

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 25, 2013

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 ~~40051, 40106, 40116.1, 40127, 40194, 40201, 40507, 40900.1, 41780, 41780.01, 41780.02, 41780.1, and 41781~~ of, and to add Section 40103 to, *40106 and 40116.1* of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

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

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” to include aerobic and anaerobic decomposition of organic wastes.

~~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” to include decomposition of organic wastes in the presence of oxygen. The bill would include as a part of the 50% diversion rate requirement the diversion of solid waste through anaerobic digestion, as defined.~~

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 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

1 waste, hazardous waste, or either high-level or low-level
2 radioactive waste.

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

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

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

13 *SEC. 2. Section 40116.1 of the Public Resources Code is*
14 *amended to read:*

15 40116.1. (a) “Composting” means the controlled or
16 uncontrolled biological decomposition of organic wastes.

17 (b) “Composting” includes aerobic decomposition and
18 anaerobic decomposition of organic wastes.

19 ~~SECTION 1. Section 40051 of the Public Resources Code is~~
20 ~~amended to read:~~

21 ~~40051. In implementing this division, the board and local~~
22 ~~agencies shall do both of the following:~~

23 (a) ~~Promote the following waste management practices in order~~
24 ~~of priority:~~

25 (1) ~~Source reduction.~~

26 (2) ~~Recycling, composting, and anaerobic digestion.~~

27 (3) ~~Environmentally safe transformation and environmentally~~
28 ~~safe land disposal, at the discretion of the city or county.~~

29 (b) ~~Maximize the use of all feasible source reduction, recycling,~~
30 ~~composting, and anaerobic digestion options in order to reduce~~
31 ~~the amount of solid waste that must be disposed of by~~
32 ~~transformation and land disposal. For wastes that cannot feasibly~~
33 ~~be reduced at their source, recycled, composted, or anaerobically~~
34 ~~digested, the local agency may use environmentally safe~~
35 ~~transformation or environmentally safe land disposal, or both of~~
36 ~~those practices.~~

37 ~~SEC. 2. Section 40103 is added to the Public Resources Code,~~
38 ~~to read:~~

39 40103. “Anaerobic digestion” means a process of breaking
40 down organic materials using microorganisms under controlled

1 conditions in the absence of oxygen or in an oxygen-starved
2 environment, other than within a landfill.

3 SEC. 3. Section 40106 of the Public Resources Code is
4 amended to read:

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

9 (1) Agricultural crop residues:

10 (2) Bark, lawn, yard, and garden clippings:

11 (3) Leaves, silvicultural residue, and tree and brush pruning:

12 (4) Wood, wood chips, and wood waste:

13 (5) Nonrecyclable pulp or nonrecyclable paper materials:

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

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

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

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

29 SEC. 4. Section 40116.1 of the Public Resources Code is
30 amended to read:

31 40116.1. “Composting” means the controlled or uncontrolled
32 biological decomposition of organic wastes in the presence of
33 oxygen:

34 SEC. 5. Section 40127 of the Public Resources Code is
35 amended to read:

36 40127. “Diversion program” means a program in the source
37 reduction and recycling element of a jurisdiction’s integrated waste
38 management plan, specified in Chapter 2 (commencing with
39 Section 41000) of, or Chapter 3 (commencing with Section 41300)
40 of, Part 2 and that has the purpose of diverting solid waste from

1 landfill disposal or transformation through source reduction,
2 recycling, composting, and anaerobic digestion activities.
3 “Diversion program” additionally includes any amendments,
4 revisions, or updates to the element, and any programs set forth
5 in a time extension, alternative requirement, or compliance order
6 approved by the board pursuant to Part 2 (commencing with
7 Section 40900).

8 SEC. 6. Section 40194 of the Public Resources Code is
9 amended to read:

10 40194. “Solid waste facility” includes a solid waste transfer
11 or processing station, a composting facility, an anaerobic digestion
12 facility, a gasification facility, a transformation facility, and a
13 disposal facility. For purposes of Part 5 (commencing with Section
14 45000), “solid waste facility” additionally includes a solid waste
15 operation that may be carried out pursuant to an enforcement
16 agency notification, as provided in regulations adopted by the
17 board.

18 SEC. 7. Section 40201 of the Public Resources Code is
19 amended to read:

20 40201. “Transformation” means incineration, pyrolysis, or
21 distillation. “Transformation” does not include composting,
22 anaerobic digestion, gasification, or biomass conversion.

