

AMENDED IN ASSEMBLY SEPTEMBER 5, 2013

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**

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**Introduced by Senator Lara**

February 22, 2013

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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~~ *the conversion technology, as specified technology used in a biomass conversion technology facility, as defined by this bill.* ~~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,~~ *facility* 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 district, this bill would impose a state-mandated local program.

*The act defines various terms, including “biomass conversion” and “composting,” for the purposes of the act.*

*This bill would define “composting” to include aerobic and anaerobic decomposition of organic wastes.*

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~~ *the conversion technology specified in*
- 5 *subdivision (c) of Section 48800*, when separated from other solid
- 6 waste and used for producing electricity or heat, of the following
- 7 materials:

1 (1) Agricultural crop residues.

2 (2) Bark, lawn, yard, and garden clippings.

3 (3) Leaves, silvicultural residue, and tree and brush pruning.

4 (4) Wood, wood chips, and wood waste.

5 (5) Nonrecyclable pulp or nonrecyclable paper materials.

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

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

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

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

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

23 40116.1. (a) “Composting” means the controlled or  
24 uncontrolled biological decomposition of organic wastes.

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

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

29  
30 CHAPTER 6. BIOMASS CONVERSION TECHNOLOGY FACILITY

31  
32 48800. For the purpose of this chapter, the following terms  
33 have the following meanings:

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

37 (b) “Biomass” means nonrecyclable organic waste materials as  
38 specified in paragraphs (1) to (5), inclusive, of subdivision (a) of  
39 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.

48805. (a) A biomass conversion technology facility shall comply with ~~all~~ *both* of the following requirements:

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

~~(2)~~  
~~(1) Certify to the air district that a local agency sending biomass to the facility is in compliance with this division and has reduced or recycled to the maximum extent feasible. division.~~

~~(3)~~  
~~(2) Allow the department, consistent with the authority of the department specified in Section 44100, to inspect the facility to ensure that the facility is only processing biomass that meets the local certification requirement and is limited to the previously specified biomass eligible waste stream, as required pursuant to paragraph (2); specified in subdivision (a) of Section 40106.~~

(b) Upon notification by the department that a biomass conversion technology facility is processing biomass that does not meet the local certification requirement or is not limited to the ~~previously specified biomass eligible waste stream, as specified in subdivision (a) of Section 40106,~~ the air district shall require immediate compliance with the conditions of the facility’s permit issued pursuant to Division 26 (commencing with Section 39000) of the Health and Safety Code or shall revoke that permit.

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

(1) Is more protective than controlled biomass combustion technology.

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

4 (3) ~~Does not~~ *Is not designed to* produce hazardous waste, as  
5 *defined in Section 40141*, as a byproduct of the technology.

6 (4) *Complies with Section 25143.5 of the Health and Safety*  
7 *Code.*

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

11 SEC. 4. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 a local agency or school district has the authority to levy service  
14 charges, fees, or assessments sufficient to pay for the program or  
15 level of service mandated by this act, within the meaning of Section  
16 17556 of the Government Code.