

## Senate Bill No. 498

### CHAPTER 746

An act to amend Section 40106 of, and to add Section 44107 to, the Public Resources Code, relating to solid waste.

[Approved by Governor September 28, 2014. Filed with  
Secretary of State September 28, 2014.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 498, Lara. 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 not more than 10% through transformation or "biomass conversion," as defined, if specified conditions are met. The act defines "biomass conversion," to mean the controlled combustion used for the production of heat or electricity of specified materials for the purposes of the act.

This bill would revise the definition of the term "biomass conversion" to mean the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal technologies on, those specified materials. The bill would require a solid waste facility sending materials to a biomass conversion facility to ensure that the materials sent are limited to those specified materials. The bill would authorize the department of a local enforcement agency to inspect the solid waste facility, as specified. The bill would require the owner or operator of a biomass conversion facility to submit an annual report to the department, under the penalty of perjury, containing specified information for the preceding year. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

40106. (a) “Biomass conversion” means the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal conversion technologies on, the following materials, when separated from other solid waste:

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

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

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

(1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.

(2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.

SEC. 2. Section 44107 is added to the Public Resources Code, to read:

44107. (a) A solid waste facility, as defined in Section 40194, sending materials to a biomass conversion facility, shall ensure that the materials are limited to those listed in subdivision (a) of Section 40106. The enforcement agency may inspect solid waste facilities and operations for compliance with this section.

(b) On or before April 1, 2016, and on or before April 1 of each year thereafter, the operator or owner of a biomass conversion facility shall provide an annual report to the department, in writing, for the preceding year, containing all of the following information:

(1) The name, address, and telephone number of the facility, the operator, and the owner.

(2) The total amount and type of material accepted by the facility.

(3) The name and address, or the physical location, of the source of each type of material accepted by the facility. A facility that cannot provide the name and address, or the physical location, of a source of material accepted by the facility shall provide an explanation why the information is not available.

(4) The total amount and type of material that was rejected by the facility.

(5) The name and address, or physical location, of the source of each type of material rejected by the facility and the reasons for the rejection. A

facility that cannot provide the name and address, or the physical location, of a source of material rejected by the facility shall provide an explanation why the information is not available.

(6) The name and address, or physical location, of the final end user of ash or other byproducts produced by the facility. Until January 1, 2017, a facility that cannot provide the name and address, or physical location, of the final end user of ash or byproducts shall provide an explanation why that information is not available.

(7) Signatures of the operator and owner of the facility certifying the accuracy of the information provided under the penalty of perjury.

(8) Any other information that is necessary for the department to determine the accuracy of the information provided pursuant to this subdivision.

(c) To the extent that information specified in subdivision (b) has previously been submitted by the owner or operator of a biomass conversion facility to another state agency or instrument of a state agency, the owner or operator of the facility may submit those reports to the department. Information required by subdivision (b) and not contained in the previously submitted reports shall be provided separately to the department.

(d) If any information provided by a biomass conservation facility pursuant to this section is designated as confidential, the department shall treat that information in accordance with Section 40062 and its implementing regulations.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.