23 SEC. 8. Section 40507 of the Public Resources Code is
24 amended to read:

25 40507. (a) On or before March 1 of each year, the board shall
26 file an annual report with the Legislature highlighting significant
27 programs or actions undertaken by the board to implement
28 programs pursuant to this division during the prior calendar year.
29 The report shall include, but is not limited to, the information
30 described in subdivision (b).

31 (b) The board shall file annual progress reports with the
32 Legislature covering the activities and actions undertaken by the
33 board in the prior fiscal year. The board shall prepare, and may
34 electronically file with the Legislature, the progress reports
35 throughout the calendar year, as determined by the board, on the
36 following programs:

- 37 (1) The local enforcement agency program.
- 38 (2) The research and development program.
- 39 (3) The public education program.
- 40 (4) The market development program.

1 ~~(5) The used oil program.~~

2 ~~(6) The planning and local assistance program.~~

3 ~~(7) The site cleanup program.~~

4 ~~(e) The progress report shall specifically include, but is not~~
5 ~~limited to, all of the following information:~~

6 ~~(1) Pursuant to paragraph (1) of subdivision (b), the status of~~
7 ~~the certification and evaluation of local enforcement agencies~~
8 ~~pursuant to Chapter 2 (commencing with Section 43200) of Part~~
9 ~~4.~~

10 ~~(2) Pursuant to paragraph (2) of subdivision (b), all of the~~
11 ~~following information:~~

12 ~~(A) The results of the research and development programs~~
13 ~~established pursuant to Chapter 13 (commencing with Section~~
14 ~~42650) of Part 3.~~

15 ~~(B) A report on information and activities associated with the~~
16 ~~establishment of the Plastics Recycling Information Clearinghouse,~~
17 ~~pursuant to Section 42520.~~

18 ~~(C) A report on the progress in implementing the monitoring~~
19 ~~and control program for the subsurface migration of landfill gas~~
20 ~~established pursuant to Section 43030, including recommendations,~~
21 ~~as needed, to improve the program.~~

22 ~~(D) A report on the comparative costs and benefits of the~~
23 ~~recycling or conversion processes for waste tires funded pursuant~~
24 ~~to Chapter 17 (commencing with Section 42860) of Part 3.~~

25 ~~(3) Pursuant to paragraph (3) of subdivision (b), all of the~~
26 ~~following information:~~

27 ~~(A) A review of actions taken by the board to educate and inform~~
28 ~~individuals and public and private sector entities who generate~~
29 ~~solid waste on the importance of source reduction, recycling,~~
30 ~~composting, and anaerobic digestion of solid waste, and~~
31 ~~recommendations for administrative or legislative actions which~~
32 ~~will inform and educate these parties.~~

33 ~~(B) A report on the effectiveness of the public information~~
34 ~~program required to be implemented pursuant to Chapter 12~~
35 ~~(commencing with Section 42600) of Part 3, including~~
36 ~~recommendations on administrative and legislative changes to~~
37 ~~improve the program.~~

38 ~~(C) A report on the status and effectiveness of school district~~
39 ~~source reduction and recycling programs implemented pursuant~~
40 ~~to Chapter 12.5 (commencing with Section 42620) of Part 3,~~

1 including recommendations on administrative and legislative
2 changes to improve the program's effectiveness.

3 (D) A report on the effectiveness of the integrated waste
4 management educational program and teacher training plan
5 implemented pursuant to Part 4 (commencing with Section 71300)
6 of Division 34, including recommendations on administrative and
7 legislative changes which will improve the program.

8 (E) A summary of available and wanted materials, a profile of
9 the participants, and the amount of waste diverted from disposal
10 sites as a result of the California Materials Exchange Program
11 established pursuant to subdivision (a) of Section 42600.

12 (4) Pursuant to paragraph (4) of subdivision (b), all of the
13 following information:

14 (A) A review of market development strategies undertaken by
15 the board pursuant to this division to ensure that markets exist for
16 materials diverted from solid waste facilities, including
17 recommendations for administrative and legislative actions which
18 will promote expansion of those markets. The recommendations
19 shall include, but not be limited to, all of the following:

20 (i) Recommendations for actions to develop more direct liaisons
21 with private manufacturing industries in the state to promote
22 increased utilization of recycled feedstock in manufacturing
23 processes.

24 (ii) Recommendations for actions which can be taken to assist
25 local governments in the inclusion of recycling activities in county
26 overall economic development plans.

27 (iii) Recommendations for actions to utilize available financial
28 resources for expansion of recycling industry capacity.

29 (iv) Recommendations to improve state, local, and private
30 industry product and material procurement practices.

