfill disposal
3 and related activities create the potential for pollution and other
4 hazardous conditions that can adversely affect human health and
5 the environment.

6 SEC. 2. Section 40060 of the Public Resources Code is
7 amended to read:

8 40060. (a) (1) Notwithstanding any other ~~provision of~~ law, a
9 regional water board shall not issue a waste discharge permit for
10 a new landfill, or a lateral expansion of an existing landfill, which
11 is used for the disposal of nonhazardous solid waste if the land has
12 been primarily used at any time for the mining or excavation of
13 gravel or sand.

14 (2) *Notwithstanding any other law, and not subject to a variance,*
15 *a regional water board shall not issue a waste discharge permit*
16 *for a new landfill that is used for the disposal of nonhazardous*
17 *solid waste if the new landfill is to be located within the Tijuana*
18 *River National Estuarine Research Reserve or within an area that*
19 *is tributary to the Tijuana River.*

20 (b) A regional water board, in a public meeting, may grant a
21 variance from *paragraph (1) of subdivision (a)* if the applicant
22 demonstrates and the regional water ~~quality control~~ board
23 determines that the discharges to a new facility or expansion of an
24 existing facility during its operation and postclosure period will
25 not pollute or threaten to pollute the waters of the state. In deciding
26 whether to grant a variance, the regional water board shall consider,
27 among other factors, site characteristics, including permeability
28 and transmissivity of the underlying soils and depth to groundwater.
29 For the purpose of this section, “groundwater” means the
30 uppermost aquifer usable for beneficial purposes.

31 (c) Nothing in this section precludes any local jurisdiction from
32 exercising any power ~~which~~ *that* it has pursuant to any other
33 ~~provision of law.~~

34 (d) The following definitions govern the construction of this
35 section:

1 (1) “Landfill used for the disposal of nonhazardous solid waste”
2 means a disposal site regulated by a regional water board as a Class
3 *II or III* landfill pursuant to ~~Sections 2533 and 2541~~ of *Subchapter*
4 *2 (commencing with Section 20200) of Chapter 3 of Subdivision*
5 *1 of Division 2 of Title 23* 27 of the California Code of Regulations.
6 (2) “Lateral expansion” means a new or expanded waste
7 management unit ~~which~~ *that* is not authorized on January 1, 1989,
8 under existing waste discharge requirements issued pursuant to
9 Division 7 (commencing with Section 13000) of the Water Code
10 and an existing solid waste facility permit issued pursuant to this
11 ~~title.~~ *division*. For purposes of subdivision (f), “lateral expansion”
12 does not include a new or expanded waste management unit for
13 which waste discharge requirements were issued by a regional
14 water board before January 1, 1989, but were subject to review
15 after that date pursuant to Section 13320 of the Water Code.
16 (e) The regional water board may hold a single hearing for
17 purposes of granting a variance pursuant to subdivision (b) and
18 establishing waste discharge requirements.
19 (f) Notwithstanding subdivision (b), a regional water board shall
20 not grant a variance from *paragraph (1) of* subdivision (a) if the
21 variance is for a new landfill, or a lateral expansion of an existing
22 landfill, located within the boundaries of the Main San Gabriel
23 Groundwater Basin. For purposes of this subdivision, the
24 boundaries of the Main San Gabriel Groundwater Basin are the
25 boundaries described in Exhibit A of the judgment in *Upper San*
26 *Gabriel Valley Municipal Water District v. City of Alhambra, et*
27 *al.*, Case Number 924128 of the Superior Court for the County of
28 Los Angeles.