

AMENDED IN ASSEMBLY AUGUST 27, 2013

AMENDED IN ASSEMBLY AUGUST 20, 2013

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 40106 and 40116.1 of, and to add Chapter 6 (commencing with Section 48800) to Part 7 of Division 30 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 bill would require a biomass conversion technology facility, as defined, to meet specified requirements. The bill would require an air quality management district or air pollution control district *to either require immediate compliance with the conditions of the biomass conversion technology facility’s permit, as specified, or revoke that permit upon notification by the department that a facility did not meet specified conditions.* The bill would authorize an air district to review and approve a biomass conversion technology facility if the *air* district finds the technology used in the facility meets specified requirements. Because the bill would impose additional duties on an ~~air-quality-management district or air pollution control~~ district, 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.

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

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.

(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 40116.1 of the Public Resources Code is amended to read:

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

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

SEC. 3. Chapter 6 (commencing with Section 48800) is added to Part 7 of Division 30 of the Public Resources Code, to read:

CHAPTER 6. BIOMASS CONVERSION TECHNOLOGY FACILITY

48800. For the purpose of this chapter, the following terms have the following meanings:

(a) “Air district” means an air quality management district or an air pollution control district with jurisdiction over the biomass conversion technology facility.

(b) “Biomass” means nonrecyclable organic waste materials as specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 40106.

(c) “Biomass conversion technology facility” means a facility that uses a conversion technology capable of converting biomass into marketable products and fuels through noncombustion thermal, chemical, or biological process. “*Biomass conversion technology facility*” does not include composting.

1 48805. (a) A biomass conversion technology facility shall
2 comply with all of the following requirements:

3 (1) Remove, to the maximum extent feasible, all recyclable
4 materials from the solid waste stream prior to the conversion
5 process and *have* the owner of the facility certify to the air district
6 that those materials will be recycled or composted.

7 (2) Certify to the air district that a local agency sending biomass
8 to the facility is in compliance with this division and has reduced
9 or recycled to the maximum extent feasible.

10 (3) ~~(A)~~—Allow the department to inspect the facility to ensure
11 that the facility is only processing biomass that meets the local
12 certification requirement and is limited to the previously specified
13 biomass eligible waste stream, as required pursuant to paragraph
14 (2).

15 ~~(B)~~—The

16 *(b) Upon notification by the department that a biomass*
17 *conversion technology facility is processing biomass that does not*
18 *meet the local certification requirement or is not limited to the*
19 *previously specified biomass eligible waste stream, the air district*
20 *shall require immediate compliance with the conditions of the*
21 *facility's permit issued pursuant to Division 26 (commencing with*
22 *Section 39000) of the Health and Safety Code or shall revoke a*
23 *that permit for the operation of the facility upon notification by*
24 *the department that the facility is processing biomass that does not*
25 *meet the local certification requirement or is not limited to the*
26 *previously specified biomass eligible waste stream.*

27 ~~(b)~~

28 *(c) An air district shall may review and approve, as part of the*
29 *air district's permitting authority pursuant to Division 26*
30 *(commencing with Section 39000) of the Health and Safety Code,*
31 *the biomass conversion technology facility if the air district finds*
32 *that the technology used by the facility meets all of the following*
33 *requirements:*

34 (1) Is more protective than controlled *biomass* combustion
35 ~~technologies~~ *technology*.

36 (2) Causes no net increase in *public health risks*, toxic air
37 emissions, or greenhouse gas emissions as compared to controlled
38 *biomass* combustion ~~technologies~~ *technology*.

39 (3) Does not produce hazardous waste as a byproduct of the
40 technology.

1 (d) *A biomass conversion technology facility shall comply with*
2 *this chapter in addition to all other applicable provisions of local,*
3 *state, and federal law.*

4 SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.

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