31 (B) Development and implementation of a program to assist
32 local agencies in the identification of markets for materials that
33 are diverted from disposal facilities through source reduction,
34 recycling, composting, and anaerobic digestion pursuant to Section
35 40913.

36 (C) A report on the Recycling Market Development Zone Loan
37 Program conducted pursuant to Article 3 (commencing with
38 Section 42010) of Chapter 1 of Part 3.

1 ~~(D) A report on implementation of the Compost Market Program~~
2 ~~pursuant to Chapter 5 (commencing with Section 42230) of Part~~
3 ~~3.~~

4 ~~(E) A report on the progress in developing and implementing~~
5 ~~the comprehensive Market Development Plan, pursuant to Article~~
6 ~~2 of Chapter 1 (commencing with Section 42005) of Part 3.~~

7 ~~(F) The number of retreaded tires purchased by the Department~~
8 ~~of General Services during the prior fiscal year pursuant to Section~~
9 ~~42414.~~

10 ~~(G) The results of the study performed in consultation with the~~
11 ~~Department of General Services pursuant to Section 42415 to~~
12 ~~determine if tire retreads, procured by the Department of General~~
13 ~~Services, have met all quality and performance criteria of a new~~
14 ~~tire, including any recommendations to expand, revise, or curtail~~
15 ~~the program.~~

16 ~~(H) The number of recycled lead-acid batteries purchased during~~
17 ~~the prior fiscal year by the Department of General Services~~
18 ~~pursuant to Section 42443.~~

19 ~~(I) A list of established price preferences for recycled paper~~
20 ~~products for the prior fiscal year pursuant to paragraph (1) of~~
21 ~~subdivision (c) of Section 12162 of the Public Contract Code.~~

22 ~~(J) A report on the implementation of the white office paper~~
23 ~~recovery program pursuant to Chapter 10 (commencing with~~
24 ~~Section 42560) of Part 3.~~

25 ~~(5) Pursuant to paragraph (5) of subdivision (b), both of the~~
26 ~~following information:~~

27 ~~(A) A report on the annual audit of the used oil recycling~~
28 ~~program established pursuant to Chapter 4 (commencing with~~
29 ~~Section 48600) of Part 7.~~

30 ~~(B) A summary of industrial and lubricating oil sales and~~
31 ~~recycling rates, the results of programs funded pursuant to Chapter~~
32 ~~4 (commencing with Section 48600) of Part 7, recommendations,~~
33 ~~if any, for statutory changes to the program, including changes in~~
34 ~~the amounts of the payment required by Section 48650 and the~~
35 ~~recycling incentive, and plans for present and future programs to~~
36 ~~be conducted over the next two years.~~

37 ~~(6) Pursuant to paragraph (6) of subdivision (b), all of the~~
38 ~~following information:~~

39 ~~(A) The development by the board of the model countywide or~~
40 ~~regional siting element and model countywide or regional agency~~

1 integrated waste management plan pursuant to Section 40912,
2 including its effectiveness in assisting local agencies.

3 (B) The adoption by the board of a program to provide assistance
4 to cities, counties, or regional agencies in the development and
5 implementation of source reduction programs pursuant to
6 subdivision (c) of Section 40912.

7 (C) The development by the board of model programs and
8 materials to assist rural counties and cities in preparing city and
9 county source reduction and recycling elements pursuant to Section
10 41787.3.

11 (D) A report on the number of tires that are recycled or otherwise
12 diverted from disposal in landfills or stockpiles.

13 (E) A report on the development and implementation of
14 recommendations, with proposed implementing regulations, for
15 providing technical assistance to counties and cities that meet
16 criteria specified in Section 41782, so that those counties and cities
17 will be able to meet the objectives of this division. The
18 recommendations shall, among other things, address both of the
19 following matters:

20 (i) Assistance in developing methods of raising revenue at the
21 local level to fund rural integrated waste management programs.

22 (ii) Assistance in developing alternative methods of source
23 reduction, recycling, composting, and anaerobic digestion of solid
24 waste suitable for rural local governments.

25 (F) A report on the status and implementation of the “Buy
26 Recycled” program established pursuant to subdivision (d) of
27 Section 42600, including the waste collection and recycling
28 programs established pursuant to Sections 12164.5 and 12165 of
29 the Public Contract Code.

30 (7) Pursuant to paragraph (7) of subdivision (b), a description
31 of sites cleaned up under the Solid Waste Disposal and Codisposal
32 Site Cleanup Program established pursuant to Article 2.5
33 (commencing with Section 48020) of Chapter 2 of Part 7, a
34 description of remaining sites where there is no responsible party
35 or the responsible party is unable or unwilling to pay for cleanup,
36 and recommendations for any needed legislative changes.

