

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

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

Introduced by Senator Lara

February 22, 2013

An act to amend ~~Sections 40106 and 40116.1~~ *Section 40106* 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.

This bill would revise the definition of the term “biomass conversion” to include, in addition to controlled combustion, the conversion technology used in a biomass conversion technology facility, as defined by this bill. The bill would require a biomass conversion technology 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~~ *the department to notify an air district within 48 hours of determining there is a specified violation so the air district can investigate and begin any necessary enforcement action. The bill would require an air district, prior to issuing a permit to a biomass conversion technology facility, to determine whether a facility meets all the requirements for best available control technology, as specified, and that the technology used by 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:

1 40106. (a) “Biomass conversion” means the controlled
2 combustion, or the conversion technology specified in subdivision
3 (c) of Section 48800, when separated from other solid waste and
4 used for producing electricity or heat, of the following materials:

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

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

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

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

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

25 ~~SEC. 2. Section 40116.1 of the Public Resources Code is~~
26 ~~amended to read:~~

27 ~~40116.1. (a) “Composting” means the controlled or~~
28 ~~uncontrolled biological decomposition of organic wastes.~~

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

31 ~~SEC. 3.~~

32 *SEC. 2.* Chapter 6 (commencing with Section 48800) is added
33 to Part 7 of Division 30 of the Public Resources Code, to read:

34
35 CHAPTER 6. BIOMASS CONVERSION TECHNOLOGY FACILITY

36
37 48800. For the purpose of this chapter, the following terms
38 have the following meanings:

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

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

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

13 48805. (a) A biomass conversion technology facility shall
14 comply with both of the following requirements:

15 (1) Certify to the air district that a local agency sending biomass
16 to the facility is in compliance with this division.

17 (2) Allow the department, consistent with the authority of the
18 department specified in Section 44100, to inspect the facility to
19 ensure that the facility is only processing biomass that meets the
20 local certification requirement and is limited to the biomass eligible
21 waste stream, as specified in subdivision (a) of Section 40106.

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

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

36 ~~(b) The department shall notify an air district within 48 hours~~
37 ~~of determining there is a violation of subdivision (a) so the air~~
38 ~~district can investigate and begin any necessary enforcement~~
39 ~~action, which may include, but is not limited to, permit revocation~~
40 ~~pursuant to Section 42307 of the Health and Safety Code, and~~

1 *seeking a temporary restraining order, injunctive relief, an order*
2 *for abatement, or civil or criminal penalties.*

3 *(c) Prior to issuing a permit to a biomass conversion technology*
4 *facility, an air district shall determine whether the facility meets*
5 *all the requirements for best available control technology for*
6 *criteria air pollutants, toxic air contaminants, and greenhouse*
7 *gases required pursuant to federal and state law and the rules of*
8 *the air district, and that the technology used by the facility meets*
9 *all of the following:*

10 (1) Is more protective than *existing biomass controlled-biomass*
11 *combustion technology.*

12 (2) Causes no net increase in public health ~~risks or risks~~, toxic
13 *air contaminants, or criteria air pollutants as compared to existing*
14 *biomass controlled combustion technology.*

15 (3) Is not designed to produce hazardous waste, as defined in
16 Section 40141, as a byproduct of the technology.

17 (4) Complies with Section 25143.5 of the Health and Safety
18 Code.

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

22 ~~SEC. 4.~~

23 *SEC. 3.* No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.