

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1126

**Introduced by Assembly Members Gordon and Mullin
(Principal coauthor: Assembly Member Wilk)**

February 22, 2013

An act to amend Section ~~42649~~ 40106 of the Public Resources Code, relating to ~~reeycling~~ *solid waste*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1126, as amended, Gordon. ~~Recycling: businesses. Solid waste:~~ *biomass conversion.*

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste, through source reduction, recycling, and composting activities. Existing law allows the 50% diversion requirement to include, pursuant to specified conditions, not more than 10% through biomass conversion defined as the controlled combustion of specific materials for use in producing electricity or heat.

This bill would revise the definition of biomass conversion to specify that it includes other thermal conversion of those materials.

~~Existing law requires a business, defined to include a commercial or public entity, that generates 4 cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of 5 units, or more to arrange for recycling services.~~

This bill would make a technical change to a statement of legislative intent regarding this program.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40106 of the Public Resources Code is
2 amended to read:

3 40106. (a) “Biomass conversion” means the controlled
4 combustion, *or other thermal conversion*, when separated from
5 other solid waste and used for producing electricity or heat, of the
6 following materials:

- 7 (1) Agricultural crop residues.
- 8 (2) Bark, lawn, yard, and garden clippings.
- 9 (3) Leaves, silvicultural residue, and tree and brush pruning.
- 10 (4) Wood, wood chips, and wood waste.
- 11 (5) Nonrecyclable pulp or nonrecyclable paper materials.

12 (b) “Biomass conversion” does not include the controlled
13 combustion of recyclable pulp or recyclable paper materials, or
14 materials that contain sewage sludge, industrial sludge, medical
15 waste, hazardous waste, or either high-level or low-level
16 radioactive waste.

17 (c) For purposes of this section, “nonrecyclable pulp or
18 nonrecyclable paper materials” means either of the following, as
19 determined by the ~~board~~: *department*:

- 20 (1) Paper products or fibrous materials that cannot be
21 technically, feasibly, or legally recycled because of the manner in
22 which the product or material has been manufactured, treated,
23 coated, or constructed.
- 24 (2) Paper products or fibrous materials that have become soiled
25 or contaminated and as a result cannot be technically, feasibly, or
26 legally recycled.

27 ~~SECTION 1. Section 42649 of the Public Resources Code is~~
28 ~~amended to read:~~

29 ~~42649. (a) It is the intent of the Legislature to require~~
30 ~~businesses to recycle the commercial solid waste that they generate.~~

31 ~~(b) It is the intent of the Legislature to allow jurisdictions~~
32 ~~flexibility in developing and maintaining commercial solid waste~~
33 ~~recycling programs.~~

1 ~~(e) It is the intent of the Legislature to reduce greenhouse gas~~
2 ~~emissions by diverting commercial solid waste to recycling efforts~~
3 ~~and to expand the opportunity for additional recycling services~~
4 ~~and recycling manufacturing facilities in California.~~

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