37 SEC. 9. Section 40900.1 of the Public Resources Code is
38 amended to read:

39 40900.1. The Legislature hereby further finds and declares all
40 of the following:

1 ~~(a) It is important to encourage state agencies to plan and~~
2 ~~implement programs that will reduce the amount of solid waste~~
3 ~~going to disposal facilities through source reduction, recycling,~~
4 ~~composting, and anaerobic digestion.~~

5 ~~(b) Local agencies, other than a host jurisdiction, and federal~~
6 ~~agencies should be encouraged to plan and implement programs~~
7 ~~that will reduce the amount of solid waste going to disposal~~
8 ~~facilities through source reduction, recycling, composting, and~~
9 ~~anaerobic digestion.~~

10 ~~(c) Each state agency shall, to the extent feasible and within~~
11 ~~existing budgetary constraints, develop and implement source~~
12 ~~reduction, recycling, composting, and anaerobic digestion programs~~
13 ~~that will reduce the amount of solid waste going to disposal~~
14 ~~facilities. Those programs shall be consistent with Executive Order~~
15 ~~W-7-91, which ordered state agencies to establish recycling~~
16 ~~programs, reduce paper waste, purchase recycled products, and~~
17 ~~implement measures that minimize the generation of waste.~~

18 ~~(d) Local, state, and federal agencies generating solid waste that~~
19 ~~is sent to a host jurisdiction for disposal should be encouraged to~~
20 ~~provide the host jurisdiction with information on the amount of~~
21 ~~solid waste and regarding any solid waste source reduction,~~
22 ~~recycling, composting, or anaerobic digestion programs that have~~
23 ~~been implemented by the agency, to assist the host jurisdiction in~~
24 ~~developing and implementing the planning requirements of this~~
25 ~~division.~~

26 ~~SEC. 10.—Section 41780 of the Public Resources Code is~~
27 ~~amended to read:~~

28 ~~41780. (a) Each jurisdiction's source reduction and recycling~~
29 ~~element shall include an implementation schedule that shows both~~
30 ~~of the following:~~

31 ~~(1) For the initial element, the jurisdiction shall divert 25 percent~~
32 ~~of all solid waste by January 1, 1995, through source reduction,~~
33 ~~recycling, and composting activities.~~

34 ~~(2) Except as provided in Sections 41783 and 41784, for the~~
35 ~~first and each subsequent revision of the element, the jurisdiction~~
36 ~~shall divert 50 percent of all solid waste on and after January 1,~~
37 ~~2000, through source reduction, recycling, composting, and~~
38 ~~anaerobic digestion activities.~~

39 ~~(b) This section does not prohibit a jurisdiction from~~
40 ~~implementing source reduction, recycling, composting, and~~

1 anaerobic digestion activities designed to exceed the requirements
2 of this division.

3 ~~SEC. 11. Section 41780.01 of the Public Resources Code is~~
4 ~~amended to read:~~

5 ~~41780.01. (a) The Legislature hereby declares that it is the~~
6 ~~policy goal of the state that not less than 75 percent of solid waste~~
7 ~~generated be source reduced, recycled, composted, or anaerobically~~
8 ~~digested by the year 2020, and annually thereafter.~~

9 ~~(b) Notwithstanding subdivision (a), the department shall not~~
10 ~~establish or enforce a diversion rate on a city or county that is~~
11 ~~greater than the 50 percent diversion rate established pursuant to~~
12 ~~Section 41780.~~

13 ~~SEC. 12. Section 41780.02 of the Public Resources Code is~~
14 ~~amended to read:~~

15 ~~41780.02. (a) On or before January 1, 2014, the department~~
16 ~~shall submit a report to the Legislature that provides strategies to~~
17 ~~achieve the state's policy goal that not less than 75 percent of solid~~
18 ~~waste generated be source reduced, recycled, composted, or~~
19 ~~anaerobically digested by the year 2020, and annually thereafter,~~
20 ~~pursuant to Section 41780.01.~~

21 ~~(b) The report shall also include all of the following:~~

22 ~~(1) A review and update of the information required pursuant~~
23 ~~to subparagraph (A) of paragraph (4) of subdivision (c) of Section~~
24 ~~40507, with emphasis on new and emerging trends in resource~~
25 ~~management.~~

26 ~~(2) Identification of problematic waste streams and sources and~~
27 ~~recommendations on handling those waste streams.~~

28 ~~(3) Evaluation of current programs and their effectiveness, and~~
29 ~~recommendations for changes to those programs.~~

