

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JULY 8, 2009

AMENDED IN ASSEMBLY MAY 28, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 222

Introduced by Assembly Members Adams and Ma
(Coauthors: Assembly Members Blakeslee, Conway, ~~Duvall,~~
Emmerson, Fletcher, Fuentes, Galgiani, Gilmore, Knight,
Mendoza, Smyth, and Torrico)
(Coauthors: Senators Benoit and Calderon)

February 4, 2009

An act to amend Sections 25741, 25806, 40194, and 40201 of, to add Sections 40103 and 41786.5 to, and to repeal Section 40117 of, the Public Resources Code, relating to energy. An act to amend Sections 40194 and 40201 of, to add Section 40103 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as amended, Adams. ~~Energy: biofuels.~~ *Solid waste: definitions.*

(1) ~~Existing law establishes the Public Interest Research, Development, and Demonstration Fund in the State Treasury, and provides that the money collected by the public goods charge to support cost-effective energy efficiency and conservation activities and public~~

~~interest energy research, development, and demonstration projects not adequately provided by competitive and regulated markets, be deposited in the fund for use by the State Energy Resources Conservation and Development Commission (Energy Commission). Existing law requires the Energy Commission to use those funds to develop, implement, and administer the Public Interest Research, Development, and Demonstration Program to develop technologies to, among other things, improve environmental quality, enhance electrical system reliability, increase efficiency of energy-using technologies, lower electrical system costs, or provide other tangible benefits to electric utility customers. Existing law defines “in-state renewable electricity generation facility” for the purposes of the program to include, among other things, a facility that uses municipal solid waste conversion.~~

~~This bill would instead define “in-state renewable electricity generation facility” to include a facility that uses conversion at a biorefinery. The bill would define “biorefinery” to mean a facility that uses a nonincineration thermal, chemical, biological, or mechanical conservation process, or a combination of those processes, to produce clean burning fuel for generating electricity or a renewable fuel from carbonaceous materials not derived from fossil fuel or solid waste feedstock.~~

~~(2) The California Integrated Waste Management Act of 1989 requires cities and counties, on and after January 1, 2000, to divert 50% of all solid waste through source reduction, recycling, and composting activities.~~

~~This bill would authorize a jurisdiction, if the act requires a solid waste diversion of more than 50%, to consider solid waste diverted to a biorefinery as disposal reduction in meeting the solid waste diversion level requirement above 50% if the jurisdiction makes a specified certification to the board.~~

~~(3) The act~~

~~*The California Integrated Waste Management Act of 1989* defines various terms, including “gasification,” “solid waste facility,” and “transformation” for the purposes of the act.~~

~~This bill would repeal the term “gasification.” The bill would additionally define “solid waste facility” to include a biorefinery that processes solid waste. The bill would revise and recast the definition of “transformation” to exclude from that definition, among other things, anaerobic digestion, as defined, and *to include in that definition* solid~~

waste conversion at a biorefinery, as defined. The bill would revise the definition of “solid waste” remove “gasification” from that definition.

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. Section 40103 is added to the Public Resources
2 Code, to read:

3 40103. “Anaerobic digestion” means a process using the
4 bacterial breakdown of compostable organic material in a
5 controlled environment that meets other parameters as established
6 by the department.

7 SEC. 2. Section 40117 of the Public Resources Code is
8 repealed.

9 ~~40117. “Gasification” means a technology that uses a
10 noncombustion thermal process to convert solid waste to a clean
11 burning fuel for the purpose of generating electricity, and that, at
12 minimum, meets all of the following criteria:~~

13 ~~(a) The technology does not use air or oxygen in the conversion
14 process, except ambient air to maintain temperature control.~~

15 ~~(b) The technology produces no discharges of air contaminants
16 or emissions, including greenhouse gases, as defined in subdivision
17 (g) of Section 38505 of the Health and Safety Code.~~

18 ~~(c) The technology produces no discharges to surface or
19 groundwaters of the state.~~

20 ~~(d) The technology produces no hazardous waste.~~

21 ~~(e) To the maximum extent feasible, the technology removes
22 all recyclable materials and marketable green waste compostable
23 materials from the solid waste stream prior to the conversion
24 process and the owner or operator of the facility certifies that those
25 materials will be recycled or composted.~~

26 ~~(f) The facility where the technology is used is in compliance
27 with all applicable laws, regulations, and ordinances.~~

28 ~~(g) The facility certifies to the board that any local agency
29 sending solid waste to the facility is in compliance with this
30 division and has reduced, recycled, or composted solid waste to
31 the maximum extent feasible, and the board makes a finding that
32 the local agency has diverted at least 30 percent of all solid waste
33 through source reduction, recycling, and composting.~~

1 SEC. 3. Section 40194 of the Public Resources Code is
2 amended to read:

3 40194. "Solid waste facility" includes a solid waste transfer
4 or processing station, a composting facility, ~~a gasification facility,~~
5 a transformation facility, and a disposal facility. For purposes of
6 Part 5 (commencing with Section 45000), "solid waste facility"
7 additionally includes a solid waste operation that may be carried
8 out pursuant to an enforcement agency notification, as provided
9 in regulations adopted by the ~~board~~ department.

10 SEC. 4. Section 40201 of the Public Resources Code is
11 amended to read:

12 40201. "Transformation" means incineration, pyrolysis,
13 distillation, ~~or biological conversion other than composting and~~
14 ~~anaerobic digestion, or the processing of solid waste at a~~
15 ~~biorefinery. "Biorefinery" means a facility that utilizes~~
16 ~~nonincineration thermal, chemical, biological, or mechanical~~
17 ~~conversion processes, other than composting and anaerobic~~
18 ~~digestion. "Transformation" does not include composting,~~
19 ~~gasification anaerobic digestion, or biomass conversion.~~

20
21 **All matter omitted in this version of the bill**
22 **appears in the bill as amended in the**
23 **Senate, July 8, 2009. (JR11)**
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