

AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 22, 2013
AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 804

Introduced by Senator Lara

February 22, 2013

An act to amend Sections 40106 and 40116.1 and 40116.1 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 804, as amended, Lara. Solid waste: energy.

~~(1) The~~

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 various terms, including "biomass conversion" and "composting," for the purposes of the act.

This bill would revise the definition of the term "biomass conversion" to include, in addition to controlled combustion, any other conversion technology, as specified. The bill would define "composting" for purposes of implementing certain solid waste management practices and reduction goals to include aerobic and anaerobic decomposition of

organic wastes. ~~The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the diversion of solid waste.~~

~~(2) 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 specified reasons:~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *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 conversion technology, 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 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.

1 SEC. 2. Section 40116.1 of the Public Resources Code is
2 amended to read:

3 40116.1. (a) “Composting” means the controlled or
4 uncontrolled biological decomposition of organic wastes.

5 (b) ~~For the purposes of Sections 40051, 41780.01, and 41200,~~
6 ~~and Article 5 (commencing with Section 41400) of Chapter 3,~~
7 ~~“composting”~~ “*Composting*” includes aerobic decomposition and
8 anaerobic decomposition of organic waste.

9 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
10 ~~Section 6 of Article XIII B of the California Constitution because~~
11 ~~a local agency or school district has the authority to levy service~~
12 ~~charges, fees, or assessments sufficient to pay for the program or~~
13 ~~level of service mandated by this act or because costs that may be~~
14 ~~incurred by a local agency or school district will be incurred~~
15 ~~because this act creates a new crime or infraction, eliminates a~~
16 ~~crime or infraction, or changes the penalty for a crime or infraction,~~
17 ~~within the meaning of Section 17556 of the Government Code, or~~
18 ~~changes the definition of a crime within the meaning of Section 6~~
19 ~~of Article XIII B of the California Constitution.~~