30 ~~(4) Recommendations for reprioritizing existing resources to~~
31 ~~best achieve the purpose of Section 41780.01.~~

32 ~~(5) Recommendations for legislative changes, if any, that are~~
33 ~~necessary to achieve the goals of Section 41780.01.~~

34 ~~(6) Report on regulatory changes, if any, that are necessary, to~~
35 ~~achieve the goals of Section 41780.01.~~

36 ~~(7) Any other information or recommendations the department~~
37 ~~deems pertinent.~~

38 ~~(c) The department may provide the report required pursuant~~
39 ~~to this section in conjunction with the report required pursuant to~~

~~Section 40507 if the combined report is submitted on or before January 1, 2014.~~

~~(d) The department may hold public workshops to gather input from stakeholders.~~

~~(e) (1) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2017.~~

~~(2) The report shall be submitted in compliance with Section 9795 of the Government Code.~~

~~SEC. 13. Section 41780.1 of the Public Resources Code is amended to read:~~

~~41780.1. (a) Notwithstanding any other requirement of this part, for the purposes of determining the amount of solid waste that a regional agency is required to divert from disposal or transformation through source reduction, recycling, composting, and anaerobic digestion to meet the diversion requirements of Section 41780, the regional agency shall use the solid waste disposal projections in the source reduction and recycling elements of the regional agency's member agencies. The method prescribed in Section 41780.2 shall be used to determine the maximum amount of disposal allowable to meet the diversion requirements of Section 41780.~~

~~(b) Notwithstanding any other requirement of this part, for the purposes of determining the amount of solid waste that a city or county is required to divert from disposal or transformation through source reduction, recycling, composting, and anaerobic digestion to meet the diversion requirements of Section 41780, the city or county shall use the solid waste disposal projections in the source reduction and recycling elements of the city or county. The method prescribed in Section 41780.2 shall be used to determine the maximum amount of disposal allowable to meet the diversion requirements of Section 41780.~~

~~(c) To determine achievement of the diversion requirements of Section 41780 in 1995 and in the year 2000, projections of disposal amounts from the source reduction and recycling elements shall be adjusted to reflect annual increases or decreases in population and other factors affecting the waste stream, as determined by the board. By January 1, 1994, the board shall study the factors which affect the generation and disposal of solid waste and shall develop a standard methodology and guidelines to be used by cities;~~

1 counties, and regional agencies in adjusting disposal projections
2 as required by this section.

3 (d) ~~The amount of additional diversion required to be achieved~~
4 ~~by a regional agency to meet the diversion requirements of Section~~
5 ~~41780 shall be equal to the sum of the diversion requirements of~~
6 ~~its member agencies. To determine the maximum amount of~~
7 ~~disposal allowable for the regional agency to meet the diversion~~
8 ~~requirements of Section 41780, the maximum amount of disposal~~
9 ~~allowable for each member agency shall be added together to yield~~
10 ~~the agency disposable maximum.~~

11 SEC. 14. ~~Section 41781 of the Public Resources Code is~~
12 ~~amended to read:~~

13 ~~41781. (a) Except as provided in Sections 41781.1, and~~
14 ~~41781.2, for the purpose of determining the base rate of solid waste~~
15 ~~from which diversion requirements shall be calculated, “solid~~
16 ~~waste” includes only the following:~~

17 ~~(1) The amount of solid waste generated within a local agency’s~~
18 ~~jurisdiction, the types and quantities of which were disposed of at~~
19 ~~a permitted disposal facility as of January 1, 1990. Nothing in this~~
20 ~~section requires local agencies to perform waste characterization~~
21 ~~in addition to the waste characterization requirements established~~
22 ~~under Sections 41030, 41031, 41330, 41331, and 41332.~~

23 ~~(2) The amount of solid waste diverted from a disposal facility~~
24 ~~or transformation facility through source reduction, recycling,~~
25 ~~composting, or anaerobic digestion.~~

26 ~~(b) For the purposes of this section, “solid waste” does not~~
27 ~~include any solid waste which would not normally be disposed of~~
28 ~~at a disposal facility.~~

29 ~~(c) For the purposes of this chapter, the amount of solid waste~~
30 ~~from which the required reductions are measured shall be the~~
31 ~~amount of solid waste existing on January 1, 1990, with future~~
32 ~~adjustments for increases or decreases in the quantity of waste~~
33 ~~caused only by changes in population or changes in the number~~
34 ~~or size of governmental, industrial, or commercial operations in~~
35 ~~the jurisdiction.~~