

AB 1857 – Legislature Makes Changes to Rules Concerning Solid Waste Disposal

Assembly Bill 1857 was recently enacted into law. Under California's Integrated Waste Management Act of 1989, local agencies disposing of solid waste were required to divert 50% of solid waste through source reduction, recycling, and composting activities. However, 10% of this requirement could be met through certain "transformation" techniques, which included incineration.

The new bill repeals the statutory authorization for the diversion requirement to be partially met through transformation. (Pub. Res. Code § 41783.) Local agencies will now need to use methods other than transformation to meet the 50% diversion requirement, such as by pursuing additional source reduction, recycling, and composting activities. Incineration will no longer count towards the diversion requirement.

Existing law also authorized regulators to reduce the diversion requirement for a city or county that, before January 1, 1990, disposed of 75% or more of its solid waste by transformation. AB 1857 repeals this regulatory authorization. This repeal means that any city or county still relying on such regulatory reductions to its diversion requirement will need to come into compliance with the 50% diversion requirement created by the 1989 Act by ramping up its source reduction, recycling, and composting activities.

AB 1857 also creates a "Zero-Waste Equity Grant Program." This is to be a competitive grant program for local agencies to "support targeted strategies and investments in communities transitioning to a zero-waste circular economy." (Pub. Res. Code § 42999.5.) The funding under this program is to be "used to fund programs that result in the reuse, repair, and sharing of goods and materials." (*Ibid.*) It appears that no funding has been allocated for the grant program in the state budget so far, but that may change in the